

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 15 July 2019

By: Director for Planning & Place

Development proposed:

Full permission for the development of a new 1FE primary school including nursery and SEN provision with details of vehicle access, hard and soft landscaping, car parking, cycle and scooter parking, external play areas, external lighting and boundary treatments

Divisions Affected: Banbury Grimsbury & Castle

Contact Officer: Naomi Woodcock **Tel:** 07754 103464

Location: Land of Southam Road, Banbury, OX16 1ST

Application No: R3.0034/19 **District Ref:** 19/00642/OCC

Applicant: Oxfordshire County Council

District Council Area: Cherwell

Date Received: 15 May 2019

Consultation Period: 11 April 2019 – 7 May 2019

Recommendation:

The report recommends that the application be approved

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Part 1 –Facts and Background

Location (see Annex 1 site plan)

1. The application site is located at the northern edge of Banbury. It lies 1.2 miles¹ north east of Banbury Town Centre and 270 metres southwest of the M40.
2. The site lies 60 metres east of the A423 Southam Road.

The Site and its Setting (see Annex 1 site plan)

3. The application site comprises 2.2ha of open grassland which was subject to farm tenancy until 2013.
4. There is mature vegetation on the southern and western site boundaries.
5. The application site is immediately bounded by residential dwellings except for an area of open space to the west
6. The nearest residential dwellings are located 11m to the south, 18m to the east and 10m to the north.
7. The application site forms part of the Hardwick Farm, Southam Road (East and West) site, which is identified in the Cherwell Local Plan 2031 as Strategic Development: Banbury 2 (BAN2).
8. The strategic BAN2 site comprises approximately 25ha of development to the east of Southam Road and approximately 7ha of development to the west of Southam Road.
9. The development to the west was granted outline planning permission in 2018 for 90 residential units, Class A uses and Class D1 use² but does not appear to have been implemented.

Relevant planning history

10. The application site forms part of the Hanwell View Housing Development which was granted outline permission³ by Cherwell District Council on 18th December 2013 for the demolition of existing structures; development of up to 510 residential units (Use Class C3), D1 education use, with associated access, landscaping/open space, parking and related works.
11. All matters other than access were reserved. However, the submission included indicative layouts and design principles for the proposed development.

¹ All distances are approximate.

² See Cherwell District Council planning reference 18/00273/OUT.

³ Cherwell District Council Planning reference 13/00159/OUT

12. Much of the housing appears to have been built. The D1 education use is for primary school which is yet to be built. Similarly, a football pitch (to be located between Southam Road and the western boundary of the application site) is yet to be created.
13. Condition 1 of the 2013 outline permission requires the submission of full details of the layout, scale, appearance and landscaping.
14. Condition 2 of the 2013 outline permission stipulates that an application for the approval of the reserved matters shall be made no later than the expiration of 18 months of the date of the 2013 permission. The period for making an application for the approval of reserved matters relating to the new school has now lapsed.

Details of the Proposed Development

15. The Design & Access Statement explains that the principle of the construction of a new school was agreed when outline planning permission was granted in 2013.
16. This application seeks permission for the construction of a new 1FE primary school to complement the surrounding Hanwell View housing development. It is anticipated that the new school will provide places for 270 pupils (60 nursery places and 210 places in reception - year 6) with 30 pupils per class.

Construction of a 1FE primary school building

17. The new school building would be predominately 2 storeys in height, and would have a gross internal floor space of 1,655m² (gross external floor space of 1,800m²) comprising:
 - Classrooms (including nursery classrooms);
 - Group rooms;
 - Staff offices;
 - Workrooms
 - Hall
 - Kitchen;
 - Cloakrooms; and
 - A plant room.
18. The school building would be centrally located in the eastern section of the application site.
19. The building would have a flat roof design with 1.1 metre high parapets.
20. At ground floor level the brick-built building would have buff bricks above a flush plinth of dark brick. At first floor level the walls would be finished in off white render.
21. Red cladding is proposed to the external walls of the entrance lobby with signage above the entrance door.

22. High level louvres would be integrated into the aluminium windows. It is proposed that the windows would be bronze/beige in colour.
23. A continuous glazed canopy is proposed along the western elevation to provide a covered outdoor area for the Key Stage 1 classrooms and to create the opportunity for a covered external dining area outside the school hall. Three glazed canopies are also proposed along the eastern elevation just outside the nursery classrooms and the foundation stage reception.
24. The Design & Access statement explains that the design of the building has been developed to meet the principles of BREEAM (Building Research Establishment Environmental Assessment Method) targets of 'Very Good' and would incorporate various sustainable features including:
- Hybrid ventilation system which utilises natural ventilation and incorporates heat recovery;
 - Local temperature and ventilation controls;
 - Daylight linking and dimming controls with manual overrides;
 - Fully comprehensive metering, energy monitoring and report system interlined with the building energy management system; and
 - Use of high efficiency quick recovery units to provide hot water.

