

**Case Officer:** Katherine Daniels

**Applicant:** Bloxham School

**Proposal:** Front and rear extensions and alterations to the Dewey sports centre, installation of 12no sports lighting columns, 5no netball/tennis courts, 1no artificial cricket wicket, 1no replacement long jump pit, 1no storage container, improvements to existing access and car parking, provision of additional car parking, associated drainage, renewable energy and sustainability measures, hard and soft landscaping and biodiversity enhancements.

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Councillors Blakeway, Pattenden and Hingley

**Reason for Referral:** Major development of 1,000+ sq m of floor space created

**Expiry Date:** 21 October 2024

**Committee Date:** 5 December 2024

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site comprises a pair of sport pitches with multi-use surfaces, currently used as a hockey pitch and tennis courts that are in the ownership Bloxham School. The pitches and an area of surrounding land which are the subject of this application are situated on the edge of the built up limits of Bloxham and just outside the Bloxham Conservation Area. The northern edge of the sport pitches borders the school playing fields, The Ridgeway, a track largely gravelled, runs parallel with the southern boundary. There are residential properties surrounding the wider sports complex.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The proposal is for the extension to the front and rear of the existing Dewey building. This seeks to provide enhance sports facilities, including four separate changing areas, staff/official changing, medical room and reception at ground floor. A larger gym, spectator gallery and a new studio space at first floor.

2.2. The proposal involves the installation of 12 floodlights each 12m in height on Bloxham School's two artificial pitches. These are required to provide sufficient illumination, when required, for ball games such as tennis and hockey until 6pm. The proposed floodlights have asymmetric lighting profiles and would be used to direct the light to only the pitches and away from areas outside of the pitch. This would allow for pupils at the school to play for longer during winter months.

- 2.3. In addition to the floodlights, it is proposed to provide further car parking, with the loss of part of the adjacent playing fields. This is sought in order to relieve the pressure on the local road network by discouraging sport centre patrons from parking on the surrounding street. The expanded area of car parking would result in 31 additional parking spaces. The extension of the car park would lead to the loss of the long jump track in its present location, the sports field layout would be altered to allow for its repositioning.
- 2.4. The proposal also includes the formation of a new astro cricket pitch; five netball/tennis courts are proposed to the east of north of the existing astro pitches.

### 3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:

**Application: 18/01252/F**                      Refused                      31 October 2018

Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping

**Application: 18/01852/F**                      Application                      14 June 2019  
Withdrawn

External security lights to the car park and building at The Dewey Sports Centre, Bloxham School, Barley Close, Bloxham, Banbury, OX15 4NJ.

**Application: 19/02826/F**                      Permitted                      5 February 2020

Car park lighting and security lighting

### 4. PRE-APPLICATION DISCUSSIONS

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

22/02358/PREAPP: Extension of Dewey Sports Centre, 5 no Netball/Tennis courts, sports lighting, car parking and landscaping.

- 4.2 There are several positive elements to the proposal, however also several areas that require further thought.

### 5. RESPONSE TO PUBLICITY

- 5.1 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. The final date for comments was **14 August 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 5.2 The comments raised by third parties are summarised as follows:

33 Letters of objection have been received for the following reasons:

- Light pollution on the edge of the village affecting the night sky

- Cause extra noise and light pollution compared to the current low levels
- Cause additional traffic congestion, which is already high
- Impact upon the nearby conservation area
- Not in-keeping with the rural nature of the location
- The height of the columns will mean that floodlights will be seen for a significant distance beyond the immediate surroundings and will affect views on public rights of way.
- Should be refused on similar grounds to before
- Impact on ecology
- Additional noise and disturbance on the local residents

52 Letters of support have been received for the following reasons:

- Supports the school provide additional and enhanced facilities
- Will open it up to further community facilities.

5.3 The comments received can be viewed in full on the Council's website, via the online Planning Register

## 6. RESPONSE TO CONSULTATION

6.1 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.

