

**Site Address: Banbury AAT Academy
(formerly Banbury School) Ruskin Road
Banbury**

13/00265/OUT

Ward: Banbury Easington

District Councillor: Councillors Blackwell, Mallon and Morris

Case Officer: Shona King

Recommendation: Approval

Applicant: Banbury AAT (formerly Banbury School) Ruskin Road Banbury

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 of Banbury School, which is not currently used formally for sports, 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 44 units.
- 1.5 This application is a resubmission of application 12/00240/OUT for a similar proposal. 12/00240/OUT was withdrawn by the applicant in August 2012 prior to a decision being made.
- 1.6 The application was deferred from the Committee Meeting on 18 April 2013 in order for Members to visit the site and again deferred from the Committee Meeting on 16 May for clarification of the proposed position of the ATP.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notices and

press notice. The final date for comment was the 28th March 2012. To date 31 letters and five petitions with 28, 65, 200, 47 and 59 signatures (some people have signed on more than one occasion) have been received objecting to the application. One of the letters received included a request that a petition submitted objecting to application 12/00240/OUT be taken into consideration. Also it is not clear whether the petitions with 65 and 200 signatures are new or whether they are copies of the petition submitted objecting to 12/00240/OUT. Unfortunately unless the petition is prepared again it cannot be taken into consideration as it is not known whether the objectors that signed the petition still object to the development. The following issues were raised:

- Additional noise and disturbance
- Highway safety and traffic congestion
- Publicity of the application and the previous one.
- Loss of value to property
- Loss of security at Stanbridge House
- Living amenity for occupiers of flats
- Loss of sports/playing field
- Loss of playing field from educational use when the population of Banbury is growing
- Light pollution/air pollution/litter
- Adequacy of supporting information
- Adequacy of the publicity of the application
- Highway safety and traffic congestion
- Traffic Survey flawed due to time of year when prepared and methods of evidence collection
- Considers that the decision has already been made by planners prior to committee consideration
- Living amenity for occupiers of flats
- Light pollution
- Drainage/sewage provision
- Land still used as playing field
- Confusion over location of ATP
- Use of the site by Blessed George Napier School
- Need for facilities
- Water pressure

In addition a copy of the petition has been received accompanied by 13 letters of objection, relating to application 12/00240/OUT, printed from the Council's website with the current application number written on. It is not known whether the authors have given their permission for their letters to be resubmitted. The issues raised are similar to those set out above.

2.2 A letter has been sent to all committee members from the residents of Stanbridge House. The issues raised are:

- Impact on Stanbridge House residents
- Playing field currently in use
- Confusion over what is proposed
- Parking provision for the ATP
- Drainage
- Highway safety
- Validity of the traffic assessment
- Shortfall of school places in future

2.3 A petition, with 190 signatures, in support of the application has been submitted by the applicant's agents.

2.4 2 emails have been received from the agent in response to the representations received. The issues raised are:

- Validity of petitions
- Not applicant's fault that the residents of Stanbridge Hall were not advised of the proposal when they bought their flats
- Proposal is in the wider public interest – investment in construction, delivery of new housing, overriding benefits to sport and public access to sports facilities
- Proposal will comply with para 72 of the NPPF
- Plans submitted with the application accurately show what is proposed – see plan PJF/omjt/SCH01/PF/8750.01 Rev.A
- Noise and disturbance: this is best dealt with by condition.
- Timing of the traffic surveys: the timing of the traffic surveys for the roads in the vicinity of the application site were agreed in consultation with Oxfordshire County Council and were carried out during the School term time – not during a holiday period.
- Loss of security at Stanbridge Hall: not sure how the development proposal gives rise to a loss of security at Stanbridge Hall.
- Residential amenity: the submitted opportunities and constraints plan identifies the need for informal amenity space to be provided along the site's boundary with Stanbridge Hall in order to safeguard their residential amenity. Scale and layout are reserved matters. The LPA will retain full control over the details of the housing layout through the submission of Reserved Matters, which will include considerations such as impact upon residential amenity.
- Land still used as playing fields: Clearly the application site is not enclosed or fenced off, consequently informal use of the application site occurs at break and lunchtime with a few student/pupils using the area to talk with friends and eat snacks and lunch. The land has been identified as surplus to the requirements of the School. This is evidenced by the fact that the School has not used the site for any school timetabled sessions for the past 5 years, and subsequently it is not marked out for any games activities notwithstanding the fact that during the Summer term the tip of the athletics track is marked out on part of the site. However, through the new playing pitch arrangements – to be secured through a planning obligation – the track will be relocated. The School has ample other informal space across its campus for the provision of informal space. As such the loss of the site will have no impact on the School's informal curriculum.
- Use of the site by BGN: As part of the Section 77 Application process there is a requirement to consult with other local school's within the vicinity of the application site. Discussions were held between then Banbury School and BGN, the outcome of which was that BGN were not interested in the use of the land.

