

**For: PLANNING AND REGULATION COMMITTEE – 26 MARCH 2018**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

**New secondary school (Alchester Academy) with associated hard and soft landscaping, car parking, playing fields and infrastructure on land in the Kingsmere Development in South West Bicester.**

**Division Affected:** Bicester West

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

**Location:** Land adjoining Whitelands Way, Kingsmere, Bicester, OX26 1AZ

**Applicant:** Oxfordshire County Council

**Application No:** R3.0003/18 **District ref No:** 18/00154/OCC

**District Council Area:** Cherwell

**Date Received:** 20 December 2017

**Consultation Period:** 25 January 2018 – 15 February 2018

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**Recommendation:**

- **Part 1 – Facts and Background**

**Location (see site plan Annex 1)**

1. The Kingsmere development is on the south-western edge of Bicester, and the school site is on southern edge of the Kingsmere development. There are no landscape designations.
2. The site of the proposed secondary school is within the area of an outline planning permission 06/00967//OUT which was granted on the 27 June 2008 by Cherwell District Council, and included a masterplan

for the Kingsmere development. The permission was for 1,585 dwellings and other related uses including a primary school and a secondary school. The primary school has been built and occupied and this application is for the secondary school which would be located as set out in the masterplan.

3. Housing lies to the north west of the site. To the east is the A41 and beyond that open fields and the Bicester Avenue retail centre. The Bicester park and ride lies to the south, and to the west is a sports field with associated buildings.

### **Details of the Development**

4. This application is for a four-form entry secondary school with a capacity of 600 students aged 11 to 16. The school facilities such as the sports hall, would also be available to the local community for weekend and evening use. The school would employ 40 full time and 10 part time staff.
5. There is little detail in the application about the proposed community use of the school.
6. There are details of the lighting proposed for the MUGA or car parking, and the paved areas, which would consist of lighting affixed to the school building, bollard lighting and lamp standards. There is no plan to show location of the proposed lighting. It is proposed that the lighting shall be controlled to operate between 07.00 and 23.00 each day.
7. The southern half of the school site has a covenant restricting the area for sports provision only, and so this has required the school building to be placed on the northern part of the site. This is generally in keeping with the masterplan for the site.
8. The building has also been placed at a suitable distance from the A41 to avoid the impact of noise from the traffic on the road.
9. Landscaping and parking would lie between the main school building and the neighbouring housing. There are 57 car parking spaces plus 3 disabled and 3 mini-bus spaces, and 82 bicycle parking spaces proposed.
10. A Multi Use Games Area (MUGA) would be located between the school buildings and the A41.
11. The school would provide just over 5,600m<sup>2</sup> of new gross floorspace. The building would be 3 storeys in height, and would be 12m in height to the roof at its highest point, but up to 14m in height including the plant and flues on the roof. The teaching block would be the nearest part of the school building to the housing, and that would be 11m to the

roof. The nearest property would be 16m from the school boundary and 42m from the school building.

12. The school would be predominantly brick and render on the main school building, and brick and standing seam cladding on the main hall, drama room and main hall.
13. There would be hard and soft landscaping including block paving, tarmac, gravel, hedging and other planting. The school site would be fenced with weldmesh and bow top fencing ranging from 1.5 to 2.1m. in height.
14. The proposed development includes the following environmental features: efficient materials and glazing, solar heat gain, energy efficient plant, night purge cooling strategy, wind scoops to provide natural ventilation, use of LED lighting, low water use fittings, and a small area of solar panels.
15. The application contained a reference to a contaminated land survey, but this was not included in the application. Since the submission of the application, the material to which the concern of contamination was related, has been removed. New clean material will be brought on to the site as part of the existing overall outline permission.

## **Part 2 – Other Viewpoints**

### **Representations**

16. There have been 19 third party representations, of which 15 have objected to the proposed school. The following issues were raised:
  - Traffic generation from parents dropping off children.
  - Congestion caused by buses at the school entrance.
  - Air pollution caused by the traffic congestion.
  - Sustainable Urban Drainage needs to be carefully considered.
  - School building too close to the housing.
  - The fumes from the A41 for those using the sports facilities is a concern.
  - The number of car parking spaces at the school is a concern.
  - Bin storage is too close to the residential properties.
  - Planting is insufficient to hide the car park on the school site.
  - Car parking and minibus parking is too close to the housing.
  - The land is poor quality for sports fields and will require a lot of maintenance.
  - The main entrance should be wider.
  - There would be an overspill of pupils into the residential areas.
  - The entrances would lead to a use of the cul-de-sacs which are currently private roads. These would normally become adopted roads once the development was completed.
  - Light pollution to the housing from the school.

