

For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (GROWTH & INFRASTRUCTURE PLANNING)

Development Proposed:

Retention and continued use of a relocatable building unit ref T5 (PR30) for a further period of 5 years.

Division Affected: Bicester

Contact Officer: Naomi Woodcock **Tel:** Oxford 815708

Location: Bicester Children's Centre, Glory Farm School, Hendon Place, Bicester, Oxfordshire, OX26 4YJ.

Application No: R3.0065/12

Applicant: Oxfordshire County Council

District Council Area: Cherwell

Date Received: 11 April 2012

Consultation Period: 23 April 2012 – 15 May 2012

Contents

- **Facts and Background**
- **Other Viewpoints**
- **Relevant planning documents**
- **Assessment and conclusions**
- **Recommendations**
- **Annexes**

Recommendation

The report recommends that the Application R3.0065/12 be approved subject to conditions.

Part 1 - Facts and background

Location (see site plan)

1. Bicester Children's Centre is located on the Glory Farm School site, which is situated within north east Bicester, just off Hendon Place.

Site and Setting (see site plan)

2. The school site is bounded by housing except to the north where it adjoins Bardwell School and Cooper School playing fields and by Cooper School itself to the south.
3. The existing temporary building is situated close to the western site boundary and west of the main school buildings.
4. The main pedestrian and vehicular access is from the eastern end of the school site.
5. The site is also accessible from the south west by a narrow service road which runs between Cooper School and Glory Farm School. Immediately west of the access Road is a narrow adopted footpath which leads to Somerville Drive. A gate is located at the eastern end of the footpath to restrict access onto the Cooper School and Glory Farm School site.
6. The nearest dwellings to the temporary building lie 46 metres away to the west on Somerville Drive.
7. Views of the temporary building are restricted from the nearest residential dwellings by mature trees and hedges located on the access road.

Background and Details of the Development

8. The centre provides services for Oxfordshire County Council's Children Education and Families Directorate. In particular, the centre provides support for families in north and east Bicester with children under five years old.
9. Children centres are part of the government's 'Every Child Matters' Agenda which seeks to provide services to families within their local community.
10. The Children Education and Families directorate considers the renewal of the temporary building to be essential as:
 - there are insufficient spaces within the existing school buildings to provide permanent children centre accommodation; and
 - provision of Bicester Children's Centre forms part of the current government's agenda.

11. The temporary building is of a standard prefabricated design with a mineral felt flat roof, render panelled walls and pvcu windows.
12. The applicant explains that the temporary building is in sound condition and suitable for use for another 5 years.
13. No alterations are proposed to the building. No changes are anticipated to staff or visitor numbers as a result of this proposal.

Part 2 – Other viewpoints

Representations

14. One letter of objection has been received from a local resident group. A copy of the letter is available in the Members' Resource Centre. The key points are:
 - On-going issues with the management of the Somerville Drive footpath and gate.
 - Parking in Somerville Drive and the access road.
 - Retention of previous conditions (see annex 2) with the following alterations:
 - Condition 3 - that use of the facility be restricted until 6.00pm (rather than 7.00pm) on weekdays as the centre is not used after 4.30pm; and
 - Condition 6 - to include complete restriction of the use of the pedestrian gate on Saturdays to prevent users of the facility parking in Somerville Drive on Saturdays.

Consultations

15. Cherwell District Council – No objection.

Bicester Town Council – Disappointed that the application seeks to renew the temporary permission rather than provide permanent accommodation.

The following were consulted but have not responded:

Transport Development Control.

Part 3 – Relevant planning documents

Relevant development plan policy and other guidance (see Policy Annex attached to this Agenda)

16. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
17. The relevant development plan documents and policies are:
 - The South East Plan (SEP) 2026 – policy S3.

