

Tudor Hall School, Wykham Lane, Banbury,

12/01224//F

Ward: Banbury Easington

District Councillor: Councillor Blackwell,
Councillor Mallon and
Councillor Morris

Case Officer: Jane Dunkin

Recommendation: Approval

Applicant: Tudor Hall School

Application Description: Extension to sports hall including landscaping and car-parking

Committee Referral: Major (building exceeds 1,000sqm)

1. Site Description and Proposed Development

- 1.1 Tudor Hall is a private boarding and day school for girls between the ages of 11 and 18. The school is situated to the east side of the A361 between Banbury and Bloxham. The main, original buildings are listed with an outlook over the Wykham Parkland to the south and east. There are various elements to the school, accommodated in some of the original buildings on the site and a number of more modern buildings which have developed over time, mainly to the west and north of the key buildings.
- 1.2 Alongside this proposal to extend the existing sports hall and sporting facilities, the school is currently carrying out a number of projects to expand and update various facilities, including the provision of a new teaching block (planning application 12/01225/F also set out within this agenda), alterations to an existing dormitory building (for which planning permission and listed building consent have recently been granted under applications 12/01226/F and 12/01227/LB) and the conversion of the existing squash courts to a drama studio (for which planning permission has been granted under application 11/01838/F).
- 1.3 This proposal, to expand the existing four court sports hall, which would be arranged over two floors, includes the provision of a fitness suite, a gymnastics hall, dance studio, changing room accommodation for up to 100 people, a squash court, a climbing wall, a teaching room, staff offices and spectator viewing areas. In addition to this proposal, but not part of it, the design of the building allows for a future extension to include an indoor swimming pool. A revised parking arrangement together with appropriate landscaping is also proposed as part of the scheme.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 18 October 2012. No letters of representation have been received as a result of this publicity.

Cherwell District Council Consultees

- 3.1 **Design and Conservation Officer:** In summary it is considered that the proposals are largely acceptable in design and conservation terms, however there are some areas of the design concept where it is considered that a design opportunity has been lost, relating mainly to the roof of the sports hall, the glazed entrance and the associated hard and soft landscaping.
- 3.2 **Landscape Officer:** The site is well screened from external views, therefore there would be no additional impact. Shrub and tree planting should make additional car parking acceptable. Other parking areas could affect tree roots and there is little room for grading of top soil.
- 3.3 **Ecology Officer:** None of the trees to be removed are suitable for roosting bats but there are nesting opportunities, therefore appropriate advice is recommended.
- 3.4 **Arboricultural Officer:** 13 trees are to be removed to accommodate the development. Post development landscaping will mitigate against these removals. Arboricultural report and method statement adequately addresses tree protection. Ground protection and barrier fencing to be installed prior to the commencement of the development and any demolition, as set out in the arboricultural report.

Arts and Visitor Services Manager

- 3.5 In this instance, it would be difficult to compel the school to invest in public art, when access is restricted to staff, pupils and parents and the school is hidden from view in the most part.

Oxfordshire County Council Consultees

- 3.6 **Highways Liaison Officer:** Acceptable in principle, originally had some concerns about the indicated circulation of vehicles and apparent encouragement of using the access onto Wykham Lane to exit the site. Some of this concern has been addressed, however conditions are recommended to indirectly control the increased use of this access which would lead to highway safety concerns.
- 3.7 **Archaeology Officer:** No invasive impact upon any known archaeological sites or features. Therefore no archaeological constraints.

3. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies) (aCLP)

C2: Development affecting protected species

C7: Landscape conservation

C9: Scale of development compatible with a rural location

C13: Area of high landscape value

C28: Layout, design and external appearance of new development

South East Plan 2009 (SEP)

CC1: Sustainable development

CC6: Sustainable Communities and Character of the Environment

T4: Parking

NRM5: Conservation and improvement of biodiversity

BE1: Management for an urban renaissance

C4: Landscape and countryside management

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)

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

The draft Local Plan is now out for public consultation. 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.

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration.

4. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of Development
- Design/Visual Amenity
- Landscape Impact
- Listed Building Setting
- Trees and Landscaping
- Residential Amenity
- Highway Safety and Convenience
- Ecology
- Developer Contributions

Principle of Development

5.2 The improvement and expansion of existing education facilities in sustainable locations is supported by national and local policy. Tudor Hall School, although remote from any nearby settlement, is situated just off a main vehicular route between Banbury; the largest town within the district and the Category 1 village of Bloxham. As the proposal for the sports hall is within the existing school site, it is considered that the scheme is appropriate in principle based on advice contained within Policy CC1 of the SEP and Government guidance contained

within the NPPF, subject to the other relevant material planning considerations which are addressed below.

