

**For: PLANNING AND REGULATION COMMITTEE – 23 June 2014**

**By: INTERIM DEPUTY DIRECTOR (STRATEGY AND  
INFRASTRUCTURE PLANNING)**

**Development Proposed:**

**A new 2 storey building for the 16-19 age group (6th form) at the Frank Wise School in Banbury to replace the existing temporary accommodation. The proposals include minor car parking improvements with the creation of 7 additional parking spaces in the main school parking area and also 4 spaces for use in association with the 16-19 building on the site of the temporary buildings**

**Division Affected:** Banbury Calthorpe

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

**Location:** Frank Wise School, Hornbeam Close, Banbury, Oxfordshire, OX16 9RL

**Applicant:** Oxfordshire County Council

**Application No:** R3.0031/14 District Ref No: 14/00538/OCC

**Application Received:** 11 November 2013 but subsequently changed 24 March 2014

**Consultation period:** 3 April - 28 April (2<sup>nd</sup> Consultation)

**District Council Area:** Cherwell

**CONTENTS**

- Part 1 - Facts and background
- Part 2 - Other viewpoints
- Part 3 - Relevant planning documents
- Part 4 - Analysis and Conclusions.

**Recommendation:** Approval subject to conditions.

## **Part 1 - Facts and background**

### **Site and Setting (see plan 1)**

1. The school site is set within the western built up area of Banbury at the end of Hornbeam Close, a cul-de-sac. The site is bordered by an allotment to the north east, by housing to the north and west, and by Hornbeam Close to the south and south east. Apart from providing access to the school, Hornbeam Close has housing and access to parking for flats on Broughton Road. The nearest housing to the proposed new building is 60m away on Hornbeam Close.
2. The part of the school site in which the proposed extension would sit, is a currently underused area of hardstanding and garden, within the Banbury Conservation Area. The existing Victorian school building, called Wood Green Villa, is not a listed building but has been designated by Cherwell District Council as a locally listed heritage asset.
3. There is a substantial row of beech trees along the north eastern edge of the proposed site between the proposed extension and the allotments. As these trees are in the conservation area, they have the same protection as would be provided by a tree preservation order.
4. The school playing field, just south of the proposed extension rises up about a metre and a half. It has a Multi User Games Area on it although this is currently covered by two temporary classrooms.

### **Details of the Development**

5. Frank Wise School is a Special Education Needs school that caters for children and young adults. The proposed new 2 storey building would house the age group 16 - 19, who are at present using the two temporary classroom units located on the school playing field.
6. The proposal is a new 16-19 building to replace the existing temporary accommodation. The proposed location of the new building has been selected to minimise the impact on the conservation area and on the setting of Wood Green Villa.
7. There would be changes to the hard and soft landscaping and a new parking and drop off area to serve the new building. Initially this was to be served by a new access on to Hornbeam Close, but following consultation responses the second access was omitted.
8. Other changes to car parking at the main car park to provide new spaces and manage the existing spaces.
9. Some trees are proposed to be removed and replaced with new trees as described in the Arboricultural Method Statement. The most notable of the trees are mature beech trees along the boundary with the allotments.

The trees have included unions which could make them susceptible to splitting.

10. The proposed building is 2,549m<sup>2</sup> and would be 9.06m to the ridge of the building.
11. The principal material for the proposed building off white render, however the south elevation would be brick to match Wood Green Villa.

## **Part 2 - Other Viewpoints**

### **Representations**

12. There have been representations from the occupiers of four local properties. Some of those comments were related to the proposed new access that has since been removed from the proposal. Other comments were:
  - (i) Future compliance with the travel plan must be ensured.
  - (ii) Easing traffic on Hornbeam Close can only be achieved by more hardstanding on the school site.
  - (iii) The building would be a much needed improvement over the temporary units.
  - (iv) No objection to the proposed building.
  - (v) No objection to the additional parking which will help the major parking problems.
  - (vi) Residents are affected by the numbers of cars, minibuses and taxis.

