

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 6 FEBRUARY 2019

Ward: Mapledurham

App No.: 182200/VARIAT

Address: Mapledurham Playing Fields, Upper Woodcote Road, Caversham

Proposal: Erection of 2FE primary school (350 pupils) with associated landscaping, multi-use games area (MUGA), car and cycle parking, and servicing; without complying with conditions 2 (approved plans), 9 (landscaping scheme) and 10 (details of hard and soft landscaping of the MPF Community Car Park) of planning permission 171023/FUL.

Applicant: Kier Construction Thames Valley

Date received: 17 December 2018

Major Application 13-week target decision date: 18 March 2018

RECOMMENDATION:

Subject to:

- (i) **Expiry of the consultation period re-advertising the Section 73 VARIAT application (hereinafter called in this report the VARIAT application) (by 22 February 2019) and no substantive new objection issues (relevant to the consideration of this application) having been received following your meeting;**
- (ii) **Notification of the application to the Secretary of State (via the National Planning Casework Unit) to decide if he wishes to 'call-in' the VARIAT application; and**
- (iii) **The satisfactory completion of a Supplemental Unilateral Undertaking and Deed of Variation by 22 February 2019 to secure the following Heads of Terms.**

Delegate to the Head of Planning, Development and Regulatory Services (HPDRS) to **GRANT** planning permission by 22 February 2019. If the **Supplemental Unilateral Undertaking and Deed of Variation** is not signed by 22 February 2019, delegate to the HPDRS to **REFUSE** planning permission, unless he gives his agreement to any extension of time to allow the planning permission to be issued.

Heads of Terms:

- (i) **That the below obligations relating to the original planning permission under ref 171023/FUL (listed a-d) be carried forward to this current planning application (unless indicated below);**
- (ii) **Provision of a further landscaping/tree mitigation contribution be secured on signing of the Supplemental Unilateral Undertaking and Deed of Variation (details to be advised in the Update Report)**
- (iii) **Clarification of arrangements to address the levels issue to the MPF access between the school and the pavilion; and**
- (iv) **Definition of 'Implementation' in the Supplemental Unilateral Undertaking and Deed of Variation to make explicit that site clearance includes removal of trees/landscaping**
- (v) **Any other ancillary terms and conditions that the Planning Solicitor considers are necessary to protect the Council as Local Planning Authority.**

Obligations relating to the original planning permission 171023/FUL to be carried forward:

(a) Transport improvements:

As set out in previous reports/unchanged

(b) Community Use provisions:

As set out in previous reports/unchanged (save for Community Use Agreement plan to be updated to reflect slight change in floor layout of the variation proposal).

(c) Open space mitigation provisions:

As set out in previous reports/unchanged (but see update above)

(d) Construction Phase Employment and Skills Plan (ESP):

As set out in previous reports/unchanged

Conditions attached to original planning permission 171023/FUL to be varied as shown below:

<u>Condition 171023/FUL</u>	<u>Proposed 182200/VARIAT</u>
1. Std three years	No change
2. Approved plans	Update to reference amended plans
3. Archaeology	No change
4. No clearance in nesting season	No change
5. Construction Method Statement	No change
6. Submission of material samples	No change
7. Security strategy	No change
8. Tree protection	No change
9. Submission of a landscaping scheme	Update to reference amended plans
10. Submission of landscaping scheme for MPF car park	Update to reference amended plans
11. Landscaping implementation	No change, although update to correct 2x typos in the condition
12. Landscaping replacement	No change
13. Construction hours	No change
14. No bonfires	No change
15. External lighting scheme	No change
16. Ventilation/odour control	No change
17. Bicycle/scooter parking	No change
18. Service vehicles	No change
19. BREEAM Certificate	No change
20. Sustainable drainage scheme	No change
21. School travel plan	No change
22. School travel plan annual review	No change, although update to correct 2x typos in the condition
23. Plant noise assessment	No change
24. Retention of lifts	No change
25. New condition: submission of staff car park management plan	

Informatives:

New informative: badgers protected under other legislation
New informative: tree protection to be provided by site hoarding fencing

1. INTRODUCTION

- 1.1 The red line of the application site itself extends to 0.97 hectares in area and lies towards the north-western corner of Mapledurham Playing Fields, the same as for the original planning permission, 171023/FUL. For convenience, here and elsewhere in this report, references to the previous main Agenda report and the update report submitted to the Planning Applications Committee at its meeting on 4th April 2018 on application 171023/FUL are supplied via these links:

Main Agenda report:

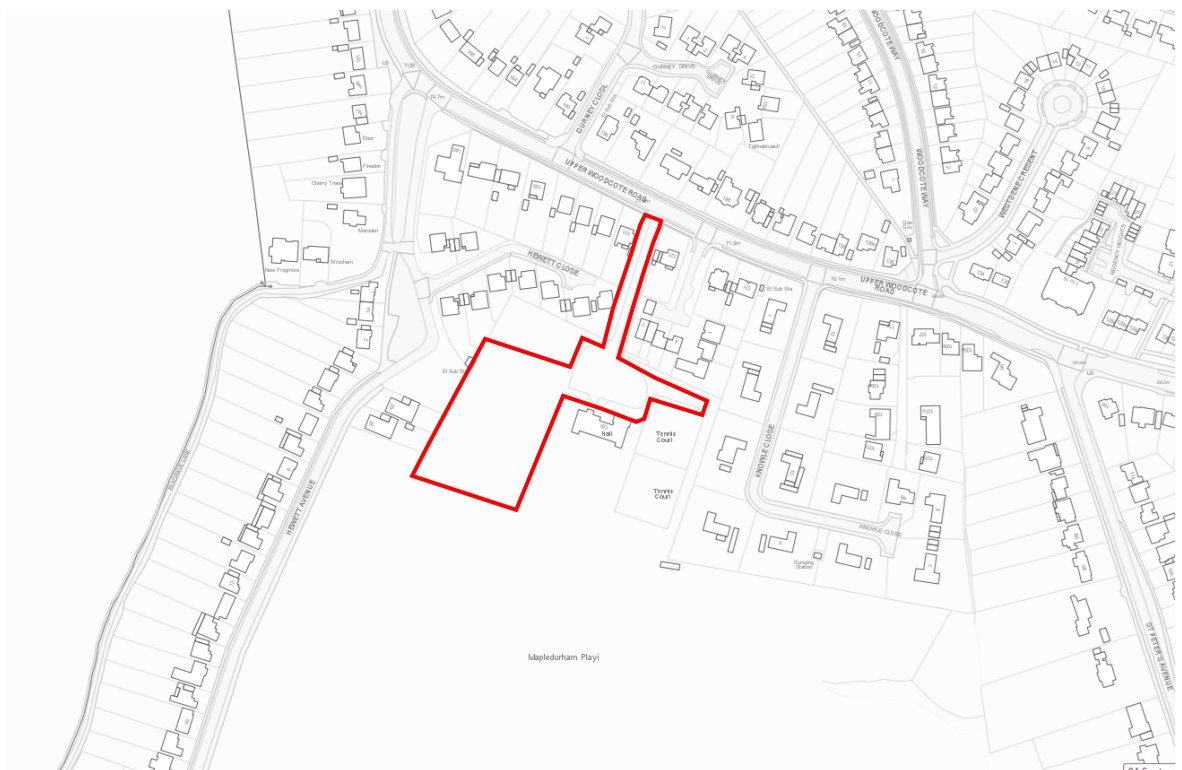
<http://www.reading.gov.uk/media/8595/Item10/pdf/Item10.pdf>

Update Report:

<http://www.reading.gov.uk/media/8713/item10update/pdf/item10update.pdf>

- 1.2 The site is part of the Mapledurham Playing fields and the linked reports above set out the full context.

