

# Banbury School, Ruskin Road Banbury

12/00240/OUT

**Ward:** Banbury Easington

**District Councillors:** Councillors  
Blackwell, Mallon and Morris

**Case Officer:** Shona King

**Recommendation:** Approval

**Applicant:** The Banbury School Trust

**Application Description:** Residential development with access and associated infrastructure; the provision of a new all-weather astro turf pitch (ATP) with lighting; and the extension and alteration of the sports hall and changing facilities including the provision of an external climbing wall.

**Committee Referral:** Major

## 1. Site Description and Proposed Development

- 1.1 The application site is divided into three areas. The first area is part of the playing field, which is not currently used formally for sports, of Banbury School located to the north east of the school buildings along the boundary with the former Stanbridge Hall, the rear gardens of properties in Springfield Avenue and Blessed George Napier School. Mature trees and a hedgerow form the northern and eastern boundaries of the site. Residential development is proposed in this area.
- 1.2 The second area is also part of the school playing field and is located approximately 15m to the south of area 1. This area is currently used as part of a rugby pitch and the construction of an all weather pitch with lighting is proposed. The existing rugby pitch will be relocated to the south east.
- 1.3 The third area is part of the school sports hall building. It is proposed to improve the changing facilities at ground floor level and to construct a first floor extension above to accommodate a fitness suite and sports performance analysis room. A 13ft climbing wall is also proposed to the outside of the building and the sports hall floor is to be resurfaced.
- 1.4 The application is in outline with only access to be considered. All other matters (appearance, landscaping, layout and scale) are reserved for subsequent approval. Whilst the application is in outline an indicative layout has been submitted along with a Planning Statement and Design and Access statement, Transport Assessment, Travel Plan and Flood Risk Assessment. The application form states and the indicative layout shows that permission is sought for up to 50 units.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notices and a press notice. The final date for comment was the 19<sup>th</sup> April 2012. 6 letters have been received and a petition objecting to the development with 164 signatures. Full details of the comments are available electronically via the Council's website. The following Issues were raised:

Material planning comments:

- Additional noise and disturbance out of school hours
- Light pollution
- Highway safety and traffic congestion
- Questions the need for the ATP
- Living amenity for occupiers of flats
- Loss of sports/playing field
- Drainage/flooding of nearby gardens
- Pressure on utility services
- Sports development better sited adjacent to Saltway

## 3. Consultations

- 3.1 **Banbury Town Council:** No objections but observes that sports provision will be enhanced at the school. Welcome additional Astro Turf pitch that can be used by the community, but would like to see restrictions regarding the timing of lighting in view of the close proximity of residential dwellings.

### Cherwell District Council Consultees

- 3.2 **Head of Strategic Planning and the Economy (Planning Policy):** No comment to date
- 3.3 **Head of Housing Services (Affordable Housing):** Strongly support an affordable housing scheme in Banbury where housing need is extremely high.

The application will require a minimum of 30% affordable housing (15 units) and the applicant suggests up to 40% could be provided (20 units). In order to secure the higher amount the Housing Services team would be very interested in working with the trust to secure some self build/self finish units that could offer training and skills opportunities - perhaps some of these specifically targeted at younger people. We could do this either through taking a piece of land with a commuted sum or by asking the developer to build out the units to a semi finished stage.

The mix sought on a 20 unit scheme would be:

- Rented - 10 one bedroom (2 person) flats
- 3 two bedroom (4 person) houses
- 1 three bedroom (5 person) house

- Shared ownership - 4 two bedroom houses
- 2 three bedroom houses

All the rented properties will need to meet Lifetime Homes Standards as far as possible and will need to meet HCA Design and Quality standards including code level 3.

Built units will need to be dispersed in at least 4 separate clusters across the site.

If the land is transferred this will need to be transferred at the point the services are in place and prior to any market dwellings being constructed. In the case of partially built units these will need to be transferred prior to 30% of the market housing being occupied. In the case of built units being transferred to an RP all units will need to be transferred before 70% of the market housing is occupied.

