



Appeal Decision

Site visit made on 30 January 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2018

Appeal Ref: APP/Z0116/W/17/3185901

Red Maids School, Westbury Road, Bristol BS9 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Taylor, The Red Maids School, against the decision of Bristol City Council.
 - The application Ref 16/06846/F, dated 30 November 2016, was refused by notice dated 5 April 2017.
 - The development proposed is the relocation of modular classroom building to provide music and art space, shared between Senior and Junior School, together with external works to provide footpath links.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would result in the loss of part of a playing field which would be contrary to the National Planning Policy Framework (the Framework);
 - whether the proposal is ancillary to the open space use; and
 - the effect on highway safety.

Reasons

Playing field

3. The appeal site comprises a grassed area of a field within the grounds of the Red Maids School. Sport England state that the area of playing field land which would be lost to the proposal has and could be used for sporting activity as a playing pitch. Although there were no formal markings at the time of my site visit and the area wouldn't be sufficient to accommodate a playing pitch on its own, I agree, based on the evidence before me and my own observations, that it has been used and could be used as part of a playing field.
4. Paragraph 74 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless specified exceptions are met. Sport England has objected to the

- proposal, stating that it does not accord with any of the exceptions of paragraph 74 or its Playing Fields Policy¹.
5. In consideration of this, I have noted that the school has acquired additional sports and recreational facilities at Golden Hill Fields to coincide with its merger with Redland High School in 2016. However, even if these were not previously dedicated sports facilities for Red Maids School, they were, as confirmed by the appellant, already in existence as playing fields. Similarly, it is reasonable to assume from the appellant's statement regarding the acquisition of the leisure facilities at Sun Life Sports Club that this was also an existing provision. As such, regardless of whether or not Golden Hill Fields and Sun Life Sports Club are equivalent or better provision in terms of quality and quantity, they do not provide a replacement provision, as envisaged by the second exception of paragraph 74 of the Framework, because they already exist. Therefore, although I accept that the proposed development would not result in the net loss of sports facilities for Red Maids School, it would result in an overall loss of playing fields.
 6. The third exception to the paragraph 74 of the Framework, is that the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss. In this regard, I accept that music, dance and art could be recreational in nature and that dancing enables children to exercise. However, notwithstanding whether the need has been clearly shown, I do not consider that these amount to 'sports *and* recreational provision' as envisaged by paragraph 74 of the Framework. (My emphasis.)
 7. The initial objection from Sport England states that it would re-consider its position should the appellant move the proposal to a part of the school site that would not affect the playing fields in an adverse way for sports. Sport England also suggested an alternative site to the south of internal access road. This land forms one of the four other sites within the school considered by the appellant as part of the selection process. Whilst the appellant's statement gives reasons why this site was discounted, I am not convinced on the basis of the evidence before me that there are prohibitive topographical constraints or that a building of the size proposed could not be accommodated without compromising existing protected trees. Moreover, I have no evidence to demonstrate that this option would result in harm to pedestrian safety.
 8. I acknowledge that the amended drawing 1749.SK01 Revision A, demonstrates that a running track and rounders' pitch could still be accommodated. However, the arrangement for the former is very tight to its margins and I'm not convinced that this would not prejudice its usability and attractiveness for sporting use. In contrast, the site suggested by Sport England does not form part of a wider area of playing field and appears to have little potential for sporting use and therefore would have less of an effect on the usability of the existing sports facilities. I'm not convinced therefore that the appeal site represents the best option for this proposal.
 9. I have noted the appellant's submission that the part of the field in which the proposed pod is to be located is now surplus to requirement following the construction of the new astro-turf pitch in the school grounds. However, I

¹ Sport England: Planning Policy Statement – A Sporting Future for the Playing Fields of England – Policy on planning applications for development on playing fields

have no assessment which clearly shows this to be the case, as required by the first exception of paragraph 74 of the Framework.

10. I have also noted the appellant's reference to the approval granted at St Ursulas Academy. However, the Committee report provided by the appellant confirms that in that case the loss of existing grass land is compensated by the introduction of new modern hard court play areas and play facilities. It is not therefore directly comparable to the appeal proposal. In any case, I have determined the appeal on its own merits.
11. Having regard to the foregoing and the evidence before me, I do not find that the proposal would meet the exceptions of paragraph 74 of the Framework or the Sport England exception tests of its Playing Fields Policy.

