

Case Officer: Bob Neville **Ward(s):** Banbury Calthorpe And Easington

Applicant: Mr M Gough

Ward Member(s): Cllr Colin Clarke
Cllr Kieron Mallon
Cllr Nigel Morris

Proposal: The provision of an all-weather astro turf pitch and lighting, and alteration of the existing sports hall and changing facilities including the provision of an external climbing wall

Committee Date: 09.06.2016 **Recommendation:** Approval

Committee Referral: Major application due to site area (2.3Ha)

1. Application Site and Locality

- 1.1 The site is comprised of two areas of land within the Banbury AAT Academy school site. The school site sits within a residential area of Banbury with residential properties to the west/north-west and north-east, Blessed George Napier School to the south-east and open countryside to the south. The boundaries of the school are predominantly made up of mature hedgerow, trees and fencing. The school site is accessed off Ruskin Road and has an existing car parking area within the complex.
- 1.2 The application site is divided into two areas. The first area is part of the playing field and is located south-east of the main complex of school buildings. This area is currently used as a seasonal grassed sports area, accommodating such sports as cricket, athletics and rugby. The construction of an all-weather pitch with lighting and metal boundary fence is proposed in this area.
- 1.3 The second area of the application 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 3 no. individual suites of changing facilities, educational uses with separate facilities for the school; rooms for the disabled to shower and change and further ancillary rooms including: staff changing, referees changing and a first aid room. A 4m high climbing wall is also proposed to the north-western elevation of the outside of the building.

2. Description of Proposed Development

- 2.1 The application follows the granting of outline permission 13/00265/OUT for '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'. This was subsequently

amended by permission 14/01482/OUT; which amended the wording of the conditions to allow for the development to be brought forward in phases.

- 2.2 This application seeks detailed planning permission for the all-weather astro turf pitch and flood-lighting (8 x 15m high lighting columns), the alteration/extension of the existing sports hall (two storey infill extension to the sports hall and single storey flat roof extension to the north-west elevation of the sports hall) and the external climbing wall elements of the outline permission (14/01482/OUT), for both school and community use; the principle of which was considered acceptable at the outline stage. No residential development is proposed as part of this application.
- 2.3 The application has been submitted as a full planning permission application, as opposed to a reserve matters application, because of a change in the red-line site boundary area from the outline permission, necessary due to a re-orientation and re-siting of the proposed ATP, further away from the neighbouring residential property (Stanbridge House) to enable the accommodation of a full-sized football pitch on the all-weather surface.
- 2.4 Further information and documentation has been submitted to supplement the documentation initially submitted with the application, during the course of the assessment process, in response to case officer and consultee comments. These additional documents and revisions have included:
- An update to the Design and Access Statement; which clarified the surface of the ATP;
 - An ecological statement; reviewing the lighting strategy for the ATP and potential ecological impacts;
 - Transport
 - Noise Impact Assessment;
 - An updated Flood-risk assessment and infiltration testing report;
 - Arboricultural Report;

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>
12/00240/OUT	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. Withdrawn in light of an objection by Sport England.
13/00265/OUT	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. Permitted
14/01482/OUT	Variation of conditions 1, 6, 9, 10, 11, 12, 13, 14, 18, 20, 21, 24, 31, 32, 33, 36, 38, 39, 40, 42, 43, 44 and 46 of 13/00265/OUT - Vary wording of

conditions to allow development to come forward in phases. Permitted

15/00674/REM Reserved Matters to 14/01482/OUT - New all-weather astro turf pitch and extension and alteration of sports hall and changing facilities. Withdrawn following concerns being raised by Sport England regarding the size of the proposed pitch.

(Please note that this is not a complete summary of the planning history at the site and that there have been further applications at the site).