Location plan (not to scale):





2. PROPOSAL

- 2.1 The original planning application (171023/FUL) was submitted by the Government's Department for Education (formerly the ESFA, Education and Skills Funding Authority) on behalf of The Heights Primary School Trust. For reasons explained below, this current application to alter that original permission is being submitted by the DfE's contractor, who is making arrangements to commence construction. The Heights Free School is currently operating from a temporary site in Gosbrook Road, Caversham. This proposal is to amend the proposal to erect a new permanent two-form entry primary school (projected maximum 350 pupils) on the part of the playing field near to the car park.
- 2.2 This is a VARIAT application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). This means that it seeks some 'minor material' amendments to the original planning permission. However if permission was granted, it would form a separate, stand-alone planning permission. Section 73 requires the Council as Local Planning Authority to consider only the questions of the conditions subject to which planning permission should be granted. This does not however prevent the LPA from looking at the wider considerations affecting the original planning permission. The Government's Planning Policy Guidance makes it clear the LPA can take into account the Development Plan and material considerations under Section 38(6) of the 2004 Act, and the conditions attached to the original planning permission. It goes on to say that LPAs should, in making their decisions, focus their attention on national and Development Plan policies and other material considerations which may have changed significantly since the grant of the original permission.
- 2.3 This report will therefore highlight the differences in planning terms between this and the original planning permission. The changes primarily affect the plans approved by the original planning permission.
- 2.4 For clarity, the main changes are grouped below into those affecting the school building itself (internal then external) and those which concern the levels/trees and landscaping:

2.5 Amendments to the school building are as follows:

- (i) Moving the Reception year classrooms to allow the location of a Year 1 classroom in the north-west corner of the building
- (ii) Minor adjustment of classroom dimensions
- (iii) Introduction of new rooms for reprographics, showers/changing and a group room
- (iv) Relocation of the west stairs and staff office to the south
- (v) Relocation of the library and group room to the north-east corner
- (vi) Toilet numbers increased
- (vii) Kitchen area increased to accommodate a full production kitchen
- (viii) Plant area increased
- (ix) IT server room increased/relocated
- (x) Main hall internal ceiling height increased. Adjoining activity studio adjusted to be a regular shape
- (xi) Increase in floor to floor height to 3.6 metres, to allow for the running of services at high level

2.6 It should be noted that many of the changes above (being internal only) were they to have been undertaken post-completion, would not have required planning permission of themselves; however, they are related to the current project and are being amended as part of this current variation of conditions application.

2.7 Largely as a result of these internal reconfigurations, there are consequential amendments to the external appearance of the building, as follows:

- (i) An increase in window heights
- (ii) Coloured render finish with brick plinth substituted for previous plain white render
- (iii) Slightly amended window layouts
- (iv) Amended school entrance canopy and angled parapet
- (v) North elevation: additional windows and doors
- (vi) East elevation: various opening alterations
- (vii) South elevation: various opening alterations
- (viii) West elevation: various opening alterations.

2.8 Levels, trees and landscaping:

- (i) Provision of retaining wall(s) along western boundary
- (ii) Multi-Use Games Area (MUGA) to be set approximately one metre lower than the school building, with steps/ramps within the site
- (iii) New gate to the playing fields on southern side of the MUGA
- (iv) Removal of additional trees on the western boundary is necessary, as a result of the retaining walls
- (v) Additional mitigation planting within the application site
- (vi) Additional mitigation planting measures off-site.

2.9 In terms of the appearance of the building itself, the elevations below show the building as proposed in the original planning permission and the elevations as proposed in the VARIAT application.

2.10 As previously approved, the School would have its own 20-space car park to the north of the building, for staff use and others outside of school hours. This would be accessed via the Pavilion car park, which would be upgraded to a hard surface and the circulation formalised, to in part function as the drop-off/pick up area for

the school. The plans show an updated circulation arrangement to this car park only.

- 2.11 **Supporting documents** submitted with the application are as explained in Section 5 below, which discusses the requirement for updated documents as set out in the relevant Development Management Procedure (England) Order 2015.
- 2.12 The CIL requirement for schools remains the same (i.e. nil) under the Council's adopted CIL Charging Schedule.
- 2.13 Councillors were invited to undertake their own site visit in 2017 as part of the pre-application into the original scheme and will therefore be familiar with the site, which is unchanged. As a variation of a consented Major planning application, it is being reported to your meeting for determination.

3. PLANNING HISTORY

- 3.1 The relevant planning history is as follows:

130613/REG3	Mapledurham Pavilion: Replacement and extension of roof, installation of new roof lights and construction of glazed veranda on east elevation.	PERMISSION 1/7/2013. Under construction (this permission is still 'alive' as the works to the verandah and café for the tennis club have been undertaken). The Council's Parks and Leisure Service has advised that the renovation of the Pavilion is planned to recommence and be built out on the basis of these approved plans.
162017/PREAPP	The application land: Erection of 2FE primary school.	OBSERVATIONS SENT 14/3/2017
171023/FUL	The application land: Erection of 2FE primary school (350 pupils) with associated landscaping, multi-use games area (MUGA), car and cycle parking, and servicing.	PERMISSION with Section 106 Unilateral Undertaking dated 14/8/2018.
182140/FUL	Mapledurham Lawn Tennis Club: Erection of six floodlighting columns (6.7m high) supporting six LED lamps and addition of six additional	PENDING

	LED lamps to five existing 6.7m high floodlighting columns to providing lighting to courts two and three.	
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Judicial Review outcome

3.2 With reference to permission 171023/FUL above, officers wish to update the Committee on the outcome of the Judicial Review (JR) of that decision which was heard at the High Court by Mrs Justice Lang on 20 November 2018. The challenge to the planning permission was brought on four Grounds which in summary were:

- (i) That the Council as Local Planning Authority (LPA) had misinterpreted the part of the National Planning Policy Framework 2012 (paragraph 74) which relates to the protection of open space;
- (ii) That the LPA had failed to apply paragraph 216 of the Framework 2012 and therefore failed to determine unlawfully the weight to be afforded to the emerging local plan, specifically Policy EN7 which protects open spaces, including the playing fields;
- (iii) That the LPA had failed to consider alternative sites and/or misdirected members in advising them that alternative sites could not be considered; and
- (iv) That officers had granted permission in breach of delegated authority given to them by the Committee.

3.3 In summary, by a detailed judgement dated 18 December 2018 Mrs Justice Lang dismissed the Claim on all four Grounds and upheld the original planning permission and awarded costs capped at £10,000 in favour of the LPA. The Claimant sought leave to appeal to the Court of Appeal from the judge but that was dismissed and no application was made direct to the Court of Appeal for leave to appeal. The time for any appeal has now long expired. Therefore permission 171023/FUL can no longer be challenged/appealed and officers are satisfied with the conclusions reached by the judge, which vindicates the LPA's approach in considering the previous planning application.