**3.4 Head of Public Protection and Development Management (Environmental Protection):** No comment to date

**3.5 Head of Environmental Services (Landscape Services, Arboriculture):** With regards to play provision within the development one LAP and buffer Zone (total 400m<sup>2</sup>) on site and commuted sum is required.

With regards to the trees on the site particularly the trees along the northern boundary but also the eastern boundary provide screening for both present and future residents and those which aren't hazardous should be retained in order to continue this.

There are issues arising from the existing trees in relation to the indicative plan.

1. Rear gardens are small and south facing and will be affected by the trees in terms of shade, encroachment and debris (leaves, fruits TV reception etc.) If they are to be sold as part of the gardens a Preservation Order would be appropriate to deter post development removal although I would expect pressure for their removal soon after inhabitation.
2. Plot 8 and free standing garage in the north-west corner of the site will impact on the existing trees and should either be omitted or a detailed method statement provided.
3. The parking area to the southern end of the northern boundary and plot 25 in addition to the access road at this end of the site will impact on the existing trees and should either be omitted or a detailed method statement provided.
4. Apart from the western boundary tree planting is sparse, this could be increased throughout the site, possibly with dedicated tree pits in appropriate places and screening from the school along the southern boundary.
5. Trees 37 to 39 and G3 will require removal to facilitate access. Replanting can be carried out as part of the landscaping proposals to mitigate for this.

**3.6 Head of Community Services (Ecologist):** No comments to make as the land proposed for development consists of short-mown amenity grass with little

potential for protected species. The location of the proposed astro-turf pitch is also of no concern and the lighting is unlikely to impact on any important areas for bats given the lack of suitable habitat nearby.

- 3.7 **Head of Recreation and Health (Recreation and Health Improvement Manager):** The Council would normally object to any reduction in school playing fields but in this case the relocation of sports pitches and the athletics track mean that the number of grass sports facilities remain the same. There is also a recognized need for a 3G artificial pitch in Banbury and with Spiceball Sports Centre operating at near capacity the public access to the additional indoor sports facilities is welcome and therefore we support the application. As new sports facilities are being provided for both school and community use contributions towards off site sports facilities are not sought.
- 3.8 **Head of Recreation and Health (Public Art):** To create a locally relevant work of art on or near the development. Must be made by an artist and must be public. Contribution can be spent by the developer in partnership with CDC art on or near the development site - commissioned after development completed.
- 3.9 **Head of Public Protection and Development Management (Anti-social Behaviour):** From an environmental protection perspective the provision of the all weather pitch with associated lighting is the feature of this application that is of most concern. To look first at the positioning of the pitch and its relationship with the proposed dwellings, the fact that the application mentions lighting, it is assumed it is intended that the playing surface be used until at least 21:00 hrs. With the pitch being in relatively close proximity to the new dwellings it is not inconceivable that we would receive complaints of noise arising from its use. In similar situations we have received justified noise complaints where the surface has been used for playing hockey and the noise in question arose from the balls striking the goal backboards. Equally the use of all weather sports pitches can give rise to complaints of noise arising simply from their human users.

The application does not detail how many light standards will be provided so it is not possible to assess the technical merits of the lighting design at this stage. It is assumed that any proposed installation would comply with the Institute of Lighting Engineers Design Guidance. This methodology will ensure that light trespass sky glow and glare are kept to a minimum. It will not however deal with the aesthetic affects of the proposal. The lit area will certainly be visible from the proposed housing development and from locations to the South East of the site which currently enjoys a relatively dark outlook to the rear of their properties.

A restriction on the operation of the lighting and the use of the playing surface of the ATP is recommended. It should not be used after 21.00 hrs on any day of the week.