4. Application Publicity

- 4.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 25.05.2016. Correspondence has been received from, and on behalf of, residents of Stanbridge House, adjacent the site, in objection to the proposals, as a result of this process.
- 4.2 Full details of the issues raised in objection are available to be viewed via the Council's website. Below is a brief summary of the material planning considerations raised in objection correspondence:
- Detrimental impact on neighbour amenity; in terms of noise and light pollution as a result of the proposed flood-lighting;
 - Detrimental impact on highway safety; through increased traffic and parking requirement;
 - Detrimental impact on the character of the area;
 - Potential flood-risk;
 - The need for and suitability of the proposed ATP; including potential health hazards from proposed surfacing and risk of fire.
- 4.3 Comments have also been made with regard to potential loss of view and property devaluation. These are not considered to be material planning considerations and therefore have not been addressed in the context of this report and overall assessment of the application.

5. Response to Consultation

Parish/Town Council:

Banbury Town Council: No objections

Cherwell District Council:

Anti-Social Behaviour Team: No objections following the submission of the Noise Impact Assessment on the 06/05/2016. *'We have had a look at the noise risk assessment for the sports pitch and are satisfied with its contents. In my opinion the report does show that there is no need for mitigation however it might be considered neighbourly to use matting behind the goals to reduce the noise impact of ball strikes - perhaps an advisory on this would be useful'.*

Arboricultural Officer: No objections subject to the proposals being carried out in accordance with the Arboricultural Impact Assessment.

Ecologist: No comments received.

Landscape Officer: Existing trees near Changing Room/Climbing Wall building will mitigate this development for the benefit of site users and visual receptors of the PRoW to the northwest. There are trees within an influencing distance of the changing room/climbing wall extension that do not appear to have been surveyed under BS5837. This is to be done with root protection areas indicated. A detailed hard and soft landscape layout of the Changing Room/Climbing Wall building is required, with vehicular, maintenance and pedestrian access indicated. I also note that the root protection areas are not indicated on the Tree Survey drawing because the artificial pitch appears to impinge on the tree protection areas on the south eastern and northern boundaries. The existing trees of the northern boundary of the playing field and residents gardens should be retained in order to restrict views and mitigate the flood lighting of the artificial pitch. The above existing trees, if retained, reduce the amount of new mitigating landscaping to the artificial pitch.

Oxfordshire County Council:

Highways Liaison Officer: No objections.

Drainage: No objections subject to a condition requiring submission and approval of a 'Drainage Strategy' detailing full design and future management and maintenance plan. Commenting:

Drainage Design

There appears to be no drainage system drawings accompanying the application, the piped network from the proposed permeable paving to the outfall.

It appears the feasibility of the outfall is not resolved. Has the feasibility of the sewer outfall been considered and discussed with Thames Water and approved by them? Is the alternative option of the outfall at the watercourse feasible? – Is there safe access for maintenance of the outfall and sufficient capacity of the watercourse to accept the flow? Is any 3rd party agreement or permissions required to discharge to the receiving outfall?

How is it proposed to store the long term storage volume element of the runoff under the proposals? According to Ciria C753 SUDS Manual guidance this should be discharged from the site at 2 l/s/ ha or less. Could this be achieved by use of a small pond? Is this considered practical?

Maintenance arrangements

The SUDS Maintenance arrangements appear very briefly described in the revised FRA submitted. No details are given for the proposals to maintain the permeable paving. Para 6.4.2 simply refers to the SUDS Manual, but gives no assurance these will be followed or by whom. There are no details given as to who will be responsible for maintain the permeable paving as the reference given refers to the 'Onsite Sewer Network'. A more comprehensive statement and plan should be provided.

Archaeologist: The proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Minerals and Waste: This proposed development would not adversely affect mineral resources; and it does not have any waste planning implications. The County Council therefore has no minerals or waste planning comments to make on this application.

Other External Consultees:

Sport England: No objections subject to conditions following the submission of the Noise Impact Assessment on the 06/05/2016. **Commenting:** *“Sport England has reviewed the findings of the noise impact assessment dated 6th May 2016, and is pleased to note that the level of noise produced by the ATP, over a 1-hour period, falls below the criteria value detailed in its Design Guidance Note: Artificial Grass Pitch (AGP) Acoustics.*

In light of the amendments, Sport England’s position on the application remains such that it does not wish to raise an objection, as it is considered to broadly meet policy exceptions E3 and E5. The absence of an objection is subject to conditions being attached, as advised in Sport England’s response dated 11th April 2016”.

