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## Report to Buckinghamshire Council Central Area Planning Committee

<b>Application Number:</b>	23/02704/VRC
<b>Proposal:</b>	Variation of Condition 2 (approved plans) 3 (drainage strategy) 6 (drainage and flooding) relating to application CC/66/16 (New three form entry (3FE) primary academy with nursery and accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms)
<b>Site location:</b>	Green Ridge Primary Academy, President Road, Aylesbury, Buckinghamshire, HP18 0YA
<b>Applicant:</b>	Morgan Sindall and Buckinghamshire County Council
<b>Case Officer:</b>	Carrie Chan
<b>Ward affected:</b>	STONE AND WADDESDON
<b>Parish-Town Council:</b>	BERRYFIELDS
<b>Valid date:</b>	6 September 2023
<b>Determination date:</b>	9 February 2024 (EOT)
<b>Recommendation:</b>	Approve subject to conditions and informatives

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### 1.0 Summary & Reason for Planning Committee Consideration

- 1.1 Buckinghamshire Council is the joint applicant of this application therefore in accordance with the Buckinghamshire Council Constitution, this application must be determined by the Area Planning Committee.
- 1.2 This variation of conditions application seeks permission to make a number of amendments to a 2016 application (approved in 2017) planning application for a new three form entry (3FE) primary academy with nursery and accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms). The planning permission has been implemented.
- 1.3 The changes proposed are considered to be modest in scale and appropriate to the use and the wider context of the site. Most of the changes will not be readily visible from outside the site and as such would have no additional adverse impact on the existing character and appearance of the area over and above the existing consent. It is not considered that the changes proposed will have any additional impact on the amenities of the neighbouring occupiers or the existing highway network. Provided the relevant conditions are added, the proposal would accord with the relevant policies within the Development Plan.

1.4 The recommendation is that the application be **approved subject to conditions** listed in Section 8 of this report.

## 2.0 **Description of Proposed Development**

### Site Location

2.1 The application site is located to the north of President Road and west of Crispin Street, on the edge of Berryfields and comprises a new school and its associated outdoor space, parking and landscaping. Access to the site is via President Road.

2.2 To the east, south and west of the application site are residential dwellings and to the north is a public footpath and beyond that, an area of undeveloped land.

2.3 The site is not located within any designated Conservation Area, AONB or Green Belt. There are no protected trees or listed buildings within or adjacent to the site.

2.4 This application seeks planning permission to vary the wording of Conditions 2 (approved plans), 3 (drainage strategy) and 6 (drainage and flooding) attached to Planning permission CC/66/16, to accommodate the following changes:

- External alterations to the approved Phase II extension, with no change to the internal layout.

- Installing photovoltaic panels on roof.

- Removal of the growing garden (north of the approved building) to accommodate an area of new hardstanding (545m<sup>2</sup>) as hard play area with metal rebound fencing, ball walls and seating.

- Associated drainage.

- Creation of a grasscrete area to the north of the existing MUGA.

2.5 For clarification, the rest of the site remains unchanged.

2.6 The application is accompanied by the following:

- a) Covering letter
- b) External finishes details
- c) Landscaping plans
- d) Security zoning and access plan
- e) Details of external services
- f) Drainage information
- g) External levels plans

Amended drainage plan received during the assessment stage of the application.

## 3.0 **Relevant Planning History**

Reference: CC/66/16

Development: New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Permission granted

Decision Date: 8 March 2017

Reference: 17/04560/ACC

Development: Approval of details pertaining to condition 5 (materials) of permission number CC/66/16 for New three form entry (3FE) Primary Academy with nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms.

Decision: ACCN

Decision Date: 8 December 2017

Reference: 18/01489/ACC

Development: Consultation on Section 73 application for the variation of Condition 7 (Construction site work activities) pertaining to application CC/66/16 to extend the Saturday construction site work activity hours from 08:00- 13:00 to 08:00 -17:00.

Decision: ACCN

Decision Date: 18 May 2018

Reference: NMA/0058/2018

Development: Non Material Amendment sought for the amendments of landscape proposals for the permanent school, including general strategy, planting plan and details on Application CC/66/16; New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Non Material Amendment Permitted

Decision Date: 27 July 2018

Reference: NMA/0047/2018

Development: The amendment of a boundary line and location of the substation for CC/66/16; New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Non Material Amendment Permitted

Decision Date: 20 June 2018

#### 4.0 **Consultation comments and third party representations**

##### Councillor Comments

Stone and Waddesdon

Cllr Paul Irwin

Cllr Ashley Waite

Cllr Mick Caffrey

No comments received.