4. CONSULTATIONS

4.1 For completeness and although the changes proposed in this VARIAT application are not key to all consultees, officers have consulted all original consultees to application 171023/FUL again on this VARIAT application.

(i) Statutory:

Sport England has been consulted on the planning application. Sport England is a statutory consultee on all planning applications affecting playing field land. Their policy is to oppose the granting of planning permissions for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of more of the five exceptions stated in their Playing Fields Policy apply. As can be seen from the linked reports, Sport England's objection to application 171023/FUL led to the application being referred to the Secretary of State (SoS). However, the SoS decided not to call in the application and original planning permission was subsequently issued.

Sport England's response to this current application is that they offer a **holding objection** at this time, for the following reasons:

- SE has reviewed the internal layout for the school and the school hall is the same size as before and the layout of the MUGA remains the same with changes to the access which is welcome (albeit the access gates are fairly narrow).
- SE would like more details of the MUGA layout if available to ensure that this meets our design guidance. For example, we would like details of the surface and its construction (see artificial surfaces for outdoor sport page 21 <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>) and there is a photograph of the proposed fences, will the height of the fence be 3m?
- In light of our previous comments on the scheme, there are a number of issues that still require resolution, for example; car park management, the location of any construction compound etc. required and whether or not the playing fields can continue to be used by the local football team during the construction period. I note that further changes to trees and landscaping are proposed which may impact on the plans for the wider site and it would be good to understand when the Council's plans for the whole of the site will be brought forward.
- I notice that there are conditions (e.g. condition 5) and the legal agreement attached to the planning permission that seek to require more information but it would be helpful if the Council could confirm when the application will provide this information?

I would like to place a **holding objection** on this application until I can understand how the above comments will be resolved.

RBC Transport Strategy advises that the application is largely unchanged in transport terms and does not object, providing that the transport measures as required by planning obligations are delivered and necessary conditions are attached to any planning permission. There are slight revisions to the circulation of the staff car park and an additional condition is recommended, see response/discussion in Other Matters section of the Appraisal below.

(ii) Non-statutory:

RBC Brighter Futures for Children (the successor organisation to RBC Education and Children's Services, charged with planning for adequate school places in the Borough) advises that there is a continuing need for this school.

RBC Environmental Protection advises that providing the noise generated by the plant equipment is unchanged, then the same condition can be applied as for the previous permission in respect of noise controls. Has reviewed the use of the proposed 'drop off' zone in the staff car park as an extension to the play area previously proposed and advises that this is not of concern from a noise point of view. The children are no closer to residents than previously approved and the numbers of children playing out will remain as previously proposed. No objection on noise grounds.

RBC Leisure and Recreation Service has provided detailed advice on the application and given the acceptance of the earlier permission, wishes to ensure that this application mitigates its impact on the playing fields. As with the previous application, methods to address shortfalls in provision/recreational value were identified and agreement reached. A similar agreement/undertaking is required to make the current application acceptable. At the time of writing, RBC Leisure is planning the necessary improvements to the Mapledurham Playing Fields as a result of the previous planning permission 171023/FUL and a planning application is expected to be submitted shortly to re-orientate the football pitches, improve drainage, move the children's play area, design the landscaping/replacement trees, etc. Further issues in this application include the

tightness of the red line of the planning application land and implications of the levels changes on the playing field and the access from the Pavilion car park. RBC has queries for the apparent constriction in this area and the changes in levels which must be accommodated. See detailed discussion in the Appraisal section below.

RBC Planning Natural Environment Team notes the additional tree loss over the previously approved application and is disappointed in the extent of inaccuracies in the original surveying of the site in the previous application. Has provided commentary in respect of the updated plans, the updated Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). See detailed discussion below.

RBC Ecologist has resurveyed the application site on 24 January and provided detailed comments, see Appraisal below. In summary, no objection, subject to the use of obligations/conditions.

RBC Emergency Planning Manager: no response

RBC SUDS Manager: no response, although it should be noted that the building is not altering and the applicant advises that the SUDS report does not require updating.

Berkshire Archaeology: advised for application 171023/FUL that the Phase 1 desk-top study indicates that Paleolithic finds may be present at the site and that a Phase 2 (site-based) study should be undertaken before this application is recommended positively.

Their comments on this VARIAT application is that they have reviewed the new details submitted, taking into account the recent archaeological trial trenching on the site, which identified a small amount of surviving archaeology on part of the Mapledurham Playing Fields. Whilst the proposed alterations are substantial (in terms of levels), the mitigation required by Condition 3 of permission 171023/FUL, including further archaeological investigation and/or preservation of features in situ, remains relevant and appropriate to cover the impact of these works on below-ground archaeology. No further comments.

Thames Valley Police's Crime Prevention Design Advisor: no response

Caversham and District Residents' Association (CADRA): no response

The Warren and District Residents' Association (WADRA): no response.

Mapledurham Lawn Tennis Club: their response to the current application is listed as an Observation. The Mapledurham Lawn Tennis Club (MLTC) Committee have noted the proposals in the application. In the interest of our members, greater clarity is requested as to access to our courts and to parking space available to the club during both construction phase and in end state. The plans note the need for more parking opportunities which we would support given the car park overcrowding we get during the weekends at present. Also, we have an interest in any activity around the courts that may affect our ability to play tennis eg. excessive noise, traffic, dirt etc. At present, all tennis court sight lines are open, therefore if there is to be distracting activity, we may require some form of screening. *Officer comment: noted. However, disturbance would be controlled through a CMS and other impacts, such as 'distractions', are a matter for the individual owners/operators and are not material planning considerations.*

(iii) Statement of Community Involvement (SCI):

No specific consultation has been undertaken on these changes by the applicant/developer.

(iv) Public consultation:

The following neighbouring properties were sent neighbour consultation letters on the previous planning application in July 2017. The same properties were sent letters on the current application on 21 December 2018:

Hewett Avenue: 28, 29
Hewett Close: all properties
Upper Woodcote Road: 121-145
Little Woodcote Close, Upper Woodcote Road: 1-7
Knowle Close: 1-7

Site notices for the original application were displayed on 10 July 2017 and on 9 January 2019 for this VARIAT application, at the following locations:

- on the speed camera pole, near site entrance on Upper Woodcote Road
- telegraph pole, near site entrance on Upper Woodcote Road
- on a tree at the western edge of the Mapledurham Pavilion gravel car park, adjacent to the site for the proposed school itself
- Hewett Avenue, on the bend by the open space between the Hewett Close Junction and No. 29 Hewett Avenue
- At entrance to playing field, opposite No.s 20/21 Hewett Ave.
- At entrance to playing fields on Chazey Road, opposite River Road junction

For the original application, over 1000 objections were received to the initial public consultation and some 200 letters of support were received. In March 2018, officers sought to reconsult as widely as possible on the amended plans and documents. Efforts were made to send letters to some 1000 initial respondents, site notices were placed in the same original locations and

a Press Notice was advertised in the Reading Chronicle. The Notice also advised that application affects Footpath 43: Mapledurham.