- Concerns over the noise and disruption from the use of the school at weekends and in the evenings.
  - Insufficient parking for visiting sports teams.
  - Overlooking from the main school building.
17. Some responses were supportive of the school, even though they objected to the way in which the school had been designed, and some expressed disappointment that the issues raised at the local public consultation exercise were not listened to.

### **Consultations**

18. Cherwell DC (Planning) – no objection, but concerned about the location of the bin store, and that the location of the entrances would encourage the use of the unadopted private roads near to the school.

19. Cherwell DC (Environmental Protection Team) – no objection but makes the following comments in relation to odour and air quality:

Odour: No comments, but the nearby sewage works and chicken farms could on occasion produce odour that may affect the proposed development.

Air Quality: notes the residents' concern about the sports field, but the pollutants would not be of a level that would cause a long term health impact.

20. The Environment Agency - no objection.

21. Natural England – no comments.

22. OCC Highway Authority – No objections but makes the following comments:

- A travel plan monitoring fee of £2040 will be required for this application
- The main access would be taken from Hexham Road which is currently prone to having vehicles parked on the approach to the development access, which would make coach manoeuvring impossible. Double yellow lines should be marked there to prevent resident parking.
- Parking space provision is justified based on the projected staff numbers.
- Parents dropping off and picking up on Whitelands Way would be a problem.
- The car park layout has insufficient space for the minibus to swing into the spaces.
- Concerned that the coach drop-off area can accommodate 6 coaches. This should be clarified and supported by swept path analysis.

- Concern about the crossing of the footpath and the need to extinguish a right of way along the footpath while the development is taking place.
- The construction transport management plan is sufficient.

The following conditions are requested:

- Prior to commencement of development, a revised parking plan to accommodate the manoeuvring and parking of mini-buses to be submitted and approved.
  - Prior to the commencement of the development full details of how a 15m long coach would access the respective allocated parking/drop-off spaces on site shall be submitted and approved.
  - Prior to the commencement of any part of the development hereby approved within 10m of the existing public footpath(s), the affected footpath(s) shall be improved and protected in accordance with details to be submitted and approved.
  - A School Travel Plan will be required within 3 months of the 1st intake of pupils.
23. OCC Archaeology – no archaeological constraints.
24. OCC Rights of Way – no objection, but the adjoining footpath should be made suitable for adoption.
25. OCC Protected species officer – no objection subject to the installation of swift boxes.

### **Part 3 – Relevant Planning Documents**

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

26. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
27. The relevant Development Plan policies are:

Cherwell Local Plan 2031 (CLP) Policies:

PSD 1: Presumption in favour of sustainable development.

BSC 7: Meeting Education Needs

BSC 12: Indoor Sport, Recreation and Community Facilities

ESD 1: Mitigating and Adapting to Climate Change

ESD 2: Energy Hierarchy and Allowable Solutions

ESD 3: Sustainable Construction

ESD 7: Sustainable Drainage Systems (SuDS)

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the Built and Historic Environment

Bicester 3: South West Bicester Phase 2

Saved policies of the Cherwell Local Plan 1996 (CLP1996):  
TR7: Development attracting large numbers of vehicles  
C31: Compatibility with residential areas  
ENV1: Development likely to cause pollution

28. 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.

Cherwell District Council is preparing a Part 2 to the Adopted Cherwell Local Plan 2011-2031 which will contain non-strategic site allocations and development management policies. An issues consultation was held in early 2016. This plan is at an early stage and there are not yet draft policies to consider.

#### • Part 4 – Analysis and Conclusions

##### **Comments of the Director for Planning and Place**

29. The CLG letter to the Chief Planning Officers dated 15 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 school 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.

30. Policy PSD 1 of the CLP set out the presumption in favour of sustainable development. It states that a positive and proactive approach will be taken. This reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy BSC 7 of the CLP adds that there is a need to ensure that facilities are provided to meet education need, and that they should be located in sustainable locations.
31. The proposed development would provide for the education needs of the new development by providing an accessible, local school for the new community as set out in the masterplan forming part of the outline planning permission for the Kingsmere development.
32. The development is therefore in accordance with policy BSC 7 of the CLP, and in accordance with policy PSD 1 of the CLP and should be granted planning permission unless there are overriding policy or material reasons not to. The main issues for this application are: design, effect on local amenity, and transport.

