

Land To The East Of The Warriner School
Bloxham Grove Road
Bloxham
Oxfordshire
Case Officer: James Kirkham

19/00617/F

Applicant: Department For Education

Proposal: Part 2-storey, part 1-storey Special Education Needs (SEN) school with new access from Bloxham Grove Road, associated outdoor play areas, multi-use games area, staff parking, pupil drop-off and landscaping

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

Proposal

The current application seeks consent for a new Special Education Needs and Disabilities school (SEND) at the site. This would accommodate up to 100 pupils. It would be a predominately 2 storey building constructed of a mix of ironstone and render.

Consultations

The following consultees have raised **objections** to the application:

- Bloxham Parish Council, Councillor Mallon

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Archaeology, OCC Drainage, CDC Ecology, CDC Environmental Protection, Crime Prevention, Thames Water

The following consultees are **in support** of the application:

- OCC Education

3 letters of objection have been received.

Planning Policy and Constraints

The application site is within located within the Bloxham Neighbourhood Plan development area. It is also situated within a minerals consultation area, an area of high radon gas and is noted to be Grade 3 agricultural land. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Highways
- Design, and impact on the character of the area

- Heritage impact
- Residential amenity
- Ecology impact
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the northern edge of Bloxham and is accessed via Bloxham Grove Road which runs to the north of the site and is single carriageway in parts.
- 1.2. It is approximately 1.3 ha in size and the site is relatively level but falls slightly to the south east corner. Hedgerows and trees exist around the northern, southern and western boundary of the site. The site is currently used as an agricultural field for grazing associated with Warriner School farm. The main buildings associated with the Warriner School are located to the west of the site along with a new flood light multi-use games areas (MUGA). Playing fields associated with the existing Warriner School bound the site to the south and west.

2. CONSTRAINTS

- 2.1. The application site is located within the Bloxham Neighbourhood Plan development area. It is also situated within a minerals consultation area, an area of high radon gas and is noted to be Grade 3 agricultural land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks consent for a new Special Education Needs and Disabilities school (SEND) at the site. The proposal would accommodate 100 students (from 7 years old – 18 years old) with complex special educational needs and disabilities and 60 members of staff. It would be operated by The Gallery Trust which also operates the Iffley Academy, a special academy for a similar age group with complex needs in Oxford and is judged as outstanding by Ofsted.
- 3.2. The current application seeks permission to erect a predominantly two-storey building on the site. This building would be arranged in an L shape and would be located relatively central to the site. The building would have a contemporary appearance made up of a series of flat roofs. The forward projecting element of the building (accommodating the sport and dining hall) would be clad in ironstone as would the remainder of the ground floor element of the building. The upper floors of the main teaching block would be finished in timber cladding. A small single storey building accommodating a construction skills room for student would be located to the west of the site. This would be constructed of ironstone.

- 3.3. A car park accommodating 65 car parking spaces would be located to the front of the building and series of outdoor amenity including a new MUGA (with 3 metre high fence) would be located around the building.
- 3.4. As part of the proposal works would also be undertaken to Bloxham Grove Road. This would include widening the road, formalising the parking layby and providing a new footway from the entrance to the Warriner School to the entrance of the proposed school.
- 3.5. During the course of the application amended plans have also been submitted showing works to the staggered crossroad between the A361, Bloxham Grove Road and Ells Lane. This includes the widening of the road and the creation of new right turning lanes on the A361 into Bloxham Grove Road and Ells Lane.
- 3.6. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate commencing on site as soon as possible with the school opening in December 2020.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant for the current site. However, the following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
19/01094/OCC	Section 73 application to continue the development for the erection of a two-storey teaching building, extension of existing games court with floodlighting (replacement of District Council permission 15/00734/F) and associated external works (permitted by permission 18/01243/OCC (R3.0037/18)), without complying with condition 1 (approved plans and documents) and to vary condition 4 (tree protection), condition 7 (planting scheme) and 11 (protected species) in order to vary the approved plans and documents to allow for the i) introduction of mullions, ii) regularise the agreed provision for protected species; iii) remove two trees and provide replacement planting	Pending
18/01840/F	The renewal of consent and continued use of relocatable building units. These are already on site T4 and T5 (PR34 and PR35) for a further period of five years	Application permitted
18/01243/OCC	Erection of a two-storey teaching building, extension of existing games court with floodlighting (replacement of District Council permission 15/00734/F) and associated external works	Permission granted by the County Council

This permission enables to the school to increase for a 8 form of entry to a 10 form of entry. Pupil numbers are projected to increase to 1420 by 2024 with a further 160 in the sixth form.

18/00852/OCC	Installation of a relocatable building, comprising four classrooms, for a period of two years. Construction of a parking area for 20 cars (OCC ref. R3.0030/18)	Application Permitted by the County Council
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This indicated the school would have 20 additional parking spaces once the temporary building is removed leaving 20 additional permanent spaces. This is to help alleviate some of the on –street parking

17/01149/F	Extending the existing teaching block for new classrooms
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17/00873/OCC	Construction of a 76 space car park for a period of four years. The car park to be surrounded by weld mesh fence with control gates, and to include surface water drainage into a new petrol interceptor, and lighting. Also the construction of permanent lighting along the school roadway - ref: R3.0033/17	Application Permitted by the County Council
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This allowed for a temporary car park to serve the school whilst building works were being undertaken and the existing car parks may not be available. The consent expires on 21st July 2021.

15/00734/F	Extend existing games court with floodlighting	Application Permitted
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5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
17/00215/PREAPP	Proposed Special Educational Needs (SEN) school for 100 pupils (7-18 year olds)
18/00097/PREAPP	Proposed SEN School (D1 use, as defined in the UCO, 1987, as amended), parking, access, soft and hard sports and play space and ancillary works

5.2. Concerns were raised regarding the location of the site in a village in terms of sustainability and the applicant was advised that strong justification would be required for this. It was considered that the highway impacts of the development would need very careful consideration given the existing issues in the locality and that discussion would need to be had with the highway authority. It was considered that if the location of the school could be justified and the highway impacts of the development resolved then a 2 storey building may be capable of being accommodated on the site.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 30.05.2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Three letters have been received by the public. The comments raised by third parties are summarised as follows:
- Access is not safe or suitable for development alongside the expansion of Warriner School.
 - Junction with A361 and Bloxham Grove Road is at capacity.
 - Insufficient parking to serve the needs of the school will lead to further issues along Bloxham Grove Road.
 - Loss of parking to Bloxham Grove Road.
 - The school should be located in Banbury.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

COUNCILLOR COMMENTS

- 7.2. COUNCILLOR K MALLON: **Objects.** Agree with Bloxham Parish Council and Milcombe Parish Council for the planning reasons they lay out in accordance with the Bloxham Parish Plan and the CDC Local Plan.
- 7.3. As the Highway Authority Oxfordshire County Council MUST take into account the fact that the A361 is recognized nationally and regionally as having a very poor safety record. This proposal is on one of the major junctions (Bloxham Grove-A361-Ells Lane) that both the Dept. of Transport and Oxfordshire County Council recognize as having current safety issues without the addition of this proposal or the extra traffic movements and parking this proposal will generate.