### **Consultations**

13. Cherwell District Council - object to the development on the following grounds that the proposed building would, by reason of its siting scale and design, fail to conserve or enhance a non-designated heritage asset, Wood Green Villa, and its setting, resulting in harm to its significance, contrary to saved policy C28 of the Cherwell Local Plan and Government guidance contained in within the National Planning Policy Framework.

Environment Agency - Did not want to make any response to the application.

Highway Authority (includes drainage response) - No objection subject to the following conditions:

- Details of directional signage and car parking designation signage to be approved prior to occupation of the development.
- Details of the vehicle parking and manoeuvring areas before occupation of the development.
- Details of covered cycle parking to be submitted and agreed prior to commencement of the development.

- School Travel Plan to be completed and submitted prior to occupation of the development.
- A Construction Traffic Management Plan to be submitted and approved prior to commencement of the development.
- Drainage details to be approved prior to the development taking place..

Archaeology - No objection.

Arboricultural Officer - No objection.

Cllr Cherry - Still ongoing traffic issues on Hornbeam Close. Condition should be attached to control removal of subsoils to the school holidays in order to minimise disruption.

### **Part 3 - Relevant planning policies**

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

##### The Development Plan

The development plan in this case consists only of the saved policies of the 1996 Cherwell Local Plan

Cherwell District Local Plan Adopted 1996 (Saved Policy): C28.

##### Other Material Considerations

Cherwell Local Plan 2006 – 2031 Proposed Submission Document : Policies PSD1, BSC7, ESD7 and ESD16.

##### National Planning Policy Framework

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:

“It is the Government's view 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 in paragraph 72 of the National Planning Policy Framework.

#### **Part 4 - Analysis and Conclusions**

##### **Comments of the Interim Deputy Director (Strategy and Infrastructure Planning)**

14. The main issues related to this application are: the design of the building/effect on the Conservation Area and transport issues.

##### **Design of the Building/Effect on the Conservation Area**

15. Saved policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over development to ensure that it is sympathetic to the character of its context. Policy ESD 16 of the Cherwell Local Plan 2006 - 2031 submission states that, among other things, that design should conserve, sustain and enhance designated and non designated heritage assets.
16. The proposed building would be within the conservation area and alongside Wood Green Villa which is a non designated heritage asset.
17. The proposed building has good regard for the site on which it is located, and it incorporates the shape of the site in its design rather than simply placing a square box onto the site. The roof pitch is shallower than the existing building which reduces the massing of the new building, and allows the Victorian building to remain dominant.
18. The principal elevation is the south elevation where the building will have public views from within the conservation area. This would be of a brick to match the existing Victorian building. This brick type would also be similar to the block of flats on Hornbeam Close whose design appears to reflect the Wood Green Villa.

19. The South Elevation also picks up design principles from the Victorian building although it is a very different building. The fenestration details in the centre of the elevation are similar in scale and dimension to those on the Victorian building.
20. The site constraints, and modern educational needs of the building would not allow a copying of the Victorian style. In addition, the difference between the two buildings helps to separate them in terms of their historic context. Given the constraints of the site and the needs of the school, the building is an acceptable addition to the school.
21. The proposed building will replace the existing temporary units, and their removal will enhance the appearance of the Conservation Area in accordance with policy C28. A condition ensuring their removal within 6 months of the occupation of the proposed building should be included with any planning permission given.
22. Saved policy C23 of the Cherwell Local Plan states that there will be a presumption in favour of retaining trees that make a positive contribution to a conservation area. The proposed development includes the removal of the beech trees on the boundary of the site with the allotments. This followed pre application advice from the County Arboricultural Officer who was concerned that the placing of a building beneath trees with included unions would be an increased risk. This advice was agreed with the Cherwell District Council Tree Officer. Notwithstanding that technical advice I do consider that the loss of the trees would adversely affect the conservation area. The applicant has indicated that the proposed building could be accommodated with or without the loss of the trees. Given that the trees have a level of protection, that they are an attractive feature in the conservation area, and that the building could be constructed without their loss I consider that a condition should be included that the beech trees be retained and that all retained trees be protected in accordance with BS 5837: 2005.