3. Consultations

- 3.1 Banbury Town Council: No objections but makes the following observations: Mitigation measures needed to protect residential amenity from light pollution from floodlights and 'no waiting' restrictions needed for Ruskin Road

Cherwell District Council Consultees

- 3.2 Planning Policy Officer: The site comprises open space forming part of a wider area of playing fields within Banbury AAT school grounds. Outline planning permission is sought for between 33 to 44 dwellings (30% affordable) on land forming part of Banbury AAT Academy. Outline planning permission is also sought for the provision of a new 3G ATP (Astro Turf Pitch) to be located near the sports hall and for extensions and alterations of the Sports Hall itself.

The main policy issues are considered to be:

- The loss of open space and part of a playing field;
- The principle of residential development outside the built-up limits of Banbury (Housing land supply)

The loss of open space and playing field

The primary element of this application involves the redevelopment of existing playing fields for residential use. National Planning Policy Framework (NPPF) para 74 states that open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- *'an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *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*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

Under existing local plan policies **R7** and **R7A** in the Non Statutory Cherwell Local Plan 2011, there is a presumption against development that would result in a loss of sports/recreational facilities, playing fields- including school playing fields/grounds. Permission will not be granted unless the proposal:

- R7(i) will not affect the loss of an open space of importance to the character or amenity of the surrounding area.
- R7A
 - (i) the playing fields are considered to be surplus to requirements
 - (ii) the proposed development is ancillary to the use of the site as a playing field
 - (iii) the council is satisfied that a suitable alternative site of at least equivalent community benefit is to be provided within an agreed time period
 - (iv) the proposals only affect land which is incapable of forming playing pitch,
 - (v) the proposal is for a facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

The council's PPG 17 open space sport and recreational facilities needs assessment, audit and strategy (2006) and subsequent Green Space (2008) and Playing pitch strategies (2008) found that the District has deficiencies in

open space of open space provision. With regards to playing pitches, the main issue identified in the 2006 and 2008 studies was the need to work with schools to open up their sports facilities where appropriate. The Open Space Update 2010 concluded that for outdoor sports provision the 2008 standards should remain.

The applicants advised in paragraph 1.6 of their Planning Statement that the area identified for residential development comprises former playing fields which have not formed part of the timetabled session of the School for the last 5 years. They indicate that during the summer, the top of the athletics track is marked out on part of the site but the athletics track can be relocated to its original position on Wykham field without impact on other School activities.

The applicants propose in paragraph 1.5 of their Planning Statement that funds received from the residential part of the proposal would be used to implement the rest of the scheme. This includes the provision of an Astro Turf Pitch (3G ATP), extensions/alternations to the existing sports hall and realignment of grass playing pitches to provide 2 Rugby Pitches, 4 Football pitches, a new Cricket Square and an Athletics track.

Paragraphs 3.10-3.13 of the applicants' Planning Statement note that funding from the residential development will allow for new playing pitch arrangements, resulting in a net increase in the quantity of playing pitch provision in the school and that the new 3G ATP with lighting would improve the availability of ATPs the school pupils and local sports clubs could use. The Applicants propose in paragraph 3.13 of their Planning Statement to put in place a Community Use Agreement for all the sports facilities in the School which will increase the quantity and quality of available pitches to local sports clubs within the Town.

