

For: PLANNING AND REGULATION COMMITTEE – 17 JULY 2017

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Construction of a 76 space car park for a period of four years. The car park to be surrounded by weld mesh fence with control gates, and to include surface water drainage into a new petrol interceptor, and lighting. Also the construction of permanent lighting along the school roadway.

Division Affected: Bloxham and Easington

Contact Officer: Kevin Broughton **Tel:** 07979 704458

Location: The Warriner School, Banbury Road, Bloxham, Oxfordshire, OX15 4LJ

Applicant: Oxfordshire County Council

Application No: R3.0033/17 **District ref No:** 17/00873/OCC

District Council Area: Cherwell

Date Received: 28 March 2017

Consultation Period: 24 April – 16 May 2017

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Recommendation: Approval

• Part 1 – Facts and Background

Location (see site plan Annex 1)

1. The Warriner School is a secondary school on the northern edge of Bloxham, which is a village about 3km south west of Banbury. The application site and the entire school site are not subject to any landscape or other designations.

2. The school site is bounded by housing to the south, the A361 with housing beyond to the west, Bloxham Grove Road and agricultural land to the north, and agricultural land to the east.
3. The site of the proposed car park is within the school site on land that is currently unused and fenced. School playing fields lie to the north and east, and school buildings lie to the west and south.
4. The roadway for which the permanent lighting would be provided runs north south from Bloxham Grove Road to the school site.
5. The nearest property is 78m to the south west.

Details of the Development

6. It is intended that the school is to be the subject of further development including two new teaching blocks. If permitted, this will result in the loss of existing car parking on the school site, and the proposed car park would provide car parking for staff and contractors while that development is taking place.
7. In addition to the proposed development at the school there is also work being carried out to the gas pipes on the site which will require the digging up of parts of the school site where parking currently takes place. This does not need planning permission, but will require alternative car parking to be provided if parking on the surrounding roads is to be avoided.
8. One of the applications, which is for a two classroom extension, is currently being considered by Cherwell District. Warriner school is an Academy and therefore submits its applications to the District Council, but the application before you is to be provided by the County Council, and as this is a development by the County Council it must be considered under Regulation 3 of the Town and Country Planning General Regulations 1992 (Reg 3).
9. The proposed car park would be formed with a reduced excavation of approximately 500mm underlined with an impervious membrane over the total area, with a 400mm sub-base of type 1 stone, finished with a 100mm tarmac base coarse. It would be drained above the impervious membrane to a petrol interceptor. Two parking bays would be allocated for disabled spaces.
10. The car park would be enclosed by a 1.8m high weld mesh fence, with control entrance/exit gates.
11. Temporary lighting would be provided on 6m columns for the car parking area. This would be low energy LED lighting.

12. The permanent lighting on the access road would be on 5m columns. This would also be low energy LED lighting and would replace the existing sodium lighting that is attached to the school buildings. The applicant states that the lighting is required for health and safety reasons because the access road leads to the school farm and children need to be able to cross it safely.
13. On completion of the school construction works the temporary car park site would be returned to its former rough grassland condition.

Part 2 – Other Viewpoints

Representations

14. There have been no third party representations.

Consultations

15. Cherwell District Council - No objections, but make the following comments: once the new building is completed the car park should be removed and re-instated; and concerned about the hours of operation of the lights, particularly the need for them to be on throughout the night.
16. Bloxham Parish Council – Objects on the grounds that there is no justification for the permanent lighting on the access road. If the development is permitted they would like the hours of the lighting controlled and the removal of the car park to be included in the conditions.
17. Sport England – Objected to the application because of the loss of playing fields, but following the submission of further information, including that the land in question is not part of the formal sports pitches, the objection was withdrawn.
18. Transport Development Control - No objection, but have advised that advised that the track be widened to 4.8m to allow two vehicles to pass each other safely, or that passing bays are put in place. They have asked for conditions requiring a Construction Management Plan (CMP) and full details of the access road improvements, which include widening the road or providing passing places.
19. Lead Local Flood Authority - No objection, but raises concerns about the design of the drainage, and in particular the lack of sustainable drainage.
20. County Arboriculture Officer – No objection.
21. County Archaeologist – No objection.
22. County Ecologist – No objection, but would want controls on the hours of the lighting.