Design/Visual Amenity

- 5.3 The extensions to the sports facilities at the school involve extending the front of the existing hall in the form of two two-storey gabled elements facing the all weather pitches; one accommodating the gymnasium which would occupy the full floor to ceiling height, and one accommodating the changing rooms and showering facilities on the ground floor and the dance studio on the first floor. To the north of these elements a hipped roofed two storey element is proposed which would accommodate the squash court, fitness suite, a climbing wall and ancillary accommodation such as offices and plant. To the front, an asymmetrical glazed single storey element is proposed which would accommodate the lobby and a café.
- 5.4 It is proposed to face the elevations with a range of materials which are drawn from the prevalent palette on the site. The elevations would be faced with brick, stone and render, and in some instances curtain walling together with some significant areas of glazing. The roofs would be covered with slate, standing seams and single ply membranes on the flat roofed elements. It is considered that this approach to the treatment of the elevations is acceptable for a building of this nature, subject to the approval of materials samples to be secured via planning condition.
- 5.5 With regard to the design of the extension to the sports hall, the Council's Design and Conservation Team had some questions about the scheme as they were not convinced that all opportunities had been explored in order to achieve a high quality building in terms of design. Discussions have been held with the applicant's architects about making more of the roof of the frontage of the building, and about making improvements to the glazed entrance element. The architects explained that the design concept for the buildings was purposefully to break up the elements of the building in design terms in order to keep the scale and massing of a large building to a minimum. It was agreed that this is an appropriate approach, however the architect is due to submit a set of amended plans in an attempt to address some of the Design and Conservation Team's comments; none of which were significant.
- 5.6 Overall, it is considered that the design approach to the building is one that is well thought out and has obviously evolved from a range of different design options. The scale and appearance of the building would be appropriate within its context and would not appear as a prominent addition within public views of the site from the open countryside. As such it is considered that the extension to the sports hall is appropriate based on its design, appearance and materials and therefore is considered to be acceptable in terms of its impact within the rural location and in terms of visual amenity. For these reasons, the application complies with Policies CC6 and BE1 of the SEP, Policies C9 and C28 of the aCLP and Government guidance on good design contained within the NPPF.

Landscape Impact

- 5.7 Given the topography of the immediate area and the setting of the site within the existing parkland which is characterised by extensive mature tree planting in locations which help screen the school from many views, the sports hall extension and associated development would not be easily detected from

beyond the school's site boundary. Some fleeting views of the single storey glazed entrance feature would be gained from the Wykham Lane entrance to the site, however these views would be seen against the backdrop of other school buildings, including the new school dining hall situated further along the access into the site. Similarly most of the parking arrangements would be well contained within the existing built up areas of the school site, amongst the new buildings and the existing tree screening.

- 5.8 The new area of parking proposed to the west side of the all weather sports pitches, would be visually quite remote, from the rest of the school complex, however with adequate landscape screening, together with the existing boundary planting adjacent to the A361 and the topography, this additional parking area would also not be detected within the wider landscape. For these reasons, officers are satisfied that the proposed development would not cause harm to the quality of the designated Area of High Landscape Value in which the site is located, in accordance with Policies C7 and C13 of the aCLP, Policy C4 of the SEP and Government guidance on conserving and enhancing the natural environment contained within the NPPF.

Listed Building Setting

- 5.9 Whilst the key buildings on the site are listed, they are located approximately 140m south of the site for the proposed sports hall extension and as such they would not be easily viewed within the same context as the sports hall given the existing intervening buildings. Nevertheless, officers consider that the sports hall would still be sited within the setting of the listed buildings and as such an assessment of the proposal upon these buildings must be made.
- 5.10 The sports hall would have a significant presence within the site as a whole given its scale and footprint, however it has been carefully designed to sit within the existing topography of the site which falls quite significantly from the west to the east, thus reducing the prominence of the building. The sports hall would have a modern and more functional appearance than some of the more traditional buildings on the site and the more recent buildings which have warranted some heightened design features such as the dining hall. In spite of the individual design and scale features of the sports hall, officers believe that it would not dominate the site or the listed buildings. This, together with the separation between the two elements of the site, leads officers to conclude that the sports hall would not cause unacceptable harm to the setting of the listed building on the site and as such the significance of these heritage assets would be preserved in accordance with Policy BE6 of the SEP and Government guidance on conserving and enhancing the historic environment contained within the NPPF.