- 3.8 **Head of Community Services (Safer Communities):** No objections

#### **Oxfordshire County Council Consultees**

- 3.10 **OCC Highways:** (Original comments) No objections subject to conditions and makes the following comments:

- The proposed access is acceptable in terms of visibility.
- A single footway into the site is proposed. Ideally two footways would have been provided, but the constraints of the site limit the width available. This is not ideal, but it is noted access is not provided to the adjacent school from the site.
- A pedestrian/cycle link remains desirable onto Springfield Avenue, especially as employment opportunities exist in this direction.
- Junction modelling indicates that nearby junctions will continue to operate within capacity following development. The predicted vehicle movements associated with the development are unlikely to be a significant concern (58 two-way movements in both the am and pm peaks).
- The detailed layout of the development should be designed in accordance with the guidance of Manual for Streets. Appropriate provision must be made for parking, not only in terms of number but in terms of size, convenience and location. A mix of allocated and unallocated parking in line with the County Council's new parking guidance would provide greatest efficiency. Visitor parking must be provided which can include on-street provision (preferably 'designed in'). Garages should have the internal dimensions of 3 x 6 metres.
- Provision must be made for waste collection with appropriate turning heads for HGVs/refuse vehicles. Areas for adoption must include a service strip of 600mm, and doors, windows, etc must not open over any area to be adopted as public highway. SUDS drainage must be incorporated within development and associated highway.
- A contribution is required towards the Banbury Transport Strategy, including but not restricted to highways schemes across Banbury, bus stop improvements to premium route standard on the Easington B1 Bus Service, provision of cycle parking in the town centre and at key destinations cross Banbury. The contribution should be in line with Cherwell Planning Obligations SPD (Table 40):

Further letter from Highways in response to petition

- application seeks approval for access only. All other matters including parking space numbers and layouts are reserved. The County Council will be seeking parking levels and a layout that meet current standards at the reserved matters stage
- With appropriate on-site parking, and a practical layout, considered unlikely that residents of the new development will park on Ruskin Road
- do not believe that the development would add significantly to on street school parking pressures as it is within recognised walking and cycling distances (certainly not to a level that would warrant refusal of planning permission
- Construction traffic will be controlled and monitored through the recommended construction phase travel plan
- Visibility at the access meets an appropriate standard
- Research shows it is unlikely that 100 dwellings would equate to 200+ vehicles
- The predicted generation of 58 two-way movements (40 cars leaving and 18 cars returning) in the am peak hour (8-9am), and 58 two-way movements (22 leaving and 36 returning) in the peak hour (5-6pm) are as

expected in this location. The use of TRICS and focus on these peak hour periods is standard practice, and results have been checked

- 40 vehicles across a one hour period equates to one car leaving every 90 seconds. This level of generation is considered relatively low and is not a concern given that visibility at the access has been confirmed as acceptable
- Transport Assessment based on worst case scenario of 100 dwellings.
- Queries raised over the suitability of traffic survey data used in the Transport Assessment. Satisfied that the use of TRICS data and a survey is adequate and results are what would be expected.
  - the traffic survey data has been used to assess only the capacity of the junction
  - Accident history has been obtained from the County Council's Road Safety Team for the crossroads and local area in order to establish if there are any highway safety concerns as existing
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  - Concerns have been raised regarding emergency access. The proposed access meets current guidance for emergency access contained within Manual for Streets. The final layout will need to make provision for emergency and refuse vehicles at the reserved matters stage
  - OCC as the Local Highway Authority maintains that an objection to this outline application from the Local Highway Authority is not considered appropriate, subject to appropriate conditions. All reserved matters will be thoroughly assessed when and if a reserved matters application is submitted

3.11 **OCC Travel Choices Team** – Interim Travel Plan provided is very well put together and holds the majority of information required. Need to include detail on barriers to walking, cycling, public transport and car share. Guidance on Residential Travel Plans provided by OCC.

3.12 **OCC Drainage Officer:** No surface water to enter onto the Highway;  
All surface water to be dealt with on site;  
No drainage plans provided;  
Excellent opportunity for sustainable drainage system;  
Geotechnical surveys need to be undertaken to determine appropriate drainage methods.

3.13 **OCC Developer Funding Team:** Oxfordshire County Council wishes to secure a legal agreement for appropriate financial contributions to mitigate the impact this development will cause if implemented in line with the Draft Supplementary Planning Obligations Document (July 2011).

Primary School Infrastructure – insufficient places available from 2017/18 academic year at Queensway Primary School or Harriers Ground School Contributions are accordingly sought towards primary school infrastructure serving this development based on DFE [Department for Education] advice for school extensions weighted for Oxfordshire- £11,113 per child@3Q09 to include sprinklers and ICT.

Special Educational Needs Infrastructure There is also likely to be an increased demand upon [SEN] special educational needs schools. 1.02% of children across Oxfordshire are educated in such separate schools.

We are advised to allow £29,278 per place in special educational needs schools.

Frank Wise in Banbury and Bardwell in Bicester provide specialist accommodation. These are full as are other Special Needs Schools in Oxfordshire

#### Adult Learning Centre Infrastructure

Banbury adult learning centre needs to relocate and a brand new facility is sought. A 151 square metre 2 classroom facility is expected to cost £420,000@3Q09 + land. A facility of this type will expect to provide 13,500 learning sessions per annum. At least 5% of the adult population are likely to take up adult learning and would normally attend at least 10 sessions each.

#### Library Infrastructure

Oxfordshire County Council has an adopted standard for public library floor space of 23m<sup>2</sup> per 1,000 head of population. Backroom space [19.6% of public area] needs to support this public space.

Banbury library is significantly under-size in relation to its catchment population and a new, larger library is planned as part of a new Cultural Quarter in the Town Centre. This is expected to cost £2,264 per m<sup>2</sup> @3Q09.

#### Day Resource Care Centre for the Elderly

Social & Community Services are looking to extend Day Care provision in Banbury because of extra demand on its infrastructure, including that caused by new development.

#### Strategic Household Waste Management Recycling Centre

The Council has statutory recycling and composting targets to meet, as well as targets to reduce the amount of waste going to landfill. New development must help rather than hinder the achievement of these targets. All developers/landowners are therefore expected to provide infrastructure and funding towards the reduction, re-use and recycling of wastes. The Waste Management Recycling Centre at Alkerton effectively needs replacement at an estimated £3m cost and will then aim to serve 20,000 dwellings.

#### County Museum Resource Centre Infrastructure

The Museum Resource Centre [MRC] at Standlake provides essential support for the County's Museum Service, holding exhibits in safe and controlled conditions. This enables varied exhibitions to be organised meeting the demands of the public. The MRC also offers IT access to various educational establishments.

The MRC is at capacity and needs to be extended to meet the educational, research and leisure demands arising from increased development in Oxfordshire. An extension has been costed to mitigate the impact of new development to 2026. £85,000 has been secured leaving £380,000 to be secured from 35,000 new homes

## **Other Consultees**

- 3.14 **Sport England:** (Original comments) Objects to the development as it has not been demonstrated sufficiently that the development accords with any of the exceptions in Sport England's Playing Fields Policy.

Additional information has been submitted by the applicant's agent to try to overcome the objection. However further comments from Sport England have not been received to date but these are anticipated prior to the meeting when a verbal update will be given.

- 3.15 **Environment Agency:** (Original comments) In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis. The FRA proposes to discharge surface water from the development into soakaways. However infiltration tests have not been carried out at the site to determine the feasibility of soakaways.

Following the submission of additional information by the applicant the Environment Agency maintains their objection to the proposed development as the flood risk assessment remains inadequate. It is likely that further information will be submitted to try to overcome the objections and a verbal update will be given at the meeting.