Construction of external play areas

25. It is proposed to construct a 20.25m x 35.5m hard games court with a tarmac surface in the south west corner of the application site.
26. An external hard foundation stage hard play area with tarmac surfacing is proposed immediately east of the foundation stage classrooms. Further external hard play areas with tarmac surfacing are proposed immediately north and west of the school building.
27. A large grassed area is proposed adjacent to the school's northern site boundary and north of the hard games court. A tarmac footpath leading from the school building to the north west site boundary would divide the grassed area into two sections.
28. Overall the external play provision for the 1FE school would comprise:
- 7,615m² soft PE⁴;
 - 3,605m² soft informal⁵;
 - 715m² Hard PE⁶; and

⁴ Soft PE include sports pitches laid out to suit school preferred team games including winter pitches and summer pitches. As well as the grass pitches, the area may also include all weather pitches and other soft-surfaced facilities that can provide for the PE and sports provision. Source: Area guidelines for mainstream school Building Bulletin 103 dated June 2014.

⁵ Soft Informal and Social Play area are a variety of informal and social areas created to suit the learning development and cultural needs of pupils during breaks as well as before and after school, and for a range of more formal curriculum needs. These will include soft-surfaced, usually grassed, areas and hard-surfaced courtyards, paths and playgrounds. Source: Area guidelines for mainstream school Building Bulletin 103 dated June 2014.

⁶ Hard PE areas are for PE and team game areas and includes a porous macadam multi-use games area and further tennis/netball courts in larger schools. Source: Area guidelines for mainstream school Building Bulletin 103 dated June 2014.

- 543m² Hard informal⁷

29. The foundation stage external play provision would comprise:

- 490m² soft informal; and
- 420m² hard informal.

Access, Bicycle, visitor and staff car parks and bin store

30. It is proposed to create the following access points to the school site:

- Northern pedestrian/cycle/maintenance vehicles access close to the north west corner of the site;
- Reception access along the eastern site boundary, close to the north east site boundary;
- Eastern pedestrian and cycle access, south of the reception access; and
- Vehicular access, south of the eastern pedestrian and cycle access.

31. Cycle parking would be provided on the school site close to the northern access point. Additional cycle parking would be provided to the south of the school building.

32. A tarmac parking area facilitating 22 standard parking bays, 2 disabled bays and 1 motorcycle bay would be provided in the south east corner of the school site.

33. A bin store would be created at the western end of the parking area, immediately adjacent to the hard games court and west of the southernmost cycle parking area.

External Lighting

34. Wall mounted lights are proposed along each elevation of the school building. A total of 15 lights would be installed. The external lighting plan submitted with the application illustrates that there would be no light spillage outside of the school site from these lights.

35. 11 lights mounted on 4m high lighting columns would be installed in the following locations:

- 4 along the path between the school building and the northern site entrance;
- 3 between the eastern pedestrian entrance and the bin store; and
- 4 in the vehicular parking area.

36. The external lighting plan illustrates that there would be a maximum light spillage of 1 lux into a courtyard style residential parking area immediately south of the site.

⁷ Hard Informal and Social Play are hard-surfaced playgrounds for the encouragement of healthy, active, creative outdoor play, as well as for more formal learning activities including outdoor study groups and for pupils to engage in outdoor art, theatre, dance and design. Source: Area guidelines for mainstream school Building Bulletin 103 dated June 2014.

Community Use

37. The application explains that the opportunity would be taken to make the school hall and sports pitches accessible to the community outside of school hours
38. The applicant explains that the S106 Agreement associated with the surrounding Hanwell View housing development details the maintenance, management and community use of the sports pitches.

Fencing

39. A 4m high weldmesh fencing with double gates would be installed immediately east of the hard games court providing access to the car parking area. The northernmost half of this fence line would have timber inserts incorporated into the design of the weldmesh fencing.
40. The application also seeks to erect the following fencing and gates on the school site:
- 1.5m high bow top fencing and double gates to prevent access to the school playing fields from the reception site access;
 - 1.5m high bow top fencing between the eastern site boundary and the foundation stage classrooms;
 - 1.8m high bow top fencing with double gates between the eastern pedestrian site access and the school building;
 - 1.8m high bow top fencing running from the parking area to the eastern site boundary; and
 - 1.8m high close board timber fence is proposed around the bin store.

Landscaping

41. 17 new trees would be planted on the application site, 11 of which would be planted close to the eastern site boundary. 3 would be planted along the western site boundary and 3 in the north west corner of the site.
42. Native shrub planting with a maximum height of 1 metre is proposed adjacent to the eastern site boundary.

Ecology

43. The application explains that suitable enhancements such as bat boxes, bird boxes and suitable habitats for invertebrates will be developed through further ecological surveys.

Revisions to the application in response to consultation responses

44. In response to Cherwell District Council's consultation response it is now proposed to change the brickwork to the ground floor of the school building from buff to red. It is also proposed to change the entrance cladding from red to green.
45. Additional tree planting is proposed to the west of Southam Road to address the local member's concerns about air quality. At the time of writing this report the applicant was liaising with the district council to establish the best location for the additional tree planting.
46. Following the 21 day consultation period, the following information has been submitted for consideration:
- landscaping scheme;
 - revised construction traffic management plan;
 - revised travel plan; and
 - revised drainage scheme.
47. Supporting information has also been submitted to demonstrate the highway infrastructure that will be in place surrounding the school site including: the location and layout of the on-street parking bays adjacent to the school site access as well as those on some of the surrounding streets, the location and layout of the coach parking bay and the location of the tactile pedestrian crossing points to be provided on the highway adjacent to the school site. This supporting information is for reference only and does not form part of the proposal.