#### Transport Issues

23. There are no specific relevant transport policies in the saved policies of the Cherwell Local Plan 1996, or in the Cherwell Local Plan 2006 – 2031 Proposed Submission Document. Paragraph 36 of the NPPF states that all developments which generate significant amounts of traffic should be required to produce a travel plan. In this case the proposed development would provide a permanent facility for those children currently housed in temporary accommodation, and so the number of vehicles visiting the site would be unchanged.
24. Nevertheless the school have been looking at ways to accommodate improvements into the proposal. The school has a higher number of taxis and minibuses than most schools, but fewer private cars. This has caused its own unique set of problems as the minibuses and taxis arrive during the school run. To help bring some of that traffic into the site and

off Hornbeam Close the school is providing extra parking spaces for disabled pick up and drop off.

25. There would in addition be a new parking and drop off point near the building itself. This was initially to be served by a separate access but following objections and discussions with local residents the second access has been omitted from the proposal.
26. With a properly managed travel plan, the production of which is well underway, the proposal should help alleviate the current traffic situation. The Highways Authority have recommended the addition of a Travel plan.
27. The Highway Authority have also requested the addition of a Construction Traffic Management Plan, which would in my view be necessary for this physically constrained site. This could include the issue of timing for removal of soils as well as the delivery of construction materials.
28. The highway authority has requested additional details be approved. These are details of directional signage, details of covered cycle parking, and details of the vehicle parking and manoeuvring areas. Of these the cycle parking and signage is requested prior to commencement of the development and the other details prior to occupation of the building. In my view the cycle parking and signage should be integrated into the travel plan and the parking layout so all such conditions should be approved prior to occupation of the development.

#### Other Issues

29. Policy PSD1 of Cherwell Local Plan 2006 - 2031 submission states that there will be a general presumption in favour of development and policy BSC7 seeks to meet education needs. Together with the general presumption in favour of sustainable development as set out in the NPPF and the specific guidance set out in paragraph 72 of the NPPF and the DCLG letter dated 15<sup>th</sup> August 2011, it is my view that this application must be looked on favourably and in the absence of any strong objections should be granted permission.
30. Policy ESD7 of the Cherwell Local Plan 2006 - 2031 submission states that all development will require Sustainable Drainage Systems. A condition should therefore be attached requiring a detailed drainage scheme be approved.

#### **Conclusions**

31. The proposal would provide permanent accommodation for children currently using temporary buildings. The design is acceptable given the constraints of the site, and the proposed onsite parking changes would be of benefit to the users of Hornbeam close.

32. Subject to conditions, there is in my view no overriding objection to the scheme and it should there be granted planning permission in accordance with the presumption in favour of sustainable development.

### **Recommendation**

33. **It is RECOMMENDED that planning permission be approved for Application R3.0031/14 subject to conditions to be determined by the Interim Deputy Director (Strategy & Infrastructure Planning) but to include the following:**
- 1. Development to be commenced within 3 years of the date of permission.**
  - 2. Development to be built in accordance with the plans and details of the development.**
  - 3. A school travel plan to be submitted and approved prior to first occupation of the building.**
  - 4. A construction Management Plan to be submitted and approved prior to the development taking place.**
  - 5. Details of drainage scheme to be submitted and approved prior to the development taking place.**
  - 6. That within 6 months of the first occupation of the proposed building the temporary classroom units permitted under R3.0144/11 be removed.**
  - 7. Trees numbered T08, T09, T10, T11, T12, T13, T14, T15 and T16 on plan G100 003 shall be retained.**
  - 8. Trees to be retained on the site shall be protected in accordance with BS 5837: 2005.**
  - 9. Details of directional signage and car parking designation signage shall be submitted and approved prior to first occupation of the development.**
  - 10. Details of vehicle parking and manoeuvring areas shall be submitted and approved prior to first occupation of the development.**
  - 11. Details of cycle parking shall be submitted and approved prior to first occupation of the development.**

### **Reasons for Approval:**

The proposed development would provide a valuable community facility. Subject to conditions, the application would accord with the principle of the NPPF.

