

For: PLANNING AND REGULATION COMMITTEE – 11 JULY 2016

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY
(STRATEGY & INFRASTRUCTURE)**

Development Proposed:

A new two storey classroom block, associated landscaping, cycle stores and provision of a temporary car park.

Division Affected: North Hinksey

Contact Officer: Kevin Broughton **Tel:** 01865 815272

Location: Matthew Arnold School, Arnolds Way, Cumnor Hill, Oxford, Oxon, OX2 9JB

Applicant: Oxfordshire County Council

Application No: R3.0023/16 District ref No: P16/V0434/CC

District Council Area: Vale of White Horse District Council

Date Received: 2 Feb 2016

Consultation Period: 11 February – 3 March

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation: Approval

• Part 1 – Facts and Background

Location (see site plan Annex 1)

1. Matthew Arnold School is on the southern edge of Botley, which is itself on the western edge of Oxford.
2. The site is an existing school site which is bordered by housing to the west, Arnolds Way and housing beyond to the north, sports fields with

housing beyond to the east, and open fields to the south. The land rises gently from north to south.

3. The Green Belt comes tight up against the existing built up area of the school. The proposed new building and the cycle stores are outside the Green Belt, but the temporary car park would encroach onto it.
4. The main school was originally built circa 1950 and is two storeys with a pitched roof. The school has expanded several times and different building styles both flat and pitched roof can be found on site.
5. The site of the proposed building is on an area of an infilled swimming pool. It is currently used for long jump and shot put.
6. The nearest houses to the proposed development would be 33m to the west, and the proposed building would be about 18m from the nearest school boundary with the residential gardens.
7. There is an existing established hedge along the school boundary with the nearest gardens.

Details of the Development

8. The proposed building would provide a seven form entry secondary school as part of Oxford County Council's 'basic needs' programme of work. Consequently although the application is on an academy site it comes under Regulation 3 because Oxfordshire County Council would be carrying out the development. Formal pre-application advice had been sought from Oxford City Council before it was realised that the application would be submitted to the County Council.
9. The proposed classroom would be two storeys high with a pitched roof. It would be 9.25m at the apex of the pitch, but there would be integrated louvres on the roof that would make the building 10.7m tall at the highest point. The building had been proposed to be 12m tall at its highest point. Following objections from local residents and West Oxford Community Renewables the applicant redesigned the building and lowered the overall height.
10. The building has been designed to maximise the use of daylight and natural ventilation. Rooms would benefit from the daylight within the circulation spaces and mechanical ventilation would be kept to a minimum, reducing the need to maintain heating and ventilation.
11. The building would be of steel frame construction.
12. An external staircase would provide a second means of escape from the first floor, and this would have a refuge area.

13. The cladding materials are proposed to match the existing. This was a recommendation in the formal pre-application advice from the City Council. The proposed design incorporates brick with elements of cladding panels. The external appearance of the new classroom block seeks to reflect other buildings on School premises.
14. The building would have a vertical emphasis on the fenestration details. Most of the windows and detailing would be on the elevations facing in towards the school. The elevation on the west elevation which faces the nearest properties would be a mostly blank wall with one relatively narrow vertical line of windows. The dominant feature on that elevation would be the fire escape.
15. Two other options for the location of the building were looked at: one involved demolition of an existing building, and the other would have been inappropriate development in the Green Belt and would have had to have demonstrated very special circumstances. This would be extremely difficult where two options outside the Green Belt were considered.
16. The applicant was approached during the consultation period with regard to redesigning and reorienting the building. They responded by redesigning the building, but they declined to alter the orientation, because turning the building by 90 degrees and drawing it farther from the boundary of the school is not possible because the building has been orientated to optimise the roof direction solar panels and the ventilation strategy.
17. The proposal includes a proposed temporary car park to be provided for the duration of the construction of the new building, which is programmed to be 49 weeks. The existing school car park would be used as the contractor's compound, and the temporary car park would be an interlocking mat that would sit on top of the grassed area.
18. The car park would be within the Green Belt, and the applicant has provided a statement to demonstrate very special circumstances. The statement covers the following points:
 1. The car park is necessary for the temporary period of construction to replace the parking lost to the contractor's compound.
 2. There are no alternative car parks in the vicinity that can be used.
 3. All of the school site that is not within the Green Belt has either been built on, or would be part of the construction site.
 4. The use of the Green Belt land would be temporary and the land would be reinstated once the construction has been completed.