NOTE: Responses are to be recorded in the example format given for the Parish Council below. Responses should be summarised and should not be copied and pasted in full. If it is necessary to quote from a response *include the quote in italics*

6.2 BLOXHAM PARISH COUNCIL: **Objects** increased level of traffic using the facilities, and the wider implications of that, impact on the wider locality including designated heritage assets, increased noise, impact on ecology

6.3 OCC HIGHWAYS: **No objections** subject to conditions

6.4 OCC LEAD LOCAL FLOOD AUTHORITY: **No objections**

6.5 OCC ARCHAEOLOGY: **No objections** subject to planning conditions.

6.6 CDC ECOLOGY: **Comments** The BNG is acceptable, and is satisfied that the lights being turned off at 6pm will not have a negative impact on protections species. Conditions are recommended.

6.7 SPORTS ENGLAND: **No objection**

6.8 CDC SPORTS AND RECREATION: **Comments** that the proposal would provide improvements evidenced in the latest sports studies. Including additional community use of the site.

- 6.9 CDC ENVIRONMENTAL HEALTH: Have no comments on noise, contaminated land, air quality or odour. Requests condition be imposed regarding the lighting to be used only when sporting activities take place.
- 6.10 *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*
- 6.11 *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 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 2015)

- PSD1 - Presumption in Favour of Sustainable Development
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- BSC7 - Meeting Educational Needs
- BSC10 - Open Space, Outdoor Sport and Recreation Provision
- Policy Villages 4 - Meeting the Need for Open Space, Sport and Recreation

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C31 - Compatibility of proposals in residential areas
- ENV1 - Development likely to cause detrimental levels of pollution

### BLOXHAM NEIGHBOURHOOD DEVELOPMENT PLAN (2015-2031)

- Policy BL9 - Policy on regard for the amenity of existing residents
- Policy BL11 - Policy on contributing to the rural character of the village
- Policy BL12 - Policy on the importance of space and key street scenes

### 7.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

## 8. APPRAISAL

### 8.1 The key issues for consideration in this case are:

- Principle of development including loss of part of the playing field
- Design, and impact on the character of the immediate area including the setting of the Conservation Area
- Residential amenity
- Highways safety
- Protected species
- Other matters

#### Principle of Development

##### *Policy Context*

8.2 Policy BSC10 of the Cherwell Local Plan 2011-2031 (‘CLP 2015’) states amongst other things that the Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision. Amongst other measure this will be achieved through qualitative enhancement to existing sporting provision. Policy BSC12 continues by stating that the Council will encourage the provision of community facilities to enhance the sustainability of communities and encourage partnership working to ensure that built sports provision is maintained. However, this Policy also states that this will be in accordance with local standards of provision by the following means:

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

8.3 The NPPF seeks to ensure that places are safe and accessible and support healthy lifestyles as underlined by paragraph 96 which states, amongst other things, that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Paragraph 96 continues by stating that to ensure social, recreational and cultural facilities and services the community needs, are provided planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open

space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

#### *Assessment*

- 8.4 A previous application on the Dewey Sports centre for 12 floodlights was refused under application reference 18/01252/F for the following reason:

*The site is prominent within an attractive and visually sensitive landscape which affords wide-ranging views to Bloxham village. The proposed twelve 12.5m masts with floodlights, due to their siting, scale and illumination, would create a substantial block of light beyond the built confines of the village and highly visible in the landscape. As such, the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. Therefore, and in the absence of sufficient mitigation of the visual harm, the proposed development would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy BL11 of the Bloxham Neighbourhood Plan 2015-2031 and Government guidance contained in the National Planning Policy Framework.*

- 8.5 The principle of the additional lighting, and alterations to the existing sport field was considered to be acceptable in principle. The main difference between this application and the previous application is that this application includes an extension to the existing Dewey Centre itself.
- 8.6 The school is an existing facility within Bloxham, and it provides a sporting facility for both the school and the community. Neither Sports England or the Council's Sports and Recreation Officer objects to the proposal, as it would enhance the current facilities.

#### *Conclusion*

- 8.7 The principle of developing the site for increased sport and recreation on an existing site is considered to be acceptable. The previous application was not recommended for refusal based on the principle; therefore, the acceptability of the proposal depends on other considerations as set out below.

#### Design, and impact on the character of the immediate area including the setting of the Conservation Area

##### *Policy Context*

- 8.8 Paragraph 131 of the NPPF states that: 'Good design is a key aspect of sustainable development' and that it 'creates better places in which to live and work'. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.9 Policy ESD 13 of the CLP 2015 states that 'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new

ones, including the planting of woodlands, trees and hedgerows.’ It goes on to state that ‘Development will be expected to respect and enhance local landscape character’ and that proposals will not be permitted if they would ‘harm the setting of settlements, buildings, structures or other landmark feature’ or that it would cause *visual intrusion into the open countryside*’.

