

**EAST AREA PLANNING COMMITTEE**

5th September 2018

**Application Number:** 18/01697/FUL

**Decision Due by:** 24th August 2018

**Extension of Time:** 12th September 2018

**Proposal:** Partial demolition of the existing Meadowbrook College buildings and erection of modular units to provide a temporary education facility for Meadowbrook College, including the provision of an external play area to the south of the modular units to be enclosed by a 3.0 metre high rebound fence for a period of no more than two years and other associated works.

**Site Address:** The Harlow Centre , Raymund Road, Oxford, OX3 0PG

**Ward:** Marston Ward

**Case Officer** Nadia Robinson

**Agent:** Natasha Ireland **Applicant:** Galliford Try Ltd

**Reason at Committee:** Major Development

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**1. RECOMMENDATION**

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

**2. EXECUTIVE SUMMARY**

2.1. This report considers a proposal for the partial demolition of existing building associated with the Meadowbank School and the erection of a two storey modular building, which is sought for a temporary period of two years.

2.2. The key matters for assessment set out in this report include the following

- Principle of development;

- Design;
- Amenity Impacts
- Highways and Access
- Flood Risk

### **3. LEGAL AGREEMENT**

- 3.1. A Section 278 agreement is required for the construction of the site access. The site access comprises a priority junction with dedicated right and left turn lanes on Marston Ferry Road, a raised table across the site and stop markings requiring vehicles give way to cycles on the cycle lane.

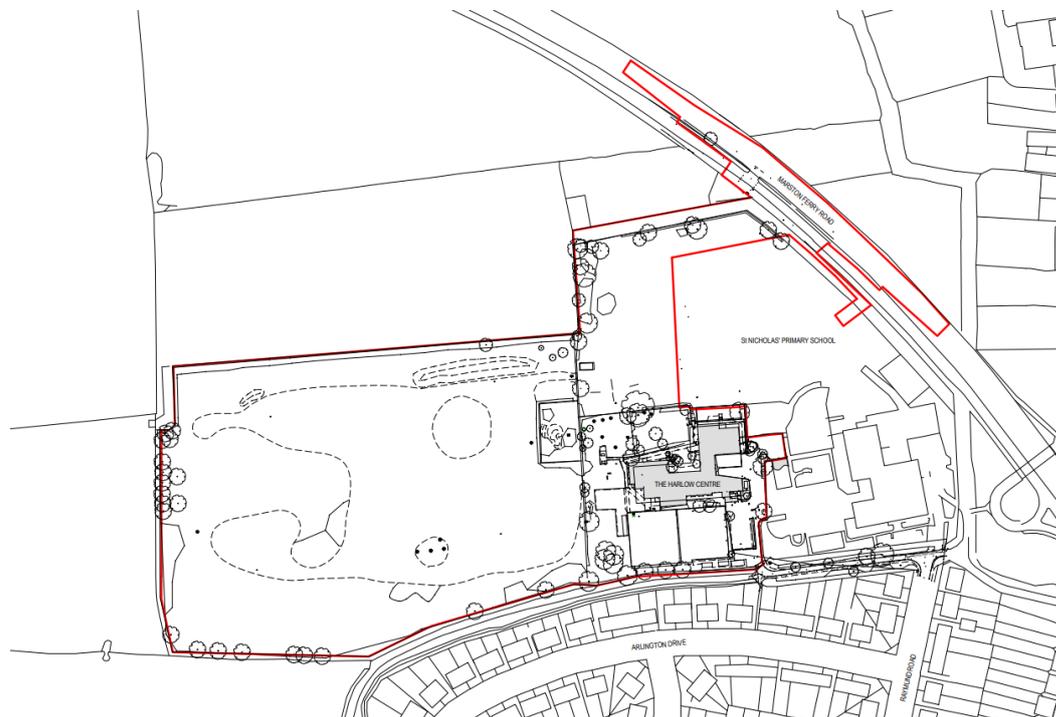
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is for a temporary structure and would not therefore be liable for a CIL charge.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on the edge of Marston and comprises of The Harlow Centre, a range of buildings used by Meadowbank College Alternative Provision Unit (APU) a school for students outside of mainstream education.
- 5.2. The site lies to the north of Raymund Road, from where it is currently accessed, with the south west of the site bounded by a tree belt, public bridleway, Marston brook, and the rear of properties on Arlington Drive beyond. To the north-east of the site is the Marston Ferry Road (B4459) and its cycle/footway that is segregated from traffic by a hedgerow. Fields lie to the north and west of the application site with the River Cherwell beyond, to the west. A public footpath runs along much of the western and northern boundary of the site.
- 5.3. Land designated as Green Belt lies to the north and west of the site, though the majority of the site and proposed temporary buildings would be located on land outside of the Green Belt. A temporary means of access serving the school would lie within the Green Belt.
- 5.4. The conservation area of Old Marston lies to the east of the site. The majority of the Conservation Area is on the other side of the Marston Ferry Road from the site; it does, however include the triangle of green space east of St Nicholas School. No part of the site lies within the conservation area.