At the time of writing, public representations received on this planning application are as follows:

One letter of support has been received, supporting the need for the school.

Two ‘observations’ have been received, as follows:

- If it is really necessary to fell native Limes and Poplars, they should be replaced with native species such as Hawthorn, Rowan and Field Maple to provide autumn colour and benefit wildlife with their fruits.
- It is very sad to see so many healthy mature trees being felled. This does not match the RBC policies which emphasise the retaining of mature trees where possible. Please could developers consider ways of saving some, by tweaking their plans, particularly the lovely Lime which is on the boundary.

Responding to objections to the VARIAT application in this report

Around 40 letters of objection have been received at the time of writing, but any further objection issues which are received will be set out in the Update Report. Issues raised are as follows but it should be noted that many issues concern matters which are either unchanged from the previous permission or not proposed to be altered under this variation application. To avoid unnecessary discussion in the officer Appraisal of matters which are not pertinent to the variation application, there are a number of direct responses from officers in this report. Direct officer responses are shown in *italics* below, otherwise if an issue requires a detailed discussion, this will be provided in the Appraisal. If the issue was covered in the assessment of the previous planning application (see links above), then this report will not repeat those points, unless circumstances warrant additional commentary, through any updated circumstances, provided they are material considerations to the application's assessment.

Issues raised by objectors:

(a) Impact on open space

- Although recognising the need for a school, we should be protecting our open spaces *Officer response: issue covered in previous application.*
- Once built on the fields become vulnerable to further development. *Officer response: issue covered in previous application.*
- The Trust was set up to protect the fields for recreation only. *Officer response: issue covered in previous application.*
- The proposed path across the playing fields is not appropriate and was not the intention of Mr Hewett when he bequeathed the land. Queries the cost of this. *Officer response: this VARIAT application does not propose specific works to the remainder of the playing fields. The Section 106 contribution from permission 171023/FUL would allow for various improvements at the playing fields, which may include lighting*
- Concern for the dominance of the school on the playing fields
- A solid two metre high fence around the school is too high and on the south east elevation, where the ground falls away, it is proposed to place the fence on top of a retaining wall, which could mean the top of the fence will be three or more metres above ground level, giving the impression of a prison to users of the field.
- The revised Landscape Masterplan details changes which are totally unacceptable, such as the proposed relocation of the children's playground to just outside of the recently refurbished pavilion, which will cause noise issues. *Officer comment: changes to the wider playing fields, as may be proposed, are not proposed in this current application.*
- Furthermore, none of the promised improvements to the amenity value for existing users have been shown. All proposed amenity improvements are purely being suggested for the benefit of the school and parents. This is discriminatory and favours one age group of users over all other age groups of users. The Council must insist that current daily users of the playing fields are consulted and given the opportunity to provide their views and input, otherwise the lack qualitative improvements will be a cause of constant disapproval. *Officer comment: changes to the wider playing fields, as may be proposed, are not proposed in this current application.*
- The central avenue of trees and lighting are not acceptable as the trees proposed (Liquidambar) are not native and will not provide shelter or nesting for the birds. The Avenue with lights and ornamental trees does not enhance the look of a playing field - MPF is not a city park. It is a playing field. *Officer comment: the details of the MPF mitigation works were not contained in the previous permission and are not proposed to be altered by this variation application.*

- The obstruction of the central avenue and trees will make it difficult to rearrange pitches and hold events across the entire playing fields and will restrict the other functions of the playing fields, dog walking, kite-flying, etc. It also creates a barrier that will make the portion of land to the west appear as if it belongs to the school. *Officer comment: the details of the MPF mitigation works were not contained in the previous permission and are not proposed to be altered by this variation application.*
- No work should commence until the landscape masterplan has been approved by the community and demonstrates that the plan actually improves the amenity and facilities at MPF.
- There should be no construction at all until the landscape mitigation/masterplan and mitigation work has been approved and begun. The mitigation work must be completed within a 6-9 months and before the school is completed to ensure that the work is actually done. *Officer response: the obligations in permission 171023/FUL are not proposed to be altered.*

(b) **Landscaping, Environment, Ecology**

- The tree removal and ground levelling is not necessary
- It is unacceptable to allow an unnecessary two metre reduction in ground levels along western boundary of site. Such levelling will impact trees, which will need unsightly retaining walls, and impact the natural lie of the land and water-table.
- Unacceptable that over 50 trees will be destroyed in order to make way for the school and due to poor planning on the original application which did not take into account the slope of the land. The plan indicates only a very few trees to be replaced on the boundary between the school and the homes on Hewett Ave and Hewett Close.
- Considers it premature to submit this application as the information available on which to make a decision is deficient regarding proposed tree removal and the interrelationship between this plan and the Landscape Plan. Difficult to discern why it is necessary to remove the additional trees and understand the number of trees at issue. Understand that an Arboricultural Impact Assessment (AIA) is to be submitted 23.1.19, but this will be too late for meaningful review, comment and consideration by the Case Officer. As this application is proposing the removal of a considerable number of trees it should be presented in conjunction with the application for the 'Landscape Plan', which will also propose removal of a considerable number of trees, so that decision makers are aware of the overall impact on Mapledurham Playing Fields of these two interrelated plans. Suggests deferral until comprehensive, consistent information is available and presented in conjunction with the application for the Landscape Plan. *Officer comment: references to the Landscape Plan are assumed to mean the separate planning application to be submitted for the releveling/landscaping of the playing fields by the RBC Leisure and Recreation Service, under obligation of the previous planning permission 171023/FUL. Impacts on the wider playing fields are discussed in the Appraisal below.*
- The trees are homes to a variety of fauna in the area and also provide a visual and auditory barrier to the playing fields. This barrier will be needed even more considering the size of the school (three stories- higher than any other building) and the noise of 420 children. The plan must include the replacement of mature native trees to ensure that the necessary screening and barrier to the school are provided. *Officer comment: the school is two storeys and proposed capacity is 350 pupils.*
- Losing the trees is unacceptable, when the original proposal was offered on the basis that the works had an insignificant impact on the playing fields.
- If tree removal is necessary, it should be minimised as far as possible.

- It is the council's policy to wherever possible retain mature trees and improve biodiversity, the landscaping scheme appears to go against this policy. What hope is there of improving the borough's natural environment if the council's own schemes for sites which it manages run counter to this policy?
- The Council should not fell Poplars, which are a native tree.
- There will be unacceptable disturbance to wildlife habitat through tree removal, paths, lighting
- Some of the trees are to be replaced by an avenue of American Liquidambar trees, which are non-native and therefore contrary to Council policy
- With serious world concerns about climate change and mass extinctions of wild life it is irresponsible for anybody, but especially public bodies, to cause such destruction by removing at least 40 mature trees.
- Suggests building the school in the playing fields orchard: this would avoid the need to reconfigure the pitch layout, move the children's playground or level changes, remove the trees in the NW corner or level the site. *Officer comment: the location of the school has been agreed in the previous planning permission and this variation application proposes no alterations to the location/siting.*
- Should not remove trees during the nesting season. *Officer comment: agreed and a planning condition would control this.*
- Concern for local air quality. The removal of trees is reckless, given government focus on well-being and issues such as cancer and asthma caused by high levels of carbon monoxide in the air which will be created both by the presence of the school, delivery vehicles and cars delivering children to school.
- There will be increased noise and light pollution. *Officer comment: there is no appreciable change over and above the original planning permission, therefore these issues will not be discussed further.*