- 8.10 Policy ESD15 of the CLP 2015 also states that development should ‘*Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...and within conservation areas and their setting*’. Policy BL11 of the Bloxham Neighbourhood Plan states that development should ‘*be in keeping with local distinctiveness and characteristics of the historic form of the village*’. Saved Policy C28 of the 1996 Local Plan states ‘*in sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard*’.
- 8.11 Policy C28 of the 1996 Local Plan states that ‘*layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development*’ and Policy B11 of the Bloxham Neighbourhood Plan states that the lighting of public areas should accord ‘*with the recommendations of the Institute of Lighting Engineers recommendations on reduction of obtrusive light (or its successors) so as to convey a rural feel and avoid light pollution wherever possible*’.
- 8.12 Policy B11 of the Bloxham Neighbourhood Plan states that the lighting of public areas should accord *with the recommendations of the Institute of Lighting Engineers recommendations on reduction of obtrusive light (or its successors) so as to convey a rural feel and avoid light pollution wherever possible*. Paragraph 185 of the NPPF is of particular relevance to this case when it states amongst other things that *planning policies and 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... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*.

#### Assessment

- 8.13 The proposed floodlight masts are approximately 90m from the Bloxham Conservation Area. The floodlights would be visible from some vantages within the Conservation Area and indeed the surrounding built-up area of Bloxham even when not in use. The Inspector for the 2006 application concluded that the 8 masts proposed in 2006 would detract from the setting of the village as a whole rather than the setting, character, or appearance of the Conservation Area, given that the lights and the conservation area were separated by other development.
- 8.14 Although the current application proposes an additional 4 masts they would be 3m lower and would be better screened by the proposed mature tree planting. There would be a perceived ‘glow’ on some evenings from the direction of the sports pitches which would have an impact on the Conservation Area, especially given that there is no street lighting in the area. Although the impact on the surrounding area would be lessened through improvements to the lighting and the lower slim line poles, the proposal would nonetheless cause some harm to the visual amenities of the area. In addition, the applicant has provided further details over that of the 2018 application, which indicates that the light spill would be reduced, and the impact on the surrounding area would be less than the previous application. The current proposal is for the lights to be turned off at 6pm, reducing the impact on the locality.

- 8.15 The submitted lighting Impact Assessment state the site is locality is within a E2 Environmental Sone, where there is typical background luminance within the area would be described as low. The modelling provided in the submission states that the proposal would be compliant with the criteria, and that the impact would equate to a low level. The Council's Environmental Health Officer does not object to the proposal based on lighting.
- 8.16 The extensions to the Dewey Sports, which would provide enhanced facilities for both the school and the community, are in keeping with the existing building and would not have a detrimental impact on the character and appearance of the locality. The extensions are visually contained within the site and its surroundings.
- 8.17 The extended parking area would be a continuation of the existing car parking area and would be largely screened from view by the associated landscaping. It is placed centrally on the wider site and would have little or no impact on the character of the area or the setting of the area.
- 8.18 The additional five netball/tennis courts surrounding the existing astro turf pitch, which would lead to additional facilities and open the existing astro pitches for more availability for the Banbury Hockey Club, are considered to be in keeping with the character and appearance of the site's immediate surroundings.

### *Conclusion*

- 8.19 The proposal would impact the locality by introducing new lighting to an area that currently doesn't have any lighting. The previous scheme for lighting was refused due to the impact on the wider landscape. There have been changes to technology, which further reduces the impact on the wider locality, and given the submitted information demonstrates the development would be in accordance within the Environmental Zone, E2; therefore, the lighting scheme is considered to be acceptable. The proposal to turn the lights off at 6pm would further reduce the impact on the landscape.
- 8.20 The extension to the Dewey Sports Centre would not harm the character of the wider locality, would be seen within the context of the existing site and its surroundings, and is considered to be acceptable.
- 8.21 The proposed new netball pitches are considered to be appropriate to the locality. They would be seen within the context of a sporting facility. Similarly the new car parking area is sited adjacent to the existing parking area, thereby not having a detrimental impact on the wider locality.
- 8.22 Overall, there would be some change to the character of the locality; however, based on the information submitted with the application the impact is not considered to be so harmful as to warrant refusal of the application.