#### Parish Council Comments (Verbatim)

Berryfields Parish Council: The Parish Council supports this application.

#### Consultation Responses (Summarise)

Ecology: No objection, the amendments proposed do not impact the ecological enhancement measures which are detailed in the landscape drawings submitted for this application.

Education Service: As the applicant, is supportive of the application.

Highways: No highway objections.

LLFA: No objection to the variation of condition, subject to the following condition being placed on approval.

Following the submission of the amended drainage plan: No objection, subject to condition.

#### Representations

No third-party comments received at the time of writing this report.

### **5.0 Policy Considerations and Evaluation**

**5.1** The starting point for decision making is the development plan, i.e. the adopted Vale of Aylesbury Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2023) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF

### **5.2 The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021 (carries full weight)

Policy S1 –Sustainable development for Aylesbury Vale  
Policy T1 - Delivering the sustainable transport vision  
Policy T4 – Capacity of the transport network to delivery development  
Policy T5 – Delivering transport in new development  
Policy T6 - Vehicle Parking  
Policy BE2 Design of new development  
Policy BE3 Protection of the amenity of residents  
Policy NE1 Biodiversity and Geodiversity  
Policy I3 - Community facilities, infrastructure and assets of community value  
Policy I4 - Flooding  
Policy C3 - Renewable energy

Neighbourhood Plan

There is no made neighbourhood covering the area.

5.3 **National Policy**

National Planning Policy Framework (NPPF) 2023  
Section 2 –Achieving sustainable development  
Section 4 –Decision making  
Section 12 –Achieving well-designed places  
Section 14 –Meeting the challenge of climate change, flooding and coastal change

In addition, the Planning practice Guidance (PPG) is also a material consideration

5.4 **Main issues:**

Principle of development  
Design, character and appearance  
Residential amenity  
Highway and parking implications  
Ecology  
Flood risk

Principle of development

- 5.5 There have been several changes to both the national and local planning policies since the determination of the original application, including a new Local plan (VALP) having been adopted in Sept 2021.
- 5.6 This application seeks to vary to vary a number of conditions attached to a planning permission granted in 2017. For clarity, there will be no change to the end use of the site or the number of buildings on site.

- 5.7 The principle of development was considered acceptable at the time of assessing the original application and given majority of the works approved under the 2017 permission have been completed and in use, it would be unreasonable to re-assess the principle of development under this application.
- 5.8 With the above in mind, the rest of this report will concentrate on the changes proposed in this application and these will be assessed against the latest Development plan.

#### Design, character and appearance

- 5.9 Policy BE2 of VALP emphasises that new development, including buildings and other structures must preserve local distinctiveness through design, use of materials, density, siting and height.
- 5.10 The Phase II of the building works (the subject of this application) would be attached to the rear (northern end) of the existing school building and would run parallel with the eastern site boundary. There will be minor changes to the envelope and roofscape of this part of the building, but no changes are proposed to the approved dimensions or the siting of this Phase Two extension. A stepover ladder is proposed on the roof and would provide access between the existing and proposed built forms.
- 5.11 The installation of photovoltaic panels on the roof of this extension would not be readily visible from outside the site given the setback position of the building and the design of the roof. Furthermore, the introduction of renewable energy is both encouraged and supported by Policy C3 of VALP and the NPPF.
- 5.12 The proposed removal of the growing garden to the north of the Phase II building in order to accommodate an area of hard surface play area with associated equipment is not objected to. The removal of the growing garden would have very little impact on the overall appearance of the site and from outside the site, the change would not be noticeable. Given the hard surface area is located within the school ground, there is very little risk of it being used outside of sociable hours. Details of the gate, the ball walls and seating will be secure via condition(s) if permission is granted. The provision of such facilities is a matter solely for the school.
- 5.13 Although changes to the approved drainage system are necessary due to an increase in hardstanding on site, the works are considered to have no adverse impact on the approved scheme.
- 5.14 The creation of a grasscrete area north of the existing MUGA would not be noticeable from outside the site.
- 5.15 A new metal rebound fence is also proposed between the existing building and the warm up area. According to the submitted plan, this fence will be 2m high with an access gate. Given this is set well within the site, it is unlikely to have any adverse impact on the wider area.
- 5.16 The above changes are supported by the Council's Education Team.

- 5.17 Overall, it is considered that, in the context of the wider site, the changes proposed are modest in scale and would not have any adverse impact on the character and appearance of the wider school site. Provided the appropriate conditions are added, the proposed development would accord with Policy BE2 of VALP.