Part 2 – Other Viewpoints

Third Party Representations

48. One third party response has been received. The response raises concerns about the impact that the development will have on the local highway network, particularly parking and congestion.

Consultation Responses

49. The consultation responses are set out in Annex 2 to this report.

Part 3 - Relevant Planning Documents

Relevant Development Plan and other policies

50. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
51. The Development Plan for this area comprises:
- i. Adopted Cherwell Local Plan 2011 – 2031 (Part 1); and
 - ii. Adopted Cherwell Local Plan 1996 (saved policies).

52. Other documents that need to be considered in determining this development include:

- i. The Government's revised National Planning Policy Framework (NPPF) was updated on 19 February 2019. This is a material consideration in taking planning decisions. The CLG letter to the Chief Planning Officers dated 15 August 2011 is also relevant.
- ii. 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.
- iii. The emerging Cherwell Local Plan (CLP) 2011 - 2031 Part 2 is also a material consideration. In this instance there are no relevant policies.
- iv. Adopted Banbury Vision and Masterplan Supplementary Planning Document December 2016 is also a material consideration. In this instance there are no relevant policies.

Relevant Policies

53. The relevant policies are:

Adopted Cherwell Local Plan 2011 - 2031 (Part 1) (CLP2031)

- BSC7 (Meeting Education Need)
- BSC12 (Indoor Sport, Recreation and Community Facilities)
- ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment)
- ESD13 (Local Landscape Protection and Enhancement)
- ESD15 (The Character of the Built and Historic Environment)
- SLE4 (Improved Transport and Connections)
- Policy Banbury 2 (PB2) (Hardwick Farm, Southam Road (East and West))

Cherwell Local Plan (Saved Policies) (CLP1996)

- C28 (Layout, Design and Appearance of New Development)
- C31 (Compatibility of proposals in residential areas)
- ENV1 (Pollution Control)
- TR7 (Minor Roads)

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The Area Guidelines for Mainstream Schools Building Bulletin 103 produced by Department of Education and Education Funding Agency dated June 2014 is also a material consideration in the determination of this application.

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

54. 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 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.

55. NPPF Paragraph 94 states that LPAs should take a proactive, positive and collaborative approach to ensure a sufficient choice of school places is available; they should give great weight to the need to create schools and work with school promoters to identify and resolve key planning issues prior to submission of applications.

56. The key policy issues to consider in determining this application are:

- i. Need for the development;
- ii. Built environment;
- iii. Local amenity impacts;
- iv. Highway impacts;

- v. Environmental impacts; and
- vi. The Natural Environment

Need for the development

57. Policy BSC7 of the CLP2031 requires the council to work with partners to ensure the provision of school facilities which provide for education.
58. Paragraph 94 of the NPPF explains that a sufficient choice of school places are to be available to meet the needs of existing and new communities and that Local Planning Authorities take a positive approach for meeting the requirement. In particular, great weight is to be given to the need to create schools through the decision on applications.
59. In my view, the proposed development accords with policy BSC 7 of the CLP2031 and Paragraph 94 of the NPPF as the proposed development would ensure the provision of school facilities which would provide for education to meet the needs of existing and new communities.

Built Environment

Design

60. Policy PB2 of the CLP2031 requires development proposals within BAN2 to comply with policy ESD15 of the CLP2031.
61. Policy ESD 15 of the CLP2031 and saved policy C28 of the CLP1996 require new developments to be sympathetic to the character of its context. In particular, it requires new development to reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette.
62. Policy ESD15 also requires development to create clearly defined active public frontages.
63. Both Cherwell District Council and Banbury Town Council have objected to the visual appearance and proposed materials for the new school building. In particular concerns were raised about the use of buff brickwork and render at 1st floor level above brick at ground floor as it gave the building a top-heavy appearance.
64. Following revisions to the application, the district council consider that full details of the render proposed to the upper level should be provided, alternatively timber should be considered. The district council maintain their concern regarding the design of the windows and request details of the shade of green proposed to the entrance cladding.

65. The applicant is currently working with the district council to resolve the design issues but the decision on whether the design is acceptable is one for this committee to take.
66. As some of the houses in the surrounding area have red brickwork, I am of the view that the use of red brickwork at the ground level would be sympathetic to the character of the surrounding area. However, to ensure that the shade of red brick is appropriate to the area, I consider that an appropriate condition should be imposed requiring the submission and approval of the brickwork. Similarly, to ensure that the render and entrance cladding is sympathetic to the character of the area an appropriate condition requiring the submission and approval of the render and cladding should be imposed.
67. Visually, the scale of the predominately two storey school building would be sympathetic to the surrounding housing development which are two and three storeys in height.
68. The siting of the school building in the eastern section of the site would maintain the openness of the western section of the site. The siting of the building close to the eastern site boundary would impact on the Wardington Road streetscape. However, given that the building would be respectfully set back from the road, I consider that the building would not be intrusive to the streetscape. In addition, the entrance cladding and the three eastern entrances would provide the development with an active public frontage.
69. I consider that subject to the imposition of conditions to require details of the materials to be used to be submitted for approval prior to the commencement of the development, this would ensure that the planning proposal accords with policy C28 of the CLP1996 and the design aims of policies PB2 and ESD 15 of the CLP2031.