### Residential amenity

#### *Policy*

- 8.23 Paragraph 135 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2015, which 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*. Policy C31 of the saved 1996 Local Plan states that *'in existing and proposed residential areas any development which is not compatible*



*with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted'.*

- 8.24 Policy ENV1 of the saved 1996 Local Plan states '*development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted*'. Policy BL9 of the Bloxham Neighbourhood Plan states that developments should '*ensure that the living conditions of neighbouring residents are not materially harmed*'.
- 8.25 There are five dwellings within 40-70m of the proposed floodlights and which have elevations with windows which face onto the site to some degree; three are along The Ridgeway – Ridgeway house, Ridgcroft and Conacre - and two along Waters Court – No.1 and No.2.

#### *Assessment*

- 8.26 The application includes submitted a lighting impact assessment, which has demonstrated that there is no negative impact on residential amenity through any light spillage onto the nearest residential properties.
- 8.27 A number of local residents have raised concerns regarding the proposal and the impact that it will have on their amenities, through the addition of its coming and goings, as well as noise. While the concerns are noted, the 2018 application was not refused on residential amenity reasons, and therefore it would be unreasonable for officers to recommend refusal on that basis for the proposed new lighting columns.
- 8.28 This proposal is different to the previous scheme as it includes the extension to the existing Dewey Sports Hall. The Environmental Protection Officer has assessed the proposals and does not have any objection to the scheme in regards to noise, disturbance. It is therefore considered that the proposal would be acceptable in terms of impact on noise, and that it would be unreasonable for the Council to object on this basis.
- 8.29 The proposed extension would be going closer to the neighbouring properties; therefore, there is a potential that the extension could have a negative impact on the amenities of the neighbouring property through loss of light or being overbearing. However, given the distances, and the significant existing landscaping, the proposal would not have a detrimental impact on the residential amenity to the adjacent neighbours.

#### *Conclusion*

- 8.30 The proposal is considered to be acceptable in terms of residential amenity, and would be unreasonable for the Council to refuse the application based on residential amenity. If there is noise emanating from the site, then this can be controlled by Environmental Protection legislation.

#### Highway safety

- 8.31 The NPPF states that, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 8.32 Policy BL9 of the Bloxham Neighbourhood Plan states that '*the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network*'.

- 8.33 The proposals for the extension of the car park facilities at the Dewey Centre would enable the applicant to reduce the impact of weekday parking on nearby public roads. This is considered to be a benefit to the local residents, a number of whom have raised issues in their comments about the level of parking in the streets around the Bloxham School.
- 8.34 While the proposal would result in additional traffic to and from the site which a number of residents have raised as a concern, the Local Highways Authority has not objected to the increase in the volume of traffic using the surrounding roads. It is therefore considered that the proposed development accords with Policy BL9 of the Bloxham Neighbourhood Plan and policies contained within the NPPF.

### Ecology Impact

#### *Legislative context*

- 8.35 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.
- 8.36 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.
- 8.37 The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 8.38 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.

8.39 The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy context*

8.40 Paragraph 180 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.

8.41 Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) 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.

8.42 Paragraph 191 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.

8.43 Policy ESD10 of the CLP 2015 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.

8.44 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 LPAs 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*

8.45 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:

8.46 present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

8.47 It also states that LPAs can also ask for:

- 8.48 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
- 8.49 an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 8.50 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles.
- 8.51 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.
- 8.52 In respect of planning applications and the Council 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.
- 8.53 The application is supported by a detailed protected species survey which concluded that there is no evidence to suggest there is any overriding ecological constraints which would prevent an application being approved.
- 8.54 Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development 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.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2 Following the 2006 and the 2018 application the applicant has further considered the reason for refusal, and have sought to overcome this. The acceptability of the proposal comes down to whether the impact the flood lighting would have a negative impact on the surrounding built-up area and landscape. In respect of the floodlights, Officers are mindful of the 2006 appeal decision, and the 2018 application particularly. As this only sought to illuminate one of the two pitches, it is concluded that the impact of the floodlights, on the surrounding landscape, with the advances in technology, reduced height of the masts and suggested screening from existing and additional trees, would not cause harm to the character or appearance of the local area or landscape when lit in particular. The commitment to allow the local

community access to the pitches and the extension to the main sports centre weighs in favour of the development as does the increase in capacity for multiuse pitches in the local area, and the higher level of parking offered in order to allow more staff to park.

