

Case Officer: Bob Neville

Applicant: Mr Fraser Long

Proposal: School expansion - erection of new teaching block and main assembly hall, relocation of artificial sports pitch

Ward: Banbury Calthorpe and Easington

Councillors: Councillor Clarke, Councillor Mallon and Councillor Mepham

Reason for Referral: Major development - Site area 6.6Ha with 2,440 sq m (GIA) of new floor space

Expiry Date: 8 April 2021

Committee Date: 11 March 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to Blessed George Napier Catholic School, Sixth Form and Specialist Sports College, an 11-18 academy located on Addison Road in a predominantly residential area approximately 2km (1.24 miles) to the south of Banbury centre.
- 1.2. The school is bounded to the north by existing residential properties, whilst to the east it is bounded by Easington Sports Club and residential properties. To the south and west, BGN school is bounded by Banbury Academy and the Banbury Academy playing fields. Salt Way runs across land south of the site currently with open countryside beyond; albeit that planning permission has already been granted for future development of this land.
- 1.3. The site benefits from two access points on Springfield Avenue and Addison Road. The Springfield Avenue access on the northern boundary comprises of a pedestrian access during school hours and serves as a vehicle access 17:00 – 22:00 on weekdays and all day on weekends. The Addison Road access, on the eastern site boundary, serves as a vehicle and pedestrian access point, which is used by staff and vehicles throughout the school day. The site has existing on site parking and also utilises neighbouring parking areas at Easington Sports adjacent to the east accessed off Addison Road. The site is bounded with palisade fencing and hedgerows with several trees along the western eastern and northern boundaries.

2. CONSTRAINTS

- 2.1. In terms of site constraints, there are several PRoW crossing land in the vicinity site, most notably: Restricted Byway (Salt Way) ref. 120/41/10 to the south of the school site and footpath ref. 120/44/10 to the east of the site. There are records of protected and notable species (including Pipistrelle Bats and Swifts) as being present within the vicinity of the site. Salt Way is also designated as a District Wildlife Site. Whilst the site is identified by the Environment Agency as being in Flood Zone 1 (area at lowest flood-risk level from rivers and sea) their records also show areas within the site and on adjacent land to be at low to medium risk from surface water flooding. The application site is within an area where the geology is

known to contain naturally occurring elevated levels of Arsenic Chromium and Nickel and affected by Radon Gas; as is seen in many areas across the district.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for new buildings to facilitate the expansion of the existing school to allow for additional capacity and improved facilities. The proposals include the erection of new Teaching Block, Multi-Function Hall, replacement external sports playing surfaces and on-site parking, with further playing field provision being proposed on land south of Salt Way; with associated parking, landscaping and drainage.
- 3.2. Teaching Block: 2 Storey flat roofed building finished in brick with contrasting profiled metal cladding, aluminium framed fenestration and Monodraught passive ventilation system to roof. Gross internal area (GIA) of 1526m², with roof height of 7.53m.
- 3.3. Multi-Function Hall: 2 Storey flat roofed building finished in brick with contrasting profiled metal cladding and Kingspan Micro-Rib composite cladding panels, aluminium framed fenestration and Monodraught passive ventilation system to roof. GIA of 914m², with roof height of 6.65m.
- 3.4. Parking: 49 additional car parking spaces proposed at the front (north) end of the site on area of hardstanding currently marked out for use as netball courts, with provision also made for cycle parking within this area and also along the western boundary of the site.
- 3.5. Sports Facilities:
 - Proposed all-weather replacement enclosed netball courts (x3) 55.75m x 34.5m
 - Proposed replacement all-weather replacement floodlit 3G sports pitch 95m x 60m. The proposed pitch would be lit by 10 no. LED Floodlights on 12m high lighting columns.
 - 1.855ha of additional land to be provided for use as playing field, on land south of Salt Way.
- 3.6. Amended and additional information has been received during the application in response to officer and consultee comments and concerns. Revisions notably included updated Transport Assessment and Travel Plan documents, additional drainage information and amendment to the application's site boundary to include the area of land proposed to be used for a further playing field; a full re-consultation was undertaken following the submission of this information.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
 - 95/00073/F - Erection of roof over vehicle enclosure Application Permitted. 16 February 1995.
 - 99/01627/F - Erection of 2.1metre high boundary fence around school buildings. Application Permitted 29 October 1999.

- 02/00553/F - Erection of single storey flat roof prefabricated building. Application Permitted 31 May 2002.
- 04/00931/OCC - Installation of Macadam multi-use games area (MUGA) along with 5m high chain link fence and associated floodlighting (on 12m high columns). OCC ref:C.11/04. No Objections raised by CDC 26 May 2004. Application permitted 13 July 2004.
- 04/00093/OCC - Construction of Sports Hall. No Objections raised by CDC 11 February 2004. Application permitted 14 April 2004
- 12/01541/OCC - Retention and continued use of two temporary classroom buildings for a further period of 5 years (OCC ref:- R3.0179/12). Application Permitted 8 January 2013.