(c) Disturbance

- The Council is acting like judge and jury, ignoring the wish of most residents who have retired here to live in peace, how can you override their objections without any consideration? *Officer comment: The LPA considers the Development Plan and other relevant considerations which may conflict with one another. The LPA must strike a balance.*
- The proposal will block views, is too close to people's property and therefore causing loss of privacy. *Officer comment: the situation is largely unaltered from the original planning permission 171023/FUL and any changes are discussed in the Appraisal below.*
- Human rights Act, Protocol 1 Article 1 states that a person has rights to a peaceful enjoyment of all possessions which includes home and other land. Article 8 of human rights states that a person has a right to respect for their private life and family. In the case of *Britton Vs SOS* the courts reappraised the purpose of the law and concluded that the protection of countryside falls within the interests of Article 8 private family life therefore encompasses not only home but surroundings. *Officer comment: the HRA does not over-ride material planning considerations in English Planning Law, but is a separate consideration*
- As the proposal is at the bottom of my garden, I strongly object. I would like to extend an invitation for a representative of the planning department to meet at our property to allow us to illustrate our objections first hand before any decisions are made. *Officer comment: officers consider that this report adequately sets out the impacts of the development to allow the Committee to determine the VARIAT application.*
- A 350 pupil school will create a significant volume of noise and dominance in a quiet residential area, which will result in persistent complaints from residents as

it is unacceptable. *Officer comment: the capacity and impact of the school in these terms is unchanged from the original planning permission and this report will not consider such matters.*

- Concerned for disturbance from the school's MUGA and playground. *Officer comment: there is no appreciable change to this situation within this VARIAT application, so this report will not discuss this matter further.*
- Concerned for proximity of relocated MPF playground to residential properties. *Officer comment: the decision to remove the playground from the middle of the MPF was considered and agreed in principle in the consideration of application 171023. That decision and the final location of the playground is not relevant to the consideration of this VARIAT application.*

(d) **Design**

- Object to the scale and appearance of the building and considered to be out of keeping with the area. Considers the proposed building to be of industrial design. *Officer comment: the size of the building is not changing in this VARIAT application. The minor changes to the building's external appearance are discussed in the Appraisal below.*
- The suggestion that the Pavilion could be removed to create a larger space between the school and the Pavilion is unacceptable. If the ESFA and their designers got it wrong, then the school must be pulled back to give the necessary space, not the other way around. *Officer comment: this VARIAT application does not include works to the Pavilion.*

(e) **Transport, Traffic and Parking**

- Concerns for road safety, parking and traffic congestion. *Officer comment: the original planning permission (17023/FUL) was considered to be acceptable to the Highway Authority and permission has been granted. There is no change to the situation within this VARIAT application, so this report will not comment on these matters further.*
- The road floods in time of heavy rain, with traffic soaking pedestrians. *Officer comment: this is a highway maintenance issue, not a planning consideration.*
- There is an active footpath along the back of the proposed school and this must be kept open at all times, or the developer will be in breach of failing to maintain unobstructed access for the users. *Officer comment: for clarity, the proposal is adj to Footpath 43 Mapledurham, but as with the original planning permission 171023/FUL, the proposal does not impede the enjoyment of the Public Right of Way, which is a short circular walk. For completeness, the LPA has as a precaution, advertised the application as 'affecting a Public Right of Way'.*
- Restriction of access during construction could deny my right of access to my property. *Officer comment: rights of access are a separate Civil not a planning matter.*
- Concerned for construction effects on the Pavilion, tennis club and other users of the playing fields. There has been no clear Construction Method Statement - nor has it been communicated to the users. They will be affected and should be compensated. *Officer comment: a construction method statement would be secured via condition, as per the original planning permission. There is no planning mechanism for compensation.*
- Suggests an alternative access from Hewett Avenue during the construction period. *Officer comment: the original planning permission proposes a suitable situation to*

the Highway Authority and this is not proposed to be altered in this variation application.

- Construction must not commence before a full construction method statement has been submitted. *Officer comment: agreed and as previously, this is proposed to be controlled via condition*

(f) **Other issues raised**

- Evidence for need for the school is not up to date, there is a declining birth rate and vacancies in Caversham schools. Why are these trends not evident in the Reading Borough Council forecasts? The school is not required and would immediately be surplus to requirements.
- This lack of need undermines the Council's argument that this outweighs the loss of open space. Given that the LEA advice is open to doubt no further disruption of Mapledurham Playing Fields should be sanctioned until this is resolved. This application must be refused.
- If the school is built and we are forced to move, we will consider legal action against the Council. *Officer comment: This is not a planning matter.*
- No results have yet been published from the ESFA's recent archaeological survey of the school plot. Given there was evidence of Roman enclosures near to the proposed school plot, surely it is critical to publicise the archaeological dig results before commencing work to build foundations for the school. To do otherwise would be irresponsible.
- In general agreement with the proposed location of the school, however I do have concerns over this boundary. My garden is some two feet higher than the playing field with a concrete retaining wall on the boundary. The plans submitted do not appear to take account of this, and in particular the proposal is for a two-metre-high boundary fence. They do not indicate whether this measurement is to be from the level of the school site or from the level of my garden. If it is the latter, I am content. However, if it is from the former then I must object to that element of the proposals. *Officer response: boundary fences would be set at the lower level, as shown on the plans.*
- It appears that the applicant wishes to control, and dictate the use of, property (land) which they neither own nor propose to purchase. *Officer comment: it is not clear what this point relates to, so officers cannot respond.*
- The Planning Committee should put the interests of users of MPF and local residents before those of the applicant. *Officer comment: The LPA will determine the VARIAT application on its individual merits by considering the Development Plan and all other material considerations.*
- The retention of the amount through the s106 agreement for on-going maintenance for the 125 year period is derisory and the extra costs will be borne by tax-payers. *There is no change to the situation within this variation application, so this report will not comment on this further.*
- Occasional community access to a school hall does not compensate for the loss of outdoor space available to the public daily. *There is no change to the situation within this VARIAT application, so this report will not comment on this further.*
- The proposal does not include a Community Use Agreement (CUA) which the public should be able to comment on. *Officer comment: were this VARIAT application to be approved it would be subject to the Supplemental Unilateral Undertaking and Deed of Variation to tie it to the provisions of the original Section 106 Unilateral Undertaking which includes the CUA, which is not proposed to be substantially altered, except for as described in the Appraisal below.*