You will need to consider, in consultation with Leisure Services, the case put forward by the applicants and whether they have demonstrated that the loss of the facility would be replaced by an equivalent or better provision, and that therefore the benefits of the development outweigh the loss of part of the playing field.

The principle of residential development in this location (Housing Land supply)

The application site is not allocated for development in the saved (adopted) Cherwell Local Plan 1996, nor the Non-Statutory Cherwell Local Plan. The Local Plan Proposed Submission 2012 and its 2013 Changes provide guidance on location of future growth by focusing the development in the urban areas in the first instance.

Para 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

The District presently has a 4.1 year supply of deliverable housing land for the period 2012-17 and a 4.3 years supply for the period 2013-18 when considering a 5% buffer. Taking into account a 20% buffer the District has a 3.5 and a 3.8 year supply for the same time periods (Cherwell District Council AMR 2012).

There are clear implications from the current land supply position and potential land releases which will contribute to the five year housing land supply and to the longer term housing trajectory in the Local Plan. Although, the emerging

Local Plan does not allocate land for non strategic sites, it provides an allowance of 100 dwellings from non allocated sites comprising 10 or more dwellings.

It is considered that the site falls mainly outside the built up limits of the town. However, it is my view that the site would not result in encroachment into open countryside and in particular would not breach or impact upon the clearly defined historic route of Salt Way and is unlikely to affect its recreational and wildlife interest. Although the majority of the site is outside the built up limits of the town, it would not lead to a loss of open countryside and would not impact on its intrinsic character and beauty which is one of the core planning principles the NPPF requires us to take into account (Paragraph 17 bullet point 5 of).

Conclusion

Therefore, subject to an assessment of the detailed impacts of this proposal, I see no reason in principle why this limited release of land outside built-up limits would not be appropriate in the context of an under supply of deliverable housing land. It is suggested however that appropriate conditions are attached to ensure that the housing is delivered within the next five years. In these circumstances, and subject to the case officer being satisfied that the applicant has demonstrated the loss of the facility would be replaced by an equivalent or better provision, there is no policy objection.

- 3.3 Housing Officer: The proposed residential development at the former school site on Ruskin Road will require an affordable housing provision due to the indicative density of units proposed. The requirement will be for 30% affordable housing to be provided on site.

The tenure split should represent 70/30 rented / shared ownership breakdown.

Given the nature of the site the affordable housing should be split into two clusters, whose location is to be agreed with planners.

The affordable units should be built to HCA's Design and Quality Standards and should meet Code for Sustainable Homes level 3 as a minimum with 50% of the units to meet Lifetime Homes Standards.

The affordable housing unit types provided should be consistent with the requirements below;

Rent	Shared Ownership
20% 1b2p Flats/Maisonettes	100% 2b4p Houses
20% 2b3p Flats/Maisonettes	
40% 2b4p Houses	
20% 3b5p Houses	

The affordable housing should be transferred to one of the Council's preferred partners.

- 3.4 Environmental Protection Officer: As this is a sensitive development I recommend the full contaminated land conditions. This will be required to demonstrate the site will be suitable for its proposed end use.
- 3.5 Landscape Officer: in response to consultations relating to the Planning Obligation. They have requested, along with a Local Area of Play, a public open space buffer to the trees on the NE and SE site boundaries and general informal amenity space (£27.31/m2 plus 10% for management), management of the existing trees on the NE

and SE site boundaries (£10.44/m² plus 10% for management), and the creation of a balancing pond, if necessary (£16.26/m² plus 10% for management).

Also tree protection conditions are recommended to ensure the protection of the mature trees surrounding and within the site.

- 3.6 Head of Safer Communities and Community Development (Anti-social Behaviour Manager): Further to your consultation of 27/02/13 my general concerns regarding this proposal were expressed in my consultation response made in respect of the now withdrawn application. My suggestion of a curfew of 21:00 hrs for the use of the astro turf playing area and the lighting remains. If you are minded to recommend approval of this planning application then a prior approval condition will be required in respect of the floodlighting installation.
- 3.7 Ecologist: Residential development - I have no objections to this proposal on ecological grounds if the boundary vegetation to the North and East is to be retained and strengthened. Any lighting within the scheme will need to be directed away from boundary vegetation as there are records of bats in the adjacent school and to the North in this area and they are likely to use such vegetation as a commuting and foraging route. A full landscaping scheme including biodiversity enhancements on site and future management of the habitats created (as outlined on page 25 of the D&A statement) would need to be submitted with final layout plans.