5.5. The site plan is below:



## 6. PROPOSAL

- 6.1. The proposal is seeking permission for the partial demolition of the Harlow Centre, the provision of new temporary modular buildings and the provision of an external play area, which would be surrounded by a 3 metre high rebound fence. It is proposed that Meadowbrook College would continue to operate out of the new temporary buildings alongside a number of retained buildings on the site, until such time as the new Meadowbrook College buildings have been constructed.
- 6.2. The proposed partial demolition of The Harlow Centre would facilitate the development of the adjacent site for the new secondary school (Swan School) and Meadowbrook College as proposed within the linked planning application 18/01173/FUL. The replacement Meadowbrook College building would be sited in the south west corner of the proposed site plan associated with planning application 18/01173/FUL. Once the replacement school building has been constructed The Harlow Centre will be fully demolished.
- 6.3. Meadowbrook College is an Alternative Provision Unit (APU) for approximately 60 primary and secondary aged pupils outside mainstream education. The existing building is a former middle school and so was not purpose built and is now in poor condition.
- 6.4. Temporary planning permission is sought for a maximum period of two years.

## 1. RELEVANT PLANNING HISTORY

1.1. The table below sets out the relevant planning history for the application site:

18/01173/FUL - Demolition of existing buildings on the site and their replacement with a new two-storey education facility, associated parking and external play areas for Meadowbrook College. Erection of a new secondary school in the form mix of one and three-storey buildings together with provision of a new access from Marston Ferry Road, associated car and cycle parking along with formal and informal play and sport provision. Erection of a multi-use games area (MUGA) and eco-shelter for St Nicholas Primary School. (Amended description) (Amended plans and additional information): Application being considered

## 2. RELEVANT PLANNING POLICY

2.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	124-132	CP1, CP6, CP8, CP9, CP10,	CS18_,	HP14_,	
<b>Conservation/Heritage</b>	184-202	HE2, HE7, HE10,	CS18_,		
<b>Natural Environment</b>	133-147 148-169 170-183		CS4_, CS12_,		
<b>Social and community</b>	91-101	CP13, CP19, CP21, SR2,	CS16_,		
<b>Transport</b>	102-111	TR1, TR2, TR3, TR4,	CS13_,		Parking Standards SPD
<b>Environmental</b>	117-121	CP11, NE15, CP17, CP18, CP22,	CS9_, CS10_, CS11_, CS12_,		

		CP23, NE14,			
Misc	7-12	CP.13, CP.24, CP.25		MP1	

### 3. CONSULTATION RESPONSES

- 3.1. Site notices were displayed around the application site on 27th July 2018 and an advertisement was published in The Oxford Times newspaper on 2nd August 2018.

#### **Statutory and Non-Statutory Consultees**

##### Oxfordshire County Council (Highways)

- 3.2. No objection. The temporary access would need a s278 agreement which could be secured by planning condition or s106 agreement

##### Oxford Civic Society

- 3.3. This application relates to the building process for the school proposed for the same site in application 18/01173/FUL. As this application is still being considered and has yet to be approved, the Oxford Civic Society considers that this application is premature and should not be considered until the initial application to build the school has been approved.