Design against crime

70. Policy PB2 of the CLP2031 requires development proposals within BAN2 to comply with policy ESD15 of the CLP2031.
71. Policy ESD 15 of the CLP2031 requires new development to be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation.
72. The Crime Prevention Design Advisor is of the view that a condition should be imposed requiring the applicant to make an application for Secured by Design accreditation prior to the commencement of the development.
73. Whilst a condition cannot be attached to a planning permission requiring that approval be sought from another body, I agree that such a condition should be imposed to ensure that the proposed development accords with the security aims of policies PB2 and ESD15 of the CLP2031.

Outdoor play provision

74. The Area Guidelines for Mainstream Schools Building Bulletin 103 (BB103) produced by Department of Education and Education Funding Agency dated June 2014 sets out the recommended site area for schools.
75. BB103 explains that Soft PE includes sports pitches laid out to suit school preferred team games including winter pitches and summer pitches. As well as the grass pitches, the area may also include all weather pitches and other soft-surfaced facilities that can provide for the PE and sports provision.
76. BB103 also explain that Soft Informal and Social Play area are a variety of informal and social areas created to suit the learning development and cultural needs of pupils during breaks as well as before and after school, and for a range of more formal curriculum needs. These will include soft-surfaced, usually grassed, areas and hard-surfaced courtyards, paths and playgrounds.
77. BB013 further explains that Hard PE areas are for PE and team game areas and includes a porous macadam multi-use games area and further tennis/netball courts in larger schools.
78. BB013 also explains that Hard Informal and Social Play are hard-surfaced playgrounds for the encouragement of healthy, active, creative outdoor play, as well as for more formal learning activities including outdoor study groups and for pupils to engage in outdoor art, theatre, dance and design.
79. The minimum requirements for outdoor play for a school with 210 pupils (as provided by BB103) are set out below. The proposed play area is also tabulated below for ease of reference.

	Minimum requirement m ²	Proposed allocation m ²
Soft Outdoor PE	4200	7615
Soft Internal and Social	1325	3605
Hard Outdoor PE	715	715
Hard Informal and Social	410	543

80. Both Banbury Town Council and the local member are concerned that insufficient outdoor play areas would be provided as part of the development. In particular they are concerned that:
- The social, educational, environmental and exercise elements of play have not been incorporated into the proposals;
 - No provisions have been made for outdoor classroom area;
 - Insufficient information has been provided about the football pitch, located to the west of the application site, which would provide an additional area for sport.

81. The applicant explains that a football pitch is to be provided to the west for the application site by the housing developer as part of the approved S.106 agreement for the wider site and that it will initially be transferred to Cherwell District Council. The agent has advised that the football pitch would be leased to the school.
82. Given that the planning proposal includes hard and soft PE and hard and soft social and informal areas which do not fall below the minimum provision, I am of the view that the proposed development makes sufficient provisions for outdoor classroom areas and incorporates the social, educational, environmental and exercise elements of play. I also consider that the planning proposal accords with BB103.

Local Amenity Impacts

Residential amenity

83. Saved policy C31 of the CLP1996 seeks to ensure that new developments within existing and proposed residential areas do not cause an unacceptable level of nuisance or visual intrusion. Saved policy ENV1 of the CLP 1996 seeks to ensure that new development does not cause materially detrimental levels of noise pollution.
84. Policy PB2 of the CLP2031 requires development proposals within BAN2 to comply with policy ESD15 of the CLP2031.
85. Policy ESD15 of the CLP2031 requires new development to consider the amenity of both existing and future development, including matters of privacy and natural lighting.
86. The closest residential dwellings to the application site are located 11m to the south, 18m to the east and 10m to the north.
87. Although the precise location of the school building does not appear to be shown on the approved plans for the outline planning permission, it is believed that it is illustrated in Annex 1 Plan 2 of the S.106 Agreement titled 'Primary School Plan'.
88. In my view the proposed development would not cause an unacceptable level of visual intrusion to the surrounding residential area as the school building would be centrally located within the eastern section of the site and it would be set back from the streetscape.
89. I do not consider that the development would cause an unacceptable level of nuisance in terms of noise for residential dwellings to the east of the site as the activities which take place within the school building would occur within a controlled environment. In addition, the proposed tree planting to the east would soften any residual noise impacts. I do not consider noise to be an issue for the residential dwellings to the south of the site due to the current level of planting to the south of the site. Given that PE lessons which would take place on the

northernmost grassed area would take place within a controlled environment, and that pupils would only be playing in this area for a relatively short period of the day, I am of the view that the noise levels would not cause an unacceptable level of nuisance or materially detrimental noise pollution.

90. In terms of privacy and natural lighting, I do not consider that the proposed development would impact on the amenity of residential dwellings to the north, east or south of the application site as the school building would be centrally located within the eastern section of the school site and set back from the northern, eastern and southern school site boundaries.
91. I am therefore of the view that the planning proposal complies with planning Saved policy C31 of the CLP1996 and accords with the aims of policies PB2 and ESD15 of the CLP2031 in the consideration of amenity impacts and saved policy ENV1 of the CLP1996.