- No SUDS plan is supplied and the impact of the footprint of the school will be worsened by the additional tree loss. *Officer comment: this aspect of the development is unchanged and the previous SUDS scheme approved applied to this VARIAT application*
- There is no Charity Commission Consent To Sale Or Transfer Of Land, so this proposal should not be considered until this has been secured. *Officer comment: this is not a material planning consideration*
- Objects to the school demands on use of the playing fields taking precedence over other users *Officer comment: there is no change to the situation within this VARIAT application, so this report will not comment on this further.*
- Probable addition of security and local laws restricting dog walkers to having to keep dogs on leads etc. *There is no change to the situation within this VARIAT application, so this report will not comment on this further. Byelaws or other restrictions are not a planning matter.*
- An assessment must be provided to provide confidence that a drainage scheme is possible that does not damage the playing fields. *Officer comment: the Section 106 Unilateral Undertaking related to the original planning permission 171023/FUL, as is proposed to be replicated for this variation, requires works to the MPF to be suitable in terms of drainage. This requirement would not be altered via this VARIAT application; only re-applied, via the Supplemental Unilateral Undertaking and Deed of Variation.*
- The rise in the level of the school does not take into account the level of properties that are adjacent. A proper plan must be provided to ensure that these properties are not damaged by changing ground levels. *Officer response: various sectional plans are supplied, there is no indication that this would harm adjacent properties*
- There is no plan for compensatory land for land lost for the school. *Officer comment: this consideration is not pertinent to this VARIAT application.*
- The placement of the children's playground near to the Pavilion is not acceptable, due to disturbance and other operational issues *Officer response: this matter is not pertinent to this VARIAT application*
- There is a loss of the basketball court that has a hard surface. This amenity was available at all time of the day. The hard surface allowed for children to ride bikes and learn how to use scooters etc in a safe environment. This is being lost and nothing is available to compensate. *Officer response: application 171023/FUL dealt with the balance/compensation of such facilities and this is not a consideration for this VARIAT application.*
- The ESFA has not provided any details of how they plan to provide compensatory planning due to the loss of trees across and at the boundary of the entire playing fields. They are destroying over 50 mature native trees and there is no indication of how they will be replaced other than a few decorative trees within the school site. At least the same number of trees destroyed must be replaced by mature native trees.
- No construction of any kind should be allowed to start until all planning applications relevant to Mapledurham Playing Fields are approved.
- There should be no construction at all until the master plan and mitigation work has been approved and begun. The mitigation work must be completed within a 6-9 month period and before the school is completed to ensure that the work is actually done. *Officer comment: obligations for these works are essentially as approved in the previous planning permission, with the exception of further requirements as described in this report and as to be expanded upon in the Update Report.*

5. RELEVANT POLICY AND GUIDANCE

- 5.1 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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.
- 5.2 This application is being considered under Section 73 of the 1990 Act and is covered by the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended). It follows that Articles 7 (General Requirements) 9 (Design and Access Statements) 11(General provisions) 13 and 14 (Notice and Certificates) 15 (Publicity) and 18 (Consultation) must be adhered to.
- 5.3 This application is a minor material change to the original planning permission, as opposed to a 'Non-material change', which would be considered under Section 96a. In doing so, the Committee must consider the effects of the changes - which although considered to be 'minor' are nonetheless clearly 'material' in the context of the VARIAT application as a whole. There has been no change to the Development since the granting of planning permission 171023/FUL, therefore the assessment which follows presents the differences between this and the earlier approval (171023/FUL).
- 5.4 Insofar as the submission of documents is concerned, Section 73 applications must be submitted with information sufficient to describe/set out the changes proposed and determine the application. In this instance, some of the original documents have required updating, others do not. If a previous document submitted has not changed and does not need to change then it can form part of the Section 73 application but needs to be expressly incorporated as part of the application. If documents have changed then they need to be submitted separately.
- 5.5 The following table provides an update on the documents, in the order they were presented in application 171023:

Original document, application 171023/FUL	Revision 182200/VARIAT
Planning statement	S73 covering letter
Design and Access Statement (DAS) (updated twice during the course of the application's consideration)	No material change in the development. No new DAS. The requirement to provide a DAS does not apply to Section 73 applications (See Article 9 (4) of the above 2015 Development Management Procedure Order.) As described in Section 73 covering letter, changes to building are either internal or minor exterior only.
CIL form	No change.
Arboricultural planning statement/ Arboricultural Impact Assessment	Changes as a result of level changes described in Section 73 covering letter and submitted update arboricultural assessment
Transport Assessment and Transport Technical Note	No change. No new TA or technical note. Reason: no change to school capacity or access arrangements
Framework (School) Travel Plan	No change. No new travel plan. Reason: no change to school capacity or access

	arrangements
Sustainable Design and Construction Statement	No change. No new statement.
Energy Report	No change
BREEAM Pre-Assessment Report	No change
Flood Risk Assessment	No change
Surface Water Management Plan	No change
Landscaping Proposals Plans	No change. No update to this plan. Revised pitch layout in previous proposal was indicative only and as previously, is proposed to be delivered by the Council (via the Section106 unilateral undertaking) and not the applicant/developer.
External Lighting Report	No change. Any proposed lighting to the MPF is as may be proposed will be taken forward by the Council and not the applicant/developer.
Utilities Report	No change.
Noise Assessment	No change. Any proposed relocation of the children's play area in the MPF proposed will be taken forward by the Council and not the applicant/developer.
Air Quality Assessment	No change.
Ecological Survey	No change.
Archaeological Desk-Top Survey	No change.
Playing Field Pitch Agronomy Assessment	No change.
Statement of Community Involvement	No change.

- 5.6 At the end of this report, there is also a list detailing which documents have been considered, both pertaining to the previous and current applications.

National Planning Policy Framework (NPPF) (Revised) (July 2018)

The following chapters are relevant:

- 2. Achieving sustainable transport
- 7. Requiring good design
- 8. Promoting healthy and safe communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

- 5.7 The Revised NPPF continues the major themes of the previous NPPF. Paragraphs 47-50 'Determining Applications' advises on the weight to be given to emerging policies. See also the section below which provides an update on the status of the Local Plan. In terms of this VARIAT application, all policies are being considered, although the pertinent material considerations may be more restricted than the policies suggest. The NPPF continues to advise LPAs to apply great weight to the creation, expansion or alteration of schools.

Reading Borough Local Development Framework: Core Strategy (January 2008) (as altered 2015)

CS1 (Sustainable Construction and Design)

CS2 (Waste Minimisation)
 CS3 (Social Inclusion and Diversity)
 CS4 (Accessibility and the Intensity of Development)
 CS5 (Inclusive Access)
 CS7 (Design and the Public Realm)
 CS9 (Infrastructure, Services, Resources and Amenities)
 CS20 (Implementation of The Reading Transport Strategy)
 CS22 (Transport Assessments)
 CS23 (Sustainable Travel and Travel Plans)
 CS24 (Car/Cycle Parking)
 CS25 (Scale and Location of Retail, Leisure and Culture Development)
 CS28 (Loss of Open Space)
 CS30 (Access to Open Space)
 CS31 (Additional and Existing Community Facilities)
 CS32 (Impacts on Community Facilities)
 CS33 (Protection and Enhancement of the Historic Environment)
 CS34 (Pollution and Water Resources)
 CS35 (Flooding)
 CS36 (Biodiversity and Geology)
 CS37 (Major Landscape Features and Strategic Open Space)
 CS38 (Trees, Hedges and Woodlands)

Reading Borough Local Development Framework: Sites and Detailed Policies Document (2012) (as altered 2015)