PARISH COUNCILS

- 7.4. BLOXHAM PARISH COUNCIL: **Objects.** The primary reason for the objection is that the location selected on Bloxham Grove Road is completely unsuitable. The proposal is not plan led and as such is contrary to the NPPF (2019). The NPPF states that schools promoters, delivery partners and statutory bodies should identify and resolve key planning issues before applications are considered and that transport issues should be considered at the earliest stages of plan-making to ensure potential impacts can be addressed and opportunities to promote walking, cycling and public transport use are identified and pursued. The current proposal

brings up serious issues around traffic and parking volumes to and from Bloxham Grove Road and the A361, while at the same time compromising a popular cycling and walking route

7.5. The proposal contravenes CDC Local Plan Part 1:

- The proposal is to build the new school in open countryside which is contrary to B.144, and ESD 13.
- The proposal is not plan led and is not allocated in either in the making of the CDC Local Plan part 1 or the Bloxham Neighbourhood Development Plan (BNDP)
- The proposal contravenes TR7 of Local Plan 1997 retained Policy because it will bring large numbers of cars onto what is clearly an unsuitable minor road often used for walking and cycling

7.6. The proposal specifically contravenes the BNDP:

BL2 – The proposal is outside the built limit for the village

BL 5 – The proposal will reduce the existing parking on Bloxham Grove Road used in particular for the Warriner School

BL 9 (c) – The proposal will increase the traffic and air pollution on a junction already at capacity

BL 11 – The proposal does not contribute to the rural character of the village, it will be built on green open space, building over a ridge and furrow field leading to the loss of a non-designated historic asset

BL 12 – The proposal will result in the loss of open space and agricultural land

BL 14 – The proposal will severely affect the local road network and as such will materially harm the living conditions of Bloxham residents

7.7. The proposal does not cover the issue of Air Quality at all. In Cherwell DC's Air Quality report (2017), p 16 states that Bloxham is treated as an area of concern

7.8. Traffic and parking around the junction of Bloxham Grove Road and A361 is already an issue for residents and parents/carers of children attending the Warriner School.

7.9. The proposal removes existing parking spaces while adding insufficient parking spaces to cover new staff needs. The increased demands of the proposal are likely to result in increased frustration and probability of accidents, illegal and inconsiderate parking and a greatly increased likelihood of incidents of public disorder, such as road rage. As such it would impact the safety and well-being of all users of the village.

7.10. There is also anecdotal evidence that residents who live near to the Warriner School have cars parked in their streets on a daily basis and are on occasions unable to access their own driveway. This is due to the current insufficient parking arrangements which will only be exasperated with more vehicle movements and requirements for parking spaces.

7.11. In addition, this proposal appears: to have been approved by Oxfordshire County Council Councillors, without any consultation with Bloxham Parish Council; and considered favourably by Cherwell District Planning Officers despite it not forming

part of the Cherwell District Council Local Part 1 adopted in July 2015, following a Hearing held in December 2014.

- 7.12. During that hearing, Oxfordshire County Council Education Officers put forward recommendations for additional school places, this was not amongst those. Also, during the consultation period for Bloxham Neighbourhood Development Plan “made” in December 2016, following pre-consultation periods during which Oxfordshire County Council made several representatives, but did not put forward this proposal.
- 7.13. If the Planning Committee is minded to approve the application, the Parish Council would expect the necessary funds to be allocated, via a Section 106 agreement, to enable highway works to be completed on both the A361 and Bloxham Grove Road and at the junction where these two roads meet.
- 7.14. In addition to the above, there should also be highways funds available that are not restrictive which enables them to be spent in other areas of the village, where there are unforeseen traffic impacts on the village and these need to be addressed at a later date.
- 7.15. ADDENDUM following the alteration to include right-turn-only lanes on the A361 for turning into Bloxham Park Road and Ells Lane.
- The addition of the right-turn-only lanes does not address the major part of the traffic issues and does nothing to alleviate the parking issues.
 - The right-turn-only lane will make the junction more dangerous for cars turning right out of Bloxham Grove Road and Ells Lane because the right-turn-only line can conceal traffic that is going straight across the junction on the A361
- 7.16. This issue of concealing the through traffic is worse for pedestrians such as kids whose parents have parked in Ells Lane
- 7.17. MILCOMBE PARISH COUNCIL: **Observations.** No objections to the school building but raise concerns regarding construction traffic and operational traffic using the surrounding roads and the A361 junction and suggest works are required to this junction. Also request good pedestrian access and adequate parking for staff and visitors. Disable spaces and good wheelchair access.

CONSULTEES

- 7.18. OCC HIGHWAYS: Originally objected due to the proposed development having a detrimental impact on the existing highway which had not been adequately mitigated. This focused around the junction capacity and safety issues of the staggered crossroads on the A361 given the results of the existing modelling and data on accidents in the area.
- 7.19. Following receipt of amended plans showing the widening of the A361 and the provision of right turn lanes, an amended Transport Assessment with revised modelling based on the new road layout and a Road Safety Audit based on the new road layout raise **No objections** subject to conditions on access, protection of footway, installation of pedestrian crossing facilities on the A361, the submission of a travel plan and a Construction Traffic Management Plan. Also request a legal agreement to secure contributions towards Traffic Regulation Order to move 30mph limit, a monitoring travel plan fee and an objection to enter into a S278 Agreement to secure access and improvement to Bloxham Grove Road and the works to the A361.