Salt Way residential development

- 14/01932/OUT - Proposal: Outline - Development of up to 1,000 dwellings together with a mixed use local centre [including A1 retail up to 1,000 m2, financial services (A2), restaurants, pubs and takeaways (A3, A4, A5), community uses (D1)]; primary school and safeguarded additional primary school land; secondary school playing field land; green infrastructure including formal (including playing fields) and informal open space, landscape and amenity space; changing and sports facilities (including D2); sustainable drainage systems; highway, cycle and pedestrian routes; car parking; infrastructure (including utilities); engineering works including ground remodelling; demolition, site reclamation and removal of structures. Formation of a new roundabout access from the A361 together with associated alterations to alignment of Bloxham Road and provision of a section of link road through the site up to its eastern-most boundary. Application permitted 19 December 2019.

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

- 20/01187/PREAPP - School Expansion - construction of new teaching block and main assembly hall.

The Council advised that the applicant that, whilst there was generally support for the principle of the expansion of schools in sustainable locations, there was insufficient information provided at pre-application stage to be in position to offer support to the proposals. The main issues which were likely to arise if proposals were to progress to a formal planning application were identified as being: (i) the potential highway impacts (traffic and parking) of the proposed development; (ii) the potential loss of sports pitch provision; and (iii) it would need to be demonstrated that the proposals will not be to the detriment of the amenity of surrounding residential properties. Applicant further advised of the requirements for supporting information for any future application. Response issued 23 June 2020.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of site notices displayed near the site (Addison Road & Springfield Avenue), by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. Following the initial consultation

additional re-consultation was undertaken following the submission of revised plans and additional information in respect of transport and drainage matters during the application. The final date for comments was **05 February 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 16 letter/emails of comments and objections have been received from local residents and other third parties including the Banbury Civic Society and Salt Way Action Group. The comments raised by third parties are summarised as follows:

- Concerns that the Flood Risk Assessment does not accurately reflect the existing situation, and that existing issues of flooding would be exacerbated by the proposed development. If granted the development should be subject to '*stringent water drainage provisions*'.
- Highway safety:
 - Concerns as to whether appropriate parking provision being made;
 - Control required over drop-off and pick-up of students including coaches attending the site.
 - Sustainable transport options required; including travel arrangements and parking for staff and sixth form students.
- Concerns with regards to potential impacts on Salt Way; both in terms of access and maintaining the right of way and also protecting its ecological value
- Lack of details relating to the type of sports surface and floodlight plans and future maintenance.
- Unclear if the sports pitches will be for the exclusive use of BGN school.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: Initially raised no objection to the proposed buildings but was concerned about the impact of the increased traffic upon the local road network and congestion in nearby streets and that the Transport Assessment was not sufficiently detailed, and further highlighted the need for appropriate of potential reported flooding issues.

Following the submission of revised details acknowledged that the revised transport assessment and travel plan seem to indicate that the additional traffic impacts of this proposal can be tolerated on the existing highway network with little additional work other than opening up an access to Salt Way and improving that route. Further highlighted the need for due consideration of whether additional school buses would

be required and appropriate management of such; to avoid undue obstruction and safety concerns in Springfield Road.

OTHER CONSULTEES

- 7.3. ARBORICUTURAL OFFICER (CDC): Raises concerns with regards to the to the detail of the submitted Arboricultural Impact Assessment; considering it to have significantly underestimated the potential impacts on existing trees at the site and that revised details are required to allow for an appropriate assessment.
- 7.4. ARCHAEOLOGY (OCC): **No objections.**
- 7.5. BUILDING CONTROL: Proposals will require a Full plans Building Regulations application.
- 7.6. LAND DRAINAGE (CDC): Advised that development would require a building regulations application and a Build over agreement with Thames water if the development is near a public drainage. Raised concerns with regards the applicant's surface water drainage calculations and that they should provide evidence that the additional discharge can be accepted by Thames Water in their sewer.
- 7.7. ECOLOGY (CDC): No objections subject to conditions securing biodiversity enhancements.
- 7.8. ECONOMIC DEVELOPMENT: No comments received.
- 7.9. EDUCATION (OCC): **Supports the application** considering there to be an identified need for additional secondary school places, and that without the proposed expansion of Blessed George Napier (BGN), which is regularly over-subscribed, and that without the BGN's expansion there would be forecast shortages of secondary school places within Banbury by 2023. This would result in fewer families being able to secure a place at a school of their choice.
- 7.10. ENVIRONMENT AGENCY: No comments received.
- 7.11. ENVIRONMENTAL PROTECTION (CDC): **No objections** following the submission of further information in respect of the proposed flood lighting and proposed plant and machinery, subject to a condition requiring infrastructure being installed to accommodate Electrical Vehicle (EV) charging points to be installed.
- 7.12. LANDSCAPE SERVICES (CDC): No comments received.
- 7.13. LEAD LOCAL FLOOD AUTHORITY (OCC) (LLFA): **No objections subject to conditions**, securing specific details of the proposed drainage scheme and confirmation of implementation.
- 7.14. LOCAL HIGHWAY AUTHORITY (OCC) (LHA): **No objections subject to conditions**, in relation to: securing an appropriate Travel Plan; details of a School Bus management Plan; cycle parking provision; pedestrian and bicycle access off Salt Way and securing approval of a Construction traffic Management Plan; and further securing appropriate Travel Plan monitoring fees through legal agreement. Key points noted by the LHA include:
 - *Expansion of the school will result in additional traffic movements but these will not make a significant impact on congestion on the network.*