- The Cherwell Local Plan (CLP) 1996 – policy C28.
18. The SEP forms part of the development plan. However, the government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
19. The following documents are material considerations:
- The National Planning Policy Framework (NPPF) 2012.
 - The Non-Statutory Cherwell Local Plan (NSCLP) 2011 – policy R11; and
 - Circular 11/95: Use of conditions in planning applications (Circular 11/95).

Part 4 - Assessment and conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

20. Key planning issues are:
- (i) Whether the renewal of planning permission in this instance is appropriate.
 - (ii) Impacts on neighbouring residents.
- (i) Whether the renewal of planning permission in this instance is appropriate
21. Policy S3 of the SEP2026 encourages planning authorities to work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
22. The NPPF advises that planning decisions should guard against the unnecessary loss of valued community facilities and services.
23. Whilst not objecting to the retention of the temporary building, Bicester Town Council are disappointed that permanent replacement accommodation is not proposed.
24. Although it is not an ideal solution for children centre services to be provided in temporary accommodation, the renewal of planning permission is acceptable in this instance as:
- There is insufficient space within the Glory Farm School to provide permanent replacement accommodation.
 - The proposal supports the aim of policy S3 of the SEP2026 and the NPPF.
25. However, there should be an informative note to encourage the children's centre to investigate a permanent solution to their long term accommodation.

(ii) Impacts on neighbouring residents

26. Policy R11 of the NSCLP2011 encourages proposals for local community facilities provided that the development would not lead to a significant loss of amenity to adjacent properties.
27. Circular 11/95 sets out government guidance on the application of fair, reasonable and practicable conditions.
28. The proposed retention and continued use of the existing temporary building would have a neutral effect on the amenity of adjacent properties as the building is already on site.
29. In response to the request that the conditions of the previous planning permission be imposed (with minor alterations) Condition 3 (to allow for the restriction of the use of the building until 6.00pm) is needed as it would retain a satisfactory environment for neighbouring residents and, it would allow for the function of the children's centre. However, it is necessary to reword condition 3 as the existing condition is not precise.
30. It would be inappropriate and contrary to Circular 11/95 to condition use of the Somerville Drive pedestrian gate for the following reasons:
 - Enforcement would be difficult as the gate is used by many people accessing the Cooper School, Bardwell School, Glory Farm School sites. It would therefore be difficult to detect whether users of Bicester Children's Centre had breached the condition.
 - Compliance would depend on the cooperation of Cooper School (who own the gate) and other site users, who have keys to the gate.
 - Circular 11/95 requires consideration to be given to whether the application would be refused if a condition were not imposed. In this instance use of the gate would not be a reason to refuse permission.
31. It would be unenforceable to impose conditions requiring users of the children's centre building to park in specific areas as it would be difficult to control where users park. In addition, restricting parking on the access road would be difficult to enforce as the access road is used by Cooper School and Glory Farm School and would therefore be difficult to determine whether users of the children centre building have breached the condition.

Conclusions

32. The retention of consent for this building for a further five years would allow Bicester Children's Centre to continue to operate on the site and provide a valuable local community facility. Although it has been suggested that the conditions of the previous planning permission be retained the retention of conditions 4-7 would be inappropriate and contrary to circular 11/95.

Recommendation

33. It is RECOMMENDED that Application No. R3.0065/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following matters:

- 1. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.**
- 2. Temporary building to be removed by 31 October 2017.**
- 3. The building authorised by this planning consent shall not be used outside the following times:**

**08:30 hours. to 18:00 hours Mondays to Fridays
10:00 hours. to 12:00 hours Saturdays**

Except that it may be used on not more than one weekday evening (Monday to Friday) per week between 18:00 hours and 22:00 hours and it may be used on not more than five Saturdays per year for an extended period between 09:00 hours and 15:00 hours.

The building shall not be used on Sundays or on Public Holidays.

Informatives

The children's centre is advised to carry out investigations into the provision of permanent accommodation.