Lighting

92. Policy PB2 of the CLP2031 requires development proposals within BAN2 to comply with policy ESD15 of the CLP2031.
93. Policy ESD15 seeks to limit the impact of light pollution from artificial light on local amenity.
94. Cherwell District Council comment that consideration needs to be given to the hours of the operational use of the lighting.
95. In my view the external lights on the school building and lighting columns should be switched off when they are not in use to limit the impact of light pollution on local amenity. As no information has been provided about the hours of use or the control of the lights, I consider that a suitable lighting condition should be imposed.
96. There would be a maximum light spillage of 1 lux into a lit courtyard style residential parking area to the south of the site. I consider this level of light would have minimal impact on local amenity (e.g. impairing sleep), particularly given the mature trees on the southern site boundary.
97. I therefore consider that subject to such a condition, the proposed development accords with the aims of policies PB2 and ESD15 of the CLP2031 in terms of limiting the impact of light pollution.

Community Use

98. Policy BSC12 of the CLP2031 encourages the provision of community facilities to enhance the sustainability of communities.
99. Banbury Town Council has raised concerns about the maintenance of the community facility. They also comment that the 'proposals for site access show

that the hard court (or MUGA) would be used for overspill car parking which would not be appropriate to service the local community.'

100. The applicant explains that the hard-court area, to which the Town Council refers, is not included in the calculations in paragraph 79 above as the area falls outside the application site and is to be provided as part of the Hanwell View housing development. The details pertaining to the maintenance of this community facility are provided within the associated S.106 agreement.
101. I do not consider the issues raised about community use and maintenance to be a material consideration in this planning application as this falls outside this application and is covered by an existing S.106 agreement in any instance. Therefore, it would be unreasonable to place a burden relating to the maintenance of community use sporting facilities on the applicant.
102. As insufficient information has been provided about community use of the sport hall, it is difficult to establish whether this facility would enhance the sustainability of the community. Subsequently, I consider it necessary to impose a condition requiring the submission of full details of the use of the sports hall by the community. Subject to such a condition, I am of the view that the proposed development accords with policy BSC12 of the CLP2031.

Highway impacts

103. Saved policy TR7 of the CLP1996 explains that development that would regularly attract large number of cars onto unsuitable minor roads will not normally be permitted.
104. Policy SLE4 of the CLP2031 seeks to ensure that development proposals facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
105. Paragraph 109 of the NPPF explains that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
106. A public response is concerned that the school will attract large volumes of traffic onto unsuitable roads which will in turn rapidly deteriorate the condition of the road.
107. The public response also raises concerns about insufficient parking for parents and the impact that this could have on grass verges. Concern is also raised about parking associated with the football pitch to be located to the west of the application site.

108. Transport Development Control consider that a significant number of trips to and from the school can be made by sustainable modes as the school is intended to serve the wider BAN2 development, which is internal to the site.
109. Transport Development Control recognise that very localised short-term congestion on the streets directly adjacent to the school could be expected during school peak periods. However, they consider it unlikely to lead to traffic impacts on the wider highway network and subsequently is unlikely to lead to significant safety concerns. As such they do not consider the traffic impact to be 'severe.'
110. Transport Development Control also comment that the revised school travel plan does not address all of their initial concerns.
111. Given that a significant number of trips to and from the school site can be made by sustainable modes, I do not consider that the planning proposal is in conflict with policy TR7 of the CLP1996.
112. However, as the revised school travel plan does not yet address all of Transport Development Control's concerns, I am not confident that the development would adequately facilitate the use of sustainable modes of transport to make the fullest possible use of walking and cycling. To ensure full compliance with policy SLE4 of the CLP2031, I consider it necessary to impose a condition requiring the submission, approval and implementation of an updated School Travel Plan. I also consider it necessary for the applicant to make a financial contribution, through a Unilateral Undertaking, so that the travel plan can be monitored.
113. I consider that that planning proposal accords with paragraph 109 of the NPPF as the school would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe and would then comply with policy SLE4 of the CLP2031.

Environmental Impacts

Air Quality

114. Policy ENV1 of the CLP 1996 explains that development which is likely to cause materially detrimental levels of fumes or other type of environmental pollution will not normally be permitted.
115. The Environmental Protection officer is of the view that there will be no major air quality impact on the school from the road as stated in the Air Quality report provided with the application.
116. I consider that the development proposals do not conflict with the aims of policy ENV1 of the CLP1996 as the application site would be used for educational and leisure purposes. It is therefore unlikely that the site would emit materially detrimental levels of fumes or other type of environmental pollution.