Sports hall extension - It is possible that bats use this building (see below) therefore in the absence of any further information the following informative should be attached to any permission:

Under UK and European law it is illegal to disturb, kill or injure bats, or destroy their roosting places. All persons involved in the works to the Sports Hall should be made aware as to the possibility of bats being present and the legislation protecting them. If bats or evidence of bats are found during the works at any point, all work in that area is to cease until a licensed bat worker and Natural England has been consulted for advice on how to proceed.

If the applicant is aware of any bats using any part of the building they should contact me further. Otherwise I have no objections.

Astroturf pitch and lighting - I have no objection to the astro-turf pitch aspect of the application however there is a record of a Pipistrelle bat within the adjacent BGN School as well as a record a similar distance to the West and therefore it is possible that this species roosts within the school buildings or its vicinity and forages in this area. The impact that the proposed flood lighting may have on roosting or foraging bats in the area has not been addressed at all within the application. Lighting can cause bats to desert roosts and reduces the time for foraging. I could not find an account of how often and at what hours the lighting will be used for (did I miss this information?) or how far the lightspill/lux levels will go however it may constitute regular disturbance and 'disturbance' of this type to a European Protected Species can constitute an offence. Therefore whilst I do not object entirely to the installation of lighting around the pitch this aspect needs to be looked into and a statement from a qualified individual as to the likelihood of bat disturbance in this location and its acceptability or mitigatory measures should be submitted.

Recommends conditions 33-38 below.

Oxfordshire County Council Consultees

- 3.8 Highways Liaison Officer: I note this a resubmission of application 12/00240/OUT and I have no reason to deviate from the previous officer's recommendation.

Previous comments:

The application is Outline with approval being sought for access only, with all other matters reserved.

The Transport Assessment includes a summary of a seven day assessment of vehicle speeds along Ruskin Road. The recorded 85th percentile wet weather speeds are 23.5mph in both directions. The achievable visibility splays at the proposed access of 2.4 x 31m accord with the MfS 2 standards for the recorded speeds. 43 metres is achievable 1m from the kerbline. In terms of visibility the proposed access is therefore acceptable.

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.

At the pre-application stage it was advised that the site may feel detached from the existing build up area due to only a single, long access road. 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);

- £442 per 1 bed
- £638 per 2 bed
- £994 per 3 bed
- £1366 per 4+ bed

Recommended conditions;

- 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
- 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.

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

Additional comments have been received in response to a representation made concerning the adequacy of the proposed access to the site and the need for it to be constructed to an adoptable standard. The Highway Authority has responded stating that there is no obligation upon a developer to offer a road for adoption, a private road need not be constructed to an adoptable standard and the access as proposed could be adopted subject to construction specifications.

3.9 Drainage Officer: No comment to date

3.10 Developer Funding Team: Refer to previous recommendations relating to 12/00240/OUT.

“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 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 23m² 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 m² @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

- 3.11 Sport England (Original Comments): Sport England has considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The Policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.”

In light of the above, Sport England objects to the proposal because it is not considered to accord with any of the exceptions in Sport England’s playing fields policy.

It is proposed that the proceeds from the sale of the land for housing will be ring-fenced and used to fund the provision of the sports facilities. Sport England recognises that a number of additional benefits to sport have been provided with this application that were not provided with the previous application (12/00240/OUT). However, Sport England requires further details from the Applicant regarding the above benefits before we are satisfied that the proposed development is of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of part of the School’s playing field. Sport England has outlined to the Applicant the additional information required and is awaiting the Applicant’s response. From our ongoing discussions with the Applicant, Sport England is confident that there is scope to find a way forward and for Sport England to withdraw its objection subject to the receipt of additional information.”