Full details of Sport England’s comments are available on the Council’s website. Below are Sport England’s initial conclusions and recommendations:

“In principle, there is a need for a 3G AGP, but the proposal is for 40mm, not the recommended 60mm. However, football and hockey training can take place on the proposed surface. There are two competitively compliant hockey AGPs within 150m of the proposal, the nearest competitively compliant football AGP is 29 miles away.

We would not want to see the applicant go to the expense of constructing an AGP which later causes problems for the users, as the pitch is not compliant for competitive football. Furthermore, if the applicant is seeking external funding for the AGP, the above concerns may affect the funding decision (these comments are made without prejudice to any decision that a funding body may make). Sport England has therefore copied this letter to the applicant.

To my mind there is a necessity for a community use agreement to cover all sports facilities to meet our planning policy exception along with a maintenance condition. I am also of the opinion that an acoustic survey should be carried out before work commences in order to protect the amenity of existing and future residents and to protect users of the AGP.

Recommendations:

Therefore, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exceptions E3 and E5 of the above policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

Within 12 months of the date of this permission, 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 Artificial Grass pitch, Natural turf pitches and sports hall 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 accord with Development Plan Policy **.*

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

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

*Reason: To ensure that a new Artificial Grass Pitch 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 and to accord with Development Plan Policy ***.*

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031)

BSC 11: Local Standards of Provision - Outdoor Recreation

BSC 12: Indoor Sport, Recreation and Community Facilities

ESD 7: Sustainable Drainage Systems (SuDS)

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 15: The Character of the built and historic environment

Banbury 11: Meeting the Need for Open Space, Sport and Recreation

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

C28: Layout, design and external appearance of new development

C31: Compatibility of proposals in residential areas

ENV1: Development likely to cause detrimental levels of pollution

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle
- Highway Safety
- Visual amenity
- Neighbour Amenity
- Flood-risk/Drainage
- Ecology and Biodiversity

Principle

7.2 The National Planning Policy Framework (the Framework) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced.

7.4 Policy PSD1 contained within the CLP echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

7.5 The principle of the proposed development of a sports hall extension and new ATP has been assessed and considered acceptable through the granting of outline planning permission 13/00265/OUT and again with 14/01482/OUT.

7.6 The Council sets out its commitment to encouraging the provision of indoor and outdoor sporting facilities to enhance the sustainability of communities with Policies BSC 11 and BSC of the CLP 2031. This includes:

- Protecting and enhancing the quality of existing facilities;
- Improving access to existing facilities;
- Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.

7.7 The site represents part of the sporting facilities at the existing school site and proposes new and enhanced facilities to be used by both the school and wider community. Sport England has assessed the proposals and raises no objections, considering that there is an unmet need and that the proposals are appropriate to meet this need. Officers see no reason disagree with this opinion.

- 7.8 The principle of the proposed development is considered acceptable but having regards to policies within the development plan with regard to visual and residential amenity, highway safety, ecology and biodiversity and drainage matters discussed further below.

Highway Safety

- 7.9 The Highways Authority (HA) has assessed the proposals and whilst they initially raised objections due to the lack of information supporting the application in terms of potential traffic impacts, these objections were withdrawn following the submission of a transport statement; which set out the potential usage of the new facilities, trip generations and parking provision at the site.
- 7.10 The facilities are to be used by both the school and the wider community. The school has an existing car park, which the applicant indicates has 180 spaces, which is used by the school through the day and would be available to users of the proposed new facilities out of school hours. It is considered that there is adequate parking provision within the site for the proposed new facilities.
- 7.11 Whilst the proposals would increase the amount of traffic to the site, this would generally be at times that would not conflict or compound traffic generation during school times. On balance it is considered that the proposals would not result in a detrimental impact on the safety and convenience of highway users and is therefore acceptable in this regard.