- *Additional drop off and pedestrian movements in Springfield Avenue has the potential to exacerbate any existing safety risk.*
- *Opening up an access onto Salt Way will be important in mitigating the safety risk and encouraging sustainable travel.*
- *The proposed increase in cycle parking is insufficient in terms of the potential for modal shift towards cycling.*
- *A strong travel plan is required to encourage sustainable travel and reduce the proportion of pupils being brought to school by private car.*

7.15. OXFORDSHIRE PLAYING FIELDS ASSOCIATION: No comments received.

7.16. PLANNING POLICY (CDC): No comments received.

7.17. RECREATION AND LEISURE (CDC): Comments on the lack of information with regards to the proposed 3G Pitch surfacing and its future maintenance; and also what the intentions are for community use and proposed hours of use. Further comments on whether there would be an opportunity to see if there is a way of creating a full-size 3G pitch on this site which would meet the needs of both the school and the community.

7.18. SPORT ENGLAND: **No objections subject to conditions**, in relation to securing: further details in respect of the proposed Artificial Grass Pitch and Multi Use Games and its future maintenance; further details in respect of the land proposed for a playing field, and also securing a Community Use Agreement for the proposed facilities.

7.19. THAMES VALLEY POLICE DESIGN ADVISOR: **No objections subject to a condition** requiring 'Secured by Design principles' being secured.

7.20. THAMES WATER: **No objections subject to conditions and informatives**. Raises no objections with regard to surface water network infrastructure capacity. However, identifies a likely inability of the existing water network infrastructure to accommodate the needs of this development proposal. Advises of the need for a condition to ensure to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015):

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC7: Meeting Education Needs
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996):

- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- TR1: Transportation Funding
- ENV1: Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 'Planning for schools development': statement (15 August 2011)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Transport and Highway safety
- Design, and impact on the character of the area
- Residential amenity
- Flood-risk and Drainage
- Sports pitch provision
- Ecology and Biodiversity

Principle of Development

Policy Context

NPPF

9.2. Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.3. Paragraph 94 of the NPPF is clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to state that Local Planning Authorities should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

9.4. The *'Planning for schools development: statement'* is also a relevant material consideration; which emphasises the government's commitment to meeting demand and providing choice and opportunity and raising standards in state-funded education (including Academies and free schools). It states the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers should support that objective.

Development Plan

9.5. Policy PSD1 of the CLP 2015 accords with the NPPF's requirement for sustainable development and that planning applications that accord with policies in the statutory Development Plan will be approved without delay.

9.6. Policy BSC7 of the CLP 2015 reflects the provisions and aims of the NPPF, acknowledging that continued provision of primary and secondary education, along with early years and lifelong learning will be required throughout the District to accommodate population growth, stating that: *'The Council will work with partners*

to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills. New schools buildings should be located in sustainable locations'.

Assessment

- 9.7. There is a need for additional facilities and capacity for educational needs as the district continues to see significant housing growth. Oxfordshire County Council (OCC) as authority for education supports the application for the BGN site noting that the school is regularly over-subscribed and that for the September 2020 intake, all 150 available places have been allocated and that the school is already operating above the capacity of its current buildings.
- 9.8. OCC identifies that demand for secondary school places in the Banbury area is expected to grow over the coming years, for three reasons:
1. Pupil numbers have already risen in the local primary schools. This is because the birth rate went up in the mid-2000s, and the extra children are now reaching secondary school age.
 2. In addition, there has been significant housing development in Banbury and surrounding villages.
 3. Further new housing is expected. Cherwell District Council's adopted Local Plan includes 7,106 new homes in Banbury between 2014 and 2031.
- 9.9. The proposals put forward on behalf of BGN, supported by OCC, looks to address the existing shortfall and potential future needs through the expansion.
- 9.10. OCC advises that admission numbers would increase from 150 to 210, and that the total capacity would increase from 847 places to approximately 1,250 places.
- 9.11. OCC further comments that: *'Without the proposed expansion of Blessed George Napier, there would be forecast shortages of secondary school places within Banbury by 2023. This would result in fewer families being able to secure a place at a school of their choice'.*
- 9.12. OCC indicates that in the longer term a new secondary school is expected to be required in Banbury to meet growing needs, and that a site for this has been identified south of the Bankside/Longford Park (area identified under Policy Banbury 12 of the CLP 2015). This site will not become available for construction of the new school until related housing development progresses sufficiently, which at this stage remains to be resolved. The timing and nature of this new school cannot therefore be confirmed at this stage, but it will not be open before the late 2020s. It would not be possible to open the new school quickly enough to avoid the need to expand Blessed George Napier.
- 9.13. In light of the above, officers consider the expansion of the BGN site to be an appropriate means of addressing the district's education needs. It is considered that the proposals can be achieved without significant detrimental impacts on either natural or built environment (discussed further in the relevant sections below) and would constitute a sustainable form of development in line with both local and national policy guidance highlighted above.