Sport England (Amended Comments): Sport England considers planning applications for development on playing field against five specific exceptions set out in the Sport England policy document A Sporting Future for the Playing Fields of England. With regard to the specific exception criteria identified in the above policy, I would make the following comments:

Exception 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.

This is not applicable. Cherwell District Council’s Playing Pitch Strategy does not identify an over supply of playing field to justify any permanent loss.

Exception 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.

The proposals are not ancillary to the principal use of the site as a playing field.

Exception 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 facilities on the site.

Not applicable – the housing development is located on a usable area of playing field.

Exception E4: The playing field or playing fields that 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 development.

There are no proposals to provide replacement playing fields.

Exception 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.'

Not applicable. The proposal is for an indoor or outdoor sports facility but it also includes housing development on playing field land.

Sport England has been in communication with the Applicant regarding these proposals for some time. As set out above a number of additional benefits to sport have been provided with this application that were not provided with the previous application (12/00240/OUT). All of the benefits provided will be available for the use of the School and the Community. The proposals are supported by the Football Association and the England & Wales Cricket Board.

Sport England considers that the proposed new sporting facilities together with the improvement to the existing School sports facilities are of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of part of the School's playing field. This is a departure from the normal exceptions because of the special circumstances that relate to this playing field site only.

The Applicant should be made aware that Sport England is likely to object at the reserved matters stage if the submitted details for the sports facilities are not those that have been agreed with Sport England to date.

This being the case, Sport England wishes to withdraw its application dated 3rd April 2013, subject to conditions 21 to 31 set out below.

Sport England notes that the Council intends to limit use of the floodlights on the AGP up to 21.00. Sport England would prefer the hours of use to continue up to 22.00. We would therefore not want these hours to be reduced below 21.00.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

If your Authority decides not to attach the above conditions, Sport England would wish to maintain a statutory objection to this application. Should your Authority be minded to approve this application without the above conditions, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

From the applicant details, ownership certificate and recent site history, Sport England understands that the application (in whole or part) is land currently used by an educational institution as a playing field.

- 3.12 Environment Agency: We have no objection to the application as submitted, subject to the inclusion of a condition, detailed under the heading below, to any subsequent planning permission granted.

Without the inclusion of this condition we consider the development to pose an unacceptable risk to the Environment

Condition

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion

Reason

To prevent the increased risk of flooding, both on and off site.

Advice to LPA/Applicant

There is still some uncertainty over the feasibility of a gravity discharge to surface water sewer. The use of pumps should be considered as a last resort and if required the residual risk of pump failure should be assessed to ensure the development is safe and does not increase risk to nearby properties.

- 3.13 Thames Water: Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a

suitable sewer. In respect of surface water it is recommended that 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Water Comments

Thames Water recommend the following informative be attached to this planning permission. 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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

The developer is requested to contact Thames Water Developer Services department at the earliest opportunity to arrange an impact study.

- 3.14 Oxfordshire Playing Fields Association: Oxfordshire Playing Fields Association would not ordinarily be supportive of any proposal that leads to the loss of playing field land, and actively works to ensure that playing field land is not lost across Oxfordshire. We are also aware that there is a need for more playing pitch provision in Cherwell. However, we consider that this application seeks to improve existing facilities and provide new ones, and would therefore endorse it. We are also supportive of the fact that the new facilities will enable there to be an increased number of playing pitch agreements, and particularly endorse the provision of a formal community use agreement.
- 3.15 Thames Valley Police: I do not wish to object to the proposals at this time. In fact, I commend the applicants for containing within their Design and Access Statement a specific section entitled 'Secure by Design', which addresses how they intend to incorporate crime prevention design within the proposals at this stage. I hope to discuss the contents of this section with them in the near future so that any reserved matters application can also reflect the indications given. In the meantime, opportunities to design out crime and/or the fear of crime and to promote community safety will remain. To ensure that these opportunities are not missed I request that the following (or a similarly worded) condition be placed upon any approval for this outline application;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by providing a minimum set of standards on physical security measures. Details can be found at www.securedbydesign.com and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; Promoting Healthy Communities') where it is stated that development should create '*Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion*'.
- Supplementary Planning Guidance Document '*Safer Places - The Planning System and Crime Prevention*', ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

Assuming approval is given, and to assist the authority and the applicants in providing as safe a development as possible, and to aid the latter in achieving SBD accreditation, I suggest that the applicants contact me at their earliest convenience to discuss incorporating crime prevention design within the reserve matters application.