Visual Amenity

- 7.12 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 and Saved Policy C28 of the CLP 1996 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and being sympathetic to the context.
- 7.13 As noted above there are two distinct elements to the proposed scheme, the sports hall extension/alterations and the construction of the ATP.
- 7.14 The sports hall extension/alterations are considered to be of a functional design that is sympathetic to the context and are largely to be finished in materials consistent with materials found on the existing building and the varied palette of materials found throughout the wider school site. The changing room extension is to be finished in vertical timber cladding and will provide a contemporary contrast to the existing render finish on the existing building. Some glimpsed views may be possible through the boundary hedgerow from a Public Right of Way (ref. FP 120/40) which runs along the boundaries of the school site and properties in Lansdown Close and along Bloxham Road, and would be seen in the context of the existing school buildings. The new extension would be set within the existing landscaped school site and is not considered to be detrimental to the visual amenities of the existing building or wider school site.
- 7.15 The proposed ATP is located on existing sports fields and would be surrounded a 4.5m black metal 'Weldmesh' fence, typical of installations of this nature. Views of the proposals would be localised and limited to those from within the site and surrounding properties, particularly residents of the adjacent Stanbridge House. Some glimpsed views may be possible from a Public Right of Way which runs along Salt Way along south-western boundary of the wider

school site, although these would be interrupted by an existing tree belt adjacent the proposed site of the new ATP.

- 7.16 On balance, subject to existing school boundaries being retained and maintained going forward, Officers consider that the proposals would not appear out-of-place in the context and would not have a significant detrimental impact on visual amenities and are acceptable in terms of any potential visual impacts.

Residential Amenity

- 7.17 Saved Policy C31 of the CLP 1996 requires that in existing residential areas any development which is not compatible with the residential character of the area, should not cause an unacceptable level of nuisance or visual intrusion. These provisions in terms of protecting residential amenity are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 7.18 Again the two elements require separate consideration in terms of any potential impacts on the residential amenity of neighbouring properties. As noted above the principle of the proposed development has previously been considered acceptable including the potential impacts on the amenity of neighbouring properties. The ATP has the greatest potential of impacting on neighbour amenity and it should be noted that this element has been re-orientated and re-sited so that it is some 32m further away (at the closest point of the pitch to the Stanbridge House building) than the location of the pitch assessed and considered acceptable under application 13/00265/OUT.
- 7.19 The sports hall extensions and alterations are located well within the school complex and it is considered that this element of the proposals is unlikely to result in any impact on the amenity of neighbouring residential properties.
- 7.20 The ATP is located ~100m south of the neighbouring residential property Stanbridge House and properties further north-east along Springfield Avenue. There is the potential for the operation of the ATP to impact on these properties as a result noise emanating from the sports pitch and light pollution from the proposed floodlighting; and such concerns have been raised by the residents of Stanbridge House.
- 7.21 In terms of assessing the potential impacts of the proposed flood-lighting of the proposals, the application is supported by a 'Light Impact Study by Halliday Lighting' which demonstrates the potential light spill from the proposed flood-lighting. The Council's Anti-social Behaviour (ASB) Officer has reviewed the report and is satisfied with the conclusions that although the flood-lighting and pitch will be visible from neighbouring properties (most notably Stanbridge House) that the proposals would not result in significant light pollution being experienced by neighbouring residential properties. Retention of existing boundary hedgerows and trees would further mitigate any impact on properties along Springfield Avenue north-east of the site, and that this could be secured through appropriate conditions.
- 7.22 Concerns were initially raised by the Council's ASB officer and Sport England with regard to the lack of information submitted with the application in terms of an assessment of potential noise impacts; an issue also raised in objections received from the residents of neighbouring Stanbridge House. However, these concerns were withdrawn by both our internal consultee and Sport England following the submission of Noise Impact Assessment prepared by

Resource & Environmental Consultants Ltd on the 6th May. This report was considered acceptable by the ASB officer and whilst noise from the ATP will be evident, it demonstrated that the levels that are likely to be experienced would not be at such a level that it would result in significant harm to residential amenity.

