



required to be 'called in' in accordance with The Town and Country Planning (Consultation) (England) Direction 2009

and grant planning permission;

1.1.2. **agree to delegate authority** to the Acting Head of Planning to:

- consider and deal with any new material planning considerations that may be raised through public consultation up to 18 October 2018 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning considers reasonably necessary; and
- finalise the recommended legal agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning considers reasonably necessary; and
- issue the planning permission.

## 2. EXECUTIVE SUMMARY

2.1. At the East Area Planning Committee on 5 September 2018 members resolved to refuse planning permission for this application, with the precise wording for the reasons for refusal being delegated to the Head of Planning, Sustainable Development and Regulatory Services to determine. The following reasons for refusal were therefore drafted by officers:

2.1.1. Due to the removal of the bund and vegetation separating the cycleway from the Marston Ferry Road, the development would have an urbanising effect and result in harm to the Green Belt. This harm is not outweighed by other material planning considerations and therefore very special circumstances do not exist to allow this development in the Green Belt. The development would therefore be contrary to policy CS4 of the Oxford Core Strategy 2026 and paragraphs 143 and 144 of the National Planning Policy Framework.

2.1.2. Due to the site access from the Marston Ferry Road resulting in vehicles crossing the cycleway, the development would interrupt the free flow of cyclists and fail to prioritise cyclists and would therefore be contrary to policy CP10 of the Oxford Local Plan 2001-2016 and paragraph 110 of the National Planning Policy Framework.

2.2. The minutes of the East Area Planning Committee on 5 September 2018 are included in **appendix 2** of this report.

- 2.3. The decision of the East Area Planning Committee has been called in to the Planning Review Committee by Councillors Tanner, Simm, Turner, Linda Smith, Azad, McManners, Pressel, Chapman, Howlett, Kennedy, Henwood and Cook for the following reasons:
- The first application was refused by 4 votes to 3, with 2 abstentions. The second application was refused because the first had fallen. It would be sensible to reconsider both given the closeness of the first vote.
  - The need for another secondary school in Oxford is urgent and no other options are available. Considerable mitigation steps were proposed to limit the quite small intrusion into the Green Belt and to preserve the priority and safety of the cycle track on the Marston Ferry Road.
- 2.4. A copy of the officer's committee report to the East Area Planning Committee is included in **appendix 1** of this cover report. The report provided a full assessment of how the proposal would accord with policies of the development plan when considered as a whole, and that the range of material considerations supported the grant of planning permission. The report also includes a full assessment of how the scheme would also accord with the aims and objectives of the National Planning Policy Framework (NPPF), in particular the assessment of the impact on Green Belt and the detailed balancing exercise that concluded that very special circumstances that would justify development in the Green Belt manifestly exist. The report also sets out the range of measures proposed to deal with the site access and transport issues, in particular the retention of cycle and pedestrian priority along the Marston Ferry Road cycleway.
- 2.5. Given conformity with the development plan as a whole, in accordance with paragraph 11 of the revised NPPF the proposal should be approved without delay. It also sets out that there are not any material considerations that would outweigh the compliance with these national and local plan policies.
- 2.6. Since the application was considered by the East Area Planning Committee, the applicants have sought to clarify a number of matters and have made some minor amendments to the application, which were received on 25 September 2018. These followed discussion with officers and with officers from the Highways Authority. They seek to address concerns raised by members at committee which led to a resolution to refuse the application. These points of clarification and amendments can be summarised as follows:
- The removal of 10 car parking spaces within the proposed Swan School site;
  - Clarification that the artificial landscape bund will not be removed for the entire length of the visibility splays for the access; in places it will be reduced in height and there will be some planting at a lower level than the existing hedging;
  - An addendum to the Landscape and Visual Impact Assessment that looks at the landscape impact of the proposed access;

- A proposal to reduce the amount of bund and planting to be removed if and when the 30 mph speed limit is implemented outside the site (subject to separate Traffic Regulation Order amendment process) and for this to be secured via Section 106 legal agreement;
  - Additional drawings to clarify access arrangements and landscape impact;
  - Clarification of the number of cycle movements and vehicle movements that are forecast during periods when the school gates are open and vehicle access is in operation;
  - Clarification of the role of the wardens monitoring the access at the start and end of the school day.
- 2.7. The points above are discussed in more detail in section 6 below.
- 2.8. Officers would point out that, while a large number of revised plans were submitted, this is because many of the submitted plans are site-wide plans and so the reduction in the number of car parking spaces had to be updated on these site-wide plans.
- 2.9. In terms of the reasons listed within the call-in, officers would confirm that the fact that the decision of the East Area Planning Committee was a close vote is not a material planning consideration for the determination of the application.