##### Old Marston Parish Council

- 3.4. Raised objections in relation to parking, access and drainage.

#### **Public representations**

- 3.5. 5 local public representations have been received in relation to this planning application. The main points of objection can be summarised as follows:
- The application is premature as it is dependent on the approval of the linked application for the Swan School.
  - The application should be considered in conjunction with the Swan School application rather than determined on its own merits.
  - Objections are raised to the creation of a new access from Marston Ferry Road for the purposes of construction vehicles accessing the site. Concerns relate to the resulting impact on ecology through the removal of the hedgerow, the safety of cyclists and pedestrians and the impact on the condition of the pavement and cycle path and adjacent grass bank.
  - Concerns regarding the intended routing of construction vehicles .
  - Concerns regarding drainage into Marston Brook.
  - Concerns regarding the accuracy of details and statements made in relation to

trees as listed within the applicants planning statement and supporting arboricultural report.

#### **4. PLANNING MATERIAL CONSIDERATIONS**

4.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Green Belt
- iii. Impact on Designated Heritage Assets
- iv. Site layout, form and massing
- v. Highways
- vi. Neighbouring Amenity
- vii. Archaeology
- viii. Flooding and Drainage

##### **a) Principle of Development**

###### Education Use

- 4.2. The National Planning Policy Framework, in paragraph 72, states that local planning authorities should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight must be given to the need to create, expand or alter schools.
- 4.3. Policy CS16 of the Oxford Core Strategy seeks to improve access to all levels of education, through new or improved facilities, throughout Oxford, but particularly in areas of population growth. It states that planning permission will only be granted for new education facilities in locations accessible by walking, cycling and public transport. Provision for community as well as educational use will be sought.
- 4.4. The proposed development will assist in facilitating the development of the adjacent Swan Secondary School, which will meet an identified requirement for additional secondary school places, as well as providing a replacement building for Meadowbrook College, replacing the present poor quality facilities and buildings. The provision of the temporary building would ensure that the operational needs of the college are met and are not disrupted during the ongoing construction process. Overall it is considered that the proposals are considered acceptable and are consistent with the aims of local and national policy relevant to education provision.

###### Provision of Temporary Buildings

- 4.5. Temporary permission is sought for a maximum period of two years. Policy CP25 of the Oxford Local Plan specifies that Planning permission will only be granted for temporary or portable buildings where short-term need has been clearly demonstrated, such as on sites already allocated for permanent development, buildings to house short-term or trial projects, to meet seasonal or peak

demands, for urgent operational requirements, or in connection with major site development work.

- 4.6. In relation to the above criteria officers consider that a short term need has clearly been demonstrated. The partial demolition of The Harlow Centre in connection with the development of The Swan School and replacement Meadowbrook College building on the adjacent site will result in the loss of facilities and education space at Meadowbrook College, which will need to be re-provided on a temporary basis, until such time as the permanent replacement school buildings have been constructed. The most practical and logical approach is re-providing these facilities on site.
- 4.7. On this basis officers consider that the applicant has demonstrated a short term urgent operational requirement for this space, whilst the proposals are also in connection with major site development work on the adjacent Swan School site. The proposals are therefore considered to comply with the requirements of Policy CP25 of the Oxford Local Plan.
- 4.8. Approval would be subject to a planning condition ensuring the removal of the temporary buildings after a maximum period of two years has elapsed.

**b) Green Belt**

- 4.9. The main development site lies outside the Green Belt, which extends up to the edge of the school playing fields. The temporary structure and existing Harlow Centre buildings are outside of the Green Belt. The only element of the proposals which would be located within the designated Green Belt would be the temporary construction access from Marston Ferry Road.
- 4.10. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues that: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”
- 4.11. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless development is in line with specified exceptions; this includes replacement buildings and extensions to existing buildings.
- 4.12. Policy CS4 of the Oxford Core Strategy supports this position, stating that, in accordance with national policy, planning permission will not be granted for inappropriate development.
- 4.13. The proposed temporary building would be outside of the designated Green Belt land and there would be no statutory need to consider the proposals in relation to the provisions of Policy CS4 of the Oxford Core Strategy and Paragraph 143 and