Conclusion

- 9.14. The proposals seek to expand the school in one of the District's main urban centres to meet both an identified shortfall in existing provision and potential future needs. In officers view, within the above policy context, the proposals represent a appropriate form of development and that the general principle of development in terms of the sustainability of the location can be considered acceptable, subject to further considerations discussed below.

Transport and Highway safety:

Policy Context

NPPF

- 9.15. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.16. Para. 109: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Development Plan

- 9.17. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions"*; whilst Policy SLE4 states that: *"All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported"*.

Assessment

- 9.18. In terms of assessing transport related issues and highway safety the application is supported by a Transport Assessment and Travel Plan prepared by TPS Transport Consultants. These documents have been updated during the course of the application, addressing deficiencies and a lack of information in the original submission.
- 9.19. The Local Highways Authority (LHA) has reviewed the submitted information and following the submission of revised Transport Assessment (TA) and Travel Plan (TP) documents raises no objections subject to a number of conditions looking to secure further information and ensure that appropriate control over the site is retained and further financial contribution towards the monitoring of an appropriate

Travel Plan for the school. Officers see no reason not to agree with the LHA's advice.

- 9.20. The site is located within the urban area of Banbury and a large number of pupils live within the walking and cycling catchment area. Whilst BGN is a faith school and attracts pupils from a wide area, the expansion is intended specifically to cater for the increase in population in Banbury arising from new development in the town.
- 9.21. The LHA notes that the Springfield Ave pedestrian access into the school has the tendency to become congested with pupils on foot, and combined with parent drop off in Springfield Ave, and that it is also the main access route to Wykham Park Academy (formerly Banbury School). Further noting that there is a potential safety risk to pupils crossing the road, or being hit by a vehicle as a result of stepping into the road, albeit there is not a significant record of injury accidents.
- 9.22. The LHA advises that the revised TA is robust in terms of assessment of predicted number of vehicle movements associated with the proposed expansion. It assumes the modal share would stay the same over time, given that the proportion of pupils from the Banbury area is likely to increase. (It is also hoped that the travel plan measures would persuade more local pupils to walk or cycle.) By year five after the expansion, on this robust estimate, there would be an additional 68 pupil drop offs in the local area. Some of these would be outside the peak arrival departure time, due to before and after school clubs. Using the same approach, the TS predicts there would be an additional 10 staff movements.
- 9.23. Given the likely distribution of these trips, LHA considers that the impact on nearby junctions is modest, and is not likely to have a noticeable incremental effect on queuing and delay at the junction; and that the same applies to the other junctions in the immediate area.
- 9.24. The LHA considers that a strong travel plan is required to promote walking and cycling, and to discourage parent drop off in Springfield and Addison Road and mitigate any potential increase in highway safety issues above the current situation. This would also help the development to meet the policy requirements to take full advantage of opportunities for sustainable travel and encourage sustainable travel options. Discussions around the TP have been on-going during the application and, whilst improved the revised TP still requires some additional amendments for the LHA to consider it acceptable, it is considered that appropriate details can be secured by way of condition attached to any permission given for this proposal.
- 9.25. Whilst not indicated within the application the LHA advises there may be a need for an additional school bus in the future. Buses wait in Springfield Road and have the potential to block residential accesses. The LHA advises that it should be possible to stagger the arrival and departure times, using a suitable holding area if necessary, to minimise inconvenience; and that appropriate details and such control can be secured by way of an appropriate condition.
- 9.26. Addison Road forms the only peak time vehicular access for staff and 6th form pupils (the latter group parking in the Football Club car park). An additional 49 parking spaces are planned on the site – although only 15 additional staff are expected, the current arrangement for the use of the adjacent football club car park, which is largely used by sixth formers, is informal only and could potentially cease in future. On the assumption that in the meantime, the football club car park would remain open, and that demand for car parking would fill the new spaces, there could be an increase in vehicle movements in Addison Road of 49. If spread

over 30 minutes, this would represent a noticeable increase but in the LHA's opinion, not one that could be considered severe.