#### Design

33. Policy Bicester 3 of the CLP sets out the overall aims for South West Bicester which includes 726 homes, two primary schools and a secondary school. The secondary school permission has been granted in outline for the site of this application. The proposal is therefore in accordance with the overall policy for this new development in Bicester.
34. Policy ESD 15 of the CLP states that new development will be expected to complement the character of its context, and that all new development should meet high design standards. Policy ESD 13 of the CLP seeks to protect and enhance local landscape character, particularly in urban fringe locations such as this.
35. The proposed development has been accepted in principle by the granting of the outline planning permission for the school site. The location of the school building respects the positioning of the school building on the site as set out in the masterplan from the outline planning permission, but it does not have the hard edge and landmark buildings as set out in the master plan. Nevertheless, the design principles of the school have led to a design that fits well on the school site and relates well to the housing.

36. Concerns have been raised and alternative layouts have been suggested by local residents. These include locating the school building away from the housing and nearer to the road, and having alternative access roads across the school fields. The design of the school has been to keep the school building away from the noise of the A41, and has kept the school playing field open in accordance with the covenant on the land. In any event, the committee must determine the application before it. In this case the school is intended to serve the local area, and it faces on to that area and relates well to it.
37. The main school building would be 3 storeys which is higher than the neighbouring housing, but there are three storey dwellings in the wider development. The building would be 46m from the nearest residence which is sufficiently distant from the neighbouring houses, that the development would not be overbearing in terms of massing.
38. The public elevation of the building would be a mix of brick and render that would be in keeping with a school building that would be an important building in the neighbourhood. The sports hall, drama room and main hall are less attractive, having large areas of standing seam cladding, and they are placed on the less public face of the school.
39. Policy ESD 1 of the CLP seeks measures to mitigate climate change. Policy ESD 2 of the CLP seeks a reduction in carbon emissions by: reducing energy consumption, giving priority to decentralised energy systems and by making use renewable energy. Policy ESD 3 requires all development to be of sustainable construction including minimising energy use, reducing waste and reducing the impact on the environment.
40. The proposed school would mitigate climate change by using energy efficient materials and glazing. It would make use of solar heat gain for heating, and night purge cooling and wind scoops for ventilation. Energy use would be reduced by the use of LED lighting energy efficient plant. Some energy would be produced through a small area of solar panels. Water would be conserved by installing low water use fittings.
41. The proposal is therefore of a good design both in terms of appearance and in terms of the environmental performance of the building, and as such complies with the policies relating to design.

#### Effect on Local Amenity

42. Policy C31 of the CLP1996 states that any development not compatible with the residential character of the area, or that would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted. Policy ENV1 of the CLP1996 further states that development likely to cause detrimental levels of noise or other types of environmental pollution will not normally be permitted.



43. The proposed development is for a school, which is not only compatible but necessary for a successful housing development. It is 46 metres away from the nearest residential property and it is not considered that it would be overbearing or cause an unacceptable level of nuisance in the area. The outline planning permission for the area includes a secondary school in this location and there is nothing to suggest the school as proposed in this application would produce any more noise or environmental pollution than would normally be expected from a secondary school. The proposed development is not therefore considered to be contrary to policies C31 or ENV1 of the CLP 1996.
44. Community use is mentioned in the application, but there is no detail as to what those uses might be. A condition should be attached restricting the hours of the community use of the school site to 10.00 pm on Mondays to Saturdays, and to 6.00 pm on Sundays, in order to ensure that the use does not continue into unsocial hours.
45. A condition should also be attached such that no external lighting can be erected and used until a scheme of lighting has been submitted to and approved by the Local Planning Authority. That scheme of lighting should include hours of operation, that should be linked to the hours of use for the school.
46. There were concerns raised by local residents about the effects of air pollution on the children using the hockey pitch while they are using the sports field. NPPF paragraph 109 states that, among other things, the planning system should prevent new development from being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. The District's Environmental Protection Team has stated that the levels of air pollution in such a location would not be unacceptable.
47. Concerns were raised by Cherwell District Council in respect of the location of the bin store. A condition could be included stating that the location and design of the bin store be agreed prior to first occupation of the school.

#### Transport

48. Policy TR7 of the CLP 1996 states that development that would attract large numbers of cars onto unsuitable minor roads will not normally be permitted.
49. A travel plan monitoring fee has been requested for this application which would need to be secured by way of a Unilateral Undertaking, and any permission given would be subject to such an agreement.
50. The County as highway authority has recommended that double yellow lines be painted on the area by the main entrance where the buses turn

at the main entrance. This could be secured by a planning condition if reasonably within the control of the applicant to deliver, but it would need to be enforced, could equally apply to the buses as to the cars and would not be legally enforceable by the parking authority unless the highway was adopted. I therefore suggest that instead, an informative setting out the highway concerns be included to any permission.

