

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

14/01482/OUT

Ward: Banbury Easington

**District Councillor: Fred Blackwell, Kieron Mallon
and Nigel Morris**

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Banbury AAT Academy

Application Description: Variation of conditions 1, 6, 9, 10, 11, 12, 13, 14, 18, 20, 21, 24, 31, 32, 33, 36, 28, 29, 40, 42, 43, 4 and 46 of 13/00265/OUT – Vary wording of conditions to allow development to come forward in phases.

Committee Referral: Public interest **Committee Date:** 27th November 2014

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 AAT Academy, 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 Application 13/00265/OUT previously granted consent for the proposed development and this application seeks to amend the wording of several conditions to allow the development to be constructed in two phases; Sports development followed by the residential development.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 9th October 2014.

4 letters have been received. The following issues were raised:

- Increase traffic

- Light and sound pollution
- Loss of land for school use
- Astro-turf pitch will degrade peace and tranquillity enjoyed outside of the normal school day
- Ruskin Road is too narrow to take additional traffic
- Impact on neighbouring retirement/elderly care property
- Application should not be a delegated matter
- Concerns astro-turf pitch is closer to neighbouring properties
- Impact of flood lights
- How will the conditions relating to the sports pitch use be enforced?
- Impact of construction traffic and noise created by construction
- Includes land outside of the applicants ownership
- Concerns about phasing of development leading to longer periods of disruptive building work

3. Consultations

- 3.1 Banbury Town Council: Object – reasons behind the original condition has not materially changed.

Cherwell District Council Consultees

- 3.2 Planning Policy Officer: No comments to make.
- 3.3 Affordable Housing Officer: No comments received
- 3.4 Anti-social Behaviour Manager: No objections
- 3.5 Safer Communities Manager: No comments received
- 3.6 Environmental Protection Officer: No comments received
- 3.7 Head of Health and Recreation: There is no objection to these amendments from Arts, Sports, Recreation and Community Development.
- 3.8 Arboricultural Officer: No comments received
- 3.9 Landscape Officer: No comments received
- 3.10 Ecology Officer: I have no objection to the phasing of the conditions, however I consider that two of them (35 (badger check) – which has not been applied for here - and 36 (biodiversity enhancement scheme)) are only relevant to the housing development phase and do need to be added to the phase for the construction of new sport facilities. The other ecological conditions should apply to both the new sports pitch and housing phases.
- 3.11 Waste and Recycling Manager: No comments received

Oxfordshire County Council Consultees

- 3.12 Highways Liaison Officer: No objections
- 3.13 Drainage Officer: No comments received
- 3.14 Developer Funding Team: No comments received

Other Consultees

- 3.15 Environment Agency: We **object** to the variation of Condition 33.

However, please note that if the wording is amended slightly then we would have no concerns.

We strongly advise that reference to commencement of a phase of development rather than a specific development type would be more appropriate.

At present the amended wording makes reference only to residential and we wish to highlight that drainage from infrastructure and commercial uses, including the sports facility, will still utilise drainage features and should be considered in the context of the whole drainage strategy.

- 3.16 Thames Water: objects to varying the wording of conditions to allow the development to come forward in phases, and request that a drainage strategy encompassing the entire proposed development be submitted to the local authority to enable the impact of the full development to be assessed. Phasing of a development of this size could result in multiple small scale network upgrades being required. A single site drainage strategy would enable a single comprehensive solution to be developed. The developer is requested to contact Thames Water's developer services department to discuss the required investigation to determine the impact of the whole development on the receiving sewer systems.
- 3.17 Sport England: The proposed amendments to these and the 21 other conditions do not alter Sport England's view that the proposed development substantially fulfils the circumstances described in exception E5 of its playing fields policy. That is to say: *"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."* This being the case, Sport England does not wish to raise an objection to this application.
- 3.18 Oxfordshire Playing Fields Association: No comments received

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:	Layout, design and external appearance of new development
C30:	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose

modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. 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:

- Principle of a phased development
- Material changes

Principle of a phased development

- 5.2 The application is seeking consent to vary the wording of planning conditions to allow the development to come forward in two phases; the sports facilities phase and a residential phase.
- 5.3 The sports facilities phase comprises of the provision of an astro-turf pitch with lighting and the extension and alteration of the sports hall and changing facilities including the provision of a climbing wall. The residential area is limited to the parcel of land at the north end of an existing playing field.
- 5.4 Application 13/00265/OUT granted consent in April 2014 for the proposed development and it was subject to a s106 legal agreement. The agreement included three clauses that relate to the timing of the development:
- 5.5 Clause 8.1: *'Submit to the District Council for approval a qualifying application for the sports facilities prior to the submission of any qualifying application for the dwellings on the development'*
- 5.6 Clause 8.2 *'Commence the construction of the sports facilities within 24 months of commencement of the construction of any dwelling on the development; and'*
- 5.7 Clause 8.3: *'complete the sports facilities in accordance with any qualifying permission and subject to the reasonable satisfaction of the District Council, and make them available for use in accordance with a community user agreement prior to the occupation of the 20th dwelling'*
- 5.8 Clause 8.1 of the legal agreement clearly requires the reserved matters applications for the sports facilities and the residential development to be submitted in phases to ensure the appropriate sports facilities are being provided before the residential element is constructed. However, the wording of many of the conditions ties the developments together, requiring detailed elements of the residential scheme to be submitted for discharge at the same time as the sports facilities. The legal agreement and the conditions are in slight conflict with each other meaning the applicant would be unable to fully comply with both.
- 5.9 The provision of adequate sports facilities is a key criteria before the dwellings can be constructed and therefore it is important that the applicant has the ability to deal with this phase of the development first. Therefore your officers consider it is necessary to amend the wording of the conditions to allow a more practical approach for the submission of reserved matters and discharge of conditions applications.
- 5.10 Your officers have reviewed all of the original conditions, taken into account consultee responses and made amendments where necessary to ensure all of the original requirements of the scheme are still fully met by the revised conditions, albeit with

some conditions allowing for a phased discharge of details.