- 9.27. The LHA raises concerns with regards to amount of provision for cycle parking at the site. The application (Drwg. No. 18020-BP-ZO-00-M2-A-2001 Rev P01) details, the position of the existing 44 cycle parking spaces, and the proposed new staff and pupil cycle spaces. There is a commitment to provide 30 additional pupil spaces, with space reserved for a further 20, bringing the total to 90. The LHA considers that, given the large and increasing share of pupils living more than 2km but less than 5km from the school, this does not cater adequately for a potential, desired increase in cycling, and that space should be reserved for a further 20, which would allow for an eventual 10% cycling modal share. There appears to be sufficient space between the blocks on the western boundary, which should be reserved for further additional cycle parking. Again, appropriate details in this respect could be secured by way of condition.
- 9.28. The LHA also considers it vitally important to mitigate the safety risk by opening up an access onto Salt Way, so that as many as possible of existing and new pedestrian and cycle movements use that access in preference to Springfield Road. Salt Way has the potential to collect trips from large areas of existing and new development at Bodicote, the whole of Wykham Park Farm, as well as existing and new development north of Bloxham Road. Using Salt Way would make a large proportion of many pupils' journeys traffic free.
- 9.29. The expansion onto the sports field would be compensated for by the addition of new sports pitches on the south side of Salt Way. An access route is therefore required across Salt Way, leading into the south of the school site. This is due to be provided by the Wykham Park Farm developers, but not before the sports pitch becomes available – likely to be after the expansion of the school. Appropriate control over the nature and construction of this route is required in the interests of protecting biodiversity and sustaining appropriate access along Salt Way.
- 9.30. Given the context of the site within an existing residential area it is considered necessary to secure appropriate control over construction traffic through a condition requiring approval of a Construction Traffic Management Plan; in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.
- 9.31. Paragraph 110(e) of the NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. These aims are echoed within Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the CLP 2015, which look to maximise opportunities for sustainable transport modes. Whilst no consideration appears to have been given with regards to the future need for Electrical Vehicle (EV) charging at the site, it is considered that appropriate infrastructure details could be secured through an appropriate condition; to ensure that potential future needs could be met and to comply with both local and national policy requirements.

Conclusion

- 9.32. In light of the LHA's advice, and subject to conditions and S106 contributions, it is concluded that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network, and therefore complies with Policies SLE4 and ESD15 of CLP 2015 in this regard and government guidance within the NPPF.

Design and Impact on the Character of the Area:

Policy Context

NPPF

- 9.33. The Government attaches great importance to the design of the built environment within the NPPF. Para. 124 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Development Plan

- 9.34. The aims of the NPPF are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that: *"New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages"*.
- 9.35. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.36. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Assessment

- 9.37. Views of the proposed buildings would be limited from the public domain, given the context of the site and its location relative to public vantage points. Some views would be possible from the Public Right of Ways which cross land to the east and from Salt Way to the south adjacent properties. Such views would be would be seen in the context of the existing school buildings.
- 9.38. The proposed new buildings are considered to be of a functional design and of an appropriate palette of materials that is sympathetic to the context of a school site. The external elevations are to be finished in brick and cladding and would provide a more modern contemporary contrast to the finish on the existing buildings. It is considered that the proposed buildings would not be to the detriment of the visual amenities of the wider school site and would result in no significant intrusion beyond its existing boundaries.
- 9.39. The proposed new netball courts and 3G pitch again would be within the school site and would be of a similar appearance to existing and as such would not result in any significant harm above the existing situation, sustaining the character and appearance of the site.
- 9.40. The only element that would be beyond the existing boundaries of the school site would be the proposed additional playing field south of Salt Way and the access to this part of the proposals. The principle of the use of this area for a playing field

has previously been considered acceptable in the context of the outline approval for residential development approved under 14/01932/OUT and officers see no reason to now reach a different conclusion as to the acceptability of this and any potential visual impacts of such.

Conclusion

- 9.41. It is considered that the proposed development would not be to the detriment of the visual amenities of the school site or its wider setting. The proposals are considered to sustain the character and appearance of the area and are therefore considered acceptable in this regard; according with the provisions and aims of Policy ESD15 of the CLP 2015 and retained Policy C30 of the CLP 1996.

Residential amenity:

Policy Context

NPPF

- 9.42. Para. 180 of the NPPF advises of the need Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Development Plan

- 9.43. Saved Policy C31 of the CLP 1996 requires that in existing residential areas any development which is not compatible with the residential character of the area, should not cause an unacceptable level of nuisance or visual intrusion. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.44. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution including noise and light pollution and traffic generation.

Assessment

- 9.45. The development proposals would largely be contained within the existing school site and would not introduce development beyond existing boundaries, aside from the proposed change of use of land to provide additional playing field.
- 9.46. The use of the site would not change as a result of the proposed development and impacts would be of the same nature as currently experienced.
- 9.47. The proposed two new buildings would be located well within the existing school site, sufficiently distant from existing residential properties (nearest property 34 Addison Road some 66m to the north east), and it is considered that these elements of the proposals would not have any material impact on the amenity of neighbouring residential properties.
- 9.48. The proposals include the replacement of the existing 3G floodlit pitch. The new pitch would be re-orientated through 90° and again benefit from flood lighting. These proposals are supported by detailed drawings assessing the potential

impacts of the proposed LED floodlights (10no. units on 12m high columns), which indicates that there would be very little light spill beyond the boundary of the site. The Council's Environment Protection Officer (EPO) has reviewed the submitted information and considers acceptable in terms of its detail and that it demonstrates that the proposals would have no greater impact on the amenities of surrounding residential properties than the existing situation and is therefore acceptable in this regard.

- 9.49. In terms of potential noise nuisance as noted above the nature of the use of the site would not change. Levels of noise associated with the school site and in particular those experienced through the use of the outdoor sports facilities, are unlikely to significantly increase above existing levels. The EPO has reviewed the application documents, including details and specifications of the proposed plant (passive ventilation system) to serve the new buildings and raises no concerns in respect of potential noise nuisance.
- 9.50. The proposed development does have the potential impact on residential amenity through vehicle movements associated with the construction phase of the development. Whilst such disruption is likely to be short term whilst construction is undertaken, as noted above a condition is recommended to secure an appropriate CTMP to minimise any such impacts.