SD1 (Presumption in Favour of Sustainable Development)
 DM1 (Adaptation to Climate Change)
 DM2 (Decentralised Energy)
 DM3 (Infrastructure Planning)
 DM4 (Safeguarding Amenity)
 DM10 (Private and Communal Outdoor Space)
 DM12 (Access, Traffic and Highway-Related Matters)
 DM15 (Protection of Leisure Facilities and Public Houses)
 DM16 (Provision of Open Space)
 DM17 (Green Network)
 DM18 (Tree Planting)
 DM19 (Air Quality)
 SA16 (Public and Strategic Open Space)
 SA17 (Major Landscape Features)

Submission Draft: Reading Borough Local Plan

- 5.8 The Council is preparing a new local plan (to cover the period up to 2036), which in time will supersede the present suite of Local Development Framework (LDF) documents. The Submission Draft version of the Local Plan was submitted to the Secretary of State for consideration in March 2018 and this was then the subject of the Local Plan Examination, hearings for which were held in September-October 2018.
- 5.9 Given the advanced stage of the document, the draft policies therein are considered to be relevant for development control purposes. However, according to the Revised NPPF at Annex 1, the weight that should be accorded to emerging Local Plans depends on the stage of preparation, the degree to which there are unresolved objections to a policy and degree of consistency with the NPPF.

- 5.10 Members are advised that the status of Mapledurham Playing Fields was an issue which was specifically raised at the hearings and which the Inspector has not yet ruled on, and therefore officers advise that the adopted policies of the Core Strategy and the Sites and Detailed Policies Document shall continue to function as the Development Plan for the purposes of Section 38(6) of the Planning Act. Officers advise that the new Local Plan continues (rolls forward) many of the themes of the current LDF documents, but that limited weight can be attached to it at this time due to the uncertainties described above. Officers advise that this approach is consistent with the JR judgement in relation to the weight to be given to emerging plan policies.

Supplementary Planning Documents (specifically relevant to this VARIAT application)

Parking Standards and Design (October 2011)
Planning Obligations under S.106 (April 2015)

6. APPRAISAL

- 6.1 Planning permission for a school on this site was granted under the original planning permission dated 14 August 2018, reference 171023/FUL. This appraisal will focus on the minor changes proposed in this variation application and the effects and implications of those changes when compared to the original permission.
- 6.2 The main issues which are relevant to this consideration of this s73 application are therefore:
1. Additional impacts on trees and ecology
 2. The changes proposed to the building itself; and
 3. Additional impacts on the character and openness of the Mapledurham Playing Fields

1. Additional impacts on trees and ecology

- 6.3 The principal impact as a result of these changes is the additional harm which would be caused to the westerly treeline/mixed woodland which is now confirmed as being within the application site. The original permission 171023/FUL anticipated a loss of some 23 trees in the area of the school, and a further 8 at risk and overall it appears that at that point, 12 trees were proposed to be retained.
- 6.4 The original application scheme failed to take account of the fall of the site, which although gradual, is nonetheless significant. The fall across the site (highest at the North-West and lowest in the South-East) is actually some 2 ½ metres. Allied to this, officers have also been advised of slight, but important errors in the original tree survey (the precise tree locations). In order to construct the school in the location as approved, it has been necessary to carefully re-appraise how the site levels need to adjust to the development and the consequent impacts on existing trees. Officers have discussed the possibility of moving or reorienting the school building, but the applicant advises that unfortunately, due to the constrained red

line of the application and the various requirements of the school, this is not possible. It should also be remembered that in the original application, the siting of the school had already been moved further south and east and no further opportunity now exists within the confines of the application site. As a result, there is a need for levelling works through the site and the provision of low retaining walls. These works will have an impact on existing trees on the western boundary.

Tree removal update

- 6.5 Due to the inconsistencies between the various surveys, the figures which follow below do not always tally precisely, but the differences are considered to be minimal, such that the Council's Tree Officer has been able to offer informed commentary on the application.
- 6.6 The original tree survey for application 171023/FUL surveyed the entire playing fields. An updated survey, only including the trees in the north-west part of the playing fields, was provided during the course of that application and this informed the previous decision/permission. That revised survey covered a total of 81 trees, but included trees both within and outside the red line of the application site. The revised survey submitted with this current variation application is more focused and has surveyed only the trees in the immediate vicinity of the development which are affected by the proposals. The original (inaccurate) survey identified some 43 trees within the red line planning application area (including two small groups), while the current updated survey more accurately identifies a total of 56 trees (including one group); 46 of these being inside the red line boundary. In summary, the extant and current proposals are as follows:

	Tree survey/proposals considered for permission 171023/FUL	Tree survey/proposals in this current VARIAT/variation application
Total no of trees surveyed (within the red line)	43 (incl 2 x groups)	46 (incl 1x tree group)
No of trees to be felled	23	46
No of trees to be retained with work in RPA	8	4 'potentially capable of retention' but proposed to be felled
No of retained trees unaffected by proposals	12	0

- 6.7 The current application now proposes to remove all 46 trees within the red line. In response to officers' concerns regarding the necessity of removing all of these trees, the applicant provided an updated and detailed Arboricultural Impact Assessment and Method Statement, on 23 and 24 January 2019. Trees are either directly affected by the works or will suffer root damage as a result of the works such that they could not feasibly be retained. The trees affected are a mix of natives and non-natives and in a range of conditions, with just over half being of 'C' Category, which means they either possess features which makes them susceptible to a lower lifespan, or they may have grown in such a way as to have been suppressed by other trees negatively affecting their form.
- 6.8 The majority of trees would need to be removed, as they are within the footprint of the building but 8 of the 42 trees are proposed for removal (including 7 in the

'B' category, which are better specimens) because of likely root severance from proximity to the retaining wall. The applicant's arborist suggests that four of these trees could in theory be retained but that their removal is nevertheless recommended due to the root loss that will occur and likely 'dieback' as a result of this. The Council's Tree Officer agrees with the proposed removal of trees T145 and T146 (a Norway Maple and a Sycamore). In relation to tree T231 (also a Sycamore) the retaining wall is within 2.6m of a 5.1m RPA (Root Protection Area). Whilst the tree could in theory be retained to see how it fares, the Tree Officer advises that as a 'C' category Sycamore with its crown constrained by surrounding trees, its proposed removal is reasonable.

- 6.9 The Arborist and the Council's Tree Officer do not agree in relation to the approach to one of the trees. Tree T237 is a 'B' category (good quality, healthy) Field Maple tree, although the retaining wall would be within 2.5m of its trunk. That part of its RPA will be compromised but only on the north-east side; the percentage of which (cf. British Standards guidance) is unknown as this has not been provided at this point. The applicant has been advised to consider retention of this tree and has responded that its proximity to the retaining wall is critical and the school has very limited play facilities and must maximise the hard informal play space around the school. The retention of this tree would necessitate a reduction of this space, through the moving of the retaining wall eastwards to attempt to accommodate the tree. The applicant suggests that the Maple is replaced with a tree which has the ultimate potential of being larger and an Oak is proposed. The Tree Officer had assumed that the concern was due to amount of root loss; however the above comment appears to indicate that concern is due to the type of root loss, i.e. proximity to wall would mean perhaps larger, structural roots would be compromised, but suggests that the response from the applicant indicates the retention of this tree is inconvenient. This tree is clearly a good specimen and a judgement needs to be taken as to whether its retention would unacceptably compromise this community/education proposal. Officers agree with the applicant that retaining this tree would appear to limit the play area for the older children in this south-western corner of the site and its retention is sadly, unrealistic in the context that the tree would be left in (ie. compromising the small playground area). The proposed location of a large, native Oak, nearby, but further to the south, would allow it space to grow and thrive.
- 6.10 The Tree Officer advises that RPAs should be protected in accordance with the relevant British Standard (BS). The remaining trees near the boundary of the application site need to be protected during the development and this protection will in effect be provided by the developer's hoarding line, although an informative can also advise of this function.