51. In order to ensure sufficient manoeuvring for a minibus within the car parking area, a condition could be attached to any permission requiring the submission and approval of parking details prior to the construction of the car park.
52. I do not think it would be reasonable to attach a prior commencement condition for the details of the 15m long coach parking and drop off spaces for this application. The works have been carried out as part of the wider permission for the Kingsmere development, in accordance with planning permission 09/1528/REM, and the land is not in the control of the applicant. That being the case, it is a matter of whether the concerns over the access is such that planning permission should be refused for this application. Given the strong steer from central government, I am inclined to the view that it would not be an overriding reason for refusal. Nevertheless, an informative could be attached that raises the concerns of the County as Highway Authority.
53. A condition requiring that no development within 10m of the existing public footpath be carried out until details of how the footpath will be protected has been submitted and approved, could be attached as requested by the County Council as Highway Authority.
54. The school is likely to attract cars to the area during the school run but the school is intended to serve the new local community and therefore it would be hoped that the majority of pupils, who would be of secondary school age, would be able to walk or cycle to and from the school. However, the master plan in its formulation would have taken into account the routes to the school and that has now been approved. A travel plan should however be put in place prior to the opening of the school to ensure that use of the pedestrian and cycling modes is encouraged as much as possible.
55. Concerns have been raised by local residents that the locations of the school entrances are such that they would encourage the use of the cul-de-sacs near to the school site which are currently private roads.
56. The routes to the school would be easier if the development around the school is of a permeable urban design, and this would be the effect if the cul-de-sacs become adopted and there is a way through at the end of the cul-de-sacs for pedestrians. This would be negated if the roads are to remain as private roads. If the roads do remain private, and do not become adopted, the owner of those streets would have the right to

take measures to stop them being used as through routes without consent. The accesses to the school would still be possible from the main entrance and the cycle way. Although it might cause desire lines through the cul-de-sacs, that in itself would not be sufficient reason to restrict the accesses to the school site. The school travel plan should however take into account the routes that can lawfully be taken to the school.

57. The proposal, with the condition outlined above would comply with the transport policies in the development plan.

#### Other Issues

58. Policy ESD 7 of the CLP requires sustainable drainage systems for all developments. The proposed development includes a sustainable drainage scheme with the application and so complies with the policy.
59. Policy ESD 10 of the CLP seeks a net gain in biodiversity. The application is on a site that has been considered as part of a wider development which has been determined against this policy. The site currently has very little biodiversity value, and that would not be significantly altered by the proposed development. A condition could be attached to a permission requiring some bird boxes in line with advice from the County's Protected Species Officer would lead to a net gain in biodiversity, and would comply with policy ESD 10.
60. Policy BSC 12 of the CLP states that community facilities will be encouraged to enhance the sustainability of communities. The proposed school would also provide community facilities and would therefore comply with policy BSC 12.

#### Conclusions

61. The proposed development would allow the provision of an essential community facility as part of a new housing development. The proposal would not have any impacts that would override the presumption in favour of sustainable development, the government support for state schools, and the policies for education provision in the development plan, and the proposal should therefore be permitted, subject to the conditions outlined in the report, without delay.

#### Recommendation

62. **It is RECOMMENDED that subject to a Unilateral Undertaking to pay £2,040 for travel plan monitoring that planning permission for application no. R3.0003/18 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 the first occupation of the school buildings, a school travel plan shall be submitted to and approved by the County Planning Authority.**
- IV. **The approved travel plan to be implemented within three months of the school's opening.**
- V. **The community use of the school premises including the associated use of any external lighting shall be only between the following hours:  
07.00 – 22.00 Monday to Saturdays and  
07.00 – 18.00 on Sundays**
- VI. **No external lighting shall be erected and used until a scheme of lighting has been submitted to and approved by the County Planning Authority**
- VII. **No development other than groundworks and landscaping shall take place until a scheme showing the type and location of bird boxes has been submitted to and approved by the County Planning Authority. The agreed scheme shall be implemented thereafter.**
- VIII. **Prior to the construction of the car park, a detailed layout shall be submitted to and approved by the County Planning Authority.**
- IX. **Prior to first occupation of the school, the location and design of the bin store shall be submitted and approved. The agreed scheme shall be implemented.**
- X. **No development shall take place within 10m of the existing public footpath, until details of how the footpath will be protected has been submitted to and approved by the County Planning Authority.**

SUSAN HALLIWELL  
Director of Planning and Place

March 2018

#### 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. The applicant has been advised of concerns raised by the Environment Agency, Cherwell District Council and local residents. This has given them the opportunity to provide additional information, particularly on concerns initially raised by the Environment Agency with regard to contaminated land which led to that objection being removed.

#### Coach Circulation Space

Concerns have been raised by the County as Highway Authority as to the possible problems for coaches turning in the area provided for in the outline planning permission if residents park their vehicles in the turning area. The applicant might wish to approach the Highway Authority about parking restrictions once the road has been adopted.