Conclusion

- 9.51. Given the above, officers are satisfied that the development can be made acceptable in residential amenity terms and that proposals are considered to comply with the Development Plan policies identified and are therefore acceptable in this regard.

Flood-risk and Drainage:

Policy Context

NPPF

- 9.52. In respect of meeting the challenge of climate change and flooding, Para. 163 of the NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere by proposed development; and where appropriate, applications should be supported by a site-specific flood-risk assessment. Further at Para. 165 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Development Plan

- 9.53. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding and further, that development should be safe and remain operational in the event of flooding. The provisions of Policy ESD6 require site specific flood risk assessments to accompany development proposals of 1 hectare or more located in flood zone 1.
- 9.54. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to

manage and reduce flood risk in the District. Proposals should include a surface water drainage strategy.

Assessment

- 9.55. A site-specific Flood Risk Assessment (FRA) prepared by Flo Consult UK Ltd and Surface Water Management Report prepared by Moran Structural Consultants have been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and are within Flood Zone 1 where educational establishment development is acceptable in principle subject to no increased flood risk elsewhere as a result of proposal.
- 9.56. The FRA identifies that based on the assessed flood data for the development site, the probability of fluvial, pluvial, ground water, drains/sewers or artificial sources is deemed to be low.
- 9.57. Concerns have been raised by local residents to the south-east of the site with regards the potential for existing flooding issues (rear gardens and the adjacent playing fields suffering from surface water flooding in times of heavy rainfall) being exacerbated by the proposed development.
- 9.58. The detailed drainage strategy put forward within the application considers a range of potential SuDS (sustainable drainage system) options for drainage. However, given ground conditions (firm to stiff clay over dense slightly clayey layer, and then moderately weathered mudstone) the use of infiltration and soakaways is not considered appropriate. Connection to the existing sewer network is therefore proposed.
- 9.59. No technical objections have been received from the LLFA or the Council's Drainage Team (CDT) in respect of the proposed drainage strategy and detailed layout as submitted. The LLFA advises that the general principle of the drainage proposals is acceptable subject to conditions, and that the proposals would provide betterment of the drainage of the site, thereby reducing flood-risk elsewhere, but would like to give further consideration to the specific details, as submitted, whilst also acknowledging there may not be a need for further detail to be submitted once they have an opportunity to make a more detailed assessment of the proposals. Any change in position of the LLFA will be reported to committee by way written update as necessary.
- 9.60. The proposals look to use permeable surfacing to the 3G pitch where the surface water run-off from the pitch area would percolate through the surface to a 20mm no fines sub-base layer, then conveyed to the main drainage network via a perforated pipe within the pitch sub-base. The permeable surfacing and sub-base would reduce the surface water runoff rate, and act as attenuation and a pollutant control, and underground attenuation tanking restricting flow rates to the A further a filter strip to the east of the artificial pitch to accommodate excess surface water discharge to the filter drain. Again, the filter is proposed to reduce the surface water run-off rate, and act as attenuation and a pollutant control.
- 9.61. The surface water run-off from the development site would be restricted. The restricted rate will be lower than the surface water run-off rate, and underground attenuation tanking/storage is proposed to prevent flooding.
- 9.62. The CDT notes that the developers would likely require a build over agreement with Thames Water. Concerns were also raised as to whether there would be sufficient capacity within existing infrastructure to take the surface water discharge;

however, Thames Water has subsequently advised that it has no objections in this regard.

- 9.63. The LLFA initially raised an objection in respect of the proposed car parking area at the northern end of the site, but have subsequently withdrawn that objection following further review of the drainage information on submission. The proposed parking area is an area of existing hardstanding, which has been used for parking in the past and is flanked by two existing car parking areas. Drainage for the car park area would be similar to existing, with discharge into the existing network, albeit with the addition of an area of permeable paving. It is considered that proposed drainage layout, as submitted during the application, is appropriate and that appropriate control over its implementation can be secured by way of condition.
- 9.64. In respect of Thames Water's comments in respect of issues relating to water capacity at the site the applicant has confirmed engagement with Thames Water on this matter, with a view to looking to address the information required by the recommended condition.

Conclusion

- 9.65. In light of consultee comments and the above, Officers consider that, given the drainage strategy put forward within the application, and whilst the proposals would result in an approximately 8% increase of developed land within the wider school site, the proposals would not be affected by flooding or result in any exacerbation of flood-risk elsewhere with improved drainage provision being made within the site. The proposals are therefore considered to accord with the provisions and aims of the Development Plan policies identified above and are therefore acceptable in this regard.