7.23 Comments were made by objectors in relation to the Noise Impact Assessment, questioning its validity and the methodology of the assessment process. In response to these comments the ASB officer made the following comments clarifying the details of the report:

- *“Concerns that the noise survey was carried out at a time when no other school activities or ATP activities were taking place – this was in order to take background readings when the noise level was lowest. If it was carried out when the school was busier then the background readings would be higher meaning any impact of the proposed pitch would be lessened.*
- *Every location is different so the impacts of any noise will be different. Therefore the relevance of the other reports that have been carried out on other sites is diminished.*
- *The consultants followed the published guidance by Sport England as best practice for this type of development as would other consultants at other sites. BS4142:2014 specifically excludes recreational activities from its scope. Sport England requested the noise assessment as well as CDC and are happy with its findings.*
- *The meaning of significant impact refers to the Noise Policy Statement for England (NPSE) and to Planning Practice Guidance (Noise) which has a table to describe the levels of impact.*
- *There is a difference between hearing noise and it having an adverse impact. There is no right to absolute quiet.*
- *The under 3dB change requirement comes from the Sport England guidance and relates to the minimum noise increase required to be audible to the human ear.*
- *A one hour period was used as a 16 hour period would reduce the impact of any peaks of noise. Therefore the hour measurement is better suited to this type of assessment. This is also the typical time of a hiring/use of the pitch.*
- *With regards to the “guesstimate” the noise level has been calculated back from the 58dB given as the average noise level by Sport England (again for a 1 hour average, not 16). For every doubling of distance away from a source the noise level drops by 6dB which is how they have been able to calculate the impact on Stanbridge House, there is also a calculation to be added in for the noise attenuation of soft ground. To get a new noise level you do not add together the existing noise level with the new noise level but it is based on the difference between the two noise levels (see table below), therefore they have calculated that at no time is it expected that the noise level increase will be over the 3dB audibility level.*

<i>Difference between the two levels [dBA]</i>	<i>Addition to higher level [dBA]</i>
0	3
1	3

2	2
3	2
4	1
5	1
6	1
7	1
8	1
9	1
10 and over	0

Other points to note:

- *The 60dB mentioned in World Health Organisation Guidelines (taken as an international standard) is a peak level, not an average one so it could happen only once a night, for example a door being shut or someone coughing. 50dB is recommend by the WHO as the upper limit for a 1 hour average. In this one hour there could be peaks of 60 (or higher) dB but it could also be a lot lower than 50dB to give an average of under 50dB or under.*
- *The background noise reading was taken where it was to give a representative background reading for the area, not just for Stanbridge House as this report was also to calculate the impact on the future residents of the proposed new dwellings to be built on the pitch. I would not expect the background reading to be dramatically different nearer to Stanbridge House - if anything it could be higher which allow for more noise to be ok from the pitch.*
- *Even if the residents go to bed early the less than 3dB difference in noise levels would make the impact inaudible in comparison to current levels.*
- *The measurement was carried out until 22.00 so that the impact of any overrun could be considered. I view this as good practice. This doesn't imply that the pitch will be used until 22.00.*
- *The ambient noise levels means the noise levels now – i.e. the current noise levels in the area are above 50dB”.*

7.24 The report's conclusion that there will not be an adverse impact on the existing residents at Stanbridge House or other nearby residents is also based on there being a restriction on the hours of use of the ATP; this is acknowledged within the application and was also conditioned on previous outline consents. It is considered appropriate to apply a condition to any such permission restricting the hours of operation to ensure the protection of the living amenities of the nearby residential properties and to comply with Policy ENV1 of the CLP 1996, Policy ESD15 of the CLP 2031 and Government guidance contained within the Framework – see conditions 3 and 10 below.

7.25 On balance, it is considered that subject to the proposed conditions discussed above being attached to any permission, that the proposals would not result in significant

detrimental impacts on neighbour amenity that would warrant a reason to refuse the application on these grounds alone and therefore the proposals are considered acceptable in terms of residential amenity.