- 7.20. The works to widen Bloxham Grove Road, move the 30mph limit to the east of the new access, provide a footway to the south and formalise the parking are aimed at improving both safety and passage of both vehicles and pedestrians are considered to be acceptable.
- 7.21. Consideration has been given to the data on accidents for a period between 2013 and October 2018 covering the adjacent highway. Although their severity is slight, data shows that four personal injury collisions have occurred at A361 junction during this period. Two of the reported collisions involved a vehicle colliding with another one slowing to turn right into Bloxham Grove Road. Another recorded accident is similar but the collision is to the rear of another vehicle stopped to turn right into Ell's Lane. All of these collisions were outside of the school peak periods. Nevertheless, increasing turning movements at this junction need to be considered. This has resulted in the creation of the revised right hand turn lanes.
- 7.22. Following some clarification the traffic generation in the peak hour is considered to be reasonable and the level of parking is acceptable.
- 7.23. The revised proposed highway improvement scheme has agreed to include the recommendations of the Road Safety Audit. It has been identified that, with the widened A361 Banbury Road, there shall be a need to provide safe crossing facilities on both the northern and southern sides of the junction. These have not been included in the proposed junction improvement scheme and their requirement is not questionable, to tie in with the existing pedestrian facilities. Although a signalised crossing currently exists across the A361 Banbury Road, this is observed to be over 130 metres from the junction, and is not a pedestrian desire line for pupils emerging from the north and around Ell's Lane.
- 7.24. The junction has been assessed for performance using industry software with the proposed new layout and modelling results show improvements in all areas visa-vis queues, delays and RFC values. This shows that the proposed right turn arrangement improves the junction performance which will operate within capacity which OCC finds acceptable.
- 7.25. Requests condition that ensures there is physical separation between the parking spaces and the footway at the access to the new car park,
- 7.26. Also requests that a revised Travel Plan be submitted to encourage sustainable forms of travel.
- 7.27. OCC EDUCATION: **Support.** See text in main report.
- 7.28. OCC DRAINAGE: **No objection.** Requires conditions to be attached to require a full detailed design for approval and provision.
- 7.29. OCC ARCHEOLOGY: **No objection** subject to conditions requiring a staged programme of archaeological investigation. The site is located in an area of archaeological potential 250m east of the site of an Iron Age settlement. The site also contains the remains of medieval ridge and furrow which would be destroyed by this development. The assessment highlights that the site has archaeological potential related to prehistoric, medieval and post medieval archaeological remains. The assessment recommends that an archaeological evaluation would need to be undertaken to assess the impacts on previously unidentified archaeological deposits. This development would impact on any surviving archaeological deposits and a staged programme of archaeological investigation will need to be undertaken ahead of any development on the site.

- 7.30. CDC LANDSCAPE: Originally requested additional trees to car park and boundary. Amended plans have been submitted and comments are awaited.
- 7.31. CDC ECOLOGY: **No objection.** The submitted ecological survey is acceptable. There are no particular protected pieces issues on site with the exception of consideration needed for nesting birds, the potential for bats to be roosting in some of the mature trees on site and wildlife using the hedgerows (including commuting bats). The revised plans are much improved and could lead to a gain for biodiversity and certainly avoid a net loss with the additional planting on site and enhancements included on buildings also. Requests the submission a Landscape and Ecological Management Plan should be conditioned to include other features such as integrated bird boxes within the buildings, bat boxes on mature trees, additional hedgehog boxes or log piles at the boundaries etc. Also raises concerns regarding the lighting scheme which appears to be excessive.
- 7.32. A CEMP for biodiversity would be needed to include measures for the protection of nesting birds, surveys for bats if relevant trees need removing and protection of all hedgerows and trees during construction.
- 7.33. CDC TREE OFFICER: Details of the tree protection plans and new tree planting should be provided.
- 7.34. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objection.** The construction traffic management plan is acceptable. No objections regarding noise, air quality, contaminated land, odour and light.
- 7.35. CRIME PREVENTION DESIGN ADVISOR: **No objection.** Originally raise queries regarding the fencing, position of cycle shelter, security of bin store, use of CCTV and internal layout. Following clarification raises no objection.
- 7.36. THAMES WATER: **No objection** subject to conditions. There is an inability of the existing foul network infrastructure to accommodate the needs of the proposal. Recommend a pre-occupation condition in this respect. Surface water will not be discharged to the public network. Advises that water network and water treatment infrastructure has capacity for the proposal.
- 7.37. OCC MINERALS AND WASTE: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC7 – Meeting Education Needs

- ESD1 – Mitigating Impacts of Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection of Natural Environment
- ESD13 – Local Landscape Protection and Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7 – Development Attracting Traffic on Minor Roads
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan, and the following Policies of the Neighbourhood Plan are considered relevant:

- BL3 – Policy on connectivity
- BL7 – Flood risk
- BL9 – Amenity of existing residents
- BL11 – Contributing to the rural character of the village
- BL12 – The importance of space and key street scenes

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Policy Statement – Planning for schools development (2014)
- Equalities Act 2010 (“EA”)

8.5. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Highways
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact
- Other matters

Principle of Development

Policy Context

9.2. Policy ESD1 of the Cherwell Local Plan Part 1 (CLP 2031) seeks to distribute growth to the most sustainable locations and reduces the need to travel. Policy BSC7 of the CLP 2031 states that: *'The Council will work with partners to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills. New schools buildings should be located in sustainable locations'*.

9.3. The NPPF advises that it is important that sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In doing this they should:

a) give great weight to the need to create, expand or alter schools through decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

9.4. 'Planning for schools development: Policy statement' (2011) is also a relevant material consideration. This emphasises the government's commitment to meeting demand and providing choice and opportunity and raising standards in state-funded education (including Academies and free schools). It states the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers should support that objective. It states that there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework and that full and thorough consideration to the importance of enabling the development of schools should be given. It notes that any refusal of any application for a state-funded school will have to be clearly justified.

Assessment

- 9.5. As outlined above there is very strong policy support for the creation of new state funded schools and this issue carries significant weight in favour of the current application. In this case an educational need for a new SEN school has been identified in North Oxfordshire by Oxfordshire County Council. Currently there is no provision in North Oxfordshire for students with a SEN profile of social emotional and mental health needs, Autistic Spectrum Disorder and/or cognition and learning and children are currently transported to Oxford, which incurs significant travel time and expense. With the growth in the district at Banbury and Bicester the need for places in the district is likely to increase over the coming years.
- 9.6. The Director of Children and Adult Services for Oxfordshire County Council has written in support of the application. Below is an extract from the letter explaining the need for the school:

In 2018 Oxfordshire County Council conducted an analysis of the sufficiency of places for children and young people with special educational needs and disabilities. This resulted in a Special Educational Needs and Disabilities Sufficiency of Places Strategy, which was adopted by the County Council Cabinet in December 2018.