Sports pitch provision:

Policy Context

NPPF

- 9.66. The NPPF advises that the social objective of sustainable development includes supporting well designed and accessible services and open spaces (Para. 8). Para. 91 emphasises that planning decisions should aim to achieve healthy and inclusive places including through the provision of safe and accessible sports facilities; and further that planning decisions should guard against the loss of valued facilities, particularly where this would reduce the community's ability to meet its day to day needs(Para. 92).
- 9.67. Para. 96 advises access to a high-quality open space and opportunities for sport are important for the health and wellbeing of communities and planning policies should be based on robust and up to date assessments.
- 9.68. The NPPF (Para. 97) states that Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Development Plan

- 9.69. Policy BSC 10 of the CLP 2015 reflects the provisions and aims of the NPPF, stating that the Council will ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation through protecting existing sites and through addressing deficiencies in provision through enhancement to existing sites or securing new provision.

Assessment

- 9.70. The proposals would result in development being carried out on areas that currently provide outdoor sports provision; with the proposed parking area being located on an area currently marked out for netball pitches at the northern end of the site, the teaching block would be located on land currently occupied by the existing 3G pitch and the proposed new multi-use hall partially sited on an existing area of parking and partially on informal playing field area.
- 9.71. Sport England's Play Fields Policy (March 2018) outlines Sport England's approach when proposals lead to the loss of playing field. Generally, they will object to applications which lead to the loss of playing fields unless a relevant exception is made. In this case the most relevant exception is Exception E4. This states:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
 - *of equivalent or greater quantity, and*
 - *in a suitable location, and*
 - *subject to equivalent or better accessibility and management arrangements*
- 9.72. Sport England (SE) has assessed the proposals and raises no objections subject to further details in respect of the facilities to be provided (3G surfacing) and their future maintenance, securing additional playing field provision and also securing community use going forward. Officers see no reason not to agree with SE.
- 9.73. The existing netball courts and 3G pitch would be replaced by new facilities of similar size and would have the potential to provide improved surfacing appropriate to the nature of the sports being played upon them. Whilst surfacing details are lacking at this stage it is considered that appropriate details and their future maintenance can be secured by way of appropriate conditions attached to any such permission.
- 9.74. The proposed replacement 3G pitch would be rotated through 90 degrees from its current siting, covering an existing area of grassed playing field. There would be a loss in sports pitch/playing field provision within the school site as existing. However, this is being compensated for by additional playing field provision on land south of Salt Way and, overall, there would be a net gain sports pitch/playing field provision.

- 9.75. The proposed release of land for playing field provision for the school is linked to the residential development (permission 14/01932/OUT) on Salt Way with provision made with the associated S106 agreement (Fifteenth Schedule) for 1.855ha of secondary school playing field land to be provided to mitigate impact of expansion at Blessed George Napier School. The trigger point for the release of this land is the first occupation of the 190th dwelling of the development or 36 months after the first occupation of the first dwelling or the date the link road is complete. The proposed residential development is at very early stages and timescales are likely to be affected by the current circumstances of COVID. SE has recommended a condition requiring details of the proposed additional playing field area and timescales for implementation, which is considered appropriate by officers.
- 9.76. The existing sports facilities are let out to the local community outside school hours. SE has recommended a condition requiring details of a new community use agreement, to extend to the new facilities, which is again considered appropriate by officers to ensure well managed safe community access to the sports facility/facilities is retained, and to ensure sufficient benefit to the development of sport.

Conclusion

- 9.77. It is considered that, subject to appropriate conditions, it has been demonstrated that the proposed development would ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation would be provided by the proposed development, in accordance with the provisions and aims of the Development Plan policies identified above and is acceptable in this regard.

Ecology & Biodiversity:

Legislative context

- 9.78. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.79. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.80. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation would not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.81. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.82. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.83. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.84. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.85. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.86. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.87. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.88. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.89. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.90. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.91 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is a well-manged school site with areas of hardstanding and mown playing field with fencing and established hedgerow to the boundaries. There are a number of trees close by and in the boundary of the site which would not be unduly affected by proposals. There are no buildings to be removed or altered due to the proposed development. The proposals would cross Salt Way, designated a District Wildlife Site; however, it is considered that appropriate control over this element can be achieved through the condition recommended above at Para. 9.29.
- 9.92 The Council's Ecologist raises no objections subject to securing biodiversity enhancements going forward. Having considered both the CE's advice and Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