Part 3 – Relevant Planning Documents

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

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

24. The relevant Development Plan policies are:

Cherwell Local Plan 2031 (CLP2031) Policies:

PSD1: Presumption in favour of sustainable development.

BSC7: Meeting Education needs.

ESD 2: Energy Hierarchy and Allowable Solutions

ESD 7: Sustainable Drainage Systems (SuDS)

ESD 13: Local Landscape Protection and Enhancement

Saved policies of the Cherwell Local Plan 1996 (CLP1996)

ENV1 Development likely to cause detrimental levels of pollution

25. 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 15 August 2011 is also relevant.

• Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

26. 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.

27. Policy PSD1 of the CLP2031 sets out the presumption in favour of sustainable development. It requires planning authorities to take a proactive approach to development.
28. Policy BSC7 of the CLP 2031 states that the District Council will work together with other bodies to meet educational needs.
29. These policies in combination with the letter from the Secretary of State are a strong steer that planning permission should be granted for the proposed development unless there are overriding reasons not to.
30. The main issues for this development are the effect on the local amenity and the transport issues relating to the access track.

Effect on the Local Amenity and landscape

31. Policy ESD13 of the CLP 2031 seeks to protect and enhance local landscape, particularly on the edges of settlements such as this site. Policy ENV1 of the CLP 1996 seeks to protect the local environment from pollution, including light pollution.
32. The development of the car park surface would have little effect on the landscape of the area because the development is located within the school grounds and would not be visible outside the school. The fencing around the car park would be 1.8m weldmesh fence. It would again be within the school site and would be alongside an existing barn and other school buildings. The effect would also be restricted to a temporary period of four years.
33. The lighting would be visible outside the site and would have an effect on the landscape and amenity of local residents. It does however sit alongside the site of a permitted MUGA that has similar lighting that has to operate within the hours: Monday-Friday: 9.00am-9.00pm; Weekend : 9.00am-4.00pm. The car park proposal is for the lights to be on at all times which would have an

unacceptable impact on the landscape at the edge of the village. However, I consider that with a condition limiting the lighting to that of the MUGA lighting times the effect would be acceptable. The lighting to the car park would be limited to four years but the lighting on the access road would be permanent.

34. With the conditions discussed above the development would not cause significant harm to the local landscape, nor would it cause unacceptable light pollution to the local environment and so local amenity.

Other Issues

35. Concerns about the access track were raised by the County Council as Highway Authority. Following further information from the applicant some of those concerns have been satisfied. However there is still the concern for users of the access road and the advice of the Highways DC officer is that the access road should be widened, or passing place be provided. The condition requiring details of improvements to the access road to be submitted and approved could be included as part of any planning permission granted, so that measures to allow cars to pass could be provided.
36. The County Highways Officer has also requested a pre-commencement condition of a Construction Management Plan, however the response relates to the site compound which relates to works that do not form part of this application. I do not feel that the imposition of such a pre-commencement condition on this application would be necessary or reasonable, and so it would not fit the tests of a condition.
37. Policy ESD2 seeks to promote reductions in energy use. The proposed lighting on the access road would be low energy LED lighting that would replace higher energy lighting which is poorly located on the existing school buildings.
38. Policy ESD7 of the CLP2031 requires a sustainable drainage scheme to manage surface run off. The Lead Local Flood Authority has raised concerns about the drainage scheme submitted, and so a condition requiring drainage details prior to the development taking place should be attached to any permission given.

Conclusions

39. The proposed development would provide a car park to replace the one that will be lost temporarily while construction is being carried out on the school, should planning permission be forthcoming. With the conditions discussed in this report there would be no long term loss of amenity or any other overriding reasons to refuse the application. The application should therefore be granted permission in accordance with the presumption in favour of sustainable development.

RECOMMENDATION

40. **It is RECOMMENDED that planning permission for application no. R3.0033/17 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:**
- I. Detailed compliance.**
 - II. Permission to be implemented within 3 years.**
 - III. Prior to commencement of the development, details of improvements to the access road to be submitted and approved. Approved details to be implemented**
 - IV. Prior to commencement of the development, drainage details to be submitted and approved. Approved details to be implemented**

SUSAN HALLIWELL
Director of Planning and Place

July 2017

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.

