

For: PLANNING AND REGULATION COMMITTEE – 14 SEPTEMBER 2015

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

Development Proposed:

Erection of a single storey building to provide 2 new classrooms, accompanied by the necessary ancillary accommodation; toilets, cloaks, storage and resource areas, 1:1 room, cleaners store and covered canopy link in between existing and proposed building and a new path around the proposal for external works.

Division Affected: Bloxham and Easington

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

Location: Queensway County School, Brantwood Rise,
Banbury, Oxfordshire, OX16 9NH

Applicant: Oxfordshire County Council

Application No: R3.0073/15 District ref No:

District Council Area: Cherwell District Council

Date Received: 15 June 2015

Consultation Period: 26 June – 17 July

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Recommendation: Approval

• **Part 1 – Facts and Background**

Location (see site plan Annex 1)

1. Queensway School is in the South Western part of Banbury, off Queensway.
2. The site is an existing school site which is surrounded on all sides by housing. Access to the school site is off Brantwood Drive.
3. The existing school is of a modern style, predominantly single storey flat roof construction.
4. The location of the proposed building is currently occupied by a small brick outbuilding and a wooden shed surrounded by a mixture of hard surfacing and informal grassed area.
5. The nearest houses to the proposed development would be 40m to the south east, and the proposed building would be about 16m from the nearest school boundary with the residential gardens.
6. There are four mature trees between the existing school buildings and the boundary. The site lies within the Environment Agency's flood zone 1.

Details of the Development

7. The school currently has ten classrooms. In order to ensure sufficient accommodation is in place to provide for admission of up to 60 children into Reception each year the school will require a total of 14 classrooms. These will be provided by a combination of internal alterations and the proposed extension.
8. The proposed building would be a single storey extension to match the existing buildings. It would be just over 3m tall and provide 169 m² of accommodation. There would also be an 18m² covered walkway. The walls would be of yellow brick with aluminium windows to match the existing buildings. The roof would be flat single ply also to match the existing buildings.
9. The proposed extension would have the following environmental measures: natural ventilation, automatic lighting controls, LED lamp technology.
10. External lighting would be affixed to the new building façade. These would be time switch and photocell controlled and have manual operated override switch.
11. The surface water run-off from the new roof area would discharge into the porous paving surrounding external hard standing areas which would

also be designed and sized to suit the roof footprint and surrounding hard-standing area for the 1 in 100 year storm event, plus an allowance of 20% for climate change.

12. It was initially proposed to remove the four trees in the area between the proposed building and the school boundary, but following consultation with the County's Arboriculture Officer the proposal was revised to limit the removal of tree to two.
13. There would also be some internal works carried out to the school at the same time, but they are not subject of this planning application.

• Part 2 – Other Viewpoints

Representations

14. There are six letters of objection and concern. The material concerns raised are:
 - i. Traffic Impact
 - i. Extra traffic.
 - ii. More dangerous for children.
 - iii. Inconsiderate and dangerous parking.
 - iv. Better drop off spaces should be provided
 - ii. Concern over the felling of trees, including confusion over which trees were to be felled.
 - iii. Loss of habitat.
 - iv. Loss of privacy
 - v. Increased Noise
 - vi. Proposed Development is in an area of the school site that is within a dense residential area.

Consultations

15. Cherwell District Council - No response received.
16. Bicester Town Council – No objections.
17. Environment Agency – had no comments but referred to standing advice. The standing advice requires a flood risk assessment for developments within flood zones 2 and 3, but this development is not subject to that because it is in flood zone 1.
18. Protected Species Officer - No objection - the application area consists of hard standing and short mown amenity grassland and has relatively low biodiversity value and low potential for protected species.
19. County Arboriculture Officer – raised concerns about the number of trees proposed to be felled but following the submission of a Tree protection plan he had no objections to the proposal subject to the

following condition: Before commencement of the development the applicant shall provide a replacement tree (*Quercus robur*) to be planted in a location to be agreed with the County Planning Authority. The replacement will be planted in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape, be of heavy standard size and include an aftercare programme of at least 2 years.

20. County Highway Authority - no objection subject to a Unilateral Undertaking to pay £10,000 towards the cost of the relevant traffic regulation orders, lines, signs etc as part of a scheme of parking restrictions.
21. County Council Travel plans team – School Travel plan should be updated and a monitoring fee of £1,240 should be paid.
22. County Archaeology Team – no objection.
23. County Drainage Team – raised the following concerns:
 - No clarity as to the locations of porous paving
 - all the surface water should go to a SuDS system not discharge to partly to the foul sewer
 - the soakage test results indicate that only shallow SuDS will work
 - silt traps should be placed on all discharges before they enter the porous system

• **Part 3 – Relevant Planning Documents**

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

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

25. The relevant Development Plan policies are:

Cherwell Local Plan 2011 - 2031 (CLP2031) Policies:

PSD1 – Presumption in Favour of Sustainable Development

BSC7 – Meeting Education Needs

BSC12 – Indoor Sport, Recreation and Community Facilities.