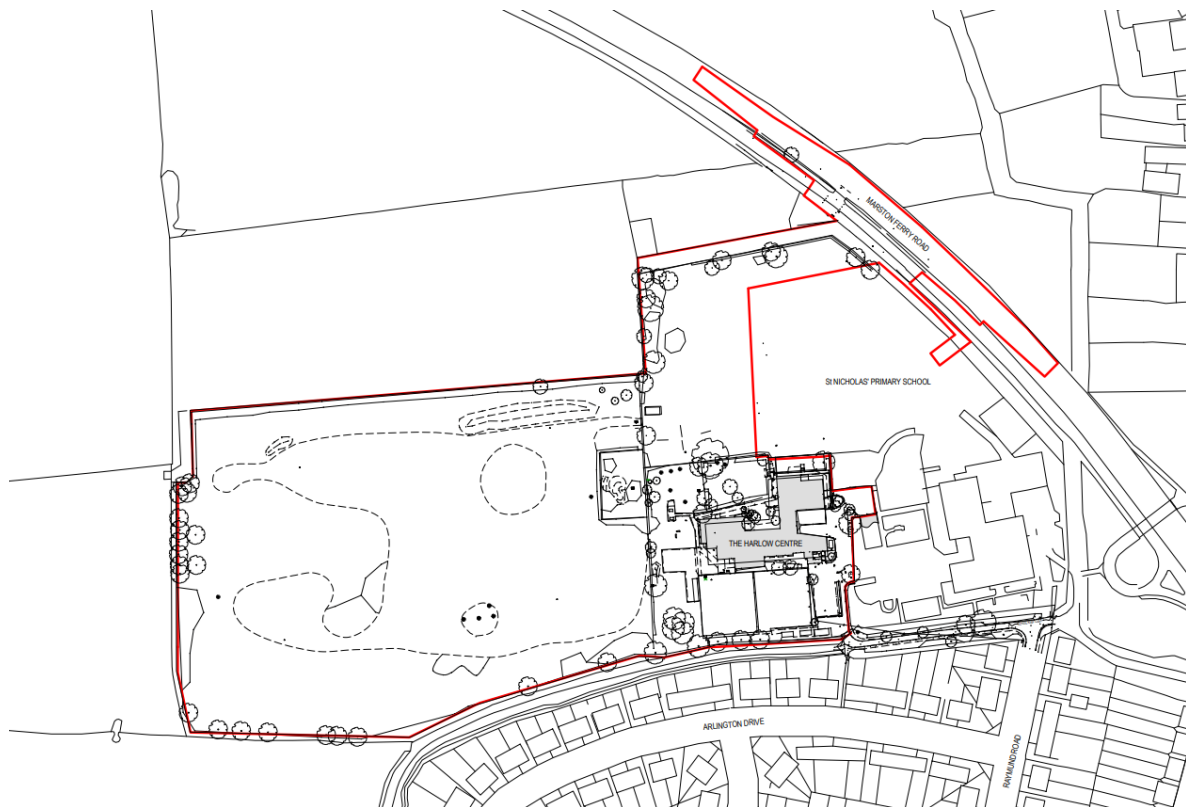
### **3. LEGAL AGREEMENT**

- 3.1. A Section 106 agreement(s) and/ or unilateral undertaking is required to secure:
- the full implementation, monitoring and review of the Swan School Travel Plan over a period to academic year beginning September 2027;
  - a requirement to enter into a further period of Travel Plan monitoring should its targets not be met by 2027;
  - financial contributions for Travel Plan monitoring fees for both Swan School and Meadowbrook College;
  - a requirement for the secondary school to use best endeavours to ensure staff parking is limited to on-site parking and does not overspill onto local streets;
  - a requirement for the secondary school to use best endeavours to ensure that student drop-offs by car are limited to those granted permits and do not occur off-site in the immediate area around the school;
  - a requirement, if the 30mph speed limit change is implemented (subject of a separate process), for narrower visibility splays and reduced bund removal, lesser bund height reduction, and reinstatement of vegetation to be implemented to minimise the visual impact of the new entrance. Please note that this item is an additional item that was not included in the report to East Area Planning Committee;

- a requirement for a Section 278 agreement in relation to the new access on Marston Ferry Road to have been entered into prior to commencement of development (the details to be included are set out in paragraph 3.3 of this report).
- 3.2. Although the County Council has requested financial contributions in relation to a change in speed limit from 40mph to 30mph (amending the traffic regulation order and highway works), this is separate from the planning process; the contributions are to be made to the County Council directly via unilateral undertaking. These financial contributions are not something that should be taken into account in the determination of this application. The County Council's request for financial contributions towards travel plan monitoring would be secured via the Section 106 agreement, not via a unilateral undertaking; this item is listed in paragraph 3.1 above.
- 3.3. A Section 278 agreement is required for the construction of the site access. The site access comprises a priority junction with dedicated right and left turn lanes on Marston Ferry Road, a raised table across the site and road markings requiring vehicles to give way to cycles on the cycle lane. As noted in paragraph 3.1 above, this requirement would be secured via Section 106.