Open space

12. Paragraph 2 of the Framework explains that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
13. As noted, the appeal site forms part of a playing field at Red Maids School and is allocated as Important Open Space. Policy DM17 of the Bristol Local Plan Site Allocations and Development Management Policies (DMP) states that development on part, or all, of an Important Open Space will not be permitted unless the development is ancillary to the open space use.
14. Whilst the appellant states that the proposal is small in size, 18% of the area as suggested, is significant. In any case, the policy is clear in that development on part or all of the space will not be permitted unless the development is ancillary to the open space use. Although the extent of the land-take could be considered to be ancillary, the appellant has confirmed that the school playing fields primary use is for outdoor sports. As above, I accept that music, dance and art could be recreational in nature. However, I am not convinced that the erection of a modular classroom building to provide indoor space for such uses would be ancillary to open space used for outdoor sports.
15. Therefore, even restricting the building to such uses would not prevent the proposal being contrary to DMP Policy DM17.

Highway safety

16. I have noted the concerns expressed regarding the highway related effects arising from the merger between Red Maids School and Redland High School as well as the developments at St Ursulas Academy. Whilst these are not specifically matters currently before me, their effects are nonetheless the base position from which the effects of the current proposal should be considered.
17. The appellant has stated that pod is not required to facilitate the merger between Red Maids School and Redland High School, which took place in 2016, as no additional classroom space is necessary due to the under occupation of the existing classroom supply. In this regard, the Council acknowledge that a classroom audit does show space in a number of existing classrooms around the site.
18. In terms of the utilisation of this space for the proposed uses, the appellant has explained that the school has dedicated rooms for each subject and that the

classrooms available are in need of repair and do not lend themselves easily to the conversion required in terms of the space for the drama/dance studios in particular. It is also highlighted that this is the relocation of an existing pod at Redland High School, which was expensive, being fully equipped with mirrors, changing rooms, toilets and large open layouts that are required for these extra-curricular classes. In my view, these represent sound reasons why a relocation and re-use of the pod is favoured over utilising existing classroom capacity.

19. Nevertheless, I acknowledge the Council's concerns, and those of interested parties, that the presence of additional classroom space could increase the capacity of the school along with associated increases in traffic and associated parking problems in the vicinity. However, the appellant states that the pod is required to provide extra-curricular classes at the school, not to increase school pupil capacity or increase staff or pupil numbers. Consequently, it is the appellant's position that there would be no additional traffic generated and no impact on the surrounding highway network over and above the existing situation. In order to ensure this, the appellant has confirmed the acceptability of a condition stipulating that the pod building would only be used for extra-curricular activities and would not be used as general classroom space. Although this would only be partially successful, because it would free up space within the existing school building, it would provide a degree of control on future expansion.
20. It is also stated that the pod would offer the potential for more after school clubs and classes to take place, thereby spreading out the end of the school day and reducing the number of pupils leaving at the same time. The pod would also provide opportunity for storing musical instruments thereby negating the need to carry the same to and from school and in doing so create a greater likelihood of pupils choosing more sustainable travel modes. These are matters which weigh in favour of the proposal.
21. I also note that the appellant has produced a travel plan with the objectives to set out a long-term strategy for reducing staff / pupil / parent reliance on travel by unsustainable modes, particularly single occupancy or one child vehicle trips and promoting more sustainable travel choices. It is confirmed that measures are being implemented regardless of my decision on this appeal. Nevertheless, had I been minded to allow the appeal, it would have been necessary, to control this matter by way of condition.
22. On balance, I am satisfied on the basis of the information provided and subject to the aforementioned conditions, that the proposal would not result in a level of harm to highway safety which would justify withholding planning permission on this issue alone. Consequently, I do not find conflict with Bristol Development Framework Core Strategy Policies BCS10 and BCS15 or DMP Policy DM23. These state, amongst other matters, that development should not give rise to unacceptable traffic conditions.

Other matters

23. The appeal site is situated within the Downs Conservation Area and to the east of the entrance lodge to Red Maids School, which is a Grade II listed building. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting.

24. In this case, the pod building would be located away from public views, whilst in private views it would be seen within the context of a larger school site. It would not therefore appear out of place and would preserve the character and appearance of the conservation area. Moreover, due to the separation and intervening features, I am also satisfied that the proposal would preserve the setting of the listed building.

Planning Balance and Conclusion

25. Paragraph 72 of the Framework states that local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education and that great weight should be given to the need to create, expand or alter schools. However, paragraphs 73 and 74 also state that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless certain exceptions have been met. In this case I am not satisfied that this has been achieved.
26. The proposal would also result in development on allocated Important Open Space, where the development would not be ancillary to the open space use, contrary to DMP Policy DM17.
27. Although I have not found unacceptable harm to highway safety, this amounts to a neutral matter in the planning balance.
28. I therefore conclude that the benefits of the proposal would not outweigh the loss of part of the playing fields and justify taking a decision which is contrary to development plan policy. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR