

# Agenda

## *DEVELOPMENT CONTROL COMMITTEE*

**Date:** Monday 24 February 2020  
**Time:** 10.00 am  
**Venue:** Mezzanine Rooms 1 & 2, County Hall,  
Aylesbury

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### **Agenda Item**

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- 1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**
- 2 DECLARATIONS OF INTEREST**  
To disclose any Personal, Disclosable or Prejudicial Pecuniary Interests.

<b>3</b>	<b>MINUTES</b> The minutes of the meeting of the Development Control Committee held on 2 December 2019 to be confirmed as a correct record.	<b>5 - 44</b>
<b>4</b>	<b>CC/0056/19 - REMOVAL OF CONDITION 6, PROVISION OF CYCLEWAY TO APPLICATION CC/0013/19, AMERSHAM SCHOOL, STANLEY HILL, AMERSHAM, BUCKINGHAMSHIRE, HP7 9HH</b>	<b>45 - 64</b>
<b>5</b>	<b>DATE OF NEXT MEETING</b> Monday 23 March 2020 at 10.00 am.	
<b>6</b>	<b>EXCLUSION OF THE PRESS AND PUBLIC</b> To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual	
<b>7</b>	<b>CONFIDENTIAL MINUTES</b>	<b>65 - 66</b>
<b>8</b>	<b>ENFORCEMENT REPORT</b>	<b>To Follow</b>

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## **Members**

Ms J Blake	Ms N Glover
Mr N Brown	Mr R Khan
Mr C Clare (VC)	Mr D Shakespeare OBE
Mrs B Gibbs	Mrs J Teesdale

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- **Registering on the website at:**  
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# Minutes

## DEVELOPMENT CONTROL COMMITTEE

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 2 DECEMBER 2019 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.03 AM AND CONCLUDING AT 12.00 PM**

### MEMBERS PRESENT

Ms J Blake, Mr N Brown, Mrs B Gibbs, Ms N Glover and Mrs J Teesdale

### OTHERS IN ATTENDANCE

Mrs P Campbell-Balcombe, Ms C Kelham, Mr M Pugh, Ms S Taylor, Ms S Winkels, Mrs J Caprio and Mr D Periam

### Agenda Item

#### 1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Mr D Shakespeare and Mr C Clare. Mr N Brown acted as Vice-Chairman in Mr Clare's absence. The Chairman read out the following statement regarding 'purdah'.

*"As this meeting is being webcast, can I remind members to observe purdah requirements as we are in the pre-election period for the forthcoming general election.*

*For the Council, it still remains very much business as usual, which is why our formal meetings are continuing. However can I ask members to ensure that any comments made during our discussions relate directly to our agenda items and are not seen as, or could be perceived to be, political in nature.*

*I hope you understand and will adhere to this requirement during this period of heightened sensitivity. If there are any questions on this issue, please raise them now before we begin the formal agenda."*

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3 MINUTES

**RESOLVED:** The minutes of the meeting held on 4 November 2019 were **AGREED** as an accurate record and were signed by the Chairman.

**4 CC/0043/19 - THE MISBOURNE SCHOOL, MISBOURNE DRIVE, GREAT MISSENDEN - APPLICATION FOR PROPOSED DEMOLITION OF THE EXISTING OUTDATED SPORTS HALL AND CONSTRUCTION OF A PLAYING AREA IN ITS PLACE; CONSTRUCTION OF A NEW TWO-STOREY SPORTS HALL ADJACENT TO THE SOUTH OF THE NEW PLAYING AREA; CONSTRUCTION OF A NEW FIVE CLASSROOM SINGLE STOREY TEACHING BLOCK; EXTENSION TO MULTI-USE GAMES AREA; AND NEW COACH ACCESS AND CAR AND COACH PARK AND DROP-OFF ZONE.**

Mr D Periam, Planning Lead Officer, reported that since publication of the report he had received additional consultation responses. Mr Periam had circulated an addendum, appended to the minutes, to the members of the committee on Friday 29 November 2019. The County Lead Local Flood Authority had considered the additional information submitted referred to in paragraph 17.2 of the report and now had no objection subject to the three conditions listed in the addendum. Affinity Water, the water supply company, had not raised objection but had stated that it was important that appropriate conditions were imposed to protect the public water supply; these conditions and the informative were set out in the revised recommendation. A further nine representations from members of the public, in support of the application, had been received and the revised schedule of conditions was set out in the addendum.

Mr Periam provided a presentation showing photographs of the:

- Application site
- Wider area
- Proposed buildings
- New multi-use games area
- New sports hall
- Coach access, car park and drop off zone.

Diagrams of the proposed buildings, the classroom and layout of the proposed car parking area showed the materials to be used to reflect the site's location in the Chilterns Area of Outstanding Natural Beauty (CAONB). Photographs were shown of the existing school car park, the access road and the area for the proposed multi-use games area. It was intended that coaches would only use the southern end of the site. Mr Periam showed the proximity of the local properties which would be impacted by the proposed development. There was a public footpath, which formed part of the South Bucks Way, between the hedge and fence which would be crossed by new proposed coach access. As the site was within the CAONB and the Green Belt (GB) the application would need to be referred to the Secretary of State if the Committee were minded to support the application in order to call it in for their determination if they wished. Mr Periam highlighted that a number of points had been raised regarding the existing highways issues, car parking on weekdays along the London Road and the number of cars at drop off and pick up times. However, not all the cars were connected to the school. Currently, the coaches turned right when leaving the school site but it was proposed that coaches would be able to turn left or right resulting in a number of trees to be removed to meet highway vision requirements.

### **Public Speaking**

The Chairman invited Mrs R Dowden and Mr M Knox to read out their statements, appended to the minutes.

Mrs Dowden highlighted the following points:

- Mrs Dowden's property had a direct view along the line of the proposed coach park and the road; however, there was no mention of Mrs Dowden's property in the Visual Impact Assessment.
- Mrs Dowden supported the proposed development but objected to the plans to install 5 metre high lights along the line of the coach park and the road.
- The Chilterns Conservation Board had stated that the Chilterns had relatively dark skies making it a place people could still experience the wonder of starry skies and that it was good for wildlife. Planning conditions should be applied to restrict and control light pollution. There was no street lighting along the London Road and the coaches departed the premises by 3.30 pm when it was still daylight even in the depths of winter.
- The coach park should be locked when not in use to prevent anti-social behaviour.
- The speed limit on London Road being at 40 mph in the vicinity of the coach and car parks.

Mr Knox stated that he was a member of the Great Missenden Village Association and that he supported the application but had the following concerns:

- The speed limit on London Road was 40 mph; this was the ideal opportunity to reduce the speed limit to improve the safety of the school children and residents.
- The coaches should only be able to turn right when leaving the site as the narrow, historic high street was very congested and could not take more traffic.
- The traffic at the busy A413/London Road junction should be managed by the installation of traffic lights or a roundabout.

Members of the committee raised and discussed the following points:

- A member of the committee asked for clarification on the location of the junction. Mr Knox explained it was where the London Road met the A413, near the Chiltern Hospital. A large amount of the traffic came off the A413 which had a 50 mph limit, onto London Road.

The Chairman invited Ms J Meloni, Headteacher, The Misbourne School, to read out her statement, appended to the minutes.

Members of the committee raised and discussed the following points:

- A member of the committee asked whether the existing sports hall was used to hold examinations. Ms Meloni clarified that exams were not held in the sports hall and that other areas of the school were used putting pressure on the accommodation.
- A committee member raised concern over the coaches currently driving through the school site. Ms Meloni acknowledged it was not a sensible route and that an accident could happen.
- The necessity and number of lights over the car park was raised. Ms Meloni stressed that it was necessary for the entrances to be lit for safety but was unable to answer how the number of the lights had been agreed. The possibility of a timer switch was suggested which Ms Meloni agreed would be a solution.
- Ms Meloni confirmed that the car park would be locked when it was not in

use.

- In response to a query on whether the speed limit could be changed; Mr T Higgs, Senior Highways DM Officer, advised that changes to speed limits were normally carried out by the Local Area Forum.
- In response to a member of the committee querying why the decision was made to allow the coaches to turn in both directions when exiting the site, Mr Periam advised that if the community thought it best for the coaches to turn right, a sign could be erected advising all drivers to turn right on leaving the site but the school would have to take charge and police the drivers. Mr Periam recommended the committee agreed to a condition to a sign advising all vehicles to turn right. Ms S Winkels, Planning and Enforcement Manager, stated it could also be included in the school travel plan.

The Chairman invited Councillor S Rhodes, Great Missenden Parish Council to read out his statement, appended to the minutes.

Members of the committee raised and discussed the following points:

- A member of the committee, who had attended the site visit, stated she was under the impression the new basketball court would be situated on a piece of land that was currently on a slope with a couple of trees and asked for confirmation that it would not result in the loss of any football pitches. Mr Periam clarified that the site of the multi-use games area would be on an area which was not currently a usable part of the playing field. The committee member summarised that it would be an additional resource and there would be no loss of pitches. Councillor Rhodes then referred to the Sport England report in the agenda pack which made it clear there would be the loss of one natural grass football/hockey pitch which would be replaced by one hard court basketball/netball court and the loss of additional green playing area. Mr Periam added that the coach drop off area would be on part of the current playing field area; the school marked out the pitches as they saw fit. Mr Periam reiterated that there would be no loss of sports provision; the multi-use games area would provide alternative sports provision but there would be some loss of playing field space which had not been objected to. Ms Meloni clarified that the majority of the area to be used was unusable at the moment due to the slope. The sports provision would be unchanged if the application were approved, even taking into account the fact that the Misbourne School was currently using one football pitch less than they had been for the last 10 years because they were no longer able to use the pitch that was leased from the parish council. However, if the school were able to use the rest of the grassed area it would be able to provide the curriculum and extra-curricular activities needed. There would be no loss of amenity for the football club, AFC Lightning, as they hired the pitch which belonged to the parish council. Mrs Caprio, District Lawyer and Legal Services Manager, highlighted paragraph 14.2 of the report.
- A member of the committee asked for clarification on the educational need and figures quoted. Mr Periam stated that Ms Campbell-Balcombe, Commissioner, would be speaking and would respond to this point.

The Chairman invited Ms P Campbell-Balcombe, Commissioner, Buckinghamshire County Council (BCC) to read out her statement, appended to the minutes.

Members of the committee raised and discussed the following points:

- A member of the committee requested assurance from Ms Campbell-Balcombe that there was a local area need and that there was no intention to bus in pupils from the Aylesbury area. Ms Campbell-Balcombe stated that BCC had to abide by government guidelines and planned by planning area in order to meet the need rather than school catchment area; the whole county was divided into planning areas and within the Misbourne planning area, which was a large area, there was a significant need for additional school places. The forthcoming change to a unitary authority was irrelevant and Ms Campbell-Balcombe confirmed the data supported the need for the planning application. BCC had no option but to abide by government projections, which were challenged by the Department for Education.

The Chairman invited the Councillor for the local area, Mr P Martin, to read out his statement. Mr Martin highlighted the following points:

- Mr Martin fully supported the school, which he stated was a good school, and the head teacher. The school needed to improve the facilities but he had concerns over the highway aspects e.g. the highways report ignored that there would be a predicted additional 111 two-way vehicle movements per day. There was a 40 mile per hour speed limit along the boundary of the school where the new access would be created. Residents had previously asked for the speed limit to be reduced but it had been refused. Mr Higgs had suggested that an application be made to the Local Area Forum but there would not be any more meetings until the new unitary council was in place. Mr Martin suggested that the speed limit was reduced before the development work commenced, should the application be approved.
- The existing parking scheme on London Road was dysfunctional; Mr Martin was disappointed that this was not referred to in the report; yet it was proposed to create a new entrance onto the London Road which would exit directly opposite what was currently parking provision. Mr Martin stated this needed to be changed before work commenced if the application was approved.
- Coaches should not be allowed to turn left when exiting the site under the new development, in order to protect the already congested High Street.
- Home to school travel was an issue; however, there was a local cycleway, National Cycle Route 57, which the community had been trying to persuade BCC to upgrade as it ran through Angling Spring Wood and would enable pupils from Prestwood to cycle safely to school; this needed to be improved swiftly.
- The pavement along the London Road needed improving.

Members of the committee raised and discussed the following points:

- In response to a member of the committee commenting that there was an urgent need for traffic management at the junction of London Road and the A413; Mr Periam explained that this was outside of the remit of the committee members and could not be dealt with at the meeting. Mr Higgs added that the applicant had modelled the junction as part of the transport assessment and there would be no impact on additional capacity or cause delay at the junction.
- Mrs Caprio referred to the suggestions that a traffic regulation order to control parking, a reduction in the speed limit and no left turn when exiting the site be put in place before the development commenced, and explained it was not possible for this committee to request these changes as they

were executive functions that would be dealt with by the Cabinet Member following a public consultation exercise. However, if the Committee members wanted to request consideration be given to those matters, a letter could be written, or an informative could be added. Ms Winkels added that the new accesses were designed for traffic; the main pedestrian access would remain as it was and was in a 30 mph speed limit. There was a speed limit of 40 mph along London Road but the traffic was travelling at a lower speed and as there was no record of any speed related traffic incidents in the area it did not meet the criteria for a change in the speed limit. Therefore, as this development was not intensifying the traffic problem or the road safety problem in terms of students, it was not possible to condition or make it a requirement of the application as it was not a contributory factor. Mr Periam stated that if the Committee was minded that the highways issues were a matter which counted against the application the Committee had the option of considering that as a reason for refusal.

- A member of the committee summarised the following comments/questions raised:
  - Nearby residents were concerned about their loss of the open view and suggested that trees be planted rather than having a view of the coaches.
  - Could lower level lights be installed?
  - Should an informative be made regarding the speed limit in light of the additional traffic if the application were approved and the potential traffic from the works on HS2?
  - BCC should consider a traffic management scheme at the junction.
  - If the application were approved it would mean an improvement to the school and benefit a large number of pupils.
  - There needed to be a clear school travel plan.

Mr Periam responded to the points as follows:

- There was already a condition requiring a landscaping scheme and the planting of trees was already a condition, and could only be carried out in the application area outlined in red; the area immediately adjoining the properties was not within the application area. However, it may be possible to plant some trees at the southern end of the proposed coach lay-by to alleviate the impact on the amenity; the detail would need to be submitted pursuant to a condition.
- The County Ecology Officer had requested a condition which was listed in the conditions in the recommendation. The condition required an ecological management plan to be brought forward and that would include an assessment of the impact of the lighting; this could lead to some changes being made to the detail/level of the lighting.
- Discussions had been held with the applicant and the normal practice was for high level lighting. However, if the Committee considered that lower level lighting would be appropriate, Mr Periam suggested a condition be added that the development was not carried out until a detailed lighting scheme had been submitted for approval; the scheme could be brought back to the Committee for consideration if need be.
- There was no reason controls on the use of lighting could not be implemented to limit the lighting.
- An informative on the highway matters could be included if the Committee were minded to approve the planning permission. However, Mr Periam stressed that an informative was for advice and was not a condition that could be enforced.

- Mr Periam also summarised that it had been suggested that the Chairman should write to the relevant Cabinet Member setting out the concerns that had been raised about the speed limit, parking and the need for further consideration over the junction with the A413.
- The school travel plan was a suggested condition.

Mrs B Gibbs proposed the committee accepted the recommendation of the officers but conditions should be included for the following:

- A detailed lighting scheme (including consideration being given to lower level or ground lighting), to be submitted for approval prior to commencement of the development.
- The lighting to be controlled by a timer switch.
- Coaches should only turn right when exiting the site.
- The gates must be locked when the car park was not in use.
- A strong informative to be submitted regarding the highway issues.
- The Chairman to write a letter to the appropriate cabinet member regarding the parking issues on the boundary road, the 40 mph speed limit and to check the state of the footways outside the school and request an upgrade to Cycle Route 57.

The proposal was seconded by Mr N Brown.

Mrs Caprio clarified that the Committee was being asked to indicate support for the application subject to the conditions in Appendix A of the addendum and the informative. The application would need to be referred to the Secretary of State of State in case he wanted to intervene. Mrs Caprio listed the conditions mentioned above and reminded the committee that the point regarding the provision of a landscaping scheme, to include screening to the residential properties to the south of the application area, be added to the list of conditions. The members of the committee unanimously approved the recommendation.

For	5
Against	0
Abstention	0

**RESOLVED:** The Development Control Committee INDICATED SUPPORT for application no. CC/0043/19 for the proposed demolition of the existing outdated Sports Hall and construction of a playing area in its place; construction of a new two-storey Sports Hall adjacent to the south of the new playing area; construction of a new five classroom single storey Teaching Block; extension to Multi-Use Games Area; and new Coach Access and Car and Coach Park and drop-off zone at The Misbourne School, Misbourne Drive, Great Missenden, Buckinghamshire.

**RESOLVED** that the application be forwarded to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

**RESOLVED:** That in the event of the Secretary of State not intervening, the Planning Manager be authorised to APPROVE application no. CC/0043/19 for the proposed demolition of the existing outdated Sports Hall and construction of a playing area in its place; construction of a new two-storey Sports Hall adjacent to the south of the new playing area; construction of a new five classroom single storey Teaching Block; extension to Multi-Use

**Games Area; and new Coach Access and Car and Coach Park and drop-off zone at The Misbourne School, Misbourne Drive, Great Missenden, Buckinghamshire, subject to the amended conditions and informative set out in Appendix A of the Addendum (including that the gates to the coach and car parks be locked when not in use, the lights be controlled with a time switch and to the provision of the landscaping scheme to include screening to the residential properties to the south of the application area) to the report and the following conditions/informative agreed at the Committee meeting:**

- **A detailed lighting scheme (including consideration being given to lower level, or ground lighting, to be submitted for approval prior to commencement of the development.**
- **Coaches should only turn right when exiting the site.**
- **A strong informative to be attached regarding the highway issues.**
- **The Chairman to write a letter to the appropriate cabinet member regarding the parking issues on the boundary road, the 40 mph speed limit and to check the state of the footways outside the school and request an upgrade to cycle route 57.**

**5 CC/0042/19 - HADDENHAM ST MARY'S C OF E SCHOOL - CONSTRUCTION OF A STANDALONE NURSERY BUILDING WITH ASSOCIATED EXTERNAL HARD AND SOFT PLAY SPACE, SOFT LANDSCAPING AND CAR PARKING**

Ms C Kelham, Senior Planning Officer, stated that the application was for the construction of a new nursery with capacity for 52 children in the village of Haddenham on Aston Road. Ms Kelham provided a presentation and highlighted the following:

- A map of the site location.
- The land was not part of the Haddenham St Mary's School, but was adjacent to it.
- The conservation area.
- The site of the new residential development for 280 homes off Aston Road.
- A footway along the length of Aston Road, which would improve pedestrian accessibility within the area, was required as a condition of the new housing development.
- The application site was part of a larger 5 hectare site which was considered for housing and economic development as part of the supporting evidence for the emerging Vale of Aylesbury Local Plan (VALP); the larger site outlined in brown was not allocated in the VALP; the southern part of this site was identified as a prominent landscape and open break in the village footprint and added to the local character with exposed to views from the south to the Chilterns.
- The application site was only a small site of 0.32 hectares and would result in a small loss of open land on Aston Road in the north-west corner, but it would not affect the southern part of the site.
- The layout of the proposed development including car parking spaces, drop-off spaces and internal two metre wide pedestrian footway.
- A buggy store and nursery play area would be provided.
- A hedge was proposed along the eastern and south eastern boundary of the site.
- The nursery would operate from 7.00 am to 7.00 pm, Monday to Friday for 51 weeks of the year.
- Drawings of the buildings and photos of the site from different angles.
- A heritage expert had been consulted regarding the listed building near the proposed entrance and had raised no objection.
- The cars parked on Aston Road; no concerns had been raised from the Highways Authority regarding the capacity of the local highway network.



## Public speaking

The Chairman invited Ms A Cheeseman to present her statement on behalf of the residents of Aston Road, appended to the minutes.

Members of the committee raised and discussed the following points:

- A member of the committee queried where Ms Cheeseman thought the nursery should be located. Ms Cheeseman added that there were three large housing developments in Haddenham but the nursery was proposed in an open space storing carbon and asked why it was not being located on the site of one of the large housing developments.
- A member of the committee requested clarification from the officers on whether the people travelling to the primary school would impact on the nursery school movements. Ms Kelham confirmed that the school and nursery would have different hours of operation but was unsure if the school ran a breakfast club, although a breakfast club would be likely to start at 8.00 am.
- A member of the committee commented that there would be 12 drop-off and pick up spaces along with 18 car parking spaces for staff so the cars would not need to be parked on Aston Road. However, Miss Kelham acknowledged that the nursery car parking/drop off spaces would not address the existing impact of the primary school in the village but it should mitigate the impact of the proposed development. The situation would not be worse as the hours of operation were different.
- Following a query on whether the nursery was a 'business' and why it was being considered at this Committee; it was confirmed that BCC was the applicant and it was proposed to be located on the site adjoining the existing school. Ms Kelham explained that BCC had a statutory duty to ensure that, as far as reasonably possible, there was sufficient childcare for children aged from 0 to 14 or up to 16 for disabled children. Mrs Caprio stated that Regulation 3 enabled the Development Control Committee to determine applications which were for County Council promoted developments, brought forward by the Schools Place Commissioning team to enable them to provide sufficient places.
- In response to a member of the committee asking if there was a need for sequential testers to identify the facilities/need in the area; Ms Winkels confirmed the Schools Commissioning Team had to provide nursery places as there was a shortfall in the area due to the development in the area, as explained by Ms Campbell-Balcombe in the previous item.
- A member of the committee asked if the planting of the hedge could be an early requirement. Ms Kelham stated that the requirement in condition 10 was for the hedge to be planted along the south-east and eastern boundary in the first planting season following the commencement of the development to enable them to grow successfully. If development should commence in April the next suitable season would be in the following autumn. The committee member asked if the condition could be amended to state "as soon as possible"; however, Mr Periam clarified that the condition stated "the first planting season" which was the earliest the planting could be carried out.

Mrs Caprio clarified that the Committee was being asked to approve application number CC/0042/19 subject to the conditions/reasons set out in Appendix A with the additional comments about the hedge.

The Chairman invited the Committee members to vote on the application and it was unanimously agreed.

For	5
Against	0
Abstention	0

**RESOLVED:** The Development Control Committee **APPROVED** application **CC/0042/19** for the construction of a standalone nursery building with associated hard and soft play space, soft landscaping and car parking, subject to the conditions/reasons set out in Appendix A with the additional comments about the hedge.

**6 CM/0040/19 - HAWES RECYCLING CENTRE, CORONATION ROAD, HIGH WYCOMBE - PROPOSED NEW BUILDING SHED FOR THE SORTING AND BALING OF PLASTICS AND CARDBOARD FOR THE PURPOSES OF RECYCLING**

Mr J Suter, Planning Graduate, stated that this application was for a new building shed for the sorting and baling of plastic and cardboard for the purpose of recycling. The use of the site for waste importation storage and processing, operational procedures including the vehicle movements and working hours were not proposed to change. The application was being brought to the Committee as an objection had been received from a local resident regarding dust, odour, noise and traffic from the existing operation being exacerbated by the proposed development.

Mr Suter provided a presentation showing photos of the site which was within an industrial estate. The site was not subject to any planning constraints as it was not within an Area of Outstanding Natural Beauty or within the Green Belt and was supported by the Bucks Local Minerals and Waste Local Plan. No new waste streams would be brought to the site; the current waste would be processed more efficiently as currently the waste was moved to another place to be baled. Photos were shown of the site of the proposed new building and the existing building to be removed, along with photos from different directions on the site.

The Chairman invited Mr T Benson, Environmental Consultant, to speak on behalf of the applicant.

Mr Benson highlighted the following points:

- He had been involved throughout the application process.
- The baling and shredding activities were already being undertaken on site and benefitted from the previous planning application granted in 2009.
- This application sought to enclose the activities undertaken and would result in a betterment as the noise and dust would be enclosed.
- Given that the waste was already received at the site there would not be any increase in traffic or the number of heavy goods vehicle movements.
- To his knowledge, there had been no objections raised from the Highways team and there were no concerns from the Environmental Health team.
- Any dust resulting from the recycling activity would be negligible as the process would be enclosed.
- The shredding and baling was already undertaken on site and was a key contributor to the existing noise climate; however, the proposed development lay within a heavily industrialised area with numerous manufacturing and commercial businesses which contributed to the background noise level.
- The development was approximately 200 metres from the nearest residential receptor and it was screened by intervening buildings.
- In summary the application should result in a 'betterment'.

The committee members did not have any questions.

Mrs Caprio reminded the committee that they were invited to approve application number CM/0040/19 subject to the conditions set out in Appendix A in the report. The members of the committee unanimously approved the recommendation.

For	5
Against	0
Abstention	0

**RESOLVED:** The Development Control Committee **APPROVED** application number CM/0040/19 subject to the conditions set out in Appendix A of the report.

**7 DATE OF NEXT MEETING**

27 January 2020.

**8 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That the press and public be excluded for the following item which is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual.

**9 CONFIDENTIAL MINUTES**

**10 ENFORCEMENT REPORT**

**CHAIRMAN**



Development Control Committee 2<sup>nd</sup> December 2019 - addendum for Item 4:

**Application Number:** CC/0043/19

**Title:** Application for proposed demolition of the existing outdated Sports Hall and construction of a playing area in its place; construction of a new two-storey Sports Hall adjacent to the south of the new playing area; construction of a new five classroom single storey Teaching Block; extension to Multi-Use Games Area; and new Coach Access and Car and Coach Park and drop-off zone.

**Site Location:** The Misbourne School  
Misbourne Drive  
Great Missenden

**Applicant:** Buckinghamshire County Council

Since the publication of the report, the following additional consultation responses have been received

The County Lead Local Flood Authority has considered the additional information submitted referred to in paragraph 17.2 of the committee report and now has no objection subject to the following conditions:

**Condition 1**

No works other than demolition for the proposed teaching block shall begin until a surface water drainage scheme for the site based on infiltration rate testing in accordance with BRE 365 in the location of proposed infiltration devices 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.

**Reason:** The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

**Condition 2**

No works other than demolition for the proposed sports hall, extension to Multi-Use Games Area; and new Coach Access and Car and Coach Park and drop-off zone shall begin until a surface water drainage scheme for the site based on infiltration rate testing in accordance with BRE 365 in the location of proposed infiltration

devices 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.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

### Condition 3

Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

Paragraph 17.3 - Affinity Water which is the water supply company for the area has commented that if the council is minded to approve the application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
2. Ground investigation: Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
3. Contaminated land: Construction works may exacerbate any known or previously unidentified pollution. If any pollution is found at the site then works should cease and appropriate monitoring and remediation methods will need to be undertaken to avoid impacting the chalk aquifer.

4. Infrastructure: There are potentially water mains running through / near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

5. Water Supply: In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk) . Please note that charges may apply.

6. Water Efficiency: We would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

A further nine representations supporting the application have been received.

The recommendation on the application remains as per the committee report but the conditions and informatives in Appendix A are amended as set out below.

## **Appendix A - Schedule of Conditions**

### **Time limit for commencement**

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted documents and the following drawings:

- Drawing no. 414.07296.00010.0008 Rev P02 Site Location Plan
- Drawing no. 414.07296.00010.0003 Rev P04 Hardworks Proposals
- Drawing no. 414.07296.00010.0002 Rev P04 Indicative Softworks Proposals
- Drawing no. 414.07296.00010.0001 Rev P14 Landscape Strategy Plan
- Drawing no. 345078-AHR-BA-01-DR-A-2005 D5 Rev C01 Sports Hall Roof Layout – Planning
- Drawing no. 345078-AHR-BB-01-DR-A-2005 D5 Rev C01 Teaching Block Roof Layout – Planning
- Drawing no. 345078-AHR-BA-00-DR-A-2015 D5 Rev C02 GA Elevations – Planning
- Drawing no. 345078-AHR-BA-00-DR-A-2016 D5 Rev C02 GA Elevations – Planning
- Drawing no. 345078-AHR-BA-00-DR-A-2005 D5 Rev C01 Sports Hall Ground Floor – Planning
- Drawing no. 345078-AHR-BB-ZZ-DR-A-2015 D5 Rev C01 Teaching Block Elevations & Sections – Planning
- Drawing no. 345078-AHR-BB-00-DR-A-2005 D5 Rev C01 Teaching Block Ground Floor – Planning
- Drawing no. 345078-AHR-BA-00-DR-A-2031 D5 Rev C02 GA Sections - Planning
- Drawing no. 70042626-103 Rev P02 Proposed Levels (1 of 2)
- Drawing no. 70042626-104 Rev P02 Proposed Levels (2 of 2)
- Drawing no. 70042626-105 Rev P02 External finishes (1 of 2)
- Drawing no. 70042626-106 Rev P02 External finishes (2 of 2)
- Drawing no. 345078-AHR-BA-ZZ-DR-A-9210 D5 Rev C01 Site Sections - Planning
- Drawing no. 70042626-101 Rev P04 General Arrangement (1 of 2)
- Drawing no. 70042626-102 Rev P05 General Arrangement (2 of 2)
- Drawing no. 414.07296.00010.0005 Rev P01 Indicative Cycle Storage Details
- Drawing no. 414.07296.00010.0007 Rev P01 Indicative Step Details
- Drawing no. 414.07296.00010.0006 Rev P02 Indicative Fencing Details
- Drawing no. 70042626-102 Rev P01 Access Arrangement
- Drawing no. 70042627-103 Rev P01 Vehicle Swept Path Analysis
- Drawing no. 70042626-00-E-GA-000013 Rev P01 Electrical Services Carpark Lighting Layout Level 00 Sheet 1 of 2
- Drawing no. 70042626-00-E-GA-000014 Rev P01 Electrical Services Carpark Lighting Layout Level 00 Sheet 2 of 2
- Drawing no. 70042626-00-E-GA-000015 Rev P01 Electrical Services Carpark Lighting Layout Level 00 Sheet 1 of 2
- Drawing no. 414.07296.00010.0020 Rev P04 Proposed Winter Sports Provision
- Drawing no. 414.07296.00010.0021 Rev P04 Proposed Summer Sports Provision



Reason: To define the development which has been permitted so to control the operations in accordance with policy CS4 of the CSCD.

### **Pre-commencement Conditions**

3. Prior to the commencement of the development, the Arboricultural Survey submitted with the application shall be updated with the tree removal requirements including the additional trees to be lost for the provision of the vision splays and details of any pruning that may be required to other trees or a statement that no pruning will be required. The updated Arboricultural Survey shall be submitted to and approved in writing by the County Planning Authority. The approved document shall be kept on the site during the construction works and no trees shall be removed or pruning carried out other than as approved.

Reason: To ensure that the trees and hedgerows to be retained are protected in accordance with policies GC4 and GB30 of the CDLP.

4. Prior to the commencement of the development, a scheme of landscape planting and grass seeding shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:
  - Detailed planting proposals and specification stating species size at time of planting;  
spacing/densities; total plant numbers; planting protection/fencing.
  - Detailed proposals for all grassed areas including seed mixes and sowing rates.
  - Design and long-term management objectives for existing and new landscape areas; • an establishment management and maintenance programme for a minimum five years of aftercare for all new planting.

The approved scheme shall be implemented thereafter during the first five years of the programme, the replacement of all failed new planting (irrespective of cause) in the planting season immediately following failure.

Reason: In the interests of the local landscape, the Chilterns AONB and the amenities of local residents including those on London Road in accordance with policies GC4 and GB30 of the CDLP.

5. Prior to the commencement of the development detailed proposals for the frontage fencing shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of the local landscape, the Chilterns AONB and the amenities of local residents including those on London Road in accordance with policies GC4 and GB30 of the CDLP.

6. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority. The approved programme shall then be implemented throughout the construction period.

Reason: In the interests of ensuring the excavation and recording of any archaeological artefacts that may be disturbed by the development in accordance with policy AS2 of the CDLP.

7. No development shall take place until a Biodiversity Strategy for the site has been submitted to and approved in writing by the County Planning Authority. The aim of the Biodiversity Strategy shall be to set out the specific measures that will be undertaken to:

1. ensure that the retained habitats are adequately protected during and after construction (including avoidance of additional illumination);
2. avoid impacts upon protected and priority species during construction;
3. prevent the spread of invasive alien species; and
4. promote biodiversity enhancements on the site.

The content of the Biodiversity Strategy shall include the following:

1. Identification of potential ecological impacts, as per those identified in the Preliminary Ecological Appraisal report (PEA) submitted with the application.
2. Identification of ecological features to be retained and protected including the green corridor (woodland belt) to the west of the site.
3. Measures to protect the woodland and trees that might be impacted. These shall include the measures set out in section 5.3 of the PEA.
4. Method statements for the protection of all relevant protected and notable species with the potential to be impacted by development including, but not limited to those for: bats, badger, reptiles, amphibians, hedgehog, polecat and nesting birds. These shall include the measures set out in section 5.3 of the PEA. The method statements shall include details on the protocol to be followed should any protected species be found during the development.
5. Lighting design strategy for biodiversity for the retained green corridor (woodland belt) along the western site boundary. This shall include a plan identifying those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key

areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using this corridor or having access to their breeding sites and resting places. This shall be in compliance with Institution of Lighting Professionals' Guidance Note 08/182.

6. Strategy for preventing the spread of non-native species (variegated yellow archangel) in accordance with the recommendations in section 5.4 of the PEA.

7. Measures to be implemented to increase the value of habitats on site for wildlife.

These measures shall include those set out in section 5.5 of the PEA, where appropriate.

The approved Biodiversity Strategy shall be implemented thereafter.

Reason: To ensure that protected and notable species and features of ecological interest are retained and safeguarded at all phases of development, and to ensure a net gain for biodiversity in accordance with policy CS24 of the CSCD.