Trees and Landscaping

- 5.11 Although some of existing trees on the site will need to be removed to accommodate the sports hall extension, none of them are of any significant amenity value and the Council's arboriculturalist is satisfied that their loss can be mitigated against by way of compensatory planting as part of the landscaping details which are recommended to be secured via planning condition below.
- 5.12 Some of the new parking accommodation, either side of the existing roadway linking the main driveway to the western parts of the site, would be positioned

within the root protection areas of some of the existing trees on the site to be retained. The Council's Arboriculturalist is however satisfied that the arboricultural report and method statement are sufficient in order to ensure tree protection measures during construction.

- 5.13 With regard to landscaping, some of the comments that have been raised by the Council's Design and Conservation Officer in terms of careful design with regard to less hard landscaping in some areas and less formal arrangements for tree planting should be addressed via the landscaping details, together with replacement tree planting and the screening proposals for the western car parking area. Subject to these conditions, together with the tree protection measures proposed, officers are satisfied that the proposals are appropriate in terms of their impact upon the existing trees and the proposal for landscaping as part of the overall design concept for the development. As such it is considered that the application complies with Policy C28 of the aCLP, Policy BE1 of the SEP and Government guidance on conserving and enhancing the natural environment and good design contained within the NPPF.

Residential Amenity

- 5.14 There are a handful of residential properties located on the site adjacent to the northern-most access onto Wykham Lane. Their residential use is associated with the school function. The proposed sports facility, due to the distance between it and the residential properties, would not cause harm by way of being overbearing, resulting in loss of light, or by affecting privacy.
- 5.15 Of some consideration however is the impact of noise on residential amenity emanating from the sporting activities, however this must be balanced against the existing circumstances. It is not considered that the proposed development would generate any greater noise and disturbance than the existing building and facilities and, in any event, as the dwellings are associated with the school, some noise and disturbance resulting from the school activities on the site must be expected. Officers are satisfied that, given the existing relationship between the dwellings and the sporting activities together with their functional relationship with the school, the proposed development would have no greater impact upon residential amenity. As such it is considered that the development accords with Policy C30 of the aCLP, Policy BE1 of the SEP and the core principles contained within the NPPF.

Highway Safety and Convenience

- 5.16 As part of the development proposals as a whole, the school is seeking to remove as many parked vehicles as possible from the most central parts of the site in order to improve the environment of the school for both pupils and staff. In doing so, greater use would be made of the east-west link road adjacent to the sports hall to allow for circulation away from the main parts of the site. Replacement parking would be provided either side of this roadway.
- 5.17 The original comments of the Local Highway Authority in relation to the indicated circulation of vehicles around the site were noted and, in part, officers agree that any greater use of the access onto Wykham Lane should be discouraged, due to its poor visibility and alignment to the east, meaning that it could be safer to enter the site via Wykham Lane and exit via the access onto the A361. However, it must be noted that whilst the proposals for the sports hall and the new teaching block (12/01225/F) would expand the existing facilities on

the site, there is no intention to increase the number of pupils. In theory therefore there should be no greater use of the access onto Wykham Lane than currently exists.

- 5.18 In discussions with the applicant's agent over this matter, it was also brought to light that, whilst the main access onto the A361 is engineered to a much higher standard than the access onto Wykham Lane, access along the route from the A361 involves crossing a weight limited bridge (over Wykham Lane) and as such, larger vehicles, including school buses, cannot use it. Therefore any increased or regimented use of the A361 access would be problematic. The applicant also wishes to promote the historic tree lined avenue along the access from the A361 as the approach for visitors to the school before arriving in front of the main listed buildings. This approach would be lost if the circulation arrangements for vehicles meant that they could only leave the site via this access route.
- 5.19 The architects have amended the plans to remove any indication of circulation and the layout of echelon parking, the arrangement of which would have encouraged motorists to leave the site via Wykham Lane. These changes have begun to address the Local Highway Authority's concerns, however conditions are also recommended which control the alignment of the parking and which restrict the use of the proposed development to school staff and pupils only. With no stipulation over access and egress to and from the site, motorists will make their own choices about movement around the site as they do now, which will not encourage or dissuade the use of either access.
- 5.20 It is not considered, in highway safety terms, that circulation and access and egress should be enforced in a certain way based on the current site circumstances and the fact that the development would not result in any greater use of the site. For these reasons and subject to the recommended conditions, it is considered that the proposals comply with Policy T4 of the SEP and Government guidance on promoting sustainable transport contained within the NPPF.

Ecology

- 5.21 The Council's ecologist is satisfied that the proposed development, including the removal of some trees would not cause harm to protected species and as such no further survey work is required. Nesting birds could be disturbed by the development works, depending upon the time of year, therefore appropriate advice should be given to the applicant.
- 5.22 Providing that nesting birds are protected by the non-removal of trees during the nesting season, officers consider that the proposal would not cause harm to protected species in accordance with Policy C2 of the aCLP, Policy NRM5 of the SEP and Government guidance on conserving and enhancing the natural environment contained within the NPPF.

Planning Obligations

- 5.23 The application, due to its scale, triggers some of the thresholds for planning obligations as set out in the Council's draft document. The standard obligations likely to be triggered by a scheme of this nature are General Transport and Access and Public Art. There has been no request from the Local Highway Authority for a contribution towards transport and access, which is likely to be

due to the fact that the development is not expected to attract increased vehicular movements to the site. With regard to public art, the Council's Arts and Visitor Services Manager's comments are noted and it is agreed that in this case it would be unreasonable to insist on the provision of a piece of public art in relation to the proposed development. As such there are no infrastructural requirements associated with the proposed development.

Conclusion

- 5.24 The application for an extension to the sports hall is considered to be acceptable in principle as it represents sustainable development associated with an existing educational facility. The new building, due to its scale and design, is considered to be appropriate in terms of its impact upon the existing school complex, and would not cause unacceptable harm to the setting of the nearby listed buildings, the wider landscape or the residential properties on the site. Furthermore, based on the arboricultural survey that has been carried out, together with the tree protection measures proposed, the new buildings would not cause harm to the existing trees on the site. In addition, no protected species would be affected by the proposal. With regard to highway safety and convenience, the proposed development would not result in an increase in vehicular movements and as such it is not considered that it would cause harm. Lastly, there are no requirements for the development to enter into any financial obligations in association with the proposed development. For these reasons, the development accords with the policies referred to throughout the report and as set out within the summary of reasons for granting planning permission below.

5. Recommendation

Approval, subject to the following conditions:

- 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.
- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: [list amended drawing numbers once received].

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.
- 3 Prior to the commencement of the development hereby approved, samples of the brick, slate, stone and through colour render to be used in the

construction of the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 4 Prior to the commencement of the development hereby approved, full details of the doors and windows, including a cross section and colour/finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the door and windows shall be installed in accordance with the approved details.

To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 5 Prior to the commencement of the development hereby approved, full details of any external lighting required in association with the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 6 Prior to the commencement of the development hereby approved, a plan showing the details of the finished floor levels of the proposed extensions in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 7 Prior to the commencement of the development, 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 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, including pavements, pedestrian areas, reduced-dig 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 and Policy C28 of the adopted Cherwell Local Plan.

- 8 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; and that 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, 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 and Policy C28 of the adopted Cherwell Local Plan.

- 9 The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and the Tree Protection Plan prepared by RGS Tree Services in May 2012.

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 landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 10 Prior to the commencement of the development hereby approved, including the carrying out of any operation relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details.

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 landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 11 The sports facility hereby permitted shall be used only for purposes incidental to the use of Tudor Hall School and as such shall not be hired out for use by other parties.

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

- 12 Prior to the commencement of the development hereby approved, and notwithstanding the approved plans, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

- 13 Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it shall be completed and operational and the development connected thereto.

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 Government guidance contained within the National Planning Policy Framework, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

- 14 No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

Planning Notes

- 1 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.
- 2 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 01635 268881.

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 meal facility, it would not cause harm to neighbouring or visual amenity, the setting of the nearby listed building or the wider landscape. Furthermore, the development would not result in a risk to highway safety and convenience, the existing trees on the site or ecology. As such the proposal is in accordance with Policies CC1, CC6, C4, BE1, BE6, T4 and NRM4 of the South East Plan 2009, Policies C2, C7, C9, C13, C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. For the reasons given above and having regard to all other matters raised, including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.