- 5.11 Concerns have been raised by local residents that a phased development could prolong potential disruption from building work. The amendments to the conditions simply allow a phased submission of the associated applications relating to the development. Conditions 2 and 3 which relate to the timing of submission of reserved matters and the commencement of development have not been changed. Therefore the amendments to the conditions would not affect the way the applicant chooses to deliver the scheme when compared to the previously approved application.
- 5.12 The principle of amending the wording of conditions is considered to be acceptable. Set out in the recommendation is the amended conditions as drafted by your officers.

Material Changes

- 5.13 Application 13/00265/OUT was granted consent in April 2014 for '*Residential development with access and associated infrastructure; the provision of a new all weather Astro Turf Pitch with lighting; and the extension and alteration of the Sports Hall and changing facilities including the provision of an external climbing wall – Re-submission of 12/00240/OUT*'
- 5.14 This application makes no changes to the proposed development. Contrary to the views expressed by some residents, the astro turf pitch is still proposed in the previously approved location.
- 5.15 The only change in terms of policy is the progress of the Submission Local Plan, however, as it is still in the examination phase, I do not consider it to hold any more weight at this stage than when the scheme was previously approved.
- 5.16 Although the submission of a Variation of Condition is a new application, your officers have carefully reviewed the issues set out in the previous case officers report (attached as Appendix A) and agree with the conclusions reached and the recommendation for approval.

Engagement

- 5.17 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.

6. Recommendation

Approval, subject to:

a) The applicants entering into an appropriate legal agreement to link the application with the previously agreed Section 106 agreement.

b) the following conditions:

1. No development shall commence on the sports facilities phase or the residential phase of the development hereby approved until, full details of the layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) for that phase have been submitted and approved in writing by the Local Planning Authority. Thereafter each phase of the development shall be carried out in accordance with the approved reserved matters application relating to it.

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: PJF/omjt/SCH01/PF/8750.01 Rev B.

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 residential phase 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 commence on the residential phase of the development hereby approved until, there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the residential phase of 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 a 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 residential phase 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 commence on the residential phase of the development hereby approved 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. No development shall commence on the residential phase of the development hereby approved until, a detailed scheme for the surface water and foul sewage drainage of the development has been 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 residential phase 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. No development shall commence on the residential phase of the development hereby approved until, the access is 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. No development shall commence on any phase of the development hereby approved until, a construction phase travel plan for that phase of development has been submitted to and approved by the Local Planning Authority. Throughout development the approved plan(s) 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. No development shall commence on the residential phase of the development hereby approved until; full details of a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the residential phase 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 residential phase shall be served by an estate road (or Roads) laid out and constructed in accordance with details, including a means of surface water disposal, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential phase of the development hereby approved. (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 on the development hereby approved 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 residential phase of the development hereby approved, a travel plan to reduce dependency on the private car by residential occupiers of the development, 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 on the residential phase 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 whichever 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 residential phase of the development hereby approved, fire hydrants for the residential phase 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 communities contained within the National Planning Policy Framework.

23. The surface of the all-weather astro turf pitch shall be finished, drained, 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 sports facilities phase of the development hereby approved. The surface, drainage 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 sports facilities 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 on the development hereby approved 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 submitted with application 13/00265/OUT 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 on the development hereby approved 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, has been 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 for the astro-turf pitch 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 sports facilities phase 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. No development shall commence on the residential phase of the development hereby approved until, a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing 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 commence on the residential phase of the development hereby approved until, a surface water drainage scheme for the residential area 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 residential phase of 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. No development shall commence on the residential phase of the development hereby approved, including any works of site clearance, until 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, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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. No development shall commence on the residential phase of the development of the development hereby approved, including any works of site clearance, until a method statement for enhancing biodiversity on the residential phase of the development, has been 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. No development shall commence on any phase of the development of the development hereby approved, including any works of site clearance, until 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, for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved 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. No development shall commence on any phase of the development of the development hereby approved until, an assessment of the impact of the proposed lighting on bats, along with any mitigation plan, lighting design and usage times/frequency proposals for that phase of the development has been submitted to and approved in writing 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 on the residential phase of the development hereby approved 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. No development shall commence on any phase of the development hereby approved until, 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 has been submitted to and approved in writing by the Local Planning Authority. No development on that phase of 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 41, 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 42, 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 43, 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.

46. No development shall commence on any phase of the development of the development hereby approved until, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, for that phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. The 'residential phase' referred to in the conditions is the parcel of land outlined in red on drawing number PJF/kjh/SCH01/PF/8750.5 and labelled residential area. The 'sports facilities phase' referred to in the conditions is the three remaining parcels of land shown on drawing number PJF/omjt/SCH01/PF/8750.01 Rev B (with the exception of the parcel of land for the residential phase).

2. 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.

3. 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.

4. 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 and submitted with application 13/00265/OUT.

5. 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).

6. 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).

7. Sport England recommends that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

8. 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.

9. Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

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 the decision has been made in an efficient and timely way.