

EDGARS

The Old Bank

OX28 6AD

Our Ref: 3969

3rd January 2024

Dear Sir/Madam,

REPRESENTATIONS TO OXFORD LOCAL PLAN 2040 SUBMISSION DRAFT ON BEHALF OF D'OVERBROECK'S SCHOOL

This representation is made to the Oxford Local Plan 2040 'Submission draft' on behalf of d'Overbroeck's School, Oxford. d'Overbroeck's is a co-educational independent day and boarding school in Oxford for students aged 11 to 18. The School roll currently stands at 742. The School provides a wide and varied GCSE, IGCSE and A-Level curriculum and has enjoyed considerable success in recent years, being consistently ranked among the top 5% of UK schools for academic progress and rated Excellent by the Independent Schools Inspectorate.

The School wishes to register an **objection to draft Policy H16 (Boarding school accommodation)** of the Plan.

Draft Policy H16 states that planning permission will be granted for new or extended boarding school accommodation provided that **a) It is on or adjacent to a teaching campus of the school the children will attend.**

The requirement that any future boarding accommodation is provided on or adjacent to existing teaching campuses is considered to be unnecessarily prescriptive. For reasons outlined in this letter, it is not considered to meet the tests of NPPF para 35 in respect of it being justified (35b), effective (35c) or consistent with national policy (35d).

The School would also challenge the reasons and justification for such a policy set out in paras 2.74 and 2.75 of the draft Local Plan. Para 2.74 makes some generalised assumptions that '**most [i.e., not all] of these schools are campus-based**' and that these are '**relatively large sites...**'

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d'Overbroeck's School does not have a 'campus'. Instead, it operates from three main teaching sites in north Oxford, all of which are fully developed and at capacity (indeed some of the School's support functions and certain departments such as art are located elsewhere in Summertown):

- Years 7-11 have been based at Leckford Place since 2004
- The Sixth Form is based at 333 Banbury Road
- The International School is located in the Swan Building at 111 Banbury Road



As such, the assumptions made about boarding schools set out in para 2.74 (i.e., that they have large campuses capable of accommodating additional development) are not consistent with the reality of schools such as d'Overbroeck's; indeed the School would challenge the strength of evidence on which the Local Plan is making this assumption.

d'Overbroeck's currently has 742 pupils on role, 327 of whom are boarders. Boarding accommodation is provided at seven separate locations, leases for three of which (providing a total of 130 bed spaces) are due to end in the next two years. The School also relies on host families to provide accommodation for around 70 of its boarders. This, and the pending expiry of some leases will necessitate the provision of further boarding accommodation in Oxford.

Under the proposed wording of Policy H16(a) the School would find it almost impossible to provide additional boarding accommodation to meet its current or future requirements; it does not benefit from a campus with space for additional accommodation, and it is extremely unlikely that suitable properties (already in C2 use) would become available adjacent to existing teaching sites within the context of a highly competitive property market and associated land values; nor would the policies set out in the adopted and draft Oxford Local Plan necessarily permit their change of use, should an otherwise suitable and affordable property become available. As well as having a



severely detrimental effect on the School ongoing operations, for reasons outlined above, the proposed policy is not considered to be justified, effective or deliverable in accordance with NPPF para 35 b & c.

Further reasons for policy H16 are set out in para 2.75 of the draft Local Plan, specifically the impact on *supervision, safety and travel times to lessons*. These factors are routinely considered by the School when making provision for boarding and it is considered that it is the responsibility of the School (not the Local Plan), under its own safeguarding and operational procedures, to make the necessary judgements relating to the safety and security of its pupils and the day to day timetabling of its lessons. Matters such as boarding house supervision and travel times to lessons are not material planning considerations and it should not therefore be the role of the Local Plan to make these judgements or assumptions at a city-wide level and in the absence of an appreciation of the circumstances of each individual school. Indeed, matters relating to safeguarding, safety and supervision are already rigorously controlled through legislation and other regulatory frameworks.

The School already operates from a number of boarding sites (some as remote as Botley and Begbroke) and has successfully managed these arrangements in accordance with boarding, education and Ofsted requirements for many years. Arguably, the issues which the Local Plan cites as justifying policy H16 would equally apply to day pupils travelling to any of the schools in Oxford but which of course, fall outside the jurisdiction and role of development policies contained within the Local Plan.