- 3.16 **Thames Water:** With regard to surface water drainage it is recommended ythat the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends an informative relating to water flow rate and pressure be attached to any consent.

- 3.17 **Oxfordshire Playing Fields Association:** No comment to date

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

H5: Affordable housing

R12: Public Open Space provision within new housing developments

TR1: Transportation funding

C28: Design, layout etc standards

C30: Design control

South East Plan 2009

### **Spatial Strategy - Policies**

SP3: Focus for development on urban areas

### **Cross Cutting – Policies**

CC1: Sustainable Development

CC6: Sustainable Communities & Character of the Environment

CC7: Infrastructure and Implementation

### **Housing – Policies**

H1: Regional Housing Provision 2006 - 2026

H2: Managing the Delivery of the Regional Housing Provision

H3: Affordable Housing

H4: Type and Size of New Housing

H5: Housing Design and Density

### **Transport – Policies**

T1: Manage and Invest

T4: Parking

### **Natural Resource Management – Policies**

NRM1: Sustainable Water Resources & Groundwater Quality

NRM2: Water Quality

NRM4: Sustainable Flood Risk Management

### **Management of the Built Environment – Policies**

BE1: Management for an Urban Renaissance

### **Social and Community Infrastructure**

S1 – Supporting healthy communities

## **4.2 Other Material Policy and Guidance**

### National Planning Policy Framework

Core planning principles and the delivery of sustainable development and a presumption that where plans are absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, with particular regard to the following sections:

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change

### Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft Local Plan is due out for public consultation in the near future. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets

out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

**Sustainable communities**

BSC1: District wide housing distribution  
BSC2: Effective and efficient use of land  
BSC3: Affordable housing  
BSC4: Housing mix  
BSC7: Meeting Educational Needs  
BSC10: Open space, sport and recreation provision  
BSC11: Local standards of provision – outdoor recreation  
BSC12: Indoor sport, recreation and community facilities

**Sustainable development**

ESD1: Mitigating and adapting to climate change  
ESD6: Sustainable flood risk management  
ESD7: Sustainable drainage systems  
ESD8: Water resources  
ESD16: Character of the built environment

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Policy context
- Loss of playing pitches
- Suitability of the site
- Impact on highway safety

**Policy context**

- 5.2 The policy context to this proposal is made up of the documents comprising the development plan namely the South East Plan 2009 and the adopted Cherwell Local Plan, 1996.
- 5.3 The South East Plan is the regional spatial strategy for the South East region. Whilst this plan contains no site-specific policies, it does set out the regional spatial planning framework for the region with policies for the scale and distribution of new housing, priorities for new infrastructure and economic development. The plan also seeks to concentrate development where the need to travel, particularly by single occupancy car use, can be reduced.
- 5.4 The adopted Cherwell Local Plan, 1996, does not contain any policies specifically relevant to this site in relation to allocations for housing development.
- 5.5 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied; it provides a framework within which councils can produce their own distinctive local and neighbourhood plans. It does not replace the development plan, but is a material consideration in decision making.

- 5.6 At the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application this would include promoting sustainable transport, delivery of a wide choice of high quality homes, the promotion of healthy communities, meeting the challenge of flooding and the conservation and enhancement of the natural environment.

**Loss of playing pitches**

- 5.7 The application seeks the redevelopment of part of the school playing field for residential development. The applicant has argued that the sale of the land for development will enable the existing sports facilities at the school to be improved and additional facilities provided. They have also argued that the area of land in question is not used for any formal sports apart from during the summer term the top of the athletics track is marked out on part of the site.
- 5.8 The Head of Recreation and Health has stated that the Council would normally object to any reduction in school playing fields but in this instance the relocation of sports pitches and the athletics track within the school grounds mean that the number of formal grass sports facilities remains the same. There is also a recognised need for a 3G artificial pitch in Banbury and with Spiceball Sports Centre operating at near capacity the public access to the additional indoor sports facilities to be provided at the school is welcome.
- 5.9 However as set out above at paragraph 3.14 Sport England has objected to the application because it does not accord with any of the exceptions in Sport England's Playing Fields Policy. Sport England is a statutory consultee for applications where land has been used as a playing field at any time in the last 5 years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves the replacement of the grass surface of a playing pitch on a playing field with an artificial surface. Sport England opposes development on playing fields in all but exceptional circumstances. These exceptional circumstances are where, in the judgement of Sport England:

E1 A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better

management arrangements, prior to the commencement of the development.