### **Compliance with National Planning Policy Framework:**

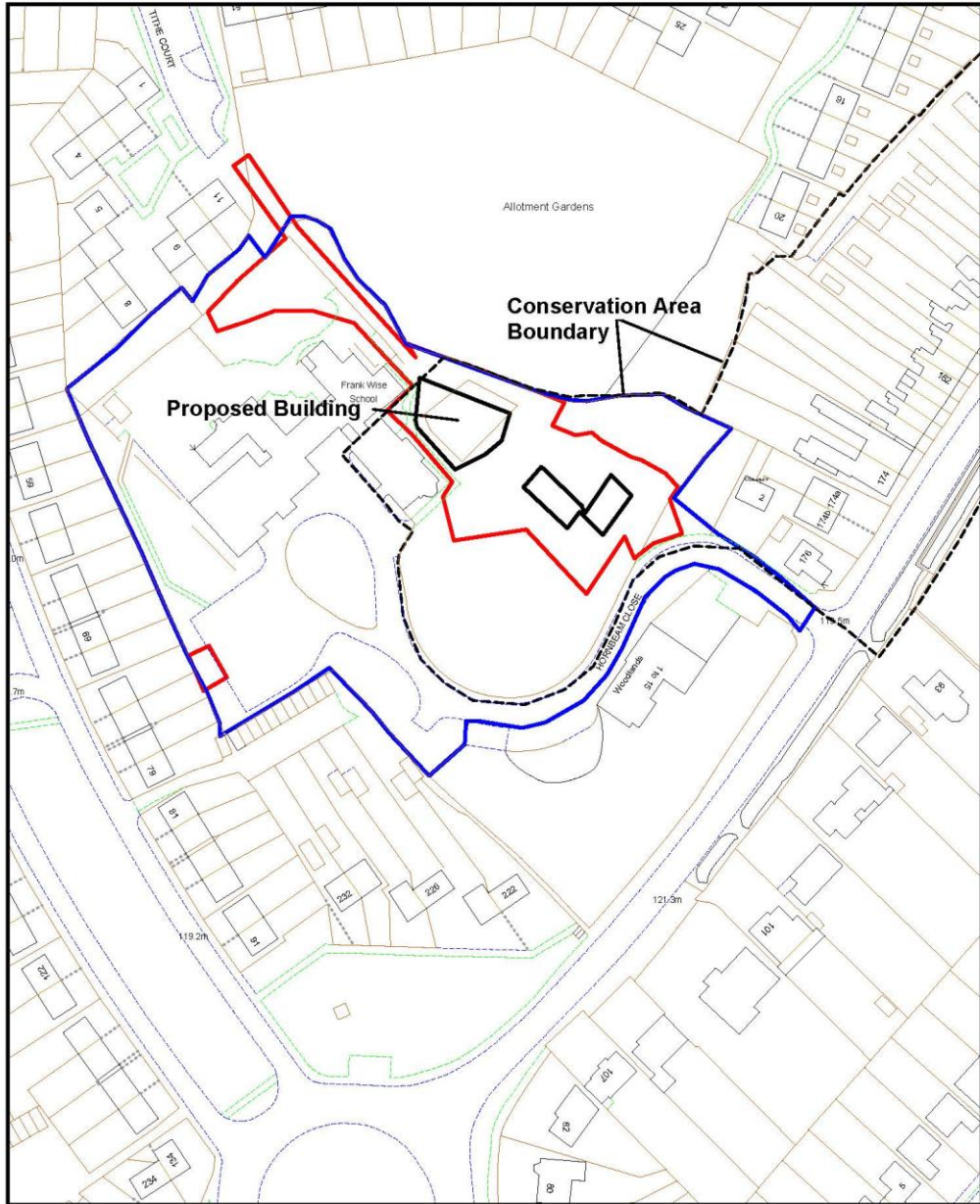
In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable



development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, as in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions, as was the case with this application.

**Frank Wise School  
R3.0031/14**



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