- 9.93 Concerns have been raised by the Council's Arboricultural Officer with regards to the detail of the submitted Arboricultural Impact Assessment (AIA) and that it does not demonstrate an appropriate method for the protection of the hedgerow and trees on adjacent land to the western boundary of the site. Revised details have been requested from the applicant's agent on this matter but had not been received at the time of the preparation of this report. It is therefore considered appropriate to require by condition an appropriate Arboricultural Method Statement to ensure the continued health and well-being of trees and hedgerows that have the potential to be affected by the proposed development. Should acceptable details be received prior to the committee meeting officers will provide a further written update in this respect.
- 9.94 As noted above both national and local policy guidance requires new development to look to provide net gains for biodiversity. Whilst not included within the detail of the current application, officers consider that there is potential for the proposals to include biodiversity enhancements, such as bat and bird nesting opportunities within the detailed design. It is considered that the lack of this detail is not sufficient to warrant a reason to refuse the application, but that such appropriate details could be secured through an appropriate planning condition; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2015 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 10.2. In reaching an informed decision on planning applications there is a need for the LPA to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. The proposed development looks to address secondary educational needs of the district within a sustainable urban location. The proposed development would not cause harm to the character and appearance of the area, given the design approach of the proposed development which is considered appropriate to the context of the school site. The proposals would not be to the detriment of the levels of sports provisions providing additional and improved facilities above existing levels. Subject to conditions, the proposed development would not cause harm to the safety of the local highway network, any features of ecological value, sustainable drainage systems or increase potential flood-risk at the site or on adjacent land.
- 10.4. Given the above assessment and in light of current guiding national and local policy set out in the report, your officers consider that the proposal amounts to sustainable development and is therefore recommended for approval.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION** SUBJECT TO THE CONDITIONS SET OUT BELOW AND THE APPLICANT MAKING SUITABLE ARRANGEMENTS TO PAY

- a) Travel Plan monitoring fee of £1,426

CONDITIONS:

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement, Environmental Sustainability Statement and Energy Statement prepared by 'Integratedenergy' Building Services, Flood Risk Assessment (FRA) prepared by Flo Consult UK Ltd, Surface Water Management Report prepared by Moran Structural Consultants Drawings labelled: 18020-CBP-Z0-00-M2-A-0001 Rev. P04, 18020-CBP-Z0-DR-A-2000 Rev. P05, 18020-CBP-Z0-00-M2-A-2001 Rev. P01, 18020-CBP-Z1-00-DR-A-3000 Rev. P04, 18020-CBP-Z1-00-DR-A-3001 Rev. P04, 18020-CBP-Z1-DR-A-2001 Rev. P02, 18020-CBP-Z1-XX-DR-A-4001 Rev. P05, 18020-CBP-Z1-XX-DR-A-4002 Rev. P05, 18020-CBP-Z2-00-DR-A-3010 Rev. P06, 18020-CBP-Z2-XX-DR-A-4020 Rev. P04, 18020-CBP-Z2-XX-DR-A-4021 Rev. P04, D1, D2, D3, D4, D5, C20026-M-150 Rev. C, C20026-M-160 Rev. C, 2020-78-DR01 Rev. T2, 2020-78-DR02 Rev. T1, 2020-78-DR03 Rev. T1, 2020-78-DR04 Rev. T1, 2020-78-DR05 Rev. T1 and 2020-78-DR10 Rev. T1.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Transport

3. Notwithstanding the details submitted, a Travel Plan prepared in accordance with Oxfordshire County Council's Guidance on Transport Assessments and Travel Plans shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. A School Bus Management Plan for the use of Springfield Avenue by buses carrying pupils to and from Blessed George Napier School shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved management plan shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of school

buses on the surrounding highway network, road infrastructure and local residents.

5. Prior to the first use or occupation of the development hereby permitted, additional covered cycle parking facilities shall be provided on the site, and land within the site shall be allocated and reserved for future additional cycle parking, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided and the land allocated for future cycle parking shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted, an access path suitable for pedestrians and ridden or pushed bicycles shall be provided between the school buildings and the existing path along Salt Way, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The path so provided shall thereafter be permanently retained and maintained and be open and available for pupils and staff access to and from the school at the normal arrival and departure times at the beginning and end of the school day.

Reason: In the interests of promoting sustainable transport modes in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to.

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in

the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.

- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

8. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Drainage

9. Notwithstanding the information submitted, no development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning

Policy Framework.

10. Prior to occupation of the development hereby approved, a record of the installed SuDS and the site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - i). As built plans in both .pdf and .shp file format;
 - ii). Photographs to document each key stage of the drainage system when installed on site;
 - iii). Photographs to document the completed installation of the drainage structures on site;
 - iv). The name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

11. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

Sports Facilities Provision

12. No development shall commence until details of the design and layout of the Artificial Grass Pitch and Multi Use Games Area have been submitted to and approved in writing by the Local Planning Authority . The Artificial Grass Pitch and Multi-Use Games Area shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. a) The buildings shall not be occupied until the following documents have been submitted to and approved in writing by the Local Planning Authority:
 - i. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. Thereafter the land shall be maintained in accordance with the scheme and made available for playing field use in

accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Within 12 months of development starting on site, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall set out the facilities to which it relates and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified time period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that a new Artificial Grass Pitch is capable of being managed and maintained to deliver Artificial Grass Pitch which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Ecology and Biodiversity

16. Notwithstanding the details submitted prior to the commencement of the development hereby approved above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of any proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first use or occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development,

whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity at the site, including bat and bird nesting opportunities, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. Notwithstanding the details submitted, prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Other

19. No development shall commence until details of how the applicants will incorporate 'Secured by Design' principles and/or standards into the development have been submitted to and approved in writing by the authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of conformity is received by the authority.

Reason: In order to achieve a satisfactory form of development, to ensure that the development remains safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are

still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.
3. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
6. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
7. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team at Oxfordshire County Council via the necessary legal process.
8. No construction/demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.