• **Part 2 – Other Viewpoints**

All the consultation responses in this report relate to the building as originally submitted. The revised scheme is currently out to consultation

and responses to the redesign will be reported as an addendum to this report.

Representations

19. There are eleven letters of objection and concern. The material concerns raised are:
 1. Height of the building.
 2. Dominance of the building.
 3. Building is too close to residences.
 4. Loss of privacy.
 5. Concerns over contaminated material in the infilled swimming pool.
 6. OCC have not fully consulted with the neighbourhood.
 7. Overshadowing.
 8. Noise.
 9. Increased Traffic.
 10. Intention to build more buildings sets a bad precedent.

20. West Oxford Community Renewables, a volunteer community group that purchased the solar panel arrays on the main school building, and on the science block, from Oxfordshire County Council – objects for the following reasons:
 1. Shading caused by the development will have a significant impact on the income from the project.
 2. They were not consulted by the County and would have welcomed the opportunity to discuss mitigation through modifications.
 3. The massing of the building is out of proportion with the scale and the style of the existing school buildings and the surrounding residential properties.
 4. Overshadowing to the solar panels and the neighbouring property is unnecessarily detrimental.
 5. The design of the building has taken very little account of environmental parameters, and consequently the rooms will be uncomfortable.
 6. Alternative locations are available.

Consultations

21. Vale of White Horse District Council - No objection subject to appropriate parking provision.

22. Cumnor Parish Council – objects because the building would be too large and dominant. Suggests that other locations are considered.

23. North Hinksey Parish Council - supports the application provided that:
 1. An approved Construction Traffic Plan is approved and adopted before work starts onsite.
 2. Oxon CC reviews the adequacy of the existing parking restrictions, especially in Arnolds Way.

3. On completion of the proposed work an electronic gate be installed to overcome the parking problems.
 4. An updated School Travel Plan is prepared and adopted.
24. County Ecology – no objection.
25. County Arboriculture – Requested more details on tree protection in relation to car parking. Further details supplied, but no response at this stage.

• **Part 3 – Relevant Planning Documents**

Relevant planning policies (see Policy Annex to the committee papers)

26. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

27. The relevant Development Plan policies are:

Vale of White Horse Local Plan 2011 (VLP2011) Policies:

GS4 – Green belt

DC1 – Design

DC2 – Energy

DC5 – Highway access and network

DC9 – Impact of uses on neighbours

TR2 – Sustainable transport

CF2 – New community facilities

28. Other Material Considerations are:

Vale Local Plan 2031 Part 1 – Submitted Document (VLPSD)

CP1 – Presumption in favour of sustainable development.

CP13 – The Oxford Green Belt

CP40 – Sustainable design and construction.

CP46 – Conservation and improvement of biodiversity.

The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions. The CLG letter to the Chief Planning Officers dated 15 August 2011 is also relevant.

• **Part 4 – Analysis and Conclusions**

Comments of the Deputy Director (Strategy and Infrastructure Planning)

29. The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of

state funded schools and their delivery through the planning system. The policy statement states that:

“The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.” State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions; Local Authorities should make full use of their planning powers to support state-funded schools applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This has been endorsed as part of the National Planning Policy Framework.

30. Policy CF2 of the VLP states that new community facilities will be permitted if they conform to the general policies of the VLP, and if it does not have an adverse effect on the local amenity. Policy CP1 of the VLPSD states that where development accords with the policies in the VLPSD, or where there are no relevant policies, permission will be granted unless material considerations indicate otherwise. The application should therefore be granted planning permission unless there are overriding reasons to suggest otherwise.

Design and Public Amenity

31. Much of the public concern about this application has been in relation to the height and massing of the building. Policy DC1 of the VLP states that development will be permitted if the layout, scale, mass, height, detailing and materials are such that it does not adversely affect the locality. The building as originally proposed would have been taller than would normally be expected of a two storey building. The revised design has brought the roof height down to a height comparable to other two storey school buildings. The redesigned building being over 30m from the nearest house and being just over 10m at its highest point would not have an unacceptable impact in terms of massing and height. It would

not therefore significantly adversely affect the locality and would not be contrary to policy DC1 of the VLP.