#### 4. SITE PLAN

- 4.1. See site plan below:



#### 5. CONSULTATION RESPONSES

- 5.1. The officers' report (appendix 1) provides details of the public consultation that was undertaken with respect to the application, and summarises all the responses received in relation to the application within section 8 of the report.
- 5.2. Full copies of the consultation responses listed within this section are available to view on the public access website and have been taken into consideration within the officers' report.
- 5.3. Although the amendments to the application are minor and constitute a reduction in impact, the additional information and amendments to the application received on 25 September 2018 were nonetheless advertised as follows:
- Site notices were displayed around the application site on 27 September 2018;
  - An email notification was sent on 27 September 2018 to all members and to amenity groups who previously commented on the planning application;
  - Oxfordshire County Council as Highways Authority was reconsulted;
  - An advertisement was published in The Oxford Times newspaper on 04 October 2018.
- 5.4. The closing date for consultation responses falls after the publication of this committee report. Officers will therefore provide a verbal update to committee of any consultation responses received after the publication of the report.
- 5.5. The additional consultation responses received in relation to the application are summarised below.

#### **Statutory and non-statutory consultees**

##### Oxfordshire County Council (Letter from Assistant Director Growth & Place and Deputy Director for Education)

- 5.6. In 2019 there will be over 200 more Year 6 pupils in Oxford schools needing a secondary school place than there were 10 years previously. Current school capacity serving the city will be insufficient from 2019 onwards to meet the need for places for pupils already in our primary schools. That deficiency will be exacerbated with any future housing growth in the city.
- 5.7. An extensive site search carried out by the ESFA confirmed that the Harlow Centre site is the only site which could be identified as both suitable for a new secondary school in Oxford, and available in time to meet the growing population.
- 5.8. Should the Swan School not open, there is an obvious impact on the pupils who will need secondary school places in future years. In the absence of an

alternative site within the city which might be considered more acceptable, there could be no new secondary school for Oxford unless and until there are large-scale developments surrounding Oxford, which have been discussed in the context of SODC and Cherwell Local Plans, but the timescales for these are unknown.

- 5.9. Without the Swan School, there will be insufficient secondary school capacity for the existing population of Oxford; it therefore follows that there would be insufficient capacity to meet the needs of housing growth.
- 5.10. Without the additional places to be provided by the Swan School, the County Council could now only support the new Oxford Local Plan if there is a suitable site, planning permission and guaranteed timely delivery (including funding) of a new secondary school to meet the needs of Oxford's growing population. The emerging Local Plan needs to demonstrate that the infrastructure needed to support housing growth is deliverable; it would be the county council's view that secondary education capacity is not currently deliverable.

#### Oxfordshire County Council (Highways)

- 5.11. No objection subject to conditions. This response has been prepared in response to the additional information submitted in relation the above planning application following the decision to refuse the planning application at East Oxford Planning Committee on 5 September 2018.
- 5.12. The proposal has been modified to reduce the number of car parking spaces provided on site by ten spaces to provide a total of 56 spaces.
- 5.13. The county council supports the planning application and considers the application to provide safe access for pedestrians and cyclists across the proposed access on Marston Ferry Road.
- 5.14. A Section 278 agreement is required for the construction of the site access (as per drawing no. 4479/008/T/SK-211/P9 submitted with the planning application). The site access comprises a priority junction with dedicated right and left turn lanes on Marston Ferry Road, a raised table across the site and stop markings requiring vehicles give way to cycles on the cycle lane.
- 5.15. Contributions towards travel plan monitoring, traffic regulation order and highway works should be secured via a Unilateral Undertaking between the applicant and Oxfordshire County Council.

#### **Public representations**

- 5.16. Since the publication of the 5 September 2018 East Area Planning Committee report, further representations were received and reported to committee; these are included in the minutes of the meeting and can be found in appendix 2. Since 5 September 2018 and following receipt of additional information on 25 September 2018, one further representation was received objecting to the proposal.

- 5.17. In summary, the main points of objection were:
- Removal of ten car parking spaces from Swan School will lead to overspill parking on the Carter Estate
  - Lack of clarity on the decision making process and why the East Area Planning Committee is not determining the application.

## **6. MATERIAL PLANNING CONSIDERATIONS**

6.1. The committee report for East Area Planning Committee considers the material planning considerations and sets out why planning permission should be granted for the proposal. A copy of the report is included within appendix 1 of this addendum report.

6.2. The call-in request highlighted the following material planning considerations:

- The urgent need for another secondary school in Oxford;
- The mitigation that has been proposed to limit the quite small intrusion into the Green Belt;
- The application's proposal to preserve the priority and safety of the cycle track on the Marston Ferry Road.

6.3. These issues have been addressed by the applicant via the additional and amended information submitted on 25 September 2018.

6.4. In light of the additional and amended information, and the call-in reasons, the following issues are discussed in this report:

- a. Need for the secondary school
- b. Landscape impact of the access and impact on the Green Belt
- c. Impact on cycleway and car parking

6.5. Officers have sought appropriate legal advice with regard to the committee resolution taken by the East Area Planning Committee on 5 September 2018 and members will be advised accordingly at the meeting.

### **a. Need for the secondary school**

6.6. As noted above, Oxfordshire County Council made a representation following East Area Planning Committee and the committee's resolution to refuse planning permission. The representation sets out that the refusal would lead to insufficient secondary school capacity for the city's existing population and predicted growth. This echoes the detailed case made as part of the planning application to explain the need for the development. Officers' assessment of this case, i.e. the need for the secondary school, is set out in paragraphs 10.2 to 10.8 of the committee report to East Area Planning Committee (appendix 1) on page 24.