This strategy identifies that Oxfordshire's school age population is growing, both because of the rise in births experienced between 2002-2011 and due to the large-scale housing growth planned for the county. In turn, the growth in demand for special school and resource base provision has increased rapidly, exacerbated by changes brought in by Children's and Families Act 2014. There has also been a specific rise in demand in children being identified as having social and emotional mental health (SEMH needs, and/or a diagnosis of Autism Spectrum Disorder (ASD).

The consequence of these changes is that Oxfordshire now has a severe shortage of special school places, particularly for children with SEMH/ASD needs. This is particularly affecting children in the north and the south of the county, as all provision for these needs is currently concentrated in and around Oxford.

The impact of children and families is that pupils are having to wait longer to be allocated a suitable special school place, and they have to travel further to attend a special school. This is inevitably causing distress for these very vulnerable children. Children living in the Banbury area are travelling into and out of Oxford daily to attend a suitable school. To supplement the county's special school provision, increasing numbers of places are being commissioned from the independent sector, at very high cost, which then reduces the funding available to support other children.

The County Council's strategy to address sufficiency of special education provision includes supporting mainstream schools to be more inclusive; making more and better use of resource bases within mainstream schools; and expanding existing schools. However, these approaches will not be sufficient to meet the scale of growth required. It is essential to open at least two new special schools: the one covered by this application to serve the north of the county, and another which is planned in Didcot to serve the south of the county.

The urgent need for this new school is already evidenced by the long distances being travelled by children living in the north of the county to attend special school and the rapid increase in the county's dependence on high cost independent sector school places. The need will continue to grow rapidly as a result of the housing growth included in Cherwell's Local Plan.

The Department for Education has accepted Oxfordshire's urgent need for additional special school places, as shown by its approval, and substantial capital funding commitments, for the new schools in Bloxham and Didcot.

- 9.7. A copy of the full Special Educational Needs and Disabilities Sufficiency of Places Strategy is available on the Council's website.
- 9.8. Overall, therefore, it is considered there is a strong and immediate need for such school places and there are significant benefits to residents of the district in terms of widening the educational offer. These matters carry significant weight in determining the application.
- 9.9. As part of the pre-application discussion with the applicant, officers raised concerns over the site's geographical sustainability given its location in a village and suggested that the site would be better located within the urban areas of Banbury or Bicester where access to public transport and services would be stronger. One of the requirements of Policy BSC7 is that new educational facilities are sustainably located. In this regard the applicant has undertaken a site search which has been based on sites which are being marketed or which have been promoted by land agents. These have been assessed taking into account the schools intention of open in 2020 and the following criteria:
- Suitability – took into account size, shape, and sustainable settlement location, access to transport, environment and planning policy constraints
 - Availability – considered whether landowner was agreeable to sell and any time constraint to the sale.
 - Achievability – considered delivery issues of the site, costs, contamination, etc.
- 9.10. The search focused on quiet, rural or semi-rural settings which benefited from good transport links. Given the profile of the children who attend the school the proposed operators of the site have indicated a series of benefits for being located in such as location. These include:
- Rural location outside of town can help by transporting students from their local community where students would be less likely to try and leave the site due to the surroundings being unfamiliar. This also increases the feeling of safety provided by the school.
 - Many students would live in the urban areas such as Banbury and have negative prior and current experiences of interacting with their local community. By educating them outside of their home setting, the school would provide a fresh perspective on how to behave.
 - The quiet rural location includes less distractions and provides a more conducive learning environment for students
 - A central Banbury location was considered unlikely by the school to be able to offer a suitable outside play space and the instances of distraction would be increased, which would be disruptive to the pupils attending the school particularly in light of their needs.
 - Benefits of having a school farm adjacent to the site to support opportunities for land based studies with students.

- 9.11. Many of the sites the applicant has looked at are in rural areas and are less geographically sustainable than the current site being in isolated locations. The Council does not have any allocated sites for new specialist schools in the Local Plan, and the sites within the built limits of the towns the applicant has explored are limited and less preferable to the school given the requirements of the school. Furthermore they face potential viability issues with landowners expecting higher alternative use values. The report concludes that the proposed site is the most suitable for the proposed development and officers are not aware of other sites that are available which may be more preferable to the current site in broad terms.
- 9.12. A further site has been explored in Bloxham. However, this is located within the Conservation Area and is not likely to be viable for the application. It also has access constraints (previously explored in an application for residential development by Taylor Wimpey, application refs. 15/00369/OUT and 15/01528/OUT). The applicant was also requested to look at existing school sites to understand whether these could be used. However, given the relatively large size requirement to accommodate a new school, and taking into account the growth in the district, it has been concluded by the County Council that any surplus land on existing school sites is likely to be required to expand existing schools. Furthermore many existing school sites would not offer the semi-rural or rural location that the operator of the school wishes to pursue to benefit the children. Furthermore it is noted that development of existing school fields is likely to raise other planning constraints such as conflict with the policy which seeks to protect existing playing fields.
- 9.13. The nature and operation of the school should also be considered. The proposed development is for a specialist school and therefore does not operate on a traditional catchment of pupils and pupils are likely to arrive by organised transport wherever the site is located given the larger area it serves. Therefore the opportunities for children to cycle or walk to the facility is more limited. The opportunities to encourage sustainable means of travel more exists around staff and visitors to the site. Bloxham is a Category A village with an approximately hourly bus service to Banbury and the applicant is proposing to create a new footpath link between the proposed access to the site and the existing footpath network along the A361. Therefore there is some opportunity for staff or visitors particularly from Banbury to access the site by means other than private car.

Conclusion

- 9.14. The proposed development would provide significant benefits from the provision of new specialist school places for which there is an identified and urgent need in the northern part of the County. The requirements of the operator of the school are based on providing pupils with the most appropriate environment to learn in their expert opinion and these favour a more rural location given the challenges the school faces. Other sites have been explored by the applicant. However, these have been discounted and Bloxham is the largest village in the north of the district with some availability of public transport for staff and visitors. Whilst it is acknowledged that provision of the school is not ideal in this village, given the strong policy support for the development alongside the need for the provision and benefits that come along with this, the principle of development in this location is considered to be acceptable subject to other material considerations.

Highways

Policy Context

- 9.15. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which would have a severe

traffic impact will not be supported and that new development should facilitate the use of sustainable modes of transport such as public transport, walking and cycling. It also requires that new development provide financial and/or in-kind contributions to mitigate the transport impacts of development. Saved Policy TR7 states that development that would attract large numbers of cars onto unsuitable minor roads will not normally be permitted. This policy is more aged and therefore needs to be considered in the context of the policy in the NPPF which is outlined below.