8. No other part of the development shall commence until the new access for coaches has been sited and laid out in accordance with the approved drawings and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013. The new access for coaches hereby approved shall be an 'in' access only and shall not be used by any vehicles exiting the site.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies TR2 of the CDLP and CS25 and CS26 of the CSCD.

9. No other part of the development shall begin until the existing means of access has been altered in accordance with the approved drawings and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies TR2 of the CDLP and CS25 and CS26 of the CSCD.

10.No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include details of:

- Construction access;
- Management and timing of deliveries;
- Routing of construction traffic;
- Vehicle parking for site operatives and visitors;
- Loading/off-loading and turning areas;
- Site compound;
- Storage of materials;
- Precautions to prevent the deposit of mud and debris on the adjacent highway.

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise danger and inconvenience to highway users in accordance with policies TR2 of the CDLP and CS25 and CS26 of the CSCD.

11.No other part of the development shall begin until visibility splays have been provided on both sides of the existing access being widened between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 79 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metre in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with policies TR2 of the CDLP and CS25 and CS26 of the CSCD.

12.Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the County Planning Authority. The agreement shall apply to the playing pitches/field; new MUGA and new sports hall hereby permitted 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 compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy CSCD 29.

13. No development of the new MUGA shall commence until details of the design and layout of the MUGA have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The MUGA 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 Development Plan Policy CSCD 29.

14. No works other than demolition for the proposed teaching block shall begin until a surface water drainage scheme for the site based on infiltration rate testing in accordance with BRE 365 in the location of proposed infiltration devices has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to accord with Development Plan Policy CS4.

15. No works other than demolition for the proposed sports hall, extension to Multi-Use Games Area; and new Coach Access and Car and Coach Park and drop-off zone shall begin until a surface water drainage scheme for the site based on infiltration rate testing in accordance with British Research Establishment (BRE) 365 in the location of proposed infiltration devices has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to accord with Development Plan Policy CSCD CS4.

### **On-going Conditions**

16. Prior to the occupation of the development a whole-life maintenance plan for the site shall be submitted to and approved in writing by the County Planning

Authority. The plan shall set out how and when to maintain the full drainage system including a maintenance schedule for each drainage/SuDS component, with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF and to accord with Development Plan Policy CSCD CS4.

17. No works involving excavations below the chalk groundwater table including piling or the implementation of a geothermal open/closed loop system shall be carried out unless a ground investigation, monitoring and remediation scheme has first been carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth which could impact the chalk aquifer. This shall be submitted to and approved in writing by the County Planning Authority prior to any excavations below the chalk groundwater table being carried out and the approved scheme shall be implemented thereafter. If any contamination is found then works shall cease and the approved monitoring and remediation measures shall be implemented and works shall not recommence until the contamination has been remediated.

Reason: To avoid contamination of groundwater in accordance with Development Plan Policy CSCD CS4.

18. The scheme for parking, drop off and manoeuvring indicated on the approved drawings shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policies TR2 of the CDLP and CS25 and CS26 of the CSCD.

19. Prior to the first occupation of the development hereby permitted, an updated school travel plan in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance' and any other reasonable requirements of the County Planning Authority shall be submitted to and approved in writing by the County Planning Authority. The plan shall include:

- The appointment of a Travel Plan Co-ordinator;
- A programme for facilitating the monitoring of the Travel Plan;
- A parking strategy;
- a full analysis of the existing modal split for staff and pupils at the school and detailed proposals for future sustainable transport promotion and provision, with the aim of securing no increase in the number of car movements generated on the school journey.

The approved School Travel Plan shall be implemented thereafter.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and so to promote sustainable methods of travel and to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

20. Following the first occupation of the development hereby permitted, the approved School Travel Plan shall be reviewed and updated on Modeshift STARS and submitted to and approved in writing by the County Planning Authority, on an annual basis, at the end of each academic year. In the event of an increase in the number of car movements, the school shall set out the measures to be taken to promote a reduction in the number of car borne trips. The approved reviewed and updated School Travel Plan shall be implemented thereafter.

Reason: In order to promote sustainable methods of travel, to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

21. Neither the new access nor the altered access shall come into use in association with the occupation of the development hereby permitted unless the crossing points with public footpath nos. GM/33/6 and GM/34/1 (the South Bucks Way) have been provided as shown on approved drawing 70042626-102 Rev P05 General Arrangement (2 of 2).

Reason: To safeguard users of the South Bucks Way in accordance with policy CSCD 26 of the CDLP.

22. The MUGA shall not be used other than between the hours of 8.00 am and 8.30 pm Monday to Saturday and 8.00 am and 6.00 pm Sunday.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP.

23. Hockey or sports using hard projectiles shall not be played or practised on the MUGA at any time.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP .

24. Sheet metal advertising signs which make a clattering noise when struck (e.g. by a ball) shall not be located in proximity to the playing surface of the MUGA.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP.

25. The entrance to the MUGA and access route shall be located so as to maximise the distance from the nearest residences.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP.

26. The MUGA shall not come into use until a written Management Plan has been submitted to and approved in writing by the County Planning Authority. The contents of the plan shall have regard to the practical control of noise when the MUGA is in use. The approved Management Plan shall be implemented thereafter in perpetuity.

Reason: To ensure that the users of the MUGA are aware of the need to use the facility in a manner that minimises the impact on the amenity of local residents in accordance with policy GC3 of the CDLP.

27. Prior to installation of mechanical plant the manufacturer's specifications for mechanical plant, specifications for its attenuation and specifications for use shall be submitted to and approved in writing by the County Planning Authority. The mechanical plant shall be maintained in accordance with the approved specifications thereafter in perpetuity.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP.

28. Mechanical plant shall not operate during the night-time period 11.00 pm to 7.00 am as proposed in the Appendix F Noise Assessment submitted with the application.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP.



29. The lighting for the car park and coach pick-up and drop-off area should be fitted with clock/timer controls and photoelectric controls to avoid lights being kept on when not needed.

Reason: To safeguard the amenities of nearby residents and the dark skies of the Chilterns Area of Outstanding Natural Beauty in accordance with policies GC3 and LSQ1 of the CDLP.

30. The lights in the car park shall not operate outside the hours of 7.00 am to 10.15 pm Monday to Saturday and 7.45 am to 6.30 pm on Sunday. The lights in the coach pick-up and drop-off area shall not operate outside the hours of 7.00 am and 5.00 pm, Monday to Friday.

Reason: To safeguard the amenities of nearby residents and the dark skies of the Chilterns Area of Outstanding Natural Beauty in accordance with policies GC3 and LSQ1 of the CDLP.

31. The altered access hereby permitted shall be locked no later than 10.15 pm Mondays to Saturdays and no later than 6.30 pm on Sundays and shall not be unlocked earlier than 7.00 am Mondays to Saturdays and 7.45 am on Sundays. The new access to the coach pick-up and drop-off area shall be locked no later than 5.00 pm Mondays to Fridays, shall not be unlocked earlier than 7.00 am Mondays to Fridays and shall remain locked at all times on Saturdays and Sundays.

Reason: To safeguard the amenities of nearby residents in accordance with policy GC3 of the CDLP.

## **INFORMATIVES**

### **Compliance with Article 35 of the Town and County Planning (Development Management Procedure) Order 2015**

In determining this planning application, the County Planning Authority has worked positively and proactively in accordance with the requirements of the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, this requirement can be demonstrated through the County Planning Authority working to highlight and seek to resolve consultee concerns with regard to landscape, arboricultural impact, surface water drainage and highways impacts.

### **Mud on the Road**

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore

be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

### **Site Notice**

Please remove any site notice that was displayed on the site to advertise this planning application.

### **Sport England**

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

The applicant is advised that the design and layout of the MUGA should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: "Artificial Surfaces for Outdoor Sport".

### **Thames Water**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via <https://eur03.safelinks.protection.outlook.com/?url=www.thameswater.co.uk&amp;data=02%7C01%7Cc-dperiam%40buckscc.gov.uk%7Cf15fec39a6e44151103a08d72f92b5a8%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C637030179462413015&amp;sdata=HuVO1534TPSDcgoO8S1eDxhEFeAiwB59wE9DZbhdhFQ%3D&amp;reserved=0>. Please refer to the Wholesale; Business customers; Groundwater discharges section.

### **Affinity Water**

Infrastructure: There are potentially water mains running through / near to part of proposed development site. If the development goes ahead as proposed, the

developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

**Water Supply:** In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk) . Please note that charges may apply.

**Water Efficiency:** We would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each building.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".



**Andrew and Rosalinde Dowlen**  
**Summary of points**

- ◆ We support the proposed improvements to the school gym, the new car park and the coach park and road.
- ◆ We object to the 5m high lights along the line of the coach park and road.
- ◆ We ask that this coach road is locked at each end between the hours of 4pm and 7.30am.
- ◆ We are concerned that the London Road speed limit is 40mph in the vicinity of the coach and car parks.





Current coach exit seen from Tintagel, 1 The Villas, London Road, GM







View towards Tintagel taken from in front of current coach exit - proposed 5metre lights along length of this.



View towards Tintagel taken from where proposed coach road will enter from London Road.





## Planning Committee - Statement of support from Jo Meloni

2 December 2019

As Headteacher of The Misbourne school I'd like to present reasons why I believe this development should be given the go-ahead without delay.

I could start by mentioning a large number of benefits to this project such as the energy saving from solar panels; increased school places; a newly landscaped area for students to sit and relax in supporting their mental health and wellbeing; larger indoor sporting facilities that will ease pressure during examination periods and more indoor space for practical PE so we do have to re-timetable PE groups into classrooms when the weather is too treacherous to go outside ....

...but instead I will focus on 3 main areas:

1. Firstly, the existing facility is a relatively small sports hall. It has one male and one female changing room, a cramped office and limited storage space. The condition of these facilities is no longer conducive for our students to learn in. It is damp, has an unpleasant odour and is uninspiring to learn and work in. It is of upmost importance that we support young people in leading healthy and active lifestyles, I believe that by investing in these new, larger indoor spaces, we will not only be providing a much improved and inspiring sporting facility, but we would be making an investment in our future.

2. Secondly there is the question of site safety. The proposed plans will vastly improve student, visitor and staff safety. We currently have a road that runs through the heart of the school. This is of particular concern at the end of the day when coaches and taxis arrive driving through the school at the same time as over 1,000 students are leaving class.

This new layout will contain the majority of vehicle movement at the back of the school within a new larger car park and coach drop-off area. Students leaving by foot from the front of the school, will no longer have vehicles to avoid.

Additionally, coaches would no longer be driving through the residential area along Misbourne Drive and are much less likely to be driving through the high street.

3. Finally, these proposals would bring a multi-million-pound investment into the village, a facility in which the community itself would benefit. We already have a strong relationship with a youth football group who would benefit from the improved changing and parking facilities.

With the addition of the performance studio we have further scope to engage local groups. One example is a current project to develop cheerleading in the area, working with other local schools, creating a club that caters for a large group of children from primary school to senior age groups.

The more we can provide activities such as this in the local area, the more the community will benefit. By providing purposeful activities such as this in the evenings, weekends and holidays, our young people, your children and grandchildren will grow up to become well rounded, healthy citizens.

When considering all the potential benefits, not just for our current young people and community groups but for generations to come, I would strongly recommend that you see your way to approve planning permission for this much needed development.



## Application cc/0043/19 Misbourne School

Mr. Simon V. Rhodes per pro Great Missenden Parish Council (GMPC) 2<sup>nd</sup> December 2019

### GMPC object to the Misbourne school proposed 1 TFE expansion

Please see the PC's previous representations to date, in objecting to this Application.

#### 1. Educational need arising from population growth

It is clear school places need to be placed where the need arises and GMPC therefore does not accept the statements made in the Appendix D Green Belt Statement submitted with the application and is aware of a set of lower 'household projections' from the ONS.

Further reasons given in the Planning Committee Report for supporting the Application are (in section 7.4)...

b) Benefits of additional facilities to the local community for use out of school hours.

The school already lets out its existing facilities to local residents. There does not appear to be a sufficient net benefit arising from a larger sports hall.

c) Improvements to traffic congestion and highway safety at pick-up and drop-off times.

The traffic and parking situation in Great Missenden is currently toxic. Combined with hundreds of lorry movements a day arising from HS2, the suggestion that additional movements associated with what in reality would be more than 190 people under these proposals gives rise to traffic congestion improvements and therefore somehow improves amenity for all, is trite and merely serves to reinforce the lack of local 'on the ground knowledge' expressed in the Travel Plan and is overall inadequate. (More on this topic later.)

d) Benefits of improved sports facilities in fighting child obesity

GMPC has over the years tried to maintain the use of adequate green space by formal agreement with the School to use a GMPC allotment area which has been grassed over. AFC Lightning also use this space.

#### 2. Travel Plan

It is clear that when County chiefs reveal that secondary school places in the area at capacity and that a deficit of school places is projected that the problem lies primarily in the Aylesbury Vale area.

The dedicated school bus and public school bus services are failing. The dedicated bus service ignores prior missives to use the A413 and London Road to access and egress the school and uses the inappropriate narrow High Street we are told; in order to make the journey shorter and win substantive fuel cost savings. Large Project Funds to upgrade the path through Angling Spring Wood (GMI/55/4) (which is the responsibility of BCC to maintain) for pedestrians, cyclists and horse riders to encourage more sustainable and safe commuting to the school. Funding was refused.

It is fanciful to think that pupils and staff might cycle from areas such as Chesham and Amersham with their luggage given the gradients, absence of lighting and traffic conditions and UK weather on these roads. The targets in the document are meaningless and no clue is given about how bus uptake will be increased given the failing and deteriorating nature of this service.

#### 3. Environmental

As stated the need for school expansion in this location has no merit and is not sustainable. There are therefore no overriding and special circumstances that defeat the planning constraints applicable to the Green Belt and AONB and sensitive habitats.

#### **4. Other**

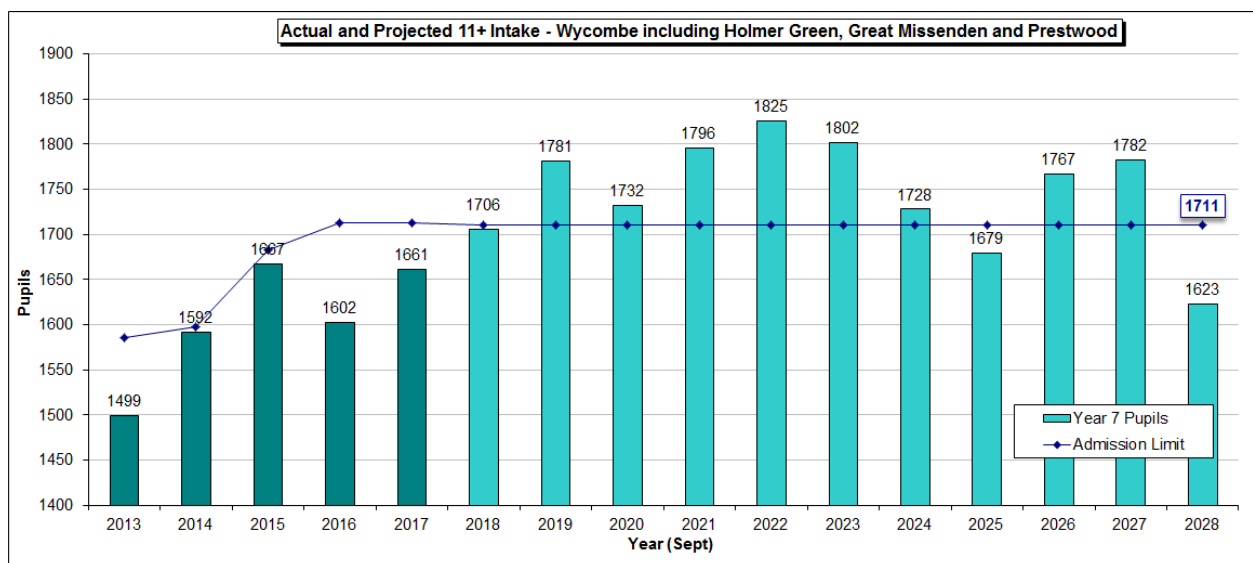
GMPC does not object to replacement of the Sports Hall facility itself but ask the question is it right sized.

## MISBOURNE SCHOOL 1FE EXPANSION AND SPORTS HALL

### DEVELOPMENT CONTROL MEETING 2<sup>nd</sup> DECEMBER 2019

#### Evidence of Demand – Paula Campbell-Balcombe

Upper schools in area are currently full in Year 7 with the most recent population figures indicating the need to increase provision by an additional 3-4 forms of entry over the period 2018 to 2028. The chart below shows the projected upper school intake over that period based on current migration trends and parental choice (i.e. grammar, independent and out county schools), planned admission numbers and current district council planned housing growth targets<sup>1</sup>.



The projections indicate a significant rise in the population with demand expected to exceed supply by 2019/20. Expansion of Misbourne would meet the DfE criteria for expansion including:

It is popular with parents. The number of first preferences for the school well exceeds the number of places available.

It supports the raising of school standards. OfSTED have stated that the quality of teaching is consistently good across the school.

It meets the demand for new school places within the planning area. In line with DfE guidance, BCC plans provision at planning area level to incorporate the complexities of parental preference and year on year changes in population migration.

<sup>1</sup> Wycombe and Chiltern & South Bucks District Council are currently consulting on their local plans which outline their plans for building a further 20,000 homes across the area up to 2031.

There are three key phases for the proposed expansion plans:

### **1. 1Fe Expansion Accommodation**

The proposal is to build a standalone 5 classroom teaching block which will minimise the impact on the school during the build time and will provide fit for purpose facilities for the staff and pupils. In addition a small muga will be included to meet Building Bulletin103 requirements.

### **2. Undersized sports hall facilities:**

It is proposed to provide a new sports hall for the School, the current sports hall is unfit for purpose for the school's current intake and has reached the end of its economic life. The old sports hall will therefore be demolished to make way for the new accommodation. The new sports facility will provide additional community benefit for the area in that it will be available for hire from the school by the wider community.

### **3. Car Park/Drop Off**

In order to meet Highways requirements for the expansion a new drop off route for coaches/parents and additional car parking is being provided to meet both the needs of the school and also to facilitate community use out of school hours.

### **Benefits**

In addition to meeting the additional need for school places in the area, the sports hall proposal also brings considerable benefits in terms of the delivery of the sports curriculum for the pupils which will assist the School to meet the Government's Healthy Pupil agenda and it will also provide welcome facilities for the local area. Its addition will serve to further enhance the excellent education and sporting offer that the School provides to its pupils and also the local community and should be wholehearted welcomed and supported.

### **Annie Cheeseman - CC/0042/19 - Haddenham St Mary's C of E School**

- Our principal objection to this application is that establishing a new business on the proposed site will greatly exacerbate the existing traffic problems on these narrow residential roads, with consequential risks to safety and damaging effects on the environment and landscape.
- While misleadingly presented as being associated with St. Mary's School, this application is to site a childcare business, in an existing residential area, immediately adjacent to the village conservation area. There is no rationale for it to be located next to St Mary's School, rather it should be co-located with the families that will use it.
- The business will be open year-round, 12 hours a day, with the associated traffic starting at 7am, coinciding with the commuters using this route for the station or work. It would accommodate up to 104 children per day, representing up to 208 car journeys a day.
- As noted by the Parish Council, Church End and Aston Road already get choked with cars at school times and locating this business here will result in more car journeys around the village's narrow roads.
- The proposed new car park will irreversibly damage a currently unspoilt piece of open countryside and yet still be unfit for purpose. Parents fighting for access to the inadequate car park will inevitably revert to parking along the narrow roads. The answer is not to desecrate the countryside with ever bigger car parks but to find a more suitable location in the first place.
- This site was identified as 'unsuitable for development' in the HELAA for the VALP as it is a buffer to the conservation area and protects views of the Chilterns. The VALP also states that the central theme of planning decisions is to protect the amenity of residents and that rural areas accommodating sustainable growth should continue to enjoy high quality landscapes, with heritage, cultural and biodiversity assets protected. This proposal runs

contrary to these principles.

- We note that this application is not “at arm’s length”, as Bucks County Council is acting as both the proposer and the approver. Further, no calculations have been provided to demonstrate that there is a need for this nursery of this size. There is already a new 91 place childcare business, run by Bright Horizons, opening near the station.
- We believe it is irresponsible of the council, who should be putting the climate crisis at the heart of planning decisions, to proceed with this development knowing that they will be damaging the landscape and worsening safety and environmental problems caused by road traffic.
- **In summary**, there is no justification for locating this new business on this site and there are serious reasons as to why this site is wholly inappropriate.

A more suitable site should be identified, where it is co-located with the families that will use it and traffic and environmental issues will be minimized.



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**Committee Report – 24 February 2020**

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<b>Application Number:</b>	CC/0056/19
<b>Title:</b>	Removal of Condition 6, Provision of cycleway to application CC/0013/19
<b>Site Location:</b>	Amersham School, Stanley Hill, Amersham, Buckinghamshire, HP7 9HH
<b>Applicant:</b>	Buckinghamshire County Council
<b>Case Officer:</b>	James Suter
<b>Electoral divisions affected:</b>	Little Chalfont and Amersham Common
<b>Local Member(s):</b>	Martin Tett
<b>Valid Date:</b>	9 December 2019
<b>Statutory Determination Date:</b>	9 March 2019
<b>Extension of Time Agreement:</b>	

**Summary Recommendation(s):**

The Development Control Committee is invited to **APPROVE** application no. CC/0056/19 for the demolition of an existing defunct single-storey Dining Hall and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block as permitted by CC/0013/19 but with the removal of Condition 6, subject to the provision of a financial contribution first being made towards an updated School Travel Plan encouraging the adoption of alternative means of transport to the private car for journeys to and from the school in order to support achieving the target in Condition 14 and to the other conditions set out in Appendix A and to any necessary amendment of the detailed wording of the conditions by the Head of Planning and Environment.



## Introduction

1. The application seeks the removal of condition 6 with regard to planning permission CC/0013/19. The application was submitted to the County Council and subsequently validated on 9<sup>th</sup> December 2019. It was sent out for consultation on 19<sup>th</sup> December 2019 and the 13 week determination date was 9<sup>th</sup> March 2020.
2. The application is being determined by the Development Control Committee as an objection has been received by consultees and one objection has been received from a third party. It was considered the proposed development was not EIA development and so no EIA was considered to be required.