6.7. Officers note that the letter also refers to how the County Council may respond to future applications for housing and to the Local Plan consultation in light of the shortfall in secondary school places that they foresee should this application be refused. Members will be aware that speculation on responses to future planning applications is not a material consideration for this application and that they must keep their focus on the application before them. The need for a secondary school is, of course, a material planning consideration and members must have regard to this in the overall planning balance. As is made clear in the committee report (appendix 1), the National Planning Policy Framework in paragraph 94, states that local planning authorities should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight must be given to the need to create, expand or alter schools. In the context of paragraph 94 of the NPPF and the emerging Oxford Local Plan, the development before members must be viewed as important infrastructure that would support the delivery of housing through the Local Plan and therefore weight must be given to this consideration.

**b. Landscape impact of the access and impact on the Green Belt**

6.8. Paragraph 143 of the NPPF states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF continues in paragraph 144, “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

6.9. Paragraphs 10.20 to 10.41 of the East Area Committee report (appendix 1) on pages 26-30 set out the balancing exercise undertaken which establishes that very special circumstances exist to allow development in the Green Belt. This is because the harm to the Green Belt is mitigated and is low-level and localised. The substantial weight attributed to this low-level harm is outweighed by the great weight given to other material planning considerations, i.e. the urgent provision of school places, the lack of other suitable sites, and the high-quality APU provision.

6.10. In paragraph 10.29 on page 28 of the East Area Committee report (appendix 1), the landscape impact and harm to the Green Belt of the proposed access is assessed. This is found to be a limited and localised impact.

6.11. The applicants have submitted an addendum to the Landscape and Visual Impact Assessment (LVIA) as additional information. This states that the submitted LVIA report considered the loss of 237 linear metres of the artificial screening bund due to the visibility splays required by the junction, and deemed the impact to be Moderate. The following is an extract from the addendum:

- 6.12. *The current proposals indicate the loss of approximately 180 linear metres of hedge, along with a reduction in height of the existing bund north and south of the proposed new junction (to approximately 1.0m high), with new hedge planting being proposed on this mount up to a combined maximum height of 1.5m. This would leave a final gap in the bund of 50m. This gap is considerably less than the original 237m when the LVIA assessed the impact. The mature vegetation on the north side of [Marston Ferry Road] is retained and there is also a substantial back drop of mature trees retained either side of the new entrance, thus maintaining the overall perception of a 'green' road corridor. The impact on the landscape is reduced by virtue of the current proposals due to the fact the perception of the loss of the planted bund will be less and the perception of the gap for the new access will be reduced to a very localised impact. The loss of this landscape feature and the widening out of the road to accommodate the junction will initially represent a Moderate impact, but once the new hedging is established this is likely to be reduced to Moderate-Minor.*
- 6.13. It should be noted that the LVIA assessment is in relation to landscape and visual impact, which is a broader assessment than the impact on the Green Belt. Officers consider that the loss or reduction of part of the bund and vegetation that separates the Marston Ferry Road from the cycleway has a very negligible impact on the openness of the Green Belt. This is due to the mature vegetation and trees either side of the road and cycleway, and the fact that the Marston Ferry Road itself and the surfaced cycleway are both urban elements that cut through the Green Belt landscape. When considering the overall application under consideration, very little weight can be given to this element and officers consider the impact to be acceptable and appropriately mitigated.
- 6.14. Visualisations of the landscape changes – both in plan form and elevation – have been submitted as additional information by the applicants. These demonstrate the localised and limited nature of the landscape and visual impact of the new access.
- 6.15. Details of the extent of the removal or height reduction of the bund, the extent of hedge removal and planting of new vegetation will be finalised through the Section 278 process. The extent can be reduced if the speed limit is reduced from 40mph to 30mph along the stretch of road that takes in the school access, extending the existing 30mph limit area. This is because the visibility splay requirements for 30mph are lower than for 40mph. The change in speed limit is subject to a separate process, a variation to the Traffic Regulation Order, which the applicants have commenced with the Highways Authority. It therefore cannot be secured via this planning application. However, officers recommend that, should permission be granted for this application, a Section 106 legal agreement or unilateral undertaking should include provision for the extent of alterations to be reduced as far as possible in line with requirements for 30mph visibility splays if and when the 30mph speed limit is implemented. The applicants have indicated they would be willing to enter into such an agreement or unilateral undertaking.

- 6.16. The applicants have sought to reduce the extent of the loss of the artificial landscape bund and vegetation and have therefore mitigated the impact of this part of the development, which is nonetheless considered to be low impact. In the planning balance, the urgent need for secondary school places, the lack of other suitable sites, and the erection of a high-quality Alternative Provision Unit (APU) (Meadowbrook College) have great weight as required by the NPPF. The very limited and localised landscape impact of the proposed access falls far short of sufficient weight to tip the balance against granting planning permission.