- 9.16. Policy BL3 of the BNP states all development should provide and improve existing pedestrian paths and cycle routes. Policy BL9 states that all development should ensure that the impacts of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network.
- 9.17. The NPPF has similar themes requiring opportunities to promote walking, cycling and public transport to be identified and pursued and ensuring that patterns of movement are integral to the design of schemes. It also requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.18. The application site is proposed to be accessed from Bloxham Grove Road which currently serves the Warriner School and the farms to the east of the site. It is a minor road which varies in width from approximately 4.2m to 3.5m meaning it is single width carriageway in many areas. A layby has been constructed to the south of Bloxham Grove Road in recent years, along the frontage of the existing school, which is approximately 100 metre long. This has not been constructed to standard parking dimension and in practice cars are parking perpendicular to the road which result in many vehicles encroaching on to the carriageway and further reduces the width of the road and obstructs to the flow of traffic. The existing footway along Bloxham Grove Road which links to the A361 currently terminates at the most western entrance of Warriner School and does not extend to the position of the new school.
- 9.19. Vehicle access to the site would include the use of the staggered crossroad between the A361/Ells Land and Bloxham Grove Road. This junction is already impacted upon at school times by the existing Warriner School and is a significant concern from the parish council regarding the capacity of this junction.
- 9.20. The current application proposed to undertake a number of works to Bloxham Grove Road. This includes the widening of the carriageway to 4.8m wide from the western entrance of the Warriner School to the proposed entrance of the new school. It is also proposed to introduce a new 1.5m wide footway to the south of Bloxham Grove Road so a footpath would exist all the way between the A361 and the access to the proposed school. This would include reducing the depth of the existing layby (which is currently used for perpendicular parking) to 2.5 metres and formalise the parking adjacent to Bloxham Grove Road in a parallel arrangement. It is also proposed to extend the 30mph speed limit to the east of the new school access so the new school access falls within that speed restriction.
- 9.21. During the course of the application and further to an objection being received by the Local Highway Authority (LHA) on the impact on this junction, it is also now proposed to make alterations to the staggered crossroad on the A361. This would

include the widening of the carriageway and the introduction of right hand turn lanes into Ells Lane and Bloxham Grove Road from the A361.

- 9.22. The application is accompanied by a Transport Assessment, which includes an assessment of the traffic impacts of the development and a capacity assessment of the junction of Bloxham Grove Road, Ells Lane and the A361 using relevant industry software. This assesses the junction for the peak hours for the recorded 2019 flows and future 2020 and 2025 flows, both without and with the proposed development. This includes consideration of committed development in the area including the expansion of Warriner School to a 10 form of entry (which has been permitted by the County Council - from 1,320 to 1,600 pupils by 2024).
- 9.23. In order to assess the existing traffic conditions and to capture all vehicular movements at the A361/ Bloxham Grove / Ells Lane junction traffic surveys have been undertaken at the site. This included a manual classified count between 07:00-10:00 and 14:00-17:30 and a seven-day automatic traffic count (ATC). The ATC identified that the peak hours on the A361 was 08:00-09:00 and 15:00-16:00, which coincides with the Warriner School start and finish times. The manual count identified specific peaks within these hours between 08:00-08:30 and 15:00-15:15 where the arrivals and departures on Bloxham Grove Road were at the highest.
- 9.24. Accident data has been obtained from OCC for a period between 2013 and October 2018 and notes that whilst the severity is slight, 4 personal injury collisions occurred at this junction during this period. Two of the collisions involved a vehicle colliding with another one slowing to turn right into Bloxham Grove Road. Whilst these accidents occurred outside of school peak times the highway engineer has noted that increasing turning movements at this junction may increase the risk of such accidents occurring.
- 9.25. The proposed development would accommodate 60 members of staff who would arrive from 0700 onwards. It would also accommodate 100 students who, given the specialist nature of the school and wider catchment, would arrive by a mix of school operated vehicles with the remainder using either private vehicles or organised transport by the Oxfordshire Integrated Transport Team. Taking into account the operation of the school the development is predicted to generate 62 vehicles in the AM peak (08:00 – 09:00) and 39 vehicles in the PM Peak (15:00-16:00).
- 9.26. It is proposed to stagger the start and finish times with the adjacent Warriner School to help reduce the peak congestion impact. Warriner School starts at 08:35 and finishes at 15:00. It is proposed the Bloxham Grove Academy would start at 08:45 and finish at 14:45. The school would also provide a Breakfast club (30min before school start) and an afterschool club (45-60min after school finish) and they have estimated approximately half the pupils would attend these which would further reduce the peak traffic impact; however to ensure the traffic generation is robust the TA does not consider this.
- 9.27. The LHA originally objected to the application as the development traffic would have an impact in the AM peak that would take it the A361 junction over its theoretical capacity and, when reviewing the forecast 2025 scenarios, both queuing and delays would go up be threefold and the proposal would result in the potential for increase in accidents from turning vehicles.
- 9.28. Further to this the applicant has revised the application to include the widening of the A361 around the junction and the introduction of right hand turning lanes to Bloxham Grove Road and Ells Lane from the A361.