Drainage

7.26 Concerns have been raised with regard to the potential for flooding of the proposed ATP and flood-risk being exacerbated at the site as a result of the development of the ATP. The site is not within an area identified by the Environment Agency of being at higher risk of flooding. However, third parties have provided photographic evidence of the current sports pitches being prone to flooding, with standing water being evident.

7.27 The proposals are unlikely to increase the risk of flooding to neighbouring properties; the main issue of flooding would be to the operation of the pitch. The proposed surfacing is designed to be permeable, with the base being constructed on a free-draining stone layer.

7.28 The application is supported by a Flood Risk Assessment (FRA) and an Infiltration Testing report. Whilst the FRA concluded that the risk of the Proposed Development exacerbating flood risks from tidal/coastal, fluvial, groundwater and artificial sources to neighbouring property is also assessed to be very low to low, the soakage tests indicate that infiltration rates at the site are low and that soakaway drainage is unlikely to be viable at this location. A sustainable drainage system has therefore been proposed:

'It is proposed that surface water runoff will infiltrate into the free-draining stone layer beneath and be conveyed via piped drainage within the proposed development prior to discharge to the surface water sewer network.

The above drainage strategy demonstrates that the proposed development can be drained in a sustainable manner without increasing the risk of flooding to neighbouring properties for events up to and including the 1% annual exceedance probability plus climate change (40% increase in rainfall intensity) return period'.

7.29 The County Council's Drainage Engineers has assessed the proposed 'Drainage Strategy' and whilst they do not object to the principle of the strategy adopted, they consider that further information is required in terms of its design and how it would be managed and maintained in the future. It is considered that these details could be secured through appropriate conditions attached to any permission, to ensure that the proposals are adequately sustainably drained and that flood-risk is not exacerbated at the site in accordance with ESD 7 of the CLP 2031 and Government guidance within the Framework see condition 5 below.

Ecology and Biodiversity

7.30 The Framework – Conserving and enhancing the natural environment, requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Para. 109)

7.31 Paragraphs 192 and 193 further add that, “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of

development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 7.32 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 7.33 The development is proposed on areas of managed land and sports pitches within the existing school site and would not result in the loss or impact on any significant features of ecological interest.
- 7.34 There are records of protected and notable species (Pipistrelle Bats and Common Sparrows) within the vicinity of the site. No comments have been received from the Council's Ecologist at the time of the preparation of this report. However, comments made at the time of the outline application by the Ecologist suggested that regard would need to be had for the potential impacts on foraging bats, as a result of the proposed flood lighting of the ATP. A condition was attached to the outline consent (13/00265/OUT) requiring that: *"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"*.
- 7.35 The applicant has submitted a statement by 'Aspect Ecology' which looks to address the requirements of the condition and the case officer is generally satisfied that the statement demonstrates that the proposed flood-lighting is unlikely to have a significant detrimental impact on foraging bats or their habitats that may be present within the vicinity. However, the professional opinion of the Council's Ecologist has been sought and any further comments will be conveyed to the committee.
- 7.36 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.
- 7.37 There are a number of trees adjacent both to the site of the proposed extension and the ATP. The applicants have submitted an Arboricultural Impact Assessment which identifies the trees on site, the protection zones around these trees and construction safeguarding methods. It is considered that subject to the proposals be carrying out in accordance with the recommendations set out within the report in terms of protection of trees during the construction phase of the development and replacement planting, which could be secured

through an appropriate landscaping conditions, that there would no significant detrimental impact on any trees supporting biodiversity at the site.