E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

- 5.10 The applicant has sought to demonstrate that the proposed development accords with exception E1 and has submitted a catchment wide playing pitch strategy that considers the supply and demand of pitches locally within the immediate catchment. Sport England has not been convinced that there is a genuine excess of playing field provision in the catchment and the applicant's agent is currently in discussion with Sport England to try to overcome their objections in this regard.
- 5.11 Exception E5 is also relevant to the case and it needs to be considered whether the sporting benefits arising from the development with the provision of an ATP and extended sports hall and changing facilities are of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field. Sport England has requested further information and the agent is currently in discussion regarding this issue.
- 5.12 It is anticipated that further comments will be received from Sport England prior to the Committee and a verbal update will be given.

**Suitability of the site and impact on neighbouring properties**

- 5.13 The proposed development is located within the built up limits of Banbury close to amenities and facilities and is accessible by public transport. It is in a sustainable location and as such accords with the presumption in favour of development within the National Planning Policy Framework.
- 5.14 The part of the site proposed for residential development lies immediately adjacent to other residential properties, the former Stanbridge Hall and properties in Springfield Avenue. Other residential properties are located around the boundaries of the school. As such, notwithstanding the issues regarding the loss of playing fields, it is considered to be a suitable site for residential development.
- 5.15 The indicative site layout that has been submitted however is not acceptable for a number of reasons:
- a) proximity of dwellings to the former Stanbridge Hall - the impact on the living amenities of the residents in the extra care units and those in the proposed dwellings
  - b) impact on the mature trees around the site
  - c) lack of open space/play space within the site
- 5.16 With these constraints officers are not convinced that the number of dwellings indicated on the application form or the indicative layout can be accommodated. A condition is therefore recommended, if Members are minded to approve the application, stating that the planning permission does not imply the approval of the provision of 50 dwellings due to the constraints on and surrounding the site.

- 5.17 The site for the ATP is located some distance away from existing residential property boundaries and is not considered to cause significant harm to the living amenities of those properties. However to ensure this it is considered necessary to restrict the evening use of the ATP and lighting to no later than 21.00 hrs on any day of the week.
- 5.18 In any reserved matters submission the layout of the proposed residential units will need to take the siting of the ATP into account and the details of the floodlighting will need to ensure that the living amenities of the new occupiers is not adversely affected.
- 5.19 The proposed extension to the sports hall and provision of the climbing wall is considered to be acceptable in this location. It will be viewed in the context of the school buildings and will not adversely affect the visual amenities of the area.

#### **Site drainage and flood risk**

- 5.20 The Environment Agency is maintaining an objection to the scheme due to an absence of an acceptable Flood Risk Assessment (FRA) and is recommending refusal. They state that the information provided by the applicant/agent is insufficient to ensure that surface water from the development can be adequately drained.
- 5.21 Additional information has been submitted to the Environment Agency and their comments are awaited and a verbal update will be given to the Committee.