- 9.29. This revised layout with the right turn lane has been modelled and demonstrates that the junction would operate within capacity for all scenarios and the queue lengths are reduced. A Road Safety Audit of the junction has also been undertaken the recommendations of which would be incorporated in the final design of the junction which would be subject to a legal agreement. The LHA now considers the traffic impacts of the development have been adequately mitigated so as to make the development acceptable in terms of traffic impact. In considering this members should note that the NPPF states that development should only be refused on highways grounds where the residual cumulative impacts on the road network would be severe.
- 9.30. In addition to the above it must be noted that the peak traffic associated with the school is for a relatively short period of time in the morning and afternoon and is limited to school term time, which further reduces any impact associated with the development.
- 9.31. The Highway Engineer has also stated that given the road widening to the A361 safe crossing facilities should be provided to the side of the junction to allow pedestrians to cross the road and has requested a condition for this. Discussions are ongoing with the LHA regarding this and an update on the matter will be reported to Planning Committee.
- 9.32. In terms of construction traffic this is generally given less weight in planning decisions given the temporary nature of the impact. However, the Construction Traffic Management Plan (CTMP) suggested there would be no construction vehicles and deliveries at peak school times. Whilst generally satisfied with the CTMP the County Council has raised some concerns regarding the measures to prevent mud on the highway and requested that a revised CTMP through a condition. Officers agree that it could be satisfactorily amended by condition.
- 9.33. The proposed widening of Bloxham Grove Road to accommodate 2 way traffic and provision of a footway is required to ensure the development operates safely and does not detrimentally impact on highway safety. As noted above it also links to the development to the existing footways into the village and provides safer opportunities for walking and public transport. The works would also provide a safer walking environment for existing users of Bloxham Grove Road, which is noted to be a popular walking route and cycle route.
- 9.34. However, the proposal would mean that the informal parking area which currently exists to the south of Bloxham Grove Road would be lost. This area is currently used informally as perpendicular parking spaces to the road; however, the depth of this area is insufficient for many vehicles which overhang the carriageway reducing its width. This area would be altered to formalised parallel parking spaces. The LHA has raised no objection to this and it is questionable whether vehicles should be using the parking in the perpendicular fashion. There whilst it is acknowledged that there would be some loss of this informal parking the existing arrangement is far from ideal and from site visits appears to result in safety issues during peak times given the lack of footpath and narrowing of the carriageway.
- 9.35. In regard to parking provision for the proposed school, this shows the provision of 65 parking spaces including 46 specific staff bays, 5 disabled bays, 12 visitor bays, 2 bays for the schools MPVs and 2 school mini-bus bays. The TA notes that the parking has been based on the operational needs of the school to reduce the risk of off-site parking associated with the school. This has also been based on the model share of staff travelling to the site using the 2011 census data for the area where the application site is located which takes account of walking, car sharing and other means of arrival. As part of the proposal a School Travel Plan would be required by

condition, a draft of which has been submitted, which particularly focuses on reducing the number of single occupancy car trips made by staff to the proposed site and reducing congestion at and near the school. 10 cycle parking spaces are also provided on the site to encourage the use of cycling. Furthermore the public footpath, which is being provided along Bloxham Grove Road, would provide safe and convenient access to the bus stop on the A361 for any staff using the local bus service or walking to the site from the village. Overall the LHA is satisfied with this level of parking; officers have no reason to disagree; and it is therefore considered to be acceptable.

Conclusion

- 9.36. The NPPF advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development provides a number of highway improvements to local highway network including the junction to the A361 and Bloxham Grove Road which would all need to be secured through a legal agreement. These have been modelled and demonstrate the junction would operate within capacity and are considered to mitigate the traffic impacts of the proposed development. The proposal provides new pedestrian access to the village and improves some of the safety issues on Bloxham Grove Road and the level of parking is considered to be appropriate to serve the needs to the development. Overall, therefore, the highway impacts of the development are considered to be acceptable.

Impact on character and appearance of area

Policy Context

- 9.37. The NPPF advises that the creation of high quality places is fundamental to what planning should achieve. It goes on to state that planning decisions should ensure development will function well and add to the overall quality of an area, be visually attractive as a result of good architecture, layout and landscaping; be sympathetic to local character including the building and landscape setting; establish a strong sense of place; and creating safe, inclusive and accessible development. These aims are also echoed and expanded upon within Policy ESD15 of the CLP 2031 and Policies BL11 and BL12 of the BNP 2031, which look to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness and protect the setting of the village.
- 9.38. Policy ESD 13 of the CLP states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Furthermore development that causes undue harm or visual intrusion into the open countryside will not be supported. Saved Policy C8 seeks to resist sporadic development in the open countryside.
- 9.39. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.

Assessment

- 9.40. The proposed development would be located on Bloxham Grove Road which currently maintains a strong rural character and appearance beyond the extent of the buildings which consist of the Warriner School. The site itself is relatively flat as

are the immediate surrounding fields. Further to the north the land falls into the valley associated with the Sor Brook.

- 9.41. The proposed development would lead to the loss of a grazed field, which includes some ridge and furrow and positively contributes to the rural character and appearance of the area and the setting of the village. That said, the site is surrounded by the playing fields associated with the existing school, which does alter the character of the area by having a more formalised appearance and provision of sporting paraphernalia. It is also located in proximity to the existing school building and new MUGA serving the Warriner School.
- 9.42. With the exception of the location of the access the applicant proposes to retain the existing field boundaries. During the course of the application further enhancement to the screening of the site including the provision of additional planting and trees has been provided by the applicant, which would aid with the screening and filtering they would provide of the proposed development. This is particularly important to the northern, southern and eastern boundaries where views are more sensitive. Furthermore details of the tree protection plan for construction works would need to be conditioned to ensure the existing hedgerows and trees are adequately protected during construction. The works proposed to Bloxham Grove Road in relation to the widening and provision of a footway would also impact on the rural character of the area; however, this would be quite localised to the existing frontage of the Warriner School.
- 9.43. The proposed building would be located relatively central to the main part of the site and would be two-storey in height. During pre-application discussion it was advised that officers did not consider the proposed building needed to follow the form and appearance of the buildings at the Warriner School site which are of little architectural merit. The proposed building would be designed with a contemporary appearance with a series of flat roof elements at different heights to attempt to break up the mass and bulk of the building to some extent. The L shape arrangement of the building also means the building are relatively well grouped and set away from the boundaries of the site to allow the retention of screening. Officers have raised some concerns over the overall height of the building and requested it be reduced in height. However, the applicant states that the parapet wall is required for safety purposes and would have the additional benefit of screening the plant equipment and solar panels which would be located on the roof of the building. On balance this is considered to be acceptable.
- 9.44. The building would present an active frontage to the car park with the exception of the forward projecting element which accommodates the hall, kitchen and dining area and this part of the building would be clad in iron stone to provide a locally distinctive material. During the course of the application the applicant has also revised the plans so that the ground floor element of the building would also be constructed of ironstone with timber cladding above. The wider use of natural ironstone is considered to be positive as it helps root the building in the context of Bloxham where ironstone is used widely. The use of timber cladding has been introduced during the course of the application, as the originally proposed use of grey render which was not considered to be sympathetic to the rural context, and timber cladding was considered to give a softer more rural appearance to the site and is a material which is used in large agricultural buildings in rural settings.
- 9.45. Overall whilst it is acknowledged that the proposed development would have some adverse landscape and visual impact given the rural character of the site, it is considered that there would be moderated by the fact that the site is surrounded by existing playing fields and the school buildings to the west of the site. Furthermore the existing and proposed planting would help screen and filter the proposal and the

proposal would appear as an extension to the existing Warriner School site. The design of the building is contemporary and the use of local materials help in providing for a more locally distinctive appearance to the development.