**c. Impact on cycleway and car parking**

- 6.17. Paragraphs 10.82 to 10.139 of the East Area Committee report on pages 36-47 cover highways and transport matters.
- 6.18. To reduce the number of car movements across the cycleway and to reduce overall traffic generation, the applicants have proposed to remove ten car parking spaces from the Swan School car park, giving a total of 56 car parking spaces. Alongside this, more ambitious targets have been set for staff car use in the revised Swan School Travel Plan and Car Parking Management Plan which ensure that no more than 56 spaces will be needed for staff parking.
- 6.19. This reduction in parking places below the maximum standards, coupled with more ambitious sustainable travel targets is welcomed and consistent with the objectives of the local plan policies. It will also reduce the number of vehicles crossing the cycleway. Overspill parking on surrounding roads would be controlled via the Section 106 agreement – both through the frequent and close monitoring of the Travel Plan and the rigorous legal requirement that the school make best endeavours to ensure staff parking on surrounding streets does not happen. While the process for introducing parking controls on surrounding streets is understood to be commencing soon, and the comment from the County Council gives detail of the process, this is beyond the control of this planning application.
- 6.20. The applicant has submitted points of clarification regarding the number of vehicle and cycle movements that are forecast during periods when the school gates are open and vehicle access is in operation. The school gates would be open for 20 minutes from 8:30-8:50 when students with drop-off permits would be dropped off by car. Cherwell School will have started the school day at 8:30. There will be an average of 21 cars in and 21 cars out, while 65 cycles are predicted to pass in this period. This equates to 2 cars crossing the cycle path per minute. In the same period, the frequency of cyclists is 3 cyclists passing the entrance every minute. This contrasts with Cherwell School's peak 20 minute period (8:10 to 8:30) when 121 car movements cross the cycleway and 277 cycles pass.
- 6.21. At the East Area Planning Committee, a timetable for proposed Swan School access was circulated to members. This is appended to this report in **appendix 3**. It sets out the times when the access would be closed to vehicles, when staff would arrive, when students with permits can be

dropped off, and when the entrance would be manned by wardens. This also highlights the staggered start times for Cherwell School and Swan School. The table demonstrates the low impact that the access would have on the cycleway at peak times and the careful planning and management that has gone into this aspect of the development.

- 6.22. There were some queries raised regarding the role of and funding for the wardens who are proposed to be stationed at the school access at the start and end of the school day. Wardens would be school staff members and there is likely to also be presence from senior staff to observe behaviour and have a visible presence for students and parents/carers. This is in line with normal operations for a school.
- 6.23. The Highways Authority notes that the design of the access to Swan School gives priority to cyclists on the cycle lane by requiring vehicles to give way to the cycle lane. This is reinforced by the coloured surfacing that will be used to highlight the presence of the cycle lane across the proposed access. The access is designed in accordance with Design Manual for Roads and Bridges standards and a Stage One Road Safety Audit has been undertaken. Conditions and a legal agreement are recommended to ensure that the applicant is obligated to operate the access as proposed and the Highways Authority will have opportunities when the school is operational to influence the operation of the access if it is not satisfied.
- 6.24. The Marston Ferry Road cycleway is classified as a 'Cycle Super Route' in the Oxford Transport Strategy. The proposed access across the cycleway will not change the status of route as a 'Cycle Super Route'. The design of the access to Swan School allows the cycle lane to continue through the proposed junction uninterrupted whilst ensuring that the presence of the cycle lane is highlighted to vehicle users. The road markings and the raised table give cars a clear indication that they do not have priority over the footway and cycleway and they need to give way. Cyclists on the cycleway and would still have priority over vehicles. Cycle priority is not lost.
- 6.25. As noted in paragraph 10.138 on page 47 of the East Area Planning Committee report, the development's transport proposals do not contravene any standards and have been deemed acceptable in highway safety terms by the Highways Authority as statutory consultee. The scheme ensures priority for cyclists and pedestrians is retained and includes a variety of measures to minimise conflicts between pedestrians, cyclists and vehicles. No unacceptable impact on highway safety has been identified, nor have the residual cumulative impacts on the road network been found to be severe. In accordance with the NPPF, therefore, the development should not be refused on highway grounds.

## **7. CONCLUSION**

- 7.1. Having regards to the matters discussed in this report and committee report to 5 September 2018 East Area Planning Committee (appendix 1), officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and

Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 7.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 7.3. In reaching a decision, the Planning Review Committee will need to carry out a planning balancing exercise in weighing the proposed development, having regard to the urgent need for secondary school places, the lack of other suitable sites, and the opportunity for a fit-for-purpose replacement for the sub-standard accommodation for the staff and vulnerable young people attending Meadowbrook College, against any harm that may be identified. Any refusal would need to demonstrate that the City Council does not consider that the need for the development outweighs that harm.

#### *Compliance with Development Plan Policies*

- 7.4. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the development plan as a whole.
- 7.5. The application site has been selected following an extensive site search with the need to provide secondary school places within a tight timeframe being an inescapable reality of site selection. The design, massing and layout has been carefully adjusted after a long period of pre-application consultation and reviews by the Oxford Design Review Panel, which particularly considered the impact on the openness of the Green Belt. The scheme retains priority for cyclists and pedestrians on the Marston Ferry Road cycle lane and includes a variety of measures to minimise conflicts between pedestrians, cyclists and vehicles. No unacceptable impact on highway safety has been identified, nor have the residual cumulative impacts on the road network been found to be severe. In accordance with the NPPF, therefore, the development should not be refused on highway grounds. An underpass for the cycleway beneath the traffic access is not proposed and is not necessary to mitigate the impact of the development. Robust Travel Plans are proposed, with the Swan School Travel Plan to be secured by legal agreement. All other aspects of the development, subject to appropriate conditions, are found to be in accordance with the NPPF and local development policies. The development would bring forward much needed purpose-built, contemporary accommodation for Meadowbrook College and secure community uses of sports and other school facilities.