9.3 The extended car park is considered to be acceptable in the absence of an objection from the Local Highways Authority and Sport England.

9.4 Based on the appraisal above, the application is therefore recommended for approval.

## 10. RECOMMENDATION

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### 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 form and following approved plans:

|   |   |
|---|---|
| • Proposed Site Masterplan (Summer)                                 | 2104_0041_P05   |
| • Proposed Site Masterplan (Winter)                                 | 2104_0040_P18   |
| • Proposed Site Plan Sheet 1 of 2                                   | 2104_0045_P15   |
| • Proposed Site Plan Sheet 2 of 2                                   | 2104_0050_P21   |
| • Proposed Sections   | 2104_0065_P03   |
| • Proposed Elevations   | 2104_0060_P05   |
| • Proposed Ground Floor Plan  | 2104_0055_P09   |
| • Proposed First Floor Plan   | 2104_0056_P08   |
| • Proposed Detailed Site and Roof Plan                              | 2104_0051_P21   |
| • Landscape Mitigation and Enhancement<br>(Sports Centre) (1 of 2)  | 1205 806 F  |
| • Landscape Mitigation and Enhancement<br>(Sports Pitches) (2 of 2) | 1205 807 F  |
| • Column Specification  | HL250S12 Rev A  |
| • Lighthouse Specification  | Optivising LED Gen 3.5  |
| • Bloxham School sports lights CGIs                                 | 2348-DFL-ELG-XX-DE-<br>EO-13001<br>348-DFL-ELG-XX-DE-<br>EO-13002<br>348-DFL-ELG-XX-DE-<br>EO-13003 |

348-DFL-ELG-XX-DE-  
EO-13004

348-DFL-ELG-XX-DE-  
EO-13005

348-DFL-ELG-XX-DE-  
EO-13006

348-DFL-ELG-XX-DE-  
EO-13007

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.

#### **Accord with Ecological Survey**

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Assessment of Bloxham School by Ecology Solutions dated May 2024 unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with government guidance contained within the National Planning Policy Framework.

#### **Schedule of Materials**

4. No development shall commence above slab level unless and until a schedule of materials and finishes to be used in the external walls and roofs of the extension has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area 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.

### **COMPLIANCE**

#### **Protection of Trees**

5. No development shall take place until the existing tree(s) to be retained as shown on approved plan [Tree Protection Plan] have been protected in accordance with the Arboricultural Impact Assessment by Tree Frontiers dated 31st May 2024. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

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 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.

## **Flood Risk Assessment**

6. The development shall not be carried out other than in accordance with the Flood Risk Assessment prepared by Cole Easdon dated September 2024 unless otherwise previously approved in writing by the local planning authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

## **Floodlighting Hours**

7. The external lighting/ floodlighting shall not be used after the hours of 18:00 Monday to Saturday only.

Reason: To protect the amenities of nearby residents, visual amenity, in the interest of protected species and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

## **PRECOMMENCEMENT CONDITIONS**

### **HMMP Plan**

8. The development shall not commence until a [Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with an approved Biodiversity Gain Plan and including:
  - (a) a non-technical summary;
  - (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
  - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (a) [HMMP] has been implemented; and
- (b) habitat creation and enhancement works as set out in the [HMMP] have been completed.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy ESD10

### **Archaeology**

9. 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 the NPPF (2023).

### **Archaeology**

10. Following the approval of the Written Scheme of Investigation referred to in condition 9, 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 within two years of the fieldwork being completed.

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 the NPPF (2023).

## **CONDITIONS TO BE SUBMITTED PRIOR TO CERTAIN STAGES**

### **Landscaping Scheme**

11. No development shall commence above slab level unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

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,

details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

details of the enclosures along the boundaries of the site.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.



All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and 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.

### **Cycle Parking**

12. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local planning authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Katherine Daniels