144 of the NPPF in terms of whether the proposals represent appropriate development in the Green Belt. Notwithstanding this, it is considered that the proposals would comply with the exceptions specified under Paragraph 145 of the NPPF as the proposals would fall under the definition of a replacement building or an extension of a proportionate scale, which would not substantially exceed the floor area of the section of the building proposed for demolition. Furthermore the proposals would read as a secondary addition to the building and is surrounded by existing development and are not considered to impact detrimentally on the open character of the Green Belt.

- 4.14. The construction access from Marston Ferry Road is also proposed to serve as a permanent means of access to the Swan School. Paragraph 146 of the NPPF lists forms of development which are not considered inappropriate within the Green Belt, this includes engineering operations, which would include the formation of an access road or temporary construction access. For this reason it is considered that the principle of the proposed formation of the access would not constitute inappropriate development in the Green Belt.
- 4.15. The proposed new entrance from Marston Ferry Road will necessitate removal of hedging and bund between the cycle route and the carriageway. The road itself makes an urban intrusion into the green wedge between Summertown and Marston, although cyclists and pedestrians using the route experience leaving the urban settlements behind and moving through a landscaped rural corridor.
- 4.16. It should be noted that the overall impact would be partly dependent on the permanence of the access. As a temporary access for construction traffic the visual impact and impact on the open character of the Green Belt would be limited given that this would be for a short period of time. This application only considers the access as being for construction vehicles and the principle of a permanent access is considered within linked planning application 18/01173/FUL.
- 4.17. Taking the above factors into account it is considered that the proposals would not constitute inappropriate development within the Green Belt and adequately preserve the open character of the Green Belt. The proposals are considered to accord with the provisions of Policy CS4 of the Oxford Core Strategy and the relevant provisions of paragraphs 133-147 of the NPPF.

### **c) Impact on Designated Heritage Assets**

- 4.18. The conservation area of Old Marston lies to the east of the site, mostly on the other side of the Marston Ferry Road from the site but includes the triangle of green space east of St Nicholas School. There are several listed buildings located within Old Marston along Oxford Road and the nearest of these is approximately 200 metres away, but is screened by mature planting along the east boundary of the site and by St Nicholas School and planting to the southwest of Marston Ferry Road.
- 4.19. The proposed building would be contained within the existing school site and would read as a functional extension to the existing school buildings which are of

pre-fabricated buildings of no significant architectural quality. The temporary buildings are unlikely to be seen in views into and out of the Conservation Area. Officers consider that the development would have no impact on the setting of the Conservation Area and consequently would not result in harm.

- 4.20. Special attention has been paid to the statutory test of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses under sections 16 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the nearby listed buildings and so the proposal accords with sections 16 of the Act.

#### **d) Design, layout, form and massing**

- 4.21. The proposed building would be of a functional utilitarian appearance commonly associated with modular pre-fabricated buildings. It is proposed that the building would be painted white to match the existing school buildings on the site which are predominantly pre-fabricated 1960's buildings. The temporary building would read as a secondary attached extension to the main building. It is considered that within the context of the existing built form that the temporary building would not appear unduly incongruous.
- 4.22. A three metre high fence is proposed, which would enclose an external play space. This is confined within the site and is unlikely to appear visually prominent in external views into the site and is considered acceptable in visual terms.
- 4.23. As such the proposal for both schools is considered to be compliant with local plan policies on design and would meet the design requirements set out in section 12 of the NPPF.

#### **e) Highways**

- 4.24. Meadowbrook College will continue to be served by the existing means of access to the site from Raymund Road, whilst it is proposed that The Swan School would be served by a new means of access from Marston Ferry Road. Construction traffic to the Meadowbrook College site, in connection with the works to construct the temporary building would also use the Marston Ferry Road access.
- 4.25. Re-arrangement of parking provision on the site will be required, which will include the removal of an existing hedge which lies to the east of the main buildings. Overall parking provision will be unaltered and will remain at 41 spaces. The proposals are for the replacement of existing buildings it is and would not result in additional traffic generation.
- 4.26. In summary it is considered that the proposals are acceptable and would compromise highway safety and amenity. The proposals are therefore considered to comply with the provisions of Policies TR3 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and the relevant provisions outlined within chapter 9 of the NPPF.