## Site Description

3. Amersham School is situated on the east side of the A404 Stanley Hill towards the south-east of Amersham town. The school site lies within the Green Belt and the southern boundary of the site borders agricultural land with views towards the Chilterns Area of Outstanding Natural Beauty (AONB). Aside from the school's caretaker's house located within the school site, the nearest residential properties are those located on Stanley Hill. Amersham and Wycombe College lies to the north-east of the school.
4. The location of the school can be seen outlined in red on the site location plan below (Figure 1). The suggested cycleway/footway location is demonstrated in Figure 2.

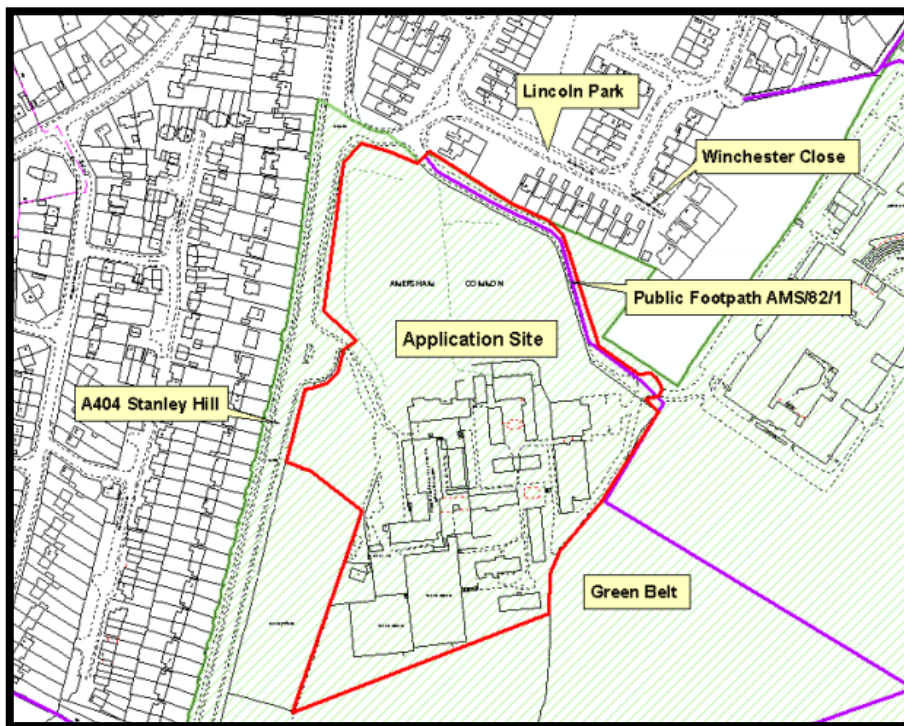


Figure 1: Location of Amersham School in relation to southeast Amersham

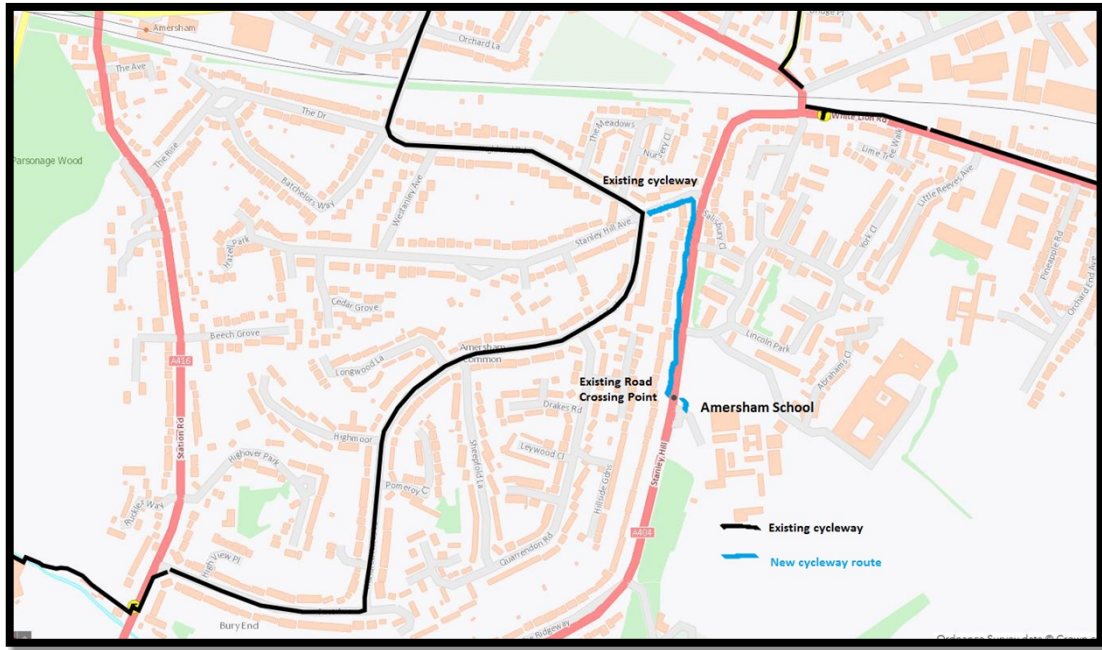


Figure 2: Image showing the suggested new cycleway/footway route.

## Planning History

5. More recent applications include:

Table 1: Summary of planning history held by the County Planning Authority.

Planning Application No.	Proposal	Decision	Date
CC/0013/19	Application for demolition of an existing defunct single-storey Dining Hall in poor condition and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block	Approved	15/08/19
CC/24/12	Proposed new classroom building to replace temporary classrooms with associated external works.	Approved	22/01/13
CC/11/10	Proposed replacement of the existing adult learning centre with a new single storey building.	Approved	16/10/09
CC/27/07	Proposed renewal of planning consent for retention of existing double temporary classroom unit numbered 484.	Approved	6/11/07
CC/25/04	Renewal of temporary planning permission for No. 484	Approved	1/07/2004

## Proposed development

6. The application seeks permission to remove the pre-commencement condition 6 pertaining to planning permission CC/013/19. The condition reads:

*No other part of the development shall commence until the off-site highway works have been laid out and constructed in accordance with details to be submitted to and approved in writing by the County Planning Authority. The details shall include:*

- A combined footway/cycle way to be provided between the site and Stanley Hill Avenue to connect the site with the existing cycle network;*
- An approved scheme be provided for ensuring the efficient use of the access junction;*

7. The original application to which this Section 73 application relates proposed the demolition of an existing building and new replacement buildings at the Amersham School. The school intended to expand from five forms of entry to six along with an increase in staff from 73 to 83 FTE employees. In addition, the science block was to be extended to accommodate growth and make it fit for purpose for teaching the current curriculum. Amersham School was identified to need to expand to accommodate an increase in pupils as a result of local housing development and in response to the council's statutory requirement to provide school places.
8. The school currently has 855 places with 200 being sixth form and 10 special educational needs. The CC/0013/19 application sought to accommodate an overall increase of 180 pupils including 30 sixth formers.
9. This Section 73 application applies for the aforementioned removal of condition 6 from planning permission CC/0013/19.
10. In support of the application it is stated that in the applicant's view it fails in two of the six Planning Condition tests because it's provision is unreasonable given the low number of new pupils likely to benefit from the scheme and that the condition was imposed at a very late stage in the application process not giving the applicant time to evaluate its impact on the development.
11. The Transport Assessment for the school (Table 2.4 below is an extract from this document) submitted with the original planning application that formed part of the planning submission summarised the current pupil mode of transport to the school. The number of pupils cycling to the school is historically relatively low currently at 2.9% and, given the school's location on a steep hillside on the highly trafficked strategic highway A404 this is to be expected.
12. It can be clearly demonstrated using the data included in the Transport Assessment that the majority of pupils either walk or use the very good existing public transport networks to school. The development which has been permitted under permission CC/0013/19 addresses the current number of car journeys in that an extensive parent drop off and pick up area has been provided as requested by the Highway Authority during the two pre-application consultations to mitigate the issue. It also included a Condition for the Travel Plan to be updated with a target to reduce the number of students arriving by car. If the current cycle numbers are extrapolated at 2.9 % cycling this equates to an additional 5.22 pupils cycling to school.
13. Essentially the applicant contests that the condition for a cycleway to be provided which would entail 450m of new cycleway, replacing the existing signal crossing and resurfacing the road approaches to the crossing, fails to pass two of the six planning tests on the grounds that the condition is unreasonable given the late inclusion of the condition without giving full consideration to the extrapolated 6.38 additional users who will directly benefit from the improvement. It is considered by them that investment in the updated School Travel Plan to promote all sustainable

modes of travel to the school would be more effective in reducing the impact of the proposed development.

**Table 2.4 Pupil Mode Share**

Mode of Transport	Number	Percentage
Walk	285	42.8%
Cycle	19	2.9%
Bus	119	17.9%
School bus	6	0.9%
Park and stride	57	8.6%
Train / Tube / Metro	11	1.7%
Car share	27	4.1%
Car	138	20.7%
Scooting	4	0.6%
Total	666	100%

### Consultation Responses

14. *Local Member, Martin Tett* - No comment received.
15. Amersham Town Council – **Object** to the application as they believe the provision of a cycle route should remain part of the planning consent.
16. Highways Development Mangement –
  - 1) Having reviewed the existing mode share of the school, which indicates that 2.9% (19) of students currently cycle to the school, the level of students anticipated to cycle in the future years would be at most an additional 10 students. The applicant has presented that the costs of this work would make the project unfeasible, and due to the low numbers of pupils cycling to and from the site, at least a proportion of the costs involved with the cycle-way scheme would be better invested towards achieving sustainable mode targets in the Travel Plan.  
  
In terms of a specific target, it is suggested that the focus should be on reducing the use of the private car to a figure of 15%, with the car share aspect not exceeding 5%. From a Highways Development Management perspective, the interest is around a reduction in car-borne trips to and from the site.
  - 2) The scheme for the access junction can be covered by detailed design and subject to a Section 278 agreement under the Highways Act 1980 as amended.
  - 3) It is also advised that any future application that comes forward may need to consider the provision of a cycle-way/foot-way improvement in the vicinity of the site.
17. *CDC District Planning Officer* – No comment received.
18. *Safer Routes to School* – Awaiting comment.

19. *Buckinghamshire Fire and Rescue Service* – No comment received.

### **Representations**

20. Great Missenden Council has commented as follows:

Although this application is not within the parish, the request to remove a condition imposed was considered by the parish council in light of the recent proposal by Bucks CC to itself to expand the Misbourne Academy which is within the parish, and which permission if given is likely to incorporate a number of conditions designed to reduce the ecological impact of the development. It appears that the current request to remove a planning condition to provide a cycleway is driven purely by financial constraints with no consideration for the need to provide adequate alternative transportation strategies for schools and to enhance and improve the health of young people by encouraging them to travel to and from school other than by motorised transport and on that basis the Parish Council objects to the proposed removal of the condition, anticipating that if the condition is removed in this case, similar conditions imposed in respect of the Misbourne Academy will be the subject of similar requests if and when the principal development has been completed.

### **Planning Policy & Other Documents**

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
22. The development plan for this area comprises of:
- Core Strategy for Chiltern District 2011 (CSCD)
  - Saved policies of the Chiltern District Local Plan (CDLP)
23. The draft Chiltern and South Bucks Local Plan 2036 (CSBLP) was submitted for independent examination on 26<sup>th</sup> September 2019. It therefore carries limited weight at this time but is also relevant.
24. The policies relevant to this planning application from the CDLP are as follows:
- GB1 (Extent of Green Belt)
  - GB2 (Green Belt)
  - GC1 ( Design)
  - GC3 (Amenity)
  - GC4 (Landscaping)
  - LSQ1 (AONB)
  - TR2 (Highway Aspects)
  - TR11 (Provision of Off-Street Parking)

- TR16 (Parking and Manoeuvring Standards)

25. The policies relevant to this planning application from the CSCD are as follows:

- CS1 (Spatial Strategy)
- CS3 ( Amount and distribution of non-residential development)
- CS4 (Sustainable Development)
- CS20 (Design and Environmental Quality)
- CS22 (AONB)
- CS25 (Impact of transport)
- CS26 (Requirements for new development)
- CS29 (Community Facilities)

26. The policies relevant to this planning application from the CSBLP are as follows:

- DM DP1 (Design)
- DM NP1 (Chilterns AONB)
- DM NP9 (Amenity)
- SP PP1 (Green Belt)

27. The CLG Letter to chief the Chief Planning Officers dated 15<sup>th</sup> August 2011 is relevant to this development.

28. The Government's revised National Planning Policy Framework (NPPF) was published in February 2019. The paragraphs particularly relevant to this planning application are:

- *Schools*: Paragraphs 92 & 94
- *Green Belt*: Paragraphs 133,143,144 & 145
- *Considering development Proposals*: Paragraph 109
- *Planning Conditions*: Paragraphs 55 & 56

## **Discussion**

29. The application presented to committee today is an application that has been made under section 73 of the Town and Country Planning Act to vary a condition on a development which already benefits from planning permission. This development, (CC/0013/19) the proposed demolition of an existing defunct single-storey Dining Hall and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block was granted planning permission by Development Committee on 15<sup>th</sup> August 2019. The application presented today seeks Condition 6 of the permission to be removed which requires the delivery of a footway/cycle way between the site and Stanley Hill avenue and an approved scheme be provided for ensuring the efficient use of the access junction. Given the nature of the proposed amendment the relevant matters for consideration are:

- Need



- Green Belt
- Design and Chilterns AONB
- Amenity
- Highways, Parking and Access

With particular focus upon, within the context of this application:

- Highways Impact
- Sustainability and Climate Change
- Paragraph 55 & 56 of National Planning Policy Framework

### **Need**

30. The CLG letter to Chief Planning Officers dated 15<sup>th</sup> August 2011 sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement reads:
- “The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.”*
31. It further states that the following principles should apply with immediate effect:
- There should be a presumption in favour of the development of state-funded schools;
  - Local Authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
  - Local Authorities should make full use of their planning powers to support state-funded schools applications;
  - Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
  - Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
  - A refusal of any application for a state-funded school or the imposition of conditions will have to be clearly justified by the Local Planning Authority.
32. This is further endorsed as the National Planning Policy Framework (NPPF) emphasises in Paragraph 92 that planning permissions should plan positively for the provision and use of space and local services to enhance the sustainability of communities. In addition, Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It adds that great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
33. Policy CS29 from the Core Strategy for Chiltern District (CSCD) advises:



*“the provision of community facilities in areas of the District where there is an identified need. An option would be to consider policy exceptions to encourage such facilities to be provided.”*

34. In summary, there is strong policy support in favour of development at schools, for increasing the availability of places. The proposed development at Amersham School is in accordance with these policies.

### **Green Belt**

35. The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. CSCD policy CS1 sets the spatial strategy for the District which is to in part protect the Green Belt by focusing development in areas not so designated. Policy GB2 from the CDLP outlines the types of development which are not inappropriate in the Green Belt, though it is more restricted than what is set out in the NPPF. The school development does not fall into any of the categories which would be permitted. CSBLP policy SP PP1 states that planning permission will not be granted unless very special circumstances have been demonstrated or specific other policies are accorded with.
36. Paragraph 145 from the NPPF states that a planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The development does not meet any of the exceptions outlined. Therefore the approved development was defined as inappropriate and harmful to the Green Belt.
37. Paragraph 143 of the NPPF states that:

*“inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”*

38. Paragraph 144 of the NPPF

*“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, resulting from the proposal, is clearly outweighed by other considerations.”*

39. Moreover, as stated in paragraph 133 of the NPPF the purpose of the Green Belt is to prevent urban sprawl by keeping land permanently open. However, Amersham School is established within the designated Green Belt and the previously approved development to which this application relates was acknowledged to be sensitively designed to remain within the existing built footprint of the school.
40. Regardless, as the proposal was by definition inappropriate, development within the Green Belt permission was only granted on the basis of very special circumstances. It was considered that the need for school places in the local area in conjunction with the CLG Letter to Planners dated 15<sup>th</sup> 2011 and the aforementioned paragraphs in the NPPF demonstrated very special circumstances to warrant exception to listed policies, C1 and GB2 of the CDLP, CSCD policy CS3 and in accordance with CSBLP policy SP PP1.
41. This application to remove the condition requiring provision of a cycleway/walkway would result in less development occurring in the Green Belt. Moreover, at the time

of the prior application, it was adjudged that neither the provision of the cycleway/walkway nor the submission of an approved scheme ensuring the efficient use of the access junction would make the development acceptable in the Green Belt and its acceptability fell within the overall demonstration of very special circumstances. Therefore I consider that the proposal to remove condition 6 of this application does not change the assessment of the development against Green Belt policy and that the very special circumstances for the development remain.

### **Design and the Chilterns AONB**

42. Policy GC1 of the CDLP supports development to a high standard which takes into account the relevant characteristics of the site. Similarly Policy DM DP1 from the emerging CSBLP states:

*Planning permission will be granted provided that:*

*1 the Design and Access Statement demonstrates that the site and its context has been understood and respected;*

*2 all opportunities and constraints have been identified and responded to appropriately; and*

*3 the Plan's design principles have been positively reflected in the application.*

*Opportunities and constraints will be considered through robust and meaningful engagement with the Council, local communities and other stakeholders.*

43. At the time at which the prior application was adjudged it was considered that the development was in compliance with policies GC1 & LSQ1 of the CDLPP, policies CS20 & CS22 of the CSCD and CSBLP policies DM DP1 and DM NP1. It is not considered that this application to remove condition 6 would make the development unacceptable in accordance with these policies.
44. Furthermore, CDLP policies GC4 and GB30 and CSBLP policy DM NP5 relating to protection of landscape including existing trees and hedgerows were decided to be complied with at the time of the original application. This application to remove condition 6 would not result in the amended permission being in contravention of the aforementioned policies.

### **Amenity**

45. With regard to the permitted application to which this section 73 application relates it was considered unlikely that any discernible adverse amenity impacts would arise as a result of the development. Therefore, the approved development was considered to be in compliance with policy GC3 of CDLP and CSBLP policy DM NP9 which seek to protect amenity. It is not considered that the proposed development seeking removal of condition 6 would render the existing approved application unacceptable on amenity grounds.

### **Highways, Parking and Access**

46. The already permitted development would result in an expected 180 additional pupils attending the school in addition to 10 further FTE employees. To address the impact upon highways from this as part of the development a new pick up / drop off facility comprising of 18 bays was proposed in addition to the widening of the

access road and this forms part of the development that has been permitted. In addition, various aspects in the interest of highways were secured by condition including Condition 6, the subject of this application.

47. With regard to the already permitted development it was considered that the application was considered to be in compliance with policies TR2, TR11 and TR16 of the CDLP, and policies CS25 and CS26 of the CSCD subject to no over-riding issue being identified by the Highway Authority. In the Highway Authority's response it was identified that the drop off facility should not negatively impact site access. The authority also adjudged the impact of the development with respect to the A404 mini roundabouts with Raans Road and the A4154. It was decided that the proposed extension's traffic impact on the junction was not considered to be severe in the context of the NPPF and so mitigation at this junction was not sought in this instance. Thus, the Highway Authority had no objection to the proposal subject to the attachment of planning conditions.
48. Policies CS25 and CS26 and Policy TR2 of the CDLP taken together seek to ensure new development does not materially worsen existing issues on the transport network. It can be considered that the provision of drop off / pick up facilities and the widening of the access sufficiently mitigate any negative impacts and henceforth satisfy the above conditions. Whilst the provision of a cycleway / footway might help mitigate the impact of the proposal the modal shift demonstrates only 19 students currently cycle to school. When extrapolated to include the new student intake this would rise (given the same percentage uptake) to 25 students and so not a significant increase. It does seem therefore that the current requirement for the provision of the cycleway is disproportionate to the increase in cycle usage and so the additional impact would not require to be mitigated. There is an existing footway on both sides of Stanley Hill which is already used by nearly 43% of the pupils. It is fair to conclude that the cycleway requirement in this instance is disproportionate to the impact of the development and that it is therefore not reasonable or necessary for the condition to be attached in order to make the development acceptable.
49. The Highway Authority has advised that it is satisfied that the cycleway is not now required in order to render the development acceptable and that the provision of more sustainable modes of transport can be addressed through the provision of an updated school travel plan with commensurate funding towards achieving targets for the take-up of alternatives such as to reduce the use of the private car for the delivery and picking-up of pupils to a figure of 15% with the car share aspect not exceeding 5%. The improvements to the access, currently required in the second part of the condition, can be achieved outside the planning permission through a section 278 agreement pursuant to the Highways Act 1980 as amended.
50. Therefore, I consider that the impact of the development is sufficiently mitigated via the existing provision of drop off / pick up facilities, the improvement of the access and the provision and implementation of the updated School Travel Plan which would be secured by condition 14, as under the existing permission but with explicit reference to the setting of targets. Therefore, the application is in compliance with the listed development plan policies.
51. Considering this application to remove condition 6 of planning permission no. CC/0013/19, paragraph 109 of the NPPF advises 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. As stated above, it is adjudged that the impact of the development

is not thought to be severe and therefore this application should not be refused on highway grounds.

### **Sustainability and Climate Change**

52. Policy CS4 of the CSCD seeks to ensure that development helps to contribute to national targets to reduce overall CO<sub>2</sub> emissions and has regard to sustainable development principles. This includes maximising use of previously developed land making best use of existing transport infrastructure and reducing reliance on the car. Whilst the application to remove the condition requiring delivery of a footway/cycleway might seem in contravention of this policy the siting of the school on a 4% slope does not necessarily lend well to cycling. This is perhaps evidenced by the modal shift from 2017 showing only 2.9% (19 Students) of students cycling.
53. Further to this, Condition 15 of planning permission CC/0013/19 outlines that an updated School Travel Plan must be submitted which includes analysis of existing modal split for staff and pupils at the school and detailed proposals for future sustainable transport promotion, with the aim of securing no increase in car movements generated. This is already a substantial commitment to be made. So, encouraging use of more suitable sustainable modes through application of the School Travel plan would be more relevant and have a greater contribution in reducing car journeys to school. It is therefore considered that Policy CS4 has been complied with.

### **Other matters**

54. Paragraph 55 & 56 of NPPF outline how planning conditions should only be sought if they are necessary, relevant, enforceable, precise and reasonable. In the context of this application it can be argued the provision of a cycleway/footway is not necessary to make the development application acceptable in planning terms as the impact upon the road network was adjudged to not be severe. Moreover, it can be argued the condition does not meet the test requiring conditions to be reasonably related in scale and kind to the development.
55. The comments received from Great Missenden Parish Council are noted but these are considered to relate to a precedent being set for the consideration of similar planning applications coming forward in association with a separate development at The Misbourne School. Any applications to remove or vary conditions on the planning permission for that development would have to be considered on their merits against development plan policy and other material considerations. It is not therefore considered that the comments made are material to the consideration of this planning application at The Amersham School.