117. The M40 runs to the north and north east of the application site and is accessed via Hennef Way which lies 1 mile south of the application site.
118. The A423 Southam Road runs northwards from Hennef Way, past the application site and then crosses over the M40. The point where Southam Road crosses the M40 is 0.2 miles north from the northern site boundary.
119. The local member comments that Southam Road is to have north facing slip roads onto/off the M40. When the highways works are completed this road will have very heavy traffic congestion just like Hennef Way, so children playing outdoors will be exposed to high levels of Nitrogen Dioxide'.
120. Transport Development Control are of the view that traffic flows on Southam Road will increase once the highway works are completed. However, they do not consider the traffic conditions to be comparable to the congestion currently experienced on Hennef Way.
121. Transport Development Control comment that the highway scheme would divert some trips towards the M40 (northbound) from Hennef Way onto Southam Road, but it is expected that Southam Road would continue to have free flowing traffic and that the impact on air quality on Southam Road would therefore not be comparable to that on Hennef Way.
122. The local member has confirmed that the planting of additional trees to the west of the external games court would address her concerns about air quality and the applicant has agreed to provide this. Discussions are currently taking place between the applicant and the district council to establish the best place for the additional tree planting. It is likely that an area to the west of the application site will be chosen.
123. In terms of air quality, I am of the view that the planning proposal does not conflict with the aims of policy ENV1. A condition requiring additional tree planting is therefore not necessary to make the application acceptable in planning terms. In addition, a tree planting condition for air quality purposes would not be relevant to the development being proposed as conditions should not be imposed for issues which are not created by the proposed development. However, the landscape impact of the development is discussed below and such planting could be incorporated as part of the detailed scheme to be submitted for approval to any planning permission granted.

Drainage

124. Policy ESD7 of the CLP2031 requires all development to use sustainable drainage systems (SuDS) for the management of surface water run-off. Policy ESD 7 of the CLP2031 explains that SuDS will require the approval of Oxfordshire County Council as LLFA.

125. The County Council as Lead Flood Authority considers that the revised drainage proposals are not in line with the Oxfordshire Local Standards and that more SuDS measures are required.
126. I consider that a suitably worded condition requiring the submission of a surface water drainage scheme should be imposed to ensure that the planning proposal complies with Policy ESD7 of the CLP2031.

Natural Environment

Biodiversity

127. Policy ESD10 of the CLP2031 seeks to ensure that development proposals incorporate features to encourage biodiversity.
128. Banbury Town Council and the Protected Species Officer have raised concerns about the lack of information relating to the incorporation of biodiversity features into the planning proposal.
129. The Protected Species Officer suggests the imposition of conditions to cover integrated bat boxes, integrated bird boxes and access holes for hedgehogs.
130. I agree with the comments made by Banbury Town Council and the Protected Species Officer and consider it appropriate to impose biodiversity enhancement conditions to ensure that the proposed development accords with policy ESD10 of the CLP2031.

Landscape

131. Policy ESD13 of the CLP 2031 requires new development to respect and enhance local landscape character.
132. Policy PB2 of the CLP2031 requires new development within BAN2 to comply with policy ESD15 of the CLP2031.
133. Policy ESD15 of the CLP 2031 ensures that well designed landscape schemes are an integral part of development proposals.
134. The landscape specialist considers the revised landscaping scheme to be inadequate. Cherwell District Council and the town council have also raised concern about the landscaping scheme.
135. I am of the view that the revised landscape scheme is not well designed and that a landscaping condition should be imposed requiring the submission, approval and implementation of a well-designed landscape scheme which would form an integral part of the development and enhance the local landscape character. In addition, the submitted landscape scheme could incorporate additional tree planting along the western site boundary to resolve the local member's concerns about air quality.

136. I therefore consider that subject to condition, the planning application accords with the principles of Policies ESD13 and ESD15 of the CLP2031 in respect of landscaping.

CONCLUSIONS

137. This application seeks permission for the construction of a new 1FE primary school.

138. Conditions requiring details of the external materials to be used would ensure that the development is sympathetic to the character of its context.

139. The external areas to be created for soft and hard PE and soft and hard informal and social areas comply with BB103.

140. In relation to residential amenity impacts, the planning proposal complies with planning Saved policy C31 of the CLP1996 and accords with the aims of policies PB2 and ESD15 of the CLP2031 and saved policy ENV1 of the CLP1996.

141. An external lighting condition would limit the impact of light pollution on local amenity.

142. A community use scheme would ensure that the development helps to enhance the sustainability of the community.

143. The development does not conflict with policy TR7 of the CLP1996 or paragraph 109 of the NPPF. A travel plan condition would ensure compliance with policy SLE4 of the CLP2031, and so that the travel plan can be monitored a financial contribution of £1,240 should be secured through a s106 Unilateral Undertaking.

144. In terms of air quality, the proposal does not conflict with policy ENV1 of the CLP1996.

145. Biodiversity enhancements and a landscaping condition would ensure the development is in accordance with policies ESD10, ESD13 and PB2 of the CLP2031 and in line with the aims of policy ESD15 of the CLP2031.

146. As such the proposed development generally accords with the Development Plan policies, emerging policies and national government policy and guidance and is considered acceptable on its planning merits.

RECOMMENDATION

Subject to the applicant first providing a Unilateral Undertaking for the payment of the Travel Plan monitoring fee of £1240, it is RECOMMENDED that planning permission for Application R3.0034/19 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 3 to this report.