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been through public consultation and 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.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Policy context
- Loss of playing pitches

- Suitability of the site and impact on neighbouring properties
- Impact on highway safety

Policy Context

- 5.2 The adopted Cherwell Local Plan, 1996, does not contain any policies specifically relevant to this site in relation to allocations for housing development.
- 5.3 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.
- 5.4 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

- 5.5 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.
- 5.6 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.

5.7 The applicant has sought to demonstrate that the proposed development accords with exception E5 in that 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.

5.8 Following the submission of additional information to them, Sport England has withdrawn their objection to the redevelopment of the site subject to conditions 21 - 31 below as it is considered that the proposed new sporting facilities together with the improvement to the existing School sports facilities are of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of part of the School's playing field.

Suitability of the site and impact on neighbouring properties

5.9 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.

5.10 The part of the site proposed for residential development lies immediately adjacent to other residential properties, Stanbridge House (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.

5.11 An opportunities plan has been submitted with the application showing the location of the proposed residential zone on the site. There are several constraints to any development in this location:

- a) proximity of dwellings to Stanbridge House - 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) requirement for of open space/play space within the site

5.12 With these constraints officers recommend that if Members are minded to approve the application, a condition of the permission is that the planning permission does not imply the approval of the provision of 44 dwellings due to the constraints on and surrounding the site.

5.13 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 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.

5.14 In any reserved matters submission the layout of the proposed residential units will need to take into account the siting of the ATP and the details of the floodlighting will need to ensure that the living amenities of the new occupiers is not adversely affected

5.15 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.

Impact on highway safety

- 5.16 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.
- 5.17 Concerns have been expressed in the representations about the adequacy of the supporting information submitted with the application. The Transport Assessment submitted with the application was prepared in October 2011 and when development on this site was first considered (application 12/00240/OUT) the development at Stanbridge House was underway. The proposal has been assessed in the light of the Stanbridge House development and 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.
- 5.18 The Highway Authority has assessed the proposal based on the information provided within the Transport Assessment (i.e. 100 dwellings) and the application seeks approval for up to 44 dwellings.
- 5.19 The application seeks approval for access only and all other matters including parking space numbers and layouts are reserved. The Highway Authority concludes 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.

Site drainage and flood risk

- 5.20 The Environment Agency does not object to the development of the site subject to condition 32 below as they do not consider that there is any risk of flooding both on and off the site.

Other Matters

- 5.21 The application was deferred from the Committee Meeting on 16 May for Officers to obtain clarification of the siting of the proposed ATP. The applicant's agent has confirmed that the location is as set out on the site plan/block plans accompanying the application (drawing Nos. PF/omjt/SCH01/PF/8750.01A and 04). It is to be positioned to the north east of the row of trees adjacent to the sixth form classrooms. This is approximately 60m from the closest part of Stanbridge House itself and 40m from the boundary of the site with the garden of Stanbridge House.

Planning obligations

- 5.22 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.
- 5.23 The applicant has agreed to the following Heads of Terms relating to the obligation, which are in line with the District and County Council's requirements:

District Council requirements

- affordable housing at 30%
- open space, and LAP provision
- refuse bins and recycling
- timing of reserved matters application for the sports facilities
- timing of completion of sports facilities including changing facilities and resurfacing of existing ATP, climbing wall, improvements to the sports hall and gym
- size of changing facilities (to be the subject of a Reserved Matters

- application)
- affiliation of the completed sports facilities to their National Governing Body for a period of 30 years
- use of the sports facilities by sporting organisations affiliated to their National Governing Body
- co-ordination/management/maintenance of the sports facilities

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

5.24 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.