### Equality and Diversity issues

56. As required as part of the Equality Act 2010 Section 149, in determining this application due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

57. It is not considered the proposal would conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

## **Conclusion**

58. Application CC/0056/19 seeks the removal of condition 6 relating to planning permission CC/0013/19 which required the delivery of a footway/cycle way between the site and Stanley Hill avenue and an approved scheme be provided for ensuring the efficient use of the access junction.
59. I believe the removal of Condition 6 would not result in the application being unacceptable as a whole as it will accord with planning policy and not result in unacceptable impact.
60. Subject to the conditions in Annex A below, I therefore recommend the proposed development is approved.

## **BACKGROUND PAPERS**

Consultation responses, representations and communications dated December 2019, January 2020 and February 2020.

Chiltern District Council Local Plan

Core Strategy for Chiltern District

Emerging Chiltern and South Bucks Local Plan

CLG Letter to Chief Planning Officers dated 15th August 2011

## APPENDIX A

### Time limit for commencement

1. The development hereby permitted must be begun before 15<sup>th</sup> August 2022. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

### Approved Plans

2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted documents and the following drawings:

- Drawing no. 414.07296.00007.0004 Rev P1 Site Location Plan
- Drawing no. 414.07296.00007.0005 Rev P1 Proposed Block Plan
- Drawing no. 414.07296.00007.0003 Rev P03 Hardworks Proposals
- Drawing no. 414.07296.00007.0002 Rev P06 Outline Softworks Proposals
- Drawing no. 414.07296.00007.0001 Rev P15 Landscape Strategy Plan
- Drawing no. AMS001-AHR-E-RF-GA-A-2006 D5 Rev P01 Planning - Block E GA Proposed Roof Plan
- Drawing no. AMS001-AHR-E-ZZ-EE-A-2016 D5 Rev P01 Planning - Block E Proposed Elevations
- Drawing no. AMS001-AHR-E-ZZ-SE-A-2050 D5 Rev P01 Planning - Block E Proposed GA Sections
- Drawing no. AMS001-AHR-N-00-GA-A-2006 D5 Rev P02 Planning - Block N GA Proposed Ground Floor Plan
- Drawing no. AMS001-AHR-N-ZZ-GA-A-2008 D5 Rev P02 Planning - Site Block Plan
- Drawing no. AMS001-AHR-E-00-GA-A-2006 D5 Rev P01 Planning - Block E GA Proposed Ground Floor Plan
- Drawing no. AMS001-AHR-N-01-GA-A-2005 D5 Rev P01 Planning - Block N GA Proposed First Floor Plan
- Drawing no. AMS001-AHR-N-RF-GA-A-2006 D5 Rev P01 Planning - Block N GA Proposed Roof Plan
- Drawing no. AMS001-AHR-N-ZZ-GA-A-2007 D5 Rev P01 Planning - Block N Block Plan
- Drawing no. AMS001-AHR-N-ZZ-GA-A-2008 D5 Rev P02
- Drawing no. AMS001-AHR-N-ZZ-EE-A-2017 D5 Rev P01 Planning – Site Block Plan
- Drawing no. AMS001-AHR-N-ZZ-GA-A-2009 D5 Rev P01 – Planning – Existing and Proposed Car Park Layout
- Drawing no. AMS001-AHR-N-ZZ-EE-A-2018 D5 Rev P01 Planning - Block N Proposed Elevations Drawing no. AMS001-AHR-N-ZZ-SE-A-2052 D5 Rev P01 Planning - Block N Proposed GA Sections B-B,C-C
- Drawing no. AMS001-AHR-N-ZZ-SE-2060 D5 Rev P01 Planning - Site Sections
- Drawing no. 70042627-104 Rev P01 Proposed Levels
- Drawing no. 70042627-105 Rev P02 External finishes
- Drawing no. 70042627-107 Rev P02 Construction Details
- Drawing no. 70042627-100 Rev P04 Existing/Proposed Arrangement
- Drawing no. 414.07296.00007.0002 Rev P02 Outline Softworks Proposals With Arboriculture Information

- Drawing no. 100/B Arboricultural Survey
- Amersham School Cross-Sections (showing location of boundary fencing)
- Drawing no. 70042627-D-002 Rev P04 Dining Hall, Reception and Car Park Foul and Surface Water Drainage Layout (If Infiltration Is Feasible)
- Drawing no. 70042627-D-001 Rev P04 Science Block Extension Proposed Foul and Surface Water Drainage Layout
- Drawing no. 70042627-D-002 (Infiltration Not Feasible) Rev P04 Dining Hall, Reception and Car Park Foul and Surface Water Drainage Layout (if Infiltration Not Feasible)
- Drawing no. 414.07296.00007.0010 Rev P03 Indicative Cycle Storage Details
- Drawing no. 414.07296.00007.0011 Rev P02 Indicative Step Details
- Drawing no. 414.07296.00007.0012 Rev P02 Indicative Ramp Details
- Drawing no. 414.07296.00007.0020 Rev P05 Temporary Car Parking Plan
- Drawing no. 70042627-102 Rev P05 General Arrangement
- Drawing no. 70042627-D-003 Rev P04 Deep Borehole Soakaway
- Drawing no. 70042627-D-004 Rev P03 Manhole Details
- Drawing no. 70042627-D-005 Pipe Bedding Details
- Drawing no. 70042627-103 Rev P01 Vehicle Swept Path Analysis

Reason: To define the development which has been permitted so to control the operations in accordance with policy 28 of the BMWLP and policies GP.8 and GP.35 of the AVDLP.

### **Pre-commencement Conditions**

3. The development shall not be carried out other than in accordance with the Arboricultural Method Statement approved pursuant to condition 3 of planning permission no. CC/0013/19 throughout the construction period for the development.

Reason: To ensure that the trees and hedgerows to be retained are protected in accordance with policies GC4 and GB30 of the CDLP.

4. Prior to the commencement of the development, a scheme of landscape planting and grass seeding shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:

- Detailed planting proposals and specification stating species size at time of planting; spacing/densities; total plant numbers; planting protection/fencing.
- Detailed proposals for all grassed areas including seed mixes and sowing rates.
- Design and long-term management objectives for existing and new landscape areas; an establishment management and maintenance programme for a minimum five years of aftercare for all new planting; and during the first five years of the programme, the replacement of all failed new planting (irrespective of cause) in the planting season immediately following failure.

Reason: In the interests of the local landscape, the setting of the Chilterns AONB and the amenities of local residents including those on Stanley Hill in accordance with policies GC4 and GB30 of the CDLP.

5. Prior to any works being undertaken at the site a sensitive lighting design strategy shall be submitted to and approved in writing by the County Planning Authority. The strategy shall:

- Identify those areas/features on site that are likely to be sensitive for bats including areas adjacent to Stanley Wood;
- Provide details of how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that impacts on bats will be avoided; and
- Align with recommendations provided in current guidance on bats and lighting; All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and shall be maintained thereafter in accordance with the strategy.

Reason: To minimise disturbance to nocturnal wildlife including bats in accordance with paragraph 170 of the National Planning Policy Framework.

6. Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the County Planning Authority. The CTMP shall provide for the following:

- the routing of construction vehicles
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- operating hours
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities

The approved CTMP shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and prevention of congestion in accordance with policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP.

7. Other than demolition, no works shall commence 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 County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The detailed scheme shall include:

Ground investigations including: Infiltration in accordance with BRE365 in the locations and geologies of all proposed infiltration components

- Groundwater level monitoring over the winter period within the location of the deep bore soakaway
- Subject to infiltration being unviable, demonstration that an alternative means of surface water disposal is practicable subject to the hierarchy listed informative below:
- Into the ground (infiltration);
- To a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.'
- Full construction details of all SuDS and drainage components



- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. (Any on-site flooding between the 1 in 30 and the 1 in 100 plus climate change storm event shall be safely contained on site.)
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.

Reason: To ensure that a sustainable drainage strategy has been approved prior to construction in accordance with CSCD policy CS4 and paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8. Prior to the commencement of the development a “whole-life” maintenance plan for the site shall be submitted to and approved in writing by the County Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) both during and following construction, with details of responsibility for carrying out the maintenance. The plan shall subsequently be implemented thereafter in accordance with the approved details.

Reason: To ensure that maintenance arrangements have been arranged and approved before any works commence on site that might otherwise be left unaccounted for in accordance with CSCD policy CS4.

### **On-going Conditions**

9. No other part of the development shall be occupied until the new means of access has been altered in accordance with the approved drawings and constructed in accordance with Buckinghamshire County Council’s guide note “Commercial Vehicular Access Within Highway Limits” 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP.

10. The scheme for parking, garaging and manoeuvring indicated on the approved drawings shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP.

11. Prior to the occupation of the development, details of the cycle parking provision shall be submitted to and approved in writing by the County Planning Authority. The cycle parking shall be laid out in accordance with the approved details prior to occupation of the development.

Reason: To ensure sufficient levels of cycle parking within the site to encourage sustainable travel in line with the NPPF.

12. Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme

carried out by a suitably qualified person shall be submitted to and approved in writing by the County Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System has been constructed as per the approved drawings and is designed to the technical standards in accordance with CSCD policy CS4.

13. Measures for the mitigation of the impact on protected species and other ecological features of interest shall be implemented in accordance with the details set out in the *Preliminary Ecological Appraisal and Preliminary Roost Assessment* Report (Bernwood ECS Ltd, February 2019).

Reason: To ensure that protected species are safeguarded at all phases of development and to ensure a net gain for biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby permitted, an updated school travel plan in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance' and any other reasonable requirements of the County Planning Authority shall be submitted to and approved in writing by the County Planning Authority. The plan shall include:

- The appointment of a Travel Plan Co-ordinator;
- A programme for facilitating the monitoring of the Travel Plan;
- A parking strategy taking into account the requirements of full time staff and sixth form students;
- A full analysis of the existing modal split for staff and pupils at the school and detailed proposals for future sustainable transport promotion and provision including reducing the use of the private car for journeys to and from the school to a figure of 15%, with the car share aspect not exceeding 5%.

The approved School Travel Plan shall be implemented thereafter.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and so to promote sustainable methods of travel and to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

15. Following the first occupation of the development hereby permitted, the approved School Travel Plan shall be reviewed and updated and submitted to and approved in writing by the County Planning Authority on an annual basis, at the end of each academic year. In the event of an increase in the number of car movements, the school shall set out the measures to be taken to promote a reduction in the number of car borne trips. The approved reviewed and updated School Travel Plan shall be implemented during the academic year thereafter.

Reason: In order to promote sustainable methods of travel, to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

## **INFORMATIVES**

### **Compliance with Article 35 of the Town and County Planning (Development Management Procedure) Order 2015**

In determining this planning application, the County Planning Authority has worked positively and proactively in accordance with the requirements of the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, this requirement can be demonstrated through the County Planning Authority working to highlight and seek to resolve consultee concerns with regard to highways impacts.

### **Highways Act**

Works to the highway necessary to ensuring the efficient use of the access junction will be subject to a Section 278 agreement entered into prior to the commencement of the development pursuant to the Highways Act 1980 as amended and this will include the approval of details design of the access including layout of the access.

### **Mud on the Road**

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

### **Site Notice**

Please remove any site notice that was displayed on the site to advertise this planning application.



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