Flood risk and drainage

Policy Context

- 9.46. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.47. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District. Policy BL7 of the BNP echoes this.

Assessment

- 9.48. The site is located within Flood Zone 1 which is lowest risk of flooding. Infiltration tests have been carried out which indicate that the infiltration methods for surface water would not be feasible on the site.
- 9.49. The Lead Local Flood Authority (LLFA) originally objected to the scheme. Following this the drainage strategy has been revised. The proposed surface water drainage for the site has been designed so there will be no increase in flood risk on or off the site. This includes the use of a porous tanked sub base to the entire car park and the MUGA and hard play areas would be constructed of permeable Asphalt over a tanked porous sub base. These would discharge into a cellular tank which would discharge via a flow control chamber into an existing ditch. The drainage system has been designed to include all flood events up to and including the 100 year + 40% climate change. The LLFA raises no objection to this subject to condition.
- 9.50. In regard to foul water Thames Water have advised that there appears to be inadequate capacity in the existing foul network infrastructure to accommodate the needs of the development. Therefore it requests a condition is imposed on any grant of planning consent to require an appropriate scheme to be provided prior to the first occupation of the building. This is recommended as a condition.

Heritage Impact

Legislative and policy context

- 9.51. The site is not within and does not affect the setting of a Conservation Area. However the site is located in a field which includes ridge and furrow which is considered to be a non-designated heritage asset. Policy ESD15 states that new development proposals should include information where archaeological potential is identified to allow an assessment of significance. Paragraph 189 of the NPPF echoes this advice.

Assessment

- 9.52. The site is identified as having archaeological potential and includes ridge and furrow. The application has been accompanied by a desk based archaeological assessment, which concludes that based on their finding the site has low to moderate potential for prehistoric activity with any material likely to be of low

archaeological significance. The ridge and furrow demonstrate a high potential for later Medieval and early post medieval remains however any activity of this period would be likely to be of low significance.

- 9.53. The development would impact negatively on the ridge and furrow that currently exists at the site; however, this is only considered to be limited given the size and position of the site. The County Archaeologist has raised no objection to the application subject to a staged programme of archaeological investigation which can be controlled through a condition. Officers see no reason to disagree with this assessment or conclusion.

Sustainable Construction

- 9.54. Policy ESD3 of the CLP Part 1 states that all new non-residential development will be expected to meet at least BREEAM 'Very good'. Policy ESD4 requires that a feasibility assessment of the use of decentralised energy systems, providing either heating or heating and power for all non-domestic development above 1000sqm metres. Policy ESD5 requires a feasibility assessment in regard to on site renewable energy.

Assessment

- 9.55. A Feasibility Report for BREEAM has been submitted with the application. This indicates the use of solar photovoltaic roof panels on the building would be feasible for the site and details of this can be controlled through condition. The achievement of the BREEAM 'Very good' standard is also a requirement of Policy ESD3 and could be controlled by condition.

Ecology Impact

Legislative context

- 9.56. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.57. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.58. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.59. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.60. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.61. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.62. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.63. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.64. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
 - present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an ‘extended phase 1 survey’), which is useful for assessing whether a species-specific survey is needed, in cases where it’s not clear which species is present, if at all
- 9.65. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is undeveloped and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat.
- 9.66. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.67. In respect of planning applications and the Council’s discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.68. The application is supported by a detailed Ecological Survey. The main ecological constraint that this identifies is the fact a number of the trees on the boundary have low to medium potential for roosting bats and the hedgerows around the site offers opportunities for nesting birds and foraging bats. These trees are shown to be retained in the submitted layout. The Council’s Ecologist (CE) is generally satisfied with the finding of the survey and notes that a Construction Environmental Management Plan should be conditioned including measures to protect nesting birds and bats.
- 9.69. Amended plans have been received which show additional new planting and enhancements on the site and the CE considers a net gain in biodiversity could be achieved with the additional planting and enhancements on the building. The CE requests that a Landscape and Ecological Management Plan (LEMP), which can show an overall net gain for biodiversity should be required by condition and should include plans for other features on site – integrated bird boxes within the buildings, bat boxes on mature trees, hedgehog boxes or log piles at the boundaries.
- 9.70. Concerns have been raised by the CE that the lighting for the site appears rather excessive and the applicant has agreed that full details of the lighting could be controlled through planning conditions to ensure it was appropriate for its rural context, and also did not adversely impact on ecology, particularly the boundaries of the site.
- 9.71. Officers are satisfied, on the basis of the CE’s advice and the absence of any objection from Natural England, and subject to conditions, that notwithstanding the proposed development the welfare of any European Protected Species found to be present at the site and surrounding land would continue and would be safeguarded, and that the Council’s statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Other matters

- 9.72. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. The NPPF also notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy BL9 seeks to ensure that the living conditions of neighbouring residents are not materially harmed by development proposals. The proposed development is some distance from the nearest residential property and is not considered to result in a significant amenity issues.
- 9.73. The Parish Council has made extensive comments on the application but some of their comments refer to policies in the Neighbourhood Plan which are not relevant to the proposal. For example Policy BL2 of the BNP relates to housing as does Policy BL5. Policy BL14 relates to start up and small business expansion which is also not considered relevant to the proposal.
- 9.74. The Parish Council has also raised concerns that the proposed development is not plan-led as it is not allocated within the Development Plan. However, Policy BSC7 does allow for the provision of new schools in sustainable locations and the supporting text to this policy notes; *'New school buildings should be located in sustainable locations on the edge or within the built up limits of settlements. New schools in the Green Belt and open countryside will be resisted'* (para B.144). In this context the site is considered to be located at the edge of an existing settlement and needs to be assessed in this context. This is discussed in detail above.
- 9.75. The Parish Council has also raised concerns regarding air quality as previously air monitoring in Bloxham has provided concerns regarding nitrogen dioxide (NO₂) levels. However, the Council's Environmental Protection Officer has raised no objections in this regard and has noted that the all three monitoring locations in the village are below the annual mean objective level, and the general trend has been downwards

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate earlier. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.
- 10.2. In this case the proposals would provide significant social benefits in providing additional specialist educational provision for which there is an urgent need for in the district. Whilst ideally the site would be located within or adjacent to the larger settlements of Banbury or Bicester the applicant has undertaken a site search and has not found any more suitable or viable sites. Notwithstanding this, the students who attend the school are unlikely to walk or cycle to the site as they would come from a wider catchment and arrive by organised transport. The site is located at the edge of one of the larger Category A villages in the district and some opportunities for walking and use of public transport exist for staff and visitors. It also has benefits in terms of the educational offer and environment the operators wish to provide.
- 10.3. There would be some harm to the rural character and appearance of Bloxham Grove Road; however, this would be moderated by the relationship of the site with the Warriner School and the landscaping proposals submitted with this application. The building uses a palette of materials that reflects the locality and the rural context.