ESD1 – Mitigating and Adapting to Climate Change.

ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment.

Cherwell Local Plan 1996 (CLP1996) Retained Saved Policies as set out in Appendix 7 of CLP2031.

TR7 - Development attracting traffic on minor roads.

C28 - Layout, design and external appearance of new development.

C31- Compatibility of proposals in residential areas.

26. Other Material Considerations are:

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 15th August 2011 is also relevant.

• **Part 4 – Analysis and Conclusions**

Comments of the Deputy Director (Strategy and Infrastructure Planning)

27. 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.

28. Policy PSD1 of the CLP2031 states that a positive and pro-active approach will be taken when considering development proposals and there will be a presumption in favour of sustainable development.
29. Policies BSC7 and BSC12 of the CLP2031 state that Cherwell DC will work with others to ensure the provision of school facilities, and that Cherwell DC will encourage the provision of community facilities.

30. These policies combined give a very strong presumption in favour of granting planning permission for the proposed development and it should only be refused if there is an overriding reason to do so.

31. The main issues in relation to this development are traffic, and the effect on the trees and local amenity.

Traffic

32. Policy TR7 of the CLP1996 states that development that attracts large numbers of cars on minor roads will not normally be permitted. There have been objections to this proposal on the grounds of traffic and safety aspects.

33. These concerns could be mitigated by updating the School Travel Plan, by the contribution of £1,240 for the monitoring of the School Travel Plan, and by the contribution of £10,000 to local parking restrictions as requested by the County's Transport Development Control Team. Any planning permission given should be subject to Unilateral Undertakings to cover those costs, and a condition requiring an updated travel plan prior to occupation of the development.

Effect on Trees and Local Amenity

34. Policy C28 of the CLP1996 seeks to ensure that development is sympathetic to the area. The proposed scheme would be similar in design and appearance to the existing school. It would be single storey and seen within the context of the existing school buildings. It would therefore accord with that policy.

35. Policy ESD10 of the CLP2031 seeks to protect and enhance biodiversity by, among other things, protecting the number of trees in the district and where possible increasing their numbers. The proposal would require the loss of two trees, although one would need to be removed anyway due to natural decline, and the condition required by the County Arboriculture Officer would replace one of the losses.

36. Policy C31 of the CLP1996 states that in residential areas development that causes noise or unacceptable visual intrusion will not be permitted. There were objections on the grounds of loss of amenity such as increased noise, loss of privacy and the density of the residential development in that area of the school.

37. The building would be some 16m from the school boundary and would be in a standard school use. The building would be single storey and would be some 40m from the nearest residential building. There would not therefore be any significant loss of amenity to the houses in the vicinity of the development.

Other Issues

38. Policy ESD1 of the CLP2031 seeks measures to mitigate climate change and to adapt to climate change.
39. The proposed development would make use of passive ventilation, automatic light switches and LED technology.
40. The County Drainage Team has raised concerns that the drainage is not sustainable. The application should only be granted planning permission if there is an acceptable sustainable drainage system. A resolution to grant planning permission should therefore be subject to the inclusion of such a drainage scheme.

Conclusions

41. Subject to an acceptable sustainable drainage, unilateral undertakings to cover relevant costs, and there being no overriding objections received from Cherwell District Council, the proposed development with suitable conditions as set out in the report would not cause any significant harm to the area in terms of loss of amenity or traffic. It would allow the school to expand in line with encouraging school and community facilities. The proposed building would be an acceptable design for its location. There would therefore be no overriding reason for it not to be granted planning permission in accordance with the presumption in favour of development.