A further reason cited for Policy H16a is possible *negative impacts on the amenity of surrounding residents*. It is not considered that it is reasonable or justifiable to consequently and uniformly require boarding accommodation to be provided on or adjacent to existing campuses – indeed nor would it necessarily resolve the cited issue since such sites could still be adjacent to residential properties. Rather than seeking to address such issues through a blunt policy tool such as criteria (a) of policy H16, it is considered that they can be (and routinely are) dealt with on a case by case basis. Indeed, the wording of criteria (c) and (e) of policy H16 and draft Policy R7 would ensure this where necessary.

There are recent examples of boarding accommodation being granted within residential areas, including d'Overbroeck's Islip House at 376 Banbury Road (ref 14/03445/FUL) and a recent consent for a 4-storey boarding house at 472-4 Banbury Road where Officers concluded that impact on neighbouring residential properties could be satisfactorily mitigated by conditions relating to obscure glazing and internal noise levels. Further impacts were also considered to be satisfactorily managed by the presence of permanent house parents on site at all times.

On the basis of the above, it is considered that Policy H16 (specifically criteria (a)) is not justified in accordance with NPPF para 35b.

Further reasons for policy H16 set out in para 2.75 relate to the *greater need for alternative residential uses*. It is not considered justified or reasonable to directly offset the necessary provision of boarding accommodation against housing need at Local Plan level (and for the latter to take precedence), nor to assume that there will always be a greater need for residential uses. The text as currently drafted effectively disregards circumstances in which there is a genuine and evidenced need for boarding accommodation which would be prevented from coming forward on otherwise suitable sites and the specific locational, safeguarding and operational requirements that may have resulted in the selection of a particular site for boarding accommodation. As well



as failing to provide supporting evidence to justify this approach, reasons cited in para 2.75 fail to recognise the 'great weight' that should be attached to the need to expand or alter schools, as discussed further below.

Para 95 of the NPPF states that:

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) **give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications...**"

It is considered that the requirement for boarding accommodation to be provided on or adjacent to existing school campuses, and the impact (as outlined above) that such a policy would have on the continued operation of a school like d'Overbroeck's (which makes a significant contribution to the quality and choice of provision of education in Oxford, with 742 pupils currently on roll) is directly contrary to the principles set out in para 95 – namely widening the choice in education and **giving great weight to the need to expand or alter schools**. As such, the proposed policy H16 is considered to be contrary to para 35(d) of the NPPF which requires that Local Plans must be **consistent with national policy**.

Summary

Given the above, the School wishes to **object** to draft policy H16. The policy as currently drafted is considered to be unsound – specifically criteria H16(a) – and contrary to NPPF para 35 b, c and d in that it is unjustified, ineffective and inconsistent with national policy. Any restrictions on the location of boarding accommodation should be removed from the policy to allow future applications for boarding accommodation and the suitability of individual sites to be considered on their own merits.

Arguably, criteria H16(b) (and (e) where it relates to ensuring the safety of students) is unnecessary since the provision of a suitable environment and ensuring the ongoing safety of children is already effectively and robustly achieved by existing regulatory requirements relating to boarding standards independent of the planning process.

While criteria H16(c) and (d) are relevant considerations, they are not specific to proposals for boarding accommodation and are already effectively covered by draft policy R7 (Amenity and Environmental Health Impacts of Development). It is also considered that where necessary, mitigation of impacts such as the amenity of adjoining residential properties can be satisfactorily dealt with by condition (as evidenced in the above referenced planning applications), rather than insisting on a mandatory management regime to be secured by legal agreement in every case, particularly where individual circumstances do not warrant it. As currently drafted, this requirement under H16(e) is considered to be unjustified and unnecessary.

Minor clarification

We would also note that supporting text in para 2.74 refers to children aged 16 and under, while the policy itself refers to children aged 18 and under, the latter being correct.



We would be grateful if you could acknowledge receipt of this representation. In the meantime, please do not hesitate to contact us if you have any questions or would like to discuss matters further.

Yours sincerely,

Mirian Owen