#### Residential amenity

- 5.18 Policy BE3 of the VALP seeks to ensure that development proposals do not cause an adverse impact on residential amenity.
- 5.19 The use of the site as a school has already been established and it has been accepted, by virtue of the 2017 permission, the Phase II extension would be located at the rear of the existing building where there was always an extension planned.
- 5.20 Given all the proposed changes will take place within the school site, it is not considered that there will be any additional impact to the neighbouring occupiers above what was expected at the assessment stage of the original application.

#### Parking and highways implications

- 5.21 Policies T1, T4 and T5 of VALP seek to ensure that development proposals are sustainable in regard to their links to public transport, traffic generation and general accessibility to all users of the highway. Policy T6 governs the parking requirement for the development and highlighted that all development must provide an adequate level of car parking.
- 5.22 Furthermore paragraph 111 of the NPPF 2021 highlighted that development can be 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.
- 5.23 In this instance, the changes proposed will not require any additional parking spaces above what was requested at the original application stage. The above is echoed in the Council's Highways Officer's comment where he confirmed that there is no highways objection to this application.

#### Ecology

- 5.24 Policy NE1 of VALP and the NPPF state that the Council will aim to conserve and enhance biodiversity. It also states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife.
- 5.25 It is considered that the amendments proposed do not impact the ecological enhancement measures which are detailed in the landscape drawings submitted for this application.
- 5.26 As such, no supporting ecological information is required and there are no ecological reasons to object to this application.

### Flood risk

- 5.27 Policy I4 of VALP seeks to ensure development incorporates a sustainable drainage system and management plan.
- 5.28 The site is located within flood zone 1 where in accordance with the Environmental Agency flood map, the land and building have low probability of flooding.
- 5.29 Due to an increase in hardstanding, several drainage information has been submitted with the application along with an amended drainage strategy plan, and following re-consultation with the Council's LLFA Team, it is considered that provided the development is carried out in accordance with the approved details and the latest drainage layout submitted, the proposal would accord with Policy I4 of VALP and the NPPF.

### **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.4 As set out above it is considered that the proposed changes would accord with development plan policies BE2, BE3, NE1 and I4 of the Vale of Aylesbury Local Plan. The scale of change, in the context of the wider site, is considered to be modest and would not



adversely impact on the use of the site, the character and appearance of the area or any neighbouring occupiers.

- 6.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

#### Human Rights Act 1998

- 6.6 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

#### Equalities Act 2010

- 6.7 Local Planning Authorities, when making decisions, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

### 7.0 **Working with the applicant / agent**

- 7.1 In accordance with the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, the agent and applicant were kept up to date with the progress of the application and amended information was accepted. The agent was also notified of the recommendation in advance of the Planning Committee meeting.

### 8.0 **Recommendation**

- 8.1 The case officer recommends this application for approval, subject to the conditions and reasons listed below:

1. The approved development shall be carried out in accordance with the following drawings/details:
  - 36020-HML-ZZ-ZZ-D-A-10154 Security, Zoning and Access – Planning.
  - 36020-00600 rev C05 External Levels Hard Play Space.
  - 36020-HML-ZZ-ZZ-A-10151 Site Phasing Plan – Planning.
  - 36020-HML-ZZ-ZZ-D-A-10158 Proposed Elevations – Planning.

- 36020-AGL-01-XX-D-ME-40001 rev C07 External Services.
- 36020-BCL-00-XX-D-C-00900 rev C03 External Finishes Details Hard Play Space.
- 36020-HML-ZZ-RL-D-A-10156 rev P01 Roof Layout – Planning.
- 36020-HML-ZZ-ZZ-D-A-10152 rev P01 Landscape General Arrangement – Planning.
- 36020-HML-ZZ-ZZ-D-A-10157 rev P01 Proposed Sections – Planning.
- 36020-00500 rev C08 Drainage Layout Hard Play Space.
- 36020-BCL-00-XX-D-C-00550 rev C03 External Drainage Details Hard Play Space Phase II.
- 36020-HML-ZZ-00-D-A-10155 rev P01 General Arrangement Plan – Planning.
- 36020-HML-ZZ-ZZ-D-A-10153 rev P01 Landscape Availability Plan – Planning.
- 36020-00700 rev C05 External Finishes Hard Play Space.
- 36020-HML-ZZ-ZZ-D-A-10150 Proposed Site Plan

Reason: Reason: For the avoidance of doubt and to secure sustainable development in line with the objectives of the Development Plan.

2. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment FRA prepared by AKS Ward (ref. BPNS-AKSW-00-ZZ-RP-C00001\_Flood\_Risk\_Assessment, dated March 2016), the Surface & Foul Drainage Design and Maintenance Philosophy prepared by PEP (ref. 453216-PEP-00-XX-RP-D-6200 Rev. P02, dated October 2016), the Drainage Layout Hard Play Space drawing prepared by BCAL Consulting (ref.36020-BCL-XX-XX-DR-C-00500 C08, dated 15.01.24) and the following mitigation measures detailed within the FRA:
  - Limiting the surface water run-off generated by the total site area to 14.1l/s,
  - Incorporate sustainable drainage measures such as tanked permeable paving, attenuation storage and granular trenches,
  - Whole life maintenance and management plan, which sets out the frequency of maintenance activities and who is responsible for completing such activities.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure a Sustainable Drainage Strategy is put in place and to minimise the impact of flooding elsewhere in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the details within the Construction Management Plan and Traffic Management Plan approved as part of the Discharge of conditions application reference AOC/0027/17.

Reason: In the interests of highway safety, prevention of congestion and protect residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

4. The development hereby permitted shall be carried out and constructed in accordance with the materials specified on the approved plans and schedule.

Reason: To ensure the development is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

5. Prior to the installation of the ball walls associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. Prior to the installation of the seatings associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

7. Prior to the installation of the double leaf gate associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

8. Construction site work activities must be restricted to the hours agreed and approved under Planning application reference CC/0033/18.

Reason: To ensure the development is delivered within a set timeframe and in the interests of highway safety, prevention of congestion and protect residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9. The development hereby approved shall continue to be served by the following off site highway works:

- Zebra crossing to connect to the site to the south side of Bramley Road;
- “Keep Clear” road markings along Bramley Road adjacent to the school site;
- Double and single yellow lines along Bramley Road adjacent to the school site;
- Signage to set up parking restrictions and that stopping is prohibited during the hours of 8.00am and 9.00am in addition to 2.30pm and 4.00pm along Bramley Road adjacent to the school site.

Reason: To ensure the safety of pedestrians at drop off and pick up times and deter parking on the highway through enforceable parking restrictions, in the interests of local residential amenity and in accordance with policies T4 and BE3 of the VALP and the NPPF.

10. Prior to first use of the final school building, the Car Park management Strategy approved under Discharge of Condition application reference AOC/0046/18 shall be fully implemented and thereafter shall be complied with in perpetuity.

Reason: To ensure safety and effective management of the circulatory drop off/pick up facility minimising the need for parents to park on the Highway, in the interests of the local residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. The Travel Plan approved under Discharge of Condition application reference AOC/0062/17 shall be implemented fully prior to first use of the final school building and shall therefore be remained in perpetuity with regular review and monitoring.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport Policy including in the interests of the local residential amenity and in accordance with Policies T1 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. The landscaping scheme hereby approved shall be carried out in accordance with the approved plans and specifications within or before the first planting season following the completion of development.

Any trees or shrubs removed, dying, severely damaged or diseased within the first two years following the implementation of the scheme shall be replaced in the next planting season with trees or shrubs of the same size and species.

Reason: In the interests of the visual amenities of the local area, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

13. The school buildings shall not be occupied between the hours of 10pm and 6am on weekdays and 10pm and 8am on weekends and Bank/Public Holidays. The school shall not be used for any activity other than community use between the hours of 6pm and 10pm Mondays to Fridays and 8am to 10pm at weekends and Bank/Public Holidays.

Reason: In order to protect the local residential amenity and to promote community interactions and in accordance with Policies BE2, BE3 and I3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

14. Other than the lightings approved by the original permission and those including with the approved plans of this application no additional lighting (external) shall be installed until details have been submitted to and approved by the Local Planning Authority. Details shall include location, illuminance level, direction of lights and hours of operation. The lights shall thereafter be installed in accordance with the approved details.

Reason: In the interest of protecting local amenities and biodiversity in accordance with Policies BE3 and NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

15. Prior to the installation of any PV panels details including fittings shall be submitted to and approved in writing by the Local Planning Authority. The panels shall thereafter be fitted/ installed in accordance with the approved details.

Reason: In the interest of protecting local amenities in accordance with Policy BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Informative(s):

This permission relates solely to the changes proposed within the application and shall be read in conjunction with the original planning permission reference CC/66/16.

**Appendix A: Site Location plan**

**APPENDIX A: Site Plan**



Do not scale - this map is indicative only

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