Engagement

5.25 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.26 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 make 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) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph(s) 5.21 - 5.23,
- b) the following conditions (subject to amendment under delegated authority):
 1. No development shall commence until full details of the layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
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 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
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 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).
3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
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 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).
4. 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 drawing numbered: PF/omjt/SCH01/PF/8750.01A.
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.
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 Policy BSC4 of the Cherwell Local Plan - Proposed Submission Draft (May 2012) and Government guidance 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 C28 of the adopted Cherwell Local Plan and Government guidance 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 C28 of the adopted Cherwell Local Plan and Government guidance 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 C28 of the adopted Cherwell Local Plan and Government guidance 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 ENV1 of the adopted Cherwell Local Plan and Government guidance 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 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 and Government guidance 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 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 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 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 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 Government guidance 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 Government guidance 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 ENV1 of the adopted Cherwell Local Plan and Government guidance 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.
22. Notwithstanding the submitted details, full details of the all-weather astro-turf pitch, lighting, climbing wall and the extension and alteration of the sports hall and changing facilities shall be submitted for approval at the Reserved Matters stage and the facilities shall be provided/constructed in accordance with the approved details.
Reason - To ensure the provision of the sports facilities to serve the school and community and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
24. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Sports Hall, Artificial Grass Pitches, grass pitches and tennis courts forming part of the development and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other 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 comply with Government guidance contained within the National Planning Policy Framework.
25. No development shall commence until details for the phasing of the development, including the provision of the sports facilities, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.
Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.
26. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (a) (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of 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 a timeframe agreed with the Local Planning Authority after consultation with Sport England. The land shall thereafter 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.

- 27. The playing fields and pitches shall be constructed and laid out in accordance with the planning application Drawing No. PF/omjt/SCH01/PF/8750.04 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation of the development hereby permitted.
Reason: To ensure the quality of pitches is satisfactory and they are available for use before the development commences.
- 28. No development shall commence until a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.
Reason: To ensure the quality of pitches is satisfactory and that they are available for use before development.
- 29. 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. 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 facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.
- 30. That the areas all-weather astro turf pitch 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 ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 31. 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 ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

32. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

33. No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off-site.

34. All clearance of hedgerow, trees and shrubs shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive. Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

35. Prior to the commencement of the development hereby approved, including any works of site clearance, a recent survey (no older than six months) for badgers, along with any mitigation strategy if required, and information on whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes if required, 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 that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

36. Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

37. All species used in the planting proposals associated with the development shall be native species of UK provenance. Planting schemes should not currently include *Fraxinus excelsior*.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework

38. Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Statement (CES) which shall include details of the measures to be taken to ensure that construction works do not adversely affect retained biodiversity, 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 CES.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

39. Prior to any works commencing on site an assessment of the impact of the proposed lighting on bats shall be submitted along with any mitigation plan, lighting design and usage times/frequency proposals for written approval by the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

40. No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason: In order to comply with Government guidance contained within the National Planning Policy Framework.

- 41 Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

42. If a potential risk from contamination is identified as a result of the work carried out under condition 8, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

43. If contamination is found by undertaking the work carried out under condition 9, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

44. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

45. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local

Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

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.
2. 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.
3. You are advised that the details of the alterations/extensions of the sports hall/changing facilities should be in accordance with the details shown on drawing Nos. 5127 P.01 and PJF/OMJT/SHO/PF/5750.01Rev A attached to the agents' email dated 11/4/13.
4. The Applicant is advised that the design and layout of the sports facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sports halls: Design and Layouts design guide (Feb 2012), Natural turf for sport design guide 2011 and Artificial surfaces for outdoor sports (NEW October 2012).
5. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).
6. Sport England recommends that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.
7. There is some uncertainty over the feasibility of a gravity discharge to surface water sewer. The use of pumps should be considered as a last resort and if required the residual risk of pump failure should be assessed to ensure the development is safe and does not increase the risk to nearby properties.
8. Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

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 H5, R12, TR1, 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, the Council considers that the application should be approved and outline planning permission granted subject to appropriate conditions, as set out above.

STATEMENT OF ENGAGEMENT

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.