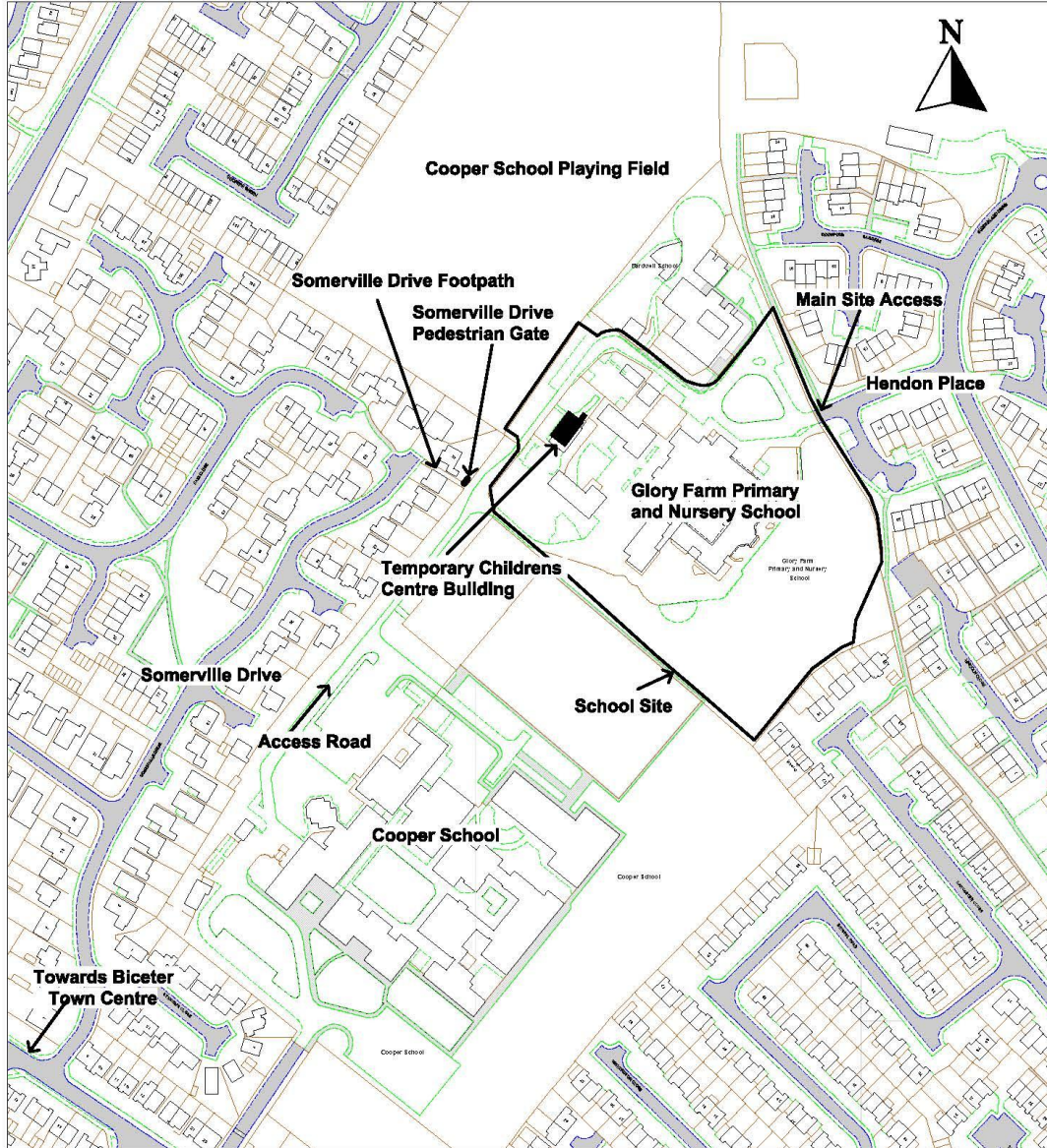
MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

October 2012

Location Plan: Biceter Childrens Centre

Application No: R3.0065/12



This plan shows only an indication of the proposed development and should not be scaled from.