Other Matters

- 7.38 Concerns have been raised with regard to the suitability of the surfacing of the ATP and the potential for health risks to users of the pitch, which has recently been reported in the media. From reviewing media reports it is clear that no conclusive evidence has been put forward to substantiate the claims made and officers are not aware of any current regulatory or otherwise restrictions precluding the use of the surfacing proposed within the application. Sport England raises no concerns with regard to the proposed surfacing, which is consistent surfaces currently in use throughout the UK and the proposals are therefore considered acceptable in this regard.
- 7.39 Comment has also been made as to the financial viability of the proposed scheme and whether the Academy can sustain the facilities going forward. No financial viability information has been submitted with the application and none is considered necessary. The costs of constructing the proposals are a matter for the applicant and are not considered a material planning consideration, and therefore have not been assessed.
- 7.40 Sport England has proposed a condition to secure the future upkeep and maintenance of the ATP. Whilst a Management and Maintenance Scheme has been submitted with the application it is considered that further information is required in relation to a sinking fund to ensure the replacement of the Artificial Grass Pitch within a specified period given by the manufacturers, as required by Sport England in their response. It is considered that this condition would be appropriate to secure the well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport in line with policies within the development plan (BSC 11 and BSC 12) and guidance within the framework.

8. Conclusion

- 8.1 The principle of the proposed development has been previously been assessed and considered acceptable in outline form under ref. 13/00265/OUT. It is considered that the detailed proposals now assessed within this application are an acceptable form of development, within the context of the school site which would not appear out of place, or have a detrimental impact on the visual amenities of the site or surrounding area.
- 8.2 The proposals would result in an increase of traffic to the school site, above that which is currently experienced at the site. However, it is considered that this would not have a significant impact on the local road network and that there is suitable and adequate access and parking provision within the school site to ensure that the proposals would not have a detrimental impact on the safety and convenience of highway users.
- 8.3 Whilst the proposals will be seen and heard from neighbouring properties, most notably Stanbridge House, the impacts are considered to be no more than that previously approved and such that it would not result in a significant detrimental effect on the residential amenity, which would warrant a reason to refuse the application and are therefore considered acceptable in this regard.

- 8.4 The proposals are considered acceptable on their planning merits and would provide valuable educational and community sports facilities. The proposals are considered to comply with the above mentioned policies and are therefore recommended for approval, subject to conditions, as set out below.

9. Recommendation - Approval subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement (April 2016), Framptons' Construction Travel Management Plan, Halliday Lighting Impact Study, Ecological Consultancy letter from Aspect Ecology Ltd dated 29 April 2016, Transport Statement (May 2016), Arboricultural Impact Assessment (May 2016), Noise Impact Assessment dated 6th May 2016, Flood Risk Assessment (March 2016) and drawings labelled: 0300 Rev. C, 0312 Rev. 01, 0313 Rev. 00, 0314 Rev. B, 0315, 0316 Rev. A, 0317 Rev. A, 0321 Rev. B and GUK-MUK231-09.

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

3. Within 12 months of the date of this permission, a community use agreement prepared in consultation with Sport England shall be 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 Artificial Grass pitch, Natural turf pitches and sports hall 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 accord with Policies BSC 11 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that a new Artificial Grass Pitch 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 and to accord with Policies BSC 11 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to commencement of the development hereby approved, the SuDS design for the site shall be required to be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate how the system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell local plan 2011-2031 Part 1 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 Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell local plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. The existing hedgerow along the north-eastern boundary of the site shall be retained and properly maintained at a height of not less than 3m metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Saved Policy C28 of the Cherwell Local

Plan 1996, Policy ESD 15 of the Cherwell local plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework..

9. a) No retained tree shall be cut down, uprooted, damaged 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 retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the [insert].

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 Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. 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 Saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. The Authority considers that the sports facilities proposed in this full application will constitute a 'qualifying application', with respect to the outline planning applications for the sports facilities/residential development (ref. 13/00265/OUT and 14/01842/OUT) and the requirements of clause 8.1 of the associated s106 agreement.
2. With regard to condition 3, guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.
3. The applicant should employ ball impact sound mitigation measures on the Astro-Turfed Pitch, in accordance Sport England design guidance document 'Artificial Grass Pitch (AGP) Acoustics - Planning Implications - 2015', available from Sport England www.sportengland.org.
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

5. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
6. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

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), any problems or issues that have arisen during the application have been dealt with in consultation with the applicant's agent and has resulted in additional supporting information being submitted. It is considered that the duty to be positive and proactive has been discharged through the interaction with the agent and the efficient and timely determination of the application.

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