7.6. The main policy where there could be considered a departure from development plan policy would be with regard to Core Strategy Policy CS4 which states that permission will not be granted for inappropriate development in the Green Belt, in accordance with national policy. The report sets out the balancing exercise which concludes that the proposal does give rise to very special circumstances that would allow development to be approved in the Green Belt, in accordance with national policy and therefore with policy CS4.

7.7. Therefore officers consider that the proposal would accord with the development plan as a whole.

*Material considerations*

7.8. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

7.9. National Planning Policy: The NPPF has a presumption in favour of sustainable development at its heart.

7.10. NPPF paragraph 11 states that proposals that accord with an up-to-date development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.11. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

7.12. Officers would advise members that having considered the application carefully including all representations made and especially counsel's advice with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and Sites and Housing Plan 2013, when considered as a whole. There are no material considerations that would outweigh these policies.

7.13. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions and satisfactory completion (under authority delegated to the Acting Head of Planning) of a legal agreement(s) and/or unilateral undertaking under section 106 of the Town and Country Planning Act 1990, and confirmation from the Secretary of State that the application is not required to be 'called

in' in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.

## **8. CONDITIONS**

### **1. Time limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **2. Approved plans**

Subject to condition 5, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

### **3. Material samples**

Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), samples of the exterior materials and sample panels of brickwork and brick course to be used shall be submitted to, and approved in writing by, the local planning authority and only the approved materials and details shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

### **4. No felling or tree surgery**

As from the date of the grant of this permission no on-site trees and shrubs which are not identified for removal in the approved details shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the local planning authority.

Reason: For the purpose of preserving important landscape features in the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

### **5. Landscaping details**

Notwithstanding the submitted landscaping details, landscaping details shall be submitted to, and approved in writing by, the local planning authority before first occupation of the site (excluding construction). The details shall include scale plans that indicate trees to be removed and shall

show the locations of the existing retained trees including accurate representations of their crown spreads. The approved details shall show in detail all proposed tree and shrub planting (including nursery stock type, sizes, numbers of plants and planting densities where applicable), treatment of paved areas, and areas to be grassed or finished in a similar manner. The details shall include details of the green roofs which shall incorporate native wildflowers.

Reason: To ensure a high quality landscape design for private and public spaces; in the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

#### **6. Landscape management plan**

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including green roofs shall be submitted to and be approved in writing by the local planning authority prior to the occupation of the development. The approved landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the appearance of the area in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### **7. Completion of landscaping**

The landscaping proposals as approved by the local planning authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion. All planting which fails to establish, dies or is damaged within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### **8. Hard Surfaces**

Prior to commencement of development (excluding demolition) details shall be submitted to and be approved in writing by the local planning authority, including a scale drawing, indicating the location, design and construction specifications of parking bays and other hard surfaces situated within the Root Protection Area (RPA) of retained trees. Such surfaces shall use a 'No-Dig' design approach as defined by Arboricultural Practice Note 12 (APN12) - 'Through the tree to development' and shall involve deployment of a 3-dimensional cellular confinement system as appropriate.

Reason: To avoid damage to the roots of the retained trees in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

#### **9. Tree Protection Plan**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and be approved in writing by, the local



planning authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### **10. Arboricultural method statement**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and be approved in writing by the local planning authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### **11. Landscape underground services**

Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and be approved in writing by the local planning authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

#### **12. Ecological Mitigation and Management Plan**

The development shall be undertaken in strict accordance with the provisions of the Ecological Mitigation and Management Plan (EMMP) produced by Thomson Ecology in April 2018 (report VGAL 105/012 001). The EMMP provides details of required measures for the avoidance of harm to protected species including, but not limited to, bats, great crested

newts, reptiles and badgers. Site enhancements shall be undertaken in accordance with the details and timings in the EMMP, or within a year of commencement of development where timings are not specified, including provision and maintenance of landscape planting and artificial bat and bird roost features. The EMMP shall not be altered without the prior consent in writing of the local planning authority.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

### **13. Vegetation Clearance: Nesting Birds**

Removal of vegetation and demolition of buildings shall be undertaken outside of the bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest, as determined by the ecologist.

Reason: In the interests of preserving biodiversity and to comply with the requirements of the NPPF and Wildlife and Countryside Act 1981 (as amended).

### **14. Lighting**

The development shall be undertaken in accordance with the provisions of the Ecological Mitigation and Management Plan produced by Thomson Ecology in April 2018 (report VGAL 105/012 001). The lighting scheme (Corde, 2017) does not result in direct illumination of existing and proposed boundary planting and includes hooded, downward facing lighting. Any lighting so installed shall not thereafter be altered without the prior consent in writing of the local planning authority other than for routine maintenance which does not change its details.