- 10.4. The proposal seeks to provide improvement to Bloxham Grove Road and the junction with the A361 which are considered to mitigate the impacts of the development on the local highway network.
- 10.5. Overall, when considered as a whole, the social benefits of the scheme are considered to outweigh the modest harm to the character and appearance of the area. It is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Contribution of £2,700 (index linked) towards administrative costs of Traffic Regulation Order to move 30mph
- b) £1,240 towards monitoring and review of Travel Plan
- c) An obligation to enter into a Section 278 Agreement to secure highway works:
 - The provision of a bell-mouth access with minimum radii of 5m within the highway boundary on Bloxham Grove Road to enable access to the development and to tie into the existing carriageway and footway on this road.
 - Improvement of highway works to upgrade Bloxham Grove Road as illustrated by PBA's proposed Bloxham Grove Road access Option 2 (under Drwg No. 45479/5501/004 Rev A), appended to the TA. These must include:
 - Widening Bloxham Grove Road to 4.8m from Warriner School entrance to the proposed site access to allow a 2-way movement along this section.
 - Provide a 1.5m wide footway along the southern front of the carriageway up into the site with suitable tactile paving at crossing points
 - To formalise the existing parking layby along Bloxham Grove Road which is currently echelon into parallel parking marked out bays.
 - Relocation of the 30/60mph speed limit markers further east of the site access, subject to a TRO consultation process.
 - Highway improvements on the A361 Banbury Road/ Bloxham Grove Road/ Ell's Lane junction to include:
 - Widening of the A361 to accommodate right turning lanes into both Bloxham Grove Road and Ell's Lane as illustrated by Drawing No. 45479/5501/006 Rev A.
 - In addition to details of Drawing No. 45479/5501/006 Rev A the design should include crossing facilities on either end of the right turn lanes on the A361 Banbury Road.

CONDITIONS/REASONS FOR REFUSAL

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: TBC

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

Accesses: Full Details

3. Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on Bloxham Grove Road, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of the development hereby approved, the means of access shall be constructed and retained in accordance with the approved details.

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

Tree Protection

4. Prior to the commencement of any development an Arboricultural Impact Assessment, Tree Protection plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed strictly in accordance with the details contained in the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Archaeology

6. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance contained within the National Planning Policy Framework (2019).

7. Following the approval of the Written Scheme of Investigation referred to in condition 6, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework (2019).

SuDS

8. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The development shall not be implemented other than in strict accordance with the approved details and shall be fully implemented prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans

9. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape and Ecological Management Plan

10. Prior to the commencement of the development hereby approved, a Landscape

and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate a net gain in biodiversity and shall include the provision of integrated swift nest bricks and a range of bat and bird boxes. It shall also include details of protection of retained features and ecology during construction. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP including the provision of the enhancements prior to the first occupation of any dwelling.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscaping

11. Prior to the commencement 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.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Architectural detailing

12. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development hereby approved including details of the parapet, window details (including colour and recesses), junction between timber and stone, and details of any coping or other detailing shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall

thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Stone Sample Panel

13. No development shall commence above slab level until a stone sample panel (minimum 1 metre squared in size) has been constructed on site and has been inspected and approved in writing by the Local Planning Authority. The sample panels shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract. The stone elements of the external walls of the building, as shown in the drawings referred to in Condition 2 of this permission, shall not be constructed other than in strict accordance with the approved stone sample panel, including in type, colour, texture, coursing and pointing, and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to preserve the significance of the heritage asset and in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Timber boarding

14. No development shall commence above slab level until a sample panel of timber boarding has been constructed on site and has been inspected and approved in writing by the Local Planning Authority. The sample panel shall show the type, finish and arrangement in which the timber boarding will be placed on the building. Details shall also be submitted in relation to the durability and weathering of the timber boarding. The sample panel shall be constructed on site to be inspected and approved in writing by the Local Planning Authority. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract. The timber elements of the external walls of the building, as shown in the drawings referred to in Condition 2 of this permission, shall not be constructed other than in strict accordance with the approved sample panel, and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to preserve the significance of the heritage asset and in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Renewable Energy

15. Prior to any works above slab level, full details of the siting, design and amount of renewable energy to be provided on the site shall be submitted and approved

in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the building and shall be retained as such thereafter.

Reason - To ensure that the feasibility of significant on-site renewable energy is considered in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Protection of Pedestrian Footway

16. Prior to the any works above slab level details of the measures to physically protect the section of walkway running between the car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall remain protected and available for use throughout the development in accordance with the approved details.

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

External Lighting and Management Plan

17. Notwithstanding the details on the submitted plan and prior to the installation of any external lighting, full details of the external lighting and a management plan to control the lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and managed in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development, protect amenity of the local area, protect biodiversity and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Installation of pedestrian crossing facilities along the A361 Banbury Road

18. Prior to the first occupation of the building, full details of the highway works to Bloxham Grove Road and the junction of the A361/Bloxham Grove Road/Ells Lane as outlined in the submitted Transport Statement and Addendum, to also include a pedestrian crossing point(s) on the A361, shall be submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the building.

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

Parking and Manoeuvring

19. Prior to the first occupation of the development the parking and manoeuvring areas shall be constructed, laid out, surfaced, and completed in accordance with the plans hereby approved, and shall thereafter be retained unobstructed at all times except for the parking and manoeuvring of vehicles in connection with the development.

Reason: In the interests of highway safety in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance

contained within the National Planning Policy Framework.

Wastewater network

20. The development hereby permitted shall not be occupied until details and confirmation of one of the following has been submitted and approved in writing by the local planning authority:

- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- an infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

BREEAM

21. The building hereby granted planning permission shall be constructed to achieve BREEAM 'Very Good' standard based on the BREEAM criteria applicable at the time of this decision for a proposed building use of this type.

Reason - In the interests of encouraging sustainable building design in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

Travel Plan

22. Within 3 months of the first use of the development hereby permitted a revised travel plan shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.