SUE HALLIWELL

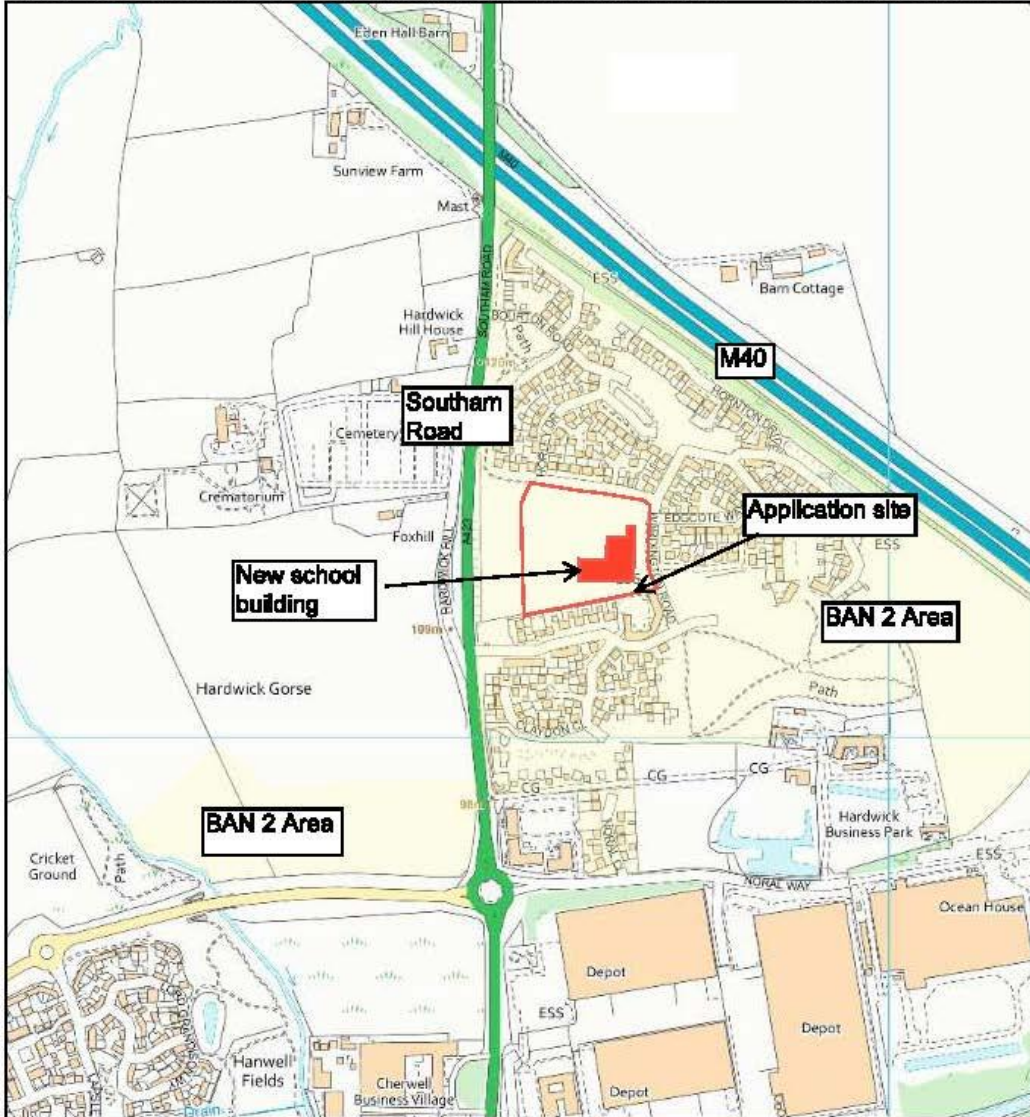
DIRECTOR FOR PLANNING & PLACE

July 2019



Annex 1: Location plan for a new primary school off Southam Road

Application No: R3.0034/19



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1:6,366

Note: This plan is indicative only. Accurate application plans can be found on the e-planning website using reference R3.0034/19.

Annex 2 – Consultation Responses

Local Member 1st response

147. Objects due to insufficient hard surface play and outdoor space for the provision of social and environmental education. In addition, this road is to have north facing slip roads off the M40. When these highways work are completed this road will have very heavy traffic congestion just like Hennef Way, so children playing outdoors will be exposed to high levels of Nitrogen Dioxide.

Local Member 2nd response

148. Objection maintained in relation to outdoor play provision for the reasons outlined by Banbury Town Council. The local member is happy to withdraw her objections if the town council's concerns are addressed. The local member confirms that the provision of additional tree planting to the west of the of the hard play area would address the nitrogen dioxide concerns.

Cherwell District Council (1st response)

149. Objects to the poor appearance of school building and the materials proposed. Suggest that consideration be given to natural ironstone or local/Banbury red brick. Use of render at 1st floor level about brick at ground floor would give the building a top heavy appearance. Consideration should be given to render at ground floor level. The fenestration is poor and would benefit from some refinement.

Cherwell District Council (2nd response)

150. The replacement of buff brickwork with red brick is welcome but the objection to the materials and fenestration is maintained. Consideration should be given to timber at upper level or additional detail should be provided about the colour and type of render proposed. The design of the windows remain a concern. Cherry red for the entrance cladding would not have been an issue – some shades of green would look poor. More information is required about the specific shade of green proposed. The development provides an appropriate balance of hard and soft surfaces. Further details of soft and hard landscaping need to be required by condition. Consideration needs to be given to the operational hours of the lighting.

The Environmental Protection Officer (Cherwell District Council)

151. 'Having read the noise report I agree with the findings and noise levels set in it which should be followed when selecting and installing plant'. I agree with the phase 2 land contamination report and all the recommendations in it should be followed. A Remediation Strategy should be provided and approved and verification report provided once works have been completed. I am satisfied

with the AQ report provided although we would like to see provision made for EV charge points on the site for staff to utilise the future potential of Electric Vehicles. There will not be a major impact on the school from the road as stated in the AQ report provided with the application.