32. Policy DC2 of the VLP states that consideration should be given to measures to conserve energy and the use of other resources. The proposed development has been designed in such a way that it would make use of natural light and ventilation. It therefore accords with policy DC2 of the VLP.
33. Policy DC9 of the VLP states that development will not be permitted if it would unacceptably harm the amenity of neighbouring properties. The proposed building would be a dominant building in its location. However the building would be some 30m from the nearest property. The effect on daylight for the original design of the building shows that it would not affect the light to the properties significantly for most of the year, and indeed for most of the day even at the times of year that it does affect the neighbouring properties. Since then the building has been redesigned and the height reduced by 1.5 - 2 metres, which would reduce further the effect on the amenity of neighbouring properties.
34. Concern has been raised as to the possibility of contamination caused by the drainage from the infilled swimming pool. The Vale of White Horse has been consulted and no objection has been raised from their environmental health team.
35. The building is unlikely to cause significant harm in terms of noise, dust and fumes. The use of natural light and ventilation would lead to it having a lower impact than a building with mechanical ventilation. The noise from children is not likely to be any more from this building than anywhere else in the school.
36. The building is well designed internally and has a good environmental performance. The proposed massing of the redesigned building would not have a significant adverse impact on the neighbouring properties.

Green Belt

37. Policy GS4 of the VLP states that development will only be permitted if it does not conflict with the purposes of the Green Belt. Policy CP13 of the VLPSD adds that the Green Belt will continue to be protected to maintain its openness and permanence.
38. Paragraph 90 of the NPPF sets out the forms of development that are not inappropriate. The proposed development of the car park does not come under any of those forms of development and is therefore inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It should therefore only be granted planning permission if very special circumstances have been demonstrated.

39. The applicant has shown that they have made every effort to keep the development out of the Green Belt, by looking at alternative locations off and on the site. They have opted for a method of providing the car park that can be removed and the land reinstated. Whilst inappropriate development by definition, the proposed car park would only be in place for just under a year, and so there would be no permanent effect on the openness of the Green Belt or on the purposes for including land in the Green Belt. I am satisfied that the applicant has demonstrated very special circumstances for allowing this temporary development in the Green Belt.

Transport

40. Policy DC5 of the VLP requires, among other things, that safe highway access should be provided and that the highway network should be able to cope with the building. Policy TR2 of the VLP states that development likely to cause an increase in traffic will be required to include specific measures to deliver more sustainable transport choices.
41. The proposed development proposed no new access onto the highway. In order to ensure that there remains safe access during the construction period, a condition requiring a Construction Management Plan should be attached to any planning permission given.
42. A condition should also be attached requiring an updated School Travel plan to be submitted and approved prior to the occupation of the building.

Other Issues

43. Policy CP40 of the VLP states that all new developments should include climate change adaptation measures. The proposed building does have a design that will make it robust in dealing with increased temperatures.
44. Policy CP46 of the VLP encourages the conservation and improvement of biodiversity. The proposed development would be on an area of close mown grass that has very limited biodiversity value. It would not therefore have a significant impact on biodiversity. As part of an educational facility, the development would be sustainable development having economic, environmental and social benefits for the local community in accordance with the aims of securing sustainable development set out in the NPPF.

Conclusions

45. The policies in the NPPF, the VLPSD and the VLP are very strong indicators that planning permission should be given. However those policies do refer to other material consideration. In this case the development has been amended to reduce the adverse impacts caused by the height and massing of the building to the extent that it would not

have any significant amenity impacts. Very Special Circumstances have been demonstrated for the development of the temporary car park within the Green Belt. With suitable conditions attached there would be no significant impact in terms of transport or other issues. The application should therefore be approved in accordance with the presumption in favour of development set out in the NPPF and the VLP.