Recommendation

42. **It is RECOMMENDED that subject to:**
 - i) **a Unilateral Undertaking for a financial contribution of £1,240 for a School Travel Plan monitoring fee;**
 - ii) **a Unilateral Undertaking for a financial contribution of £10,000 towards the costs associated with traffic regulation orders for car parking controls;**
 - iii) **submission of an acceptable sustainable drainage scheme;**
 - iv) **there being no overriding objections from Cherwell District Council;**

that planning permission for application no. R3.0073/15 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) to include the following:

1. **Development to be carried out in accordance with the submitted documents and plans.**
2. **The development to be commenced out within a period of three years from the date of the permission.**

3. **A school travel plan to be submitted and approved prior to the occupation of the development.**
4. **Prior to commencement of the development the applicant shall provide a replacement tree (*Quercus robur*) to be planted in a location to be agreed with the County Planning Authority. The replacement will be planted in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape, be of heavy standard size and include an aftercare program of at least 2 years**

BEV HINDLE

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

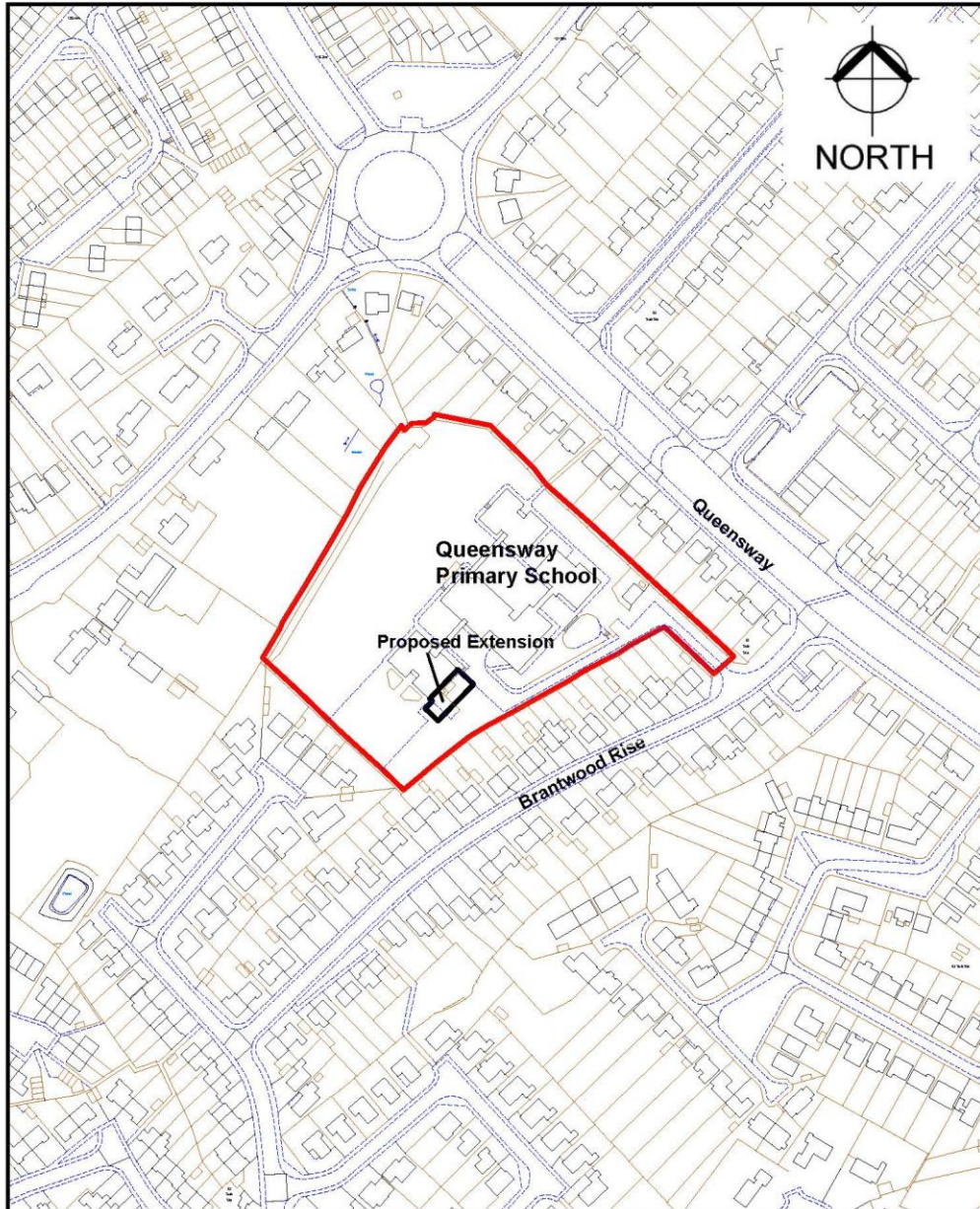
September 2015

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 of the Arboriculture officer were overcome by altering the scheme to reduce the net loss of trees to one. A drainage scheme, transport plan and contributions towards local traffic measures were included to overcome possible reasons for refusal.



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