Reason: In the interests of visual amenity, to avoid harm to the dark night skies of the countryside and to prevent disturbance to protected species such as bats in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

### **15. Electric vehicle charging points**

The electric vehicle charging points and infrastructure hereby approved shall be installed in accordance with the details submitted with this application prior to the first occupation of the development and shall be maintained and retained thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure in accordance with the NPPF.

## **16. Energy sustainability**

The development shall be carried out in full accordance with the measures detailed in the submitted Sustainability / Compliance Report issue number S4-P06 dated 15 July 2018 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable energy use in accordance with policy CS9 of the Oxford Core Strategy 2026.

## **17. Sports Hall**

The Sports Hall hereby permitted shall not be constructed other than substantially in accordance with Sport England Technical Design Guidance Note: Sports Halls Design and Layouts 2012 <https://www.sportengland.org/facilities-planning/design-and-costguidance/sports-halls/>

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy CS21 of the Oxford Core Strategy 2026.

## **18. MUGAs**

The Multi Use Games Areas hereby approved shall not be constructed until details of their design and layout have been submitted to and been approved in writing by the local planning authority. The Multi Use Games Areas shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy CS21 of the Oxford Core Strategy 2026.

## **19. Sports pitches**

(a) Prior to commencement of development (excluding demolition) the following documents shall be submitted to and be approved in writing by the local planning authority:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints shall be submitted to and be approved in writing by the local planning authority. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation, maintenance and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) Any approved scheme as defined in (ii) shall be carried out in full and in accordance with the approved programme of implementation prior to first occupation of the establishments hereby approved. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy CS21 of the Oxford Core Strategy 2026.

## **20. Community use**

Prior to first occupation of the development hereby permitted a community use agreement for Swan School shall be submitted to and be approved in writing by the local planning authority. The agreement shall apply to both the indoor and external sports facilities of the Swan School and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy CS16 of the Oxford Core Strategy 2026.

## **21. Waste water**

The development shall not be occupied until written confirmation has been provided to the Local Planning Authority that either:

- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- an infrastructure phasing plan has been agreed in writing with the local planning authority in consultation with Thames Water to allow part of the development 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 in accordance with policy NE14 of the Oxford Local Plan 2001-2016.

## **22. Water network**

The development shall not be occupied until written confirmation has been provided to the Local Planning Authority that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- an infrastructure phasing plan has been agreed in writing with the local planning authority in consultation with Thames Water to allow part of the development 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 no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with policy NE14 of the Oxford Local Plan 2001-2016.

### **23. Road Safety Audit**

Prior to the construction of the access to the site from Marston Ferry Road hereby approved, a Stage 2 Road Safety Audit accompanied by a Designer's Response shall be submitted to and be approved in writing by the local planning authority. The detailed design of the access shall be agreed in writing with the local planning authority in consultation with the Highways Authority.

Reason: In the interest of highway safety and in accordance with paragraphs 108-111 of the NPPF and policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **24. Car Park and Access Management Plans**

The development shall be managed in accordance with the approved Meadowbrook College Car Park and Access Management Plan and Swan School Car Park and Access Management Plan for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reasons: In the interest of highway safety and to encourage sustainable travel in accordance with paragraphs 108-111 of the NPPF and policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **25. Cycle Parking**

Prior to the construction or installation of cycle parking, detailed drawings of the cycle parking as shown in drawing no. CRD-00-XX-DR-L1903/ S4 P3 shall be submitted to and be approved in writing by the local planning authority. The approved cycle parking shall be constructed or installed prior to first occupation and maintained thereafter.

Reason: To encourage the use of sustainable modes of transport in accordance with paragraphs 108-111 of the NPPF and policies CP1, CP10 and TR4 of the Oxford Local Plan 2001-2016.

### **26. Travel Plan – Swan School**

Within three months of first occupation of the secondary school hereby approved, a full Swan School Travel Plan shall be submitted to and be approved in writing by the local planning authority. The Swan School Travel Plan shall:

1. Appoint a Travel Plan Coordinator;
2. Provide survey results;
3. Set targets to reduce car travel to and from the site;
4. Set out robust measures to encourage sustainable travel;
5. Be linked to the car park and access management plan;

6. Specify the frequency of stakeholder meetings;
7. Identify new measures if targets are not met; and
8. Provide monitoring yearly.

Paragraph 7.24 of the Travel Plan shall be corrected to state that the student drop-off permit system will be implemented from first occupation of the development. The approved Travel Plan shall be implemented in full and adhered to during the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To encourage sustainable travel in accordance with paragraphs 108-111 of the NPPF and policies CP1, CP10 and TR2 of the Oxford Local Plan 2001-2016.

### **27. Travel Plan – Meadowbrook College**

Within three months of first occupation of the replacement Meadowbrook College building hereby approved, a full Meadowbrook College Travel Plan shall be submitted to and be approved in writing by the local planning authority. The approved Travel Plan shall be implemented in full and adhered to during the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To encourage sustainable travel in accordance with paragraphs 108-111 of the NPPF and policies CP1, CP10 and TR2 of the Oxford Local Plan 2001-2016.