Recommendation

- 46. It is RECOMMENDED that planning permission for application no. R3.0023/16 be approved subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:**
- I. Detailed compliance.**
 - II. Permission to be implemented within 3 years.**
 - III. A construction transport management plan.**
 - IV. An updated school travel plan.**

BEV HINDLE

Deputy Director (Strategy and Infrastructure Planning)

June 2016

European Protected Species

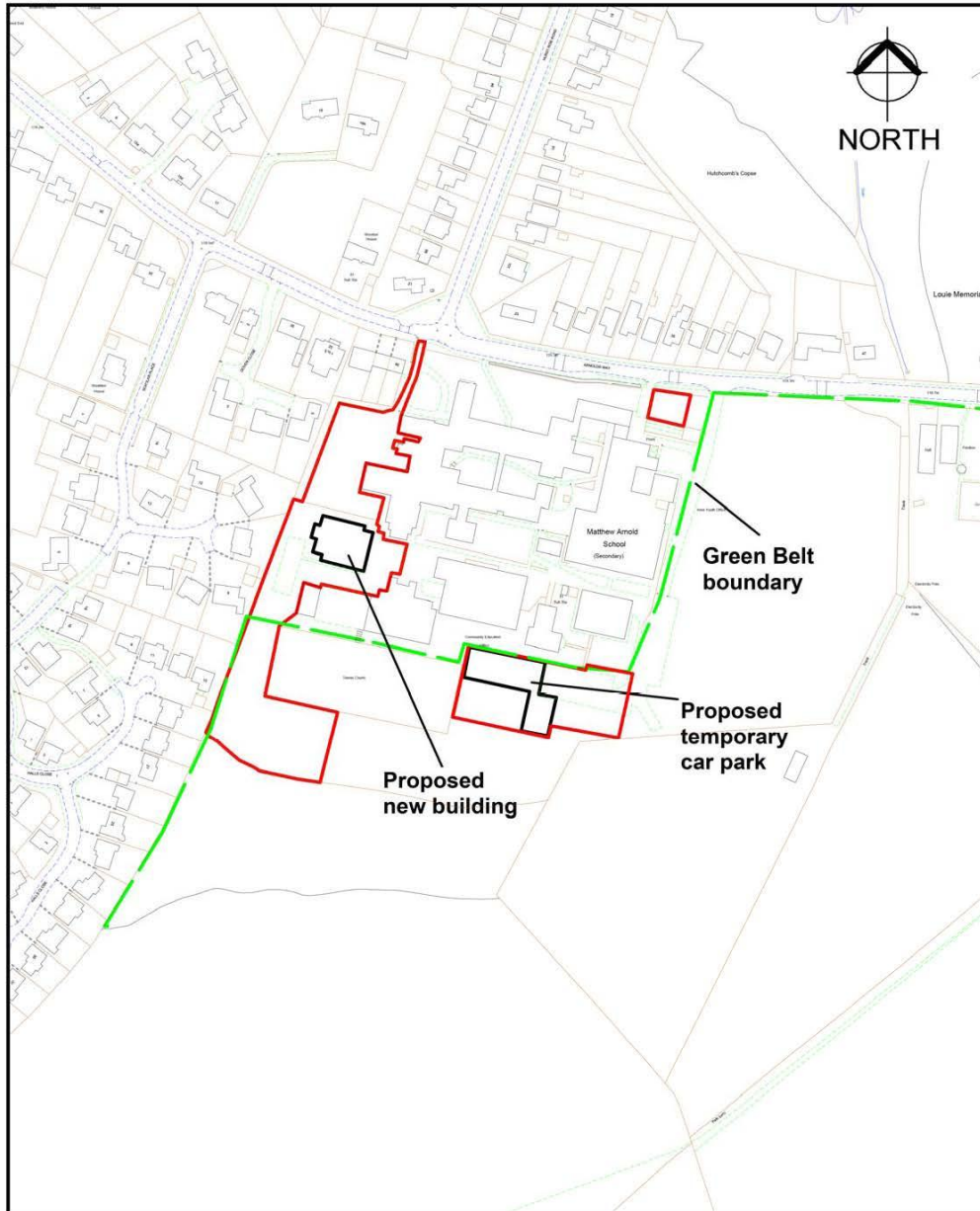
The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. Concerns about the design and massing of the building were put to the applicant ahead of the recommendation for refusal, but no alterations to the building were proposed.

Annex 1

Application no.R3.0023/16 - Matthew Arnold School



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright, and may lead to prosecution or civil proceedings.
Oxfordshire County Council Licence No 100023343 2016

Scale:1:2500
Plot Date:24/6/2016
By: Kevin Broughton
Dept: Environment and Economy