#### **Impact on highway safety**

- 5.22 The applicants have submitted a detailed Transport Assessment and Travel Plan with the application concluding that the development will not result in detriment to highway safety.
- 5.23 Confusion has arisen regarding the number of dwellings to be served by the proposed access as the Transport Assessment states the number to be 100 dwellings and the application form states 50. The Highway Authority has assessed the proposal based on the information provided within the Transport Assessment (i.e. 100 dwellings) and, as set out at paragraphs 5.9 and 5.10 above, officers remain to be convinced that 50 dwellings could be accommodated on the site with the constraints.
- 5.24 The Highway Authority is satisfied that the proposed development will not result in any significant detriment to highway safety either at the access point to the proposed residential development or in Ruskin Road and Springfield Avenue. The application seeks approval for access only and all other matters including parking space numbers and layouts are reserved. They conclude that the visibility from the proposed access meets an appropriate standard and junction modelling indicates that nearby junctions will continue to operate within capacity following the development.

#### **Planning obligations**

- 5.25 The proposed development would generate a need for infrastructure and other contributions, to be secured through a planning obligation, to enable the development to proceed.

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5.27 Although the agreement has not yet been drafted the applicant has agreed to the following Heads of Terms relating to the obligation:

District Council requirements

- community access to sports facilities
- affordable housing at 30%
- open space, and LAP provision
- refuse bins and recycling

County Council requirements

- transport and access
- education
- adult learning centre infrastructure
- library
- Day resource centre for the elderly
- Strategic household waste management recycling centre
- Museum resource centre

Other requirements

- Health

5.28 It is considered that as new sports facilities are being provided for school and community use, contributions towards off site sports facilities cannot be justified in this instance. Also due the location of the housing site within school grounds and the length of the access contributions towards the provision of public art cannot be justified.

**Conclusion**

5.29 Overall, the proposed development is considered acceptable. The access for the site will not result in any significant detriment to highway safety and the proposal would see the replacement of a redundant area of playing field with an all-weather Astroturf pitch, improved gym and changing facilities and a climbing wall. The site lies within a sustainable location and will makes efficient use of the land without significant harm to the living amenities of nearby properties. Therefore, the application is recommended for approval.

**6. Recommendation**

**Approval**, subject to:

- a) Sport England and the Environment Agency removing their objections to the scheme
- b) The applicants entering into an appropriate planning obligation to the satisfaction of the District Council to secure contributions as outlined in paragraphs 5.25 and 5.28; and

c) The following conditions (subject to amendment under delegated authority):

1) Approval of reserved matter details

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (as amended).

2) Time limit for the submission of reserved matters (one year)

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (as amended).

3) Time limit for commencement (one year)

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (as amended).

4) Notwithstanding the indicative layout submitted as part of the planning application and section 17 of the application forms the granting of this consent does not imply the approval of the provision of 50 dwellings due to the constraints on and surrounding the site. The constraints are as follows:

- 1) Root protection zones of trees to the boundaries
- 2) Proximity of three storey development adjacent to the northern boundary; and
- 3) Lack of open space within the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009, Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

5) That the site shall be developed with a mix of housing types/sizes in accordance with housing mix set out in Policy BSC4 of the Cherwell Local Plan - Proposed Submission Draft (May 2012)

Reason – In the interests of meeting housing need and creating a socially mixed and inclusive community and to comply with Policies H4 and BE1 of the South East Plan 2009, Policy BSC4 of the Cherwell Local Plan - Proposed Submission Draft (May 2012) and Government guidance on delivering a wide choice of high quality homes contained within the National Planning Policy Framework.

6) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the 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, pavements, pedestrian areas, crossing points and steps.

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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

- 7) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework

- 8) In this condition retained tree is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the commencement of the development.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
  - (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework

- 9) No works or development shall take place until a scheme for the protection of

the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

- (a) A plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan
- (b) The details of each retained tree as required at paragraph 4.2.6 of BS 5837 in a separate schedule
- (c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work
- (d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837)
- (e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- (f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837)
- (g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837)
- (h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph 5.2.2 of BS5837) of any retained tree including those on neighbouring or nearby ground
- (i) The details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "no-dig" construction

Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

- 10) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy NRM4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance on flooding contained within the National Planning Policy Framework.