#### **f) Residential Amenity**

- 4.27. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings and guards against overbearing development. Policy CP10 of the Oxford Local Plan 2001-2016 requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties.
- 4.28. The nearest residential dwellings in Arlington Drive would be sited in excess of 35 metres from the rear elevation of the proposed temporary building, which is considered to be a substantial separation distance. It is therefore considered that the siting of the proposed building would not result in undue harm to the residential amenity of existing occupiers by reason of overlooking or by reason of overbearingness.
- 4.29. The proposals are therefore considered to comply with the requirements of Policy HP14 of the Sites and Housing Plan and Policy CP10 of the Oxford Local Plan.

#### **g) Drainage**

- 4.30. The NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 163), supported where appropriate by a site-specific flood-risk assessment. Oxford Core Strategy Policy CS11 states that development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 4.31. The site is located in flood zone 1 and is considered to be at a low risk of flooding. No objections have been raised by the Environment Agency to the proposals. The area which would be developed currently comprises of impermeable hardstanding and consequently the proposals would not result in an increase in the extent of impermeable surfacing on the site.
- 4.32. The Councils flood mitigation officer has advised that he has no significant concerns regarding the proposals and that a condition requiring further details in respect of surface water drainage would not be required.
- 4.33. The proposals are considered to accord with Oxford Core Strategy Policy CS11.

### **5. CONCLUSION**

- 5.1. The application proposes the partial demolition of existing buildings at The Harlow Centre to, in part to facilitate the proposed development of the adjacent site to construct a new secondary school and replacement school buildings for Meadowbrook College.

- 5.2. Temporary consent is sought for a period of two years, officers consider that the applicants have adequately demonstrated a short term operational need for the temporary building and the proposals fully accord with the requirements of Policy CP25 of the Oxford Local Plan.
- 5.3. Accounting for the appearance of the adjacent buildings on the site and the limited visibility of the development site, the proposed design is considered acceptable. It is considered that the siting of the proposed building would not result in harm to the Green Belt, the residential amenity of any neighbouring properties, highway amenity and is considered acceptable in all other aspects.
- 5.4. The development is considered to comply with the relevant requirements of the Oxford Local Plan; Core Strategy and NPPF.
- 5.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **6. CONDITIONS**

1. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the approved plans listed below.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

2. The development hereby approved shall be for a limited period of 2 years from the date of this permission. After this date the building consented under this permission shall be removed.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis in accordance with policies CP1 and CP25 of the Adopted Oxford Local Plan 2001-2016.

3. The materials to be used in the new development shall be as shown on the approved plans and as detailed within the submitted Design and Access Statement. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

4. The development to which this permission relates must not be begun until or unless planning application 18/01173/FUL is granted permission.

Reason: To accord with the provisions of Policy CP25 of the Oxford Local, as the temporary need for the building is justified on the basis of an operational need arising from the redevelopment of the site as proposed within planning application 18/01173/FUL.

5. A Construction Traffic Management Plan for the whole site should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside -
- network peak and school peak hours,
- Engagement with local residents.

The development shall be carried out in complete accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding road network.

6. A demolition method statement specifying the means of demolition, dust mitigation measures and measures for the protection of existing trees shall be provided and approved in writing prior to the commencement of development. The development shall be carried out in complete accordance with the approved demolition method statement.

Reason: In the interests of public safety and to protect the residential amenity of existing occupiers and existing trees in accordance with Policy CP1, CP19, CP21 and NE15 of the Oxford Local Plan.

## **7. APPENDICES**

### **Appendix 1 – Site Location Plan**

## **8. HUMAN RIGHTS ACT 1998**

- 8.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 9.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider

that the proposal will not undermine crime prevention or the promotion of community.

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