### **28. Site Visits**

The Travel Plan Coordinator for Swan School shall arrange yearly site visits with a highway officer from Oxfordshire County Council to observe the operation of the site access, student pick up and drop off and use of the car park. This site visit must include a review of surrounding streets. The findings of the site visit and appropriate actions shall be included in annual updates to the Travel Plan up to and including an update in 2027.

Reason: In the interest of highway safety and to encourage sustainable travel in accordance with paragraphs 108-111 of the NPPF and policies CP1, CP10 and TR2 of the Oxford Local Plan 2001-2016.

### **29. Delivery and Servicing Management Plan - Meadowbrook College and Swan School**

The Meadowbrook College Delivery and Servicing Management Plan and the Swan School Delivery and Servicing Management Plan hereby approved shall be adhered to and implemented for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and for efficient operation of the road network in accordance with paragraphs 108-111 of the NPPF and policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **30. Construction Traffic Management Plan (CTMP)**

The development shall be carried out in complete accordance with the Construction Traffic Management Plan Revision D hereby approved.

Reason: In the interests of highway safety, to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and to minimise dust impacts in accordance with paragraphs 108-111 of the NPPF and policies CP1, CP10 and CP23 of the Oxford Local Plan 2001-2016.

### **31. Visibility Splays**

Prior to the first use of the new vehicular access from Marston Ferry Road into the site, visibility splays shall be provided in both directions in accordance with drawing no. 4479/008/T/SK-211/P9. These splays must be maintained permanently with no obstruction to vision above 0.9 metres in height to the centre line of the adjacent carriageway over the whole of each visibility splay area unless otherwise agreed in writing by the local planning authority after consultation with the Highway Authority.

Reason: In the interest of highway safety in accordance with paragraphs 108-111 of the NPPF and policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **32. Showers and changing facilities – staff cycling to work**

Details of showers and changing facilities for staff for both Swan School and Meadowbrook College in accordance with the thresholds and minimum standards set out in Appendix 4 of the Oxford Local Plan 2001-2016 shall be submitted to and be approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the development hereby approved and thereafter retained.

Reason: In the interest of sustainable travel and in accordance with paragraphs 108-111 of the NPPF and policy TR4 of the Oxford Local Plan 2001-2016

### **33. Unexpected contamination**

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and be approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and be approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

#### **34. Drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- SUDS (Permeable Paving, Soakaways, Infiltration devices etc)
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365 (To include seasonal monitoring and recording of groundwater levels)
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

Reason: To prevent flooding affecting the highway and in the interest of sustainable drainage in accordance with policy CS11 of the Oxford Core Strategy 2026.

#### **35. Archaeology**

No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Middle Iron Age, Late Iron Age and Roman remains (Local Plan Policy HE2).

#### **36. Foundation condition**



No work on site (including site clearance) shall take place until a detailed design and method statement for the extent and design of all foundation and groundwork has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition.

Reason: To ensure that the foundations and drainage are designed so as to minimise harm to the identified Middle Iron Age, Late Iron Age and Roman remains (Local Plan Policy HE2).

### **37. Outdoor sports facilities – hours of use**

The use of the outdoor sports facilities is restricted to the hours of 0800 to 2100 in perpetuity. No use of the outdoor sports facilities shall take place outside these hours unless otherwise approved in writing by the local planning authority.

Reason: in the interests of residential amenity in accordance with policy HP14 of the Sites and Housing Plan 2013.

## **9. INFORMATIVES**

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
2. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
3. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

4. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: [www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits](http://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits).
5. The applicant is advised that the design and layout of the Multi Use Games Areas should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England. Particular attention is drawn to: Artificial Surfaces for Outdoor Sports: <https://www.sportengland.org/facilitiesplanning/design-and-cost-guidance/artificial-sports-surfaces/> The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011). <https://www.sportengland.org/facilities-planning/design-and-costguidance/natural-turf-for-sport/>
6. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>
7. As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services it provides in any other way. The applicant is advised to read the guide to working near or diverting Thames Water pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-ordiverting-our-pipes>
8. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. It further recommends, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
9. The presence of European Protected Species, such as bats and great crested newt, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process. In the event that any protected species is encountered in the absence of a suitably qualified ecologist, it is advised that the developer stops work immediately and seeks the advice of

the local planning authority Ecology Officer and/or relevant statutory nature conservation organisation (e.g. Natural England).

10. Scope of archaeological recording: The scope of the archaeological investigation will depend on the final details of the foundation design and landscaping works but is likely to consist of either further targeted trial trenching followed by targeted strip and record excavation and watching brief or more extensive phased strip and record excavation. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by the local planning authority.

## **10. APPENDICES**

- **Appendix 1** – East Area Planning Committee 05.09.18 officers' report
- **Appendix 2** – Extract from East Area Planning Committee 05.09.18 minutes
- **Appendix 3** – Timetable for proposed Swan School access

## **11. HUMAN RIGHTS ACT 1998**

- 11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 12.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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