- 11) Prior to occupation; Access to be constructed to County Council specification, including visibility splays which are to be provided and maintained free from obstructions over 0.6 metres in height.

Reason - In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 12) Prior to development; a construction phase travel plan shall be submitted to and approved by the Local Planning Authority. Throughout development the approved plan must be adhered to.

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009 and Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

- 13) Prior to development; full details of a lighting scheme shall be submitted to and approved in writing by the LPA. Prior to first occupation the lighting scheme shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in a working order thereafter.

Reason – In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 14) The proposed development shall be served by an estate road (or Roads) laid out and constructed in accordance with details, including a means of surface water disposal, submitted to and approved in writing by the Local Planning Authority. (To include, amongst other details, tracking demonstrations for turning heads, rumble strips and any other lining or means of traffic calming).

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 15) No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the approved plans and details and constructed to at least base course level.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with

Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 16) No dwelling of the approved development shall be used or occupied until the car parking and associated turning area for that dwelling has been completed and marked out in accordance with the approved plan(s). The car parking area and turning areas shall thereafter be retained in accordance with the approved plans and available for use as car parking and turning.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 17) No garages shall be converted to habitable or any other use without the prior permission of the Local Planning Authority.

Reason – To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy T4 of the South East Plan 2009 and Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

- 18) Prior to first occupation of the development, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009 and Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

- 19) Storm flows shall be attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

Reason – To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system in accordance with Policy NRM4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance on flooding contained within the National Planning Policy Framework

- 20) A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling

within 30m of the LAP or prior to the occupation of the first 10 dwellings which ever is sooner.

Reason - To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009, Policy R12 of the adopted Cherwell Local Plan and Government guidance on promoting healthy communities contained within the National Planning Policy Framework.

- 21) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

Reason – To secure the provision of essential community infrastructure on site in accordance with Policy CC7 of the South East Plan.

- 22) That the all-weather astro turf pitch, lighting, climbing wall and the extension and alteration of the sports hall and changing facilities shall be constructed in accordance with the approved details prior to the first occupation of the units on-site.

Reason - To ensure the provision of the sports facilities to serve the school and community and to comply with Policy CC7 of the South East Plan 2009, Policy R12 of the adopted Cherwell Local Plan and Government guidance on promoting healthy communities contained within the National Planning Policy Framework.

- 23) The surface of the all-weather astro turf pitch shall be finished, and the fencing surrounding the all-weather training pitch shall be constructed in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The surface and fencing shall be constructed in accordance with the approved details and retained as such thereafter.

Reason - In the interests of visual amenity and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

- 24) That the playing areas shall not be used between the hours of 21.00 and 08.00.

Reason - To protect the living amenities of the nearby residential properties and to comply with Policy C4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance requiring good design and standards of amenity contained within the National Planning Policy Framework.

- 25) Details of the proposed lighting scheme which shall include column height, luminaire type, positions, aiming angles and shielding of the lighting elements shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of the development. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason – In order to safeguard the amenities of the area and to comply with Policy C4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance requiring good design and standards of amenity contained within the National Planning Policy Framework.

### **Planning Note**

1. You are advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 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.

### **Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies**

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits being of a layout, scale and design appropriate in its context and will not have a detrimental effect on the neighbouring residential amenities. It will not cause harm to the visual amenities of the wider landscape, highway safety or flooding. The proposal, therefore, complies with government guidance contained in, Policies SP3, CC1, CC6, CC7, H1, H2, H3, H4, H5, T1, T4, BE1, NRM1, NRM2, NRM4 and S1 of the South East Plan 2009; Policies H5, R12, TR1, C28 and C30 of the adopted Cherwell Local Plan and Policies BSC1, BSC2, BSC3, BSC4, BSC7, BSC10, BSC11, BSC12, ESD1, ESD6, ESD7, ESD8 and ESD16, of the May 2012 proposed submission draft of the Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and outline planning permission granted subject to appropriate conditions, as set out above.