Banbury Town Council

152. Objects the planning proposal and share the same concerns as Cherwell District Council about the visual appearance and materials. The town council raise concerns about: i) lack of details pertaining to community use; ii) insufficient provision of outdoor play space; iii) insufficient consideration given to biodiversity, landscaping and environmental issues, iv) use of the MUGA as an overflow parking area; and v) conflict between maintenance vehicles and pupils using outdoor facilities.

The Environmental Protection Officer (Cherwell District Council)

153. No comments to make on this application.

The Crime Prevention Design Advisor

154. 'Schools do tend to attract crime and anti-social behaviour (ASB), so to ensure that the opportunity to design out crime is not missed, I request that the following (or a similarly worded) condition be placed upon any approval for this application; Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority'.

Sport England

155. No comments to make on this application.

Thames Water

156. No objection to the planning proposals and request that the following informative be attached to this planning permission. 'Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development'.

Oxfordshire County Council as the Lead Flood Authority

157. No information has been provided to demonstrate the proposals are in line with the Oxfordshire Local Standards. We need to see more SuDS measures provided to serve the traffic areas at the very least, i.e. permeable paving or draining over the edge to swale and filter drains. Suggest a condition to cover

the submission, approval and implementation of a surface water drainage scheme.

The County Archaeologist

158. "The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme".

Transport Development Control (1st response)

159. Object to the planning proposal as insufficient information had been submitted about the highway infrastructure proposed at the site access. They considered that the applicant had not demonstrated safe and suitable access for all users as required under the NPPF. They comment that if permission is granted that a contribution should be made to enable the Travel Plan to be monitored for a period of 5 years following occupation. A significant number of trips to / from the school would be internal to the BAN2 site and therefore have the potential to be made by sustainable modes.
160. It is however recognised that very localised short-term congestion on the streets directly adjacent to the school within the residential development could be expected during peak pick up and drop off times. This is unlikely to lead to traffic impacts on the wider highway network and is not likely to lead to significant safety concerns in itself. As such this traffic impact could not be considered 'severe'.
161. They also comment 'it is understood that grass verges are proposed to the front of the school and adjacent to the on-street parking bays that are to be used for pick up and drop off purposes. We request that these verges are instead tarmac in order to provide a wider footway and enable suitable drop off facilities. We request an amendment to the CTMP in order to clearly ensure that construction traffic is restricted between peak network hours. Amendments to the Travel Plan for the school are required'.

Transport Development Control (2nd response)

162. Information has now been submitted which addresses this issue and therefore the Highway Authority's objection to the application can now be removed. Request a travel plan condition and a contribution for the travel plan monitoring fee. The revised Construction Traffic Management Plan addresses previous concerns and need to be adhered to for the duration of the development.

The Landscape Specialist (1st response)

163. Objected as insufficient information had been provided. 'It is considered that the landscape scheme does not deliver an attractive stimulating high-quality

environment as required by local policy and request for the design to be revised.'

The Landscape Specialist (2nd response)

164. Expresses disappointment that her previous comments on how to improve landscape design and planting have been taken into account. However, the proposed scheme will work but I remain of the view that the design is rather utilitarian and could be improved. Suggest a condition to cover the submission, approval and implementation of a hard and soft landscaping scheme.

The Protected Species Officer

165. 'There is a 'habitat area' shown on the landscape plan but other than this no ecological enhancements are detailed. Therefore, the following enhancements should also be included as part of the development: i) bird boxes; ii) bat boxes; and iii) access holes for hedgehogs'.

Annex 3 – Proposed Conditions

1. Development to be carried out in accordance with approved details, plans and drawings.
2. Development to commence within 3 years of the date of the permission.
3. Submission and approval of external building materials. Implementation of the approved details.
4. Submission and approval of an external lighting management scheme (to include hours of use and how the lights will be controlled). Implementation of the approved details.
5. Submission and approval of a Travel Plan. Implementation of approved details.
6. Submission and approval of the exact location of a bat box. Implementation of approved details.
7. Submission and approval of the location of integrated bird nesting bricks. Implementation of approved details.
8. Submission and approval of the location of access holes for hedgehogs. Implementation of approved details.
9. Submission and approval of a hard and soft landscaping scheme. Implementation of approved details.
10. Submission and approval of a feasibility report for the provision of onsite charge points for staff to utilise future potential of Electric Vehicles. If EV charge points are feasible, implementation to take place prior to the occupation of the building.
11. Submission and approval of methodology to ensure that the school building complies with Secured by Design Principles.
12. Submission and approval of intrusive investigation to establish presence of contamination. If contamination is found to be present, then a remediation strategy and/or monitoring shall be submitted for approval. Implementation of approved details.
13. Submission and approval of a community use scheme for the school hall.
14. Submission and approval of a surface water drainage scheme.

Annex 4 – European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and/ or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

The recommendation.

European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Annex 5 – Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For example, in this case we updated the applicant and the agent on the issues that arose out of the consultation period and encouraged the applicant and agent to work with the third parties (such as Cherwell District Council and the Landscape Specialist) to overcome their concerns.