Tree planting in mitigation

- 6.11 In summary, some 23 additional trees are proposed to be removed as a result of this latest application. As previously, the area within the application site itself is capable of accommodating some trees to soften/frame the development and 11 replacement trees are proposed on-site, but the net additional tree losses (around 13 trees) which are unfortunately necessary, indicate that a more comprehensive tree planting programme is required. Due to the lack of available space within the red line of the application site, these are likely to need to be planted off-site or elsewhere in the playing fields.

- 6.12 The Council's Tree Strategy (2010) indicates that this is an area of the Borough which is a priority area for tree planting, being a less than 10% tree canopy area. Officers suspect that this area may have been identified as such because of large parts of the playing fields being open lawns with no canopies. The other concern of a number of objectors is the loss of additional native trees and the wildlife habitats associated with them. Whilst this area is a mixed deciduous broadleaf woodland, replanting should ensure that either natives or at least wildlife-friendly species (ie. not necessarily natives) should be planted. It should also be remembered that some species of tree are better at controlling air quality or adapting to climate change and these may not be natives either and a balance needs to be struck in finding suitable species, particularly in a parkland setting.
- 6.13 At the time of writing, the applicant is in discussion with the Council's Parks and Leisure Service regarding the ability to increase the current financial contribution to off-site mitigating planting. This is likely to involve the costs of buying, planting, maintaining and indeed, potentially replacing some 13 trees, to at least account for the additional shortfall created by the survey errors which have taken place. More information on the overall increase in contribution agreed/required will be set out in the Update Report. Whilst the additional impact on trees is extremely unfortunate, officers feel that the additional harm which is caused in this instance can be outweighed by a combination of the on-site landscaping, the wider park tree/ecological improvements already secured and the additional planting mitigation which is currently being prepared.

Ecological considerations

- 6.14 The Borough's Tree Strategy requires proposals to consolidate tree cover in identified areas of the Borough and the Biodiversity Action Plan seeks to protect habitats. The Council's Ecologist has re-evaluated the current VARIAT application in terms of its additional impact on ecology. The habitats within the playing fields consist of hardstanding, amenity grassland and a woodland strip to the west, and scattered trees to the north. Most of the habitats to be affected by the proposals are of little wildlife value (amenity grassland and hardstanding). The woodland to the west, which is to be severely affected by the amended application, comprises an 'even-aged' stand of broadleaved trees with little understorey layer, which was probably planted in the last 40 years (the woodland to the north if this does contain an understorey layer but most of this is to be retained). The woodland to the west does not readily fit the description of the priority habitat as defined in the NPPF which is, "Lowland Mixed Deciduous Woodland" and as can be considered to be of limited ecological value. Although the woodland will be of some value to wildlife, it is unlikely to support protected species (as confirmed in the previous Preliminary Ecological Appraisal for the previous application, undertaken in March 2017).
- 6.15 In order to mitigate the loss of the woodland, the ecologist advises the planting of replacement trees either elsewhere in the playing fields or perhaps on the open land towards Hewett Avenue and a planning obligation is suggested. The applicant has submitted an amended landscaping plan and as with the previous proposal, it is recommended that a condition is set requiring the submission of a detailed landscaping scheme. Concerned that the green roof is not clear on the plans.
- 6.16 The trees were previously surveyed for potential bat roost features in March 2017 and none were found and from the Ecologist's site visit on 24 January 2019, no features potentially suitable for use by roosting bats were seen in the trees to be

felled, and no badger setts were observed either within or adjacent to the site. However, foraging and commuting bats are likely to use the site (the surrounding playing fields and woodland). As such and in line with recommendations made in the original ecological report, a wildlife-friendly lighting scheme should be incorporated into the development to minimise the potential negative impacts of the lighting on bats. It is recommended that a condition is set to ensure that a detailed lighting plan is submitted prior to commencement of works. Wording is given below. The site may be used by foraging badgers and a survey is advised.

- 6.17 In accordance with the NPPF and Policy CS36, the Ecologist advises that opportunities for wildlife should be incorporated into the development. The development should include biodiversity enhancements such as bird and bat boxes / tiles / bricks, as well as a green roof (see above). Subject to a planning obligation to secure replacement tree planting and the following conditions there are no objections to this application on ecology grounds. Conditions recommended are: submission of a landscaping scheme; a landscaping replacement condition; submission of an lighting scheme (in the interests of minimising habitat disturbance); no tree clearance outside of nesting season (unless under ecological supervision); a condition or informative for a badger survey.
- 6.18 From the above, your officers concur with the Ecologist's suggestions. The green roof is shown on the roof plan and not the landscaping layout plan and the details can be covered in the landscaping condition. Given the lack of evidence of badgers, an informative can remind the applicant/developer of the protection of badgers under separate legislation. In summary, your officers are content that the loss of additional trees is acceptable in ecological terms, providing that the mitigation supplied is suitable and conditions are re-applied and therefore the application complies with Policy CS36, the Tree Strategy and the Action Plan.

2. The changes proposed to the building itself

- 6.19 During a re-evaluation of the school design and layout by the applicant's contractor, it became clear that a number of adjustments to the building were necessary in order for the building to function more efficiently. Of the internal alterations, the only one of particular note is the increase in ceiling height in the main hall and the adjoining activity studio, to improve functionality and to comply with Sport England standards. At the time of writing, Sport England have submitted a 'holding objection' to the application, but the applicant is currently in discussion with them between now and your meeting to seek to provide the necessary assurances in order to remove their objection. This will be discussed in the Update Report.
- 6.20 Externally, there have been some alterations and further clarifications from the applicant. For comparison, the amended elevations are shown below (as approved, top and as currently proposed, below).



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- 6.21 There are adjustments to the window heights, opening locations and widths and an adjustment to the front entrance cantilevered canopy over the main entrance doors such that it wraps around the eastern edge of the building. The changes to ceiling heights internally has meant a raising of the overall roof level by 30 centimetres, but this is not readily visible from behind the parapet wall and so does not affect the building envelope. The overall appearance of the building will be very similar in a contemporary design. The regularity of openings is slightly different.
- 6.22 Officers have sought some further clarification on the external materials, although these will still be the subject of a condition. Materials are largely unaltered and would be a mix of brick and render and aluminium panels, windows and louvres. The applicant is considering the precise colouring of the render and is conscious of a bright white render being prone to streaking and a more dullish tone would also have the advantage of having less prominence when viewed from within or beyond the playing fields. On the northern part of the western elevation, brick is proposed and this is also used in bands on the building for contrast and to break up the render. The coloured panels within the curtain walling are proposed as having a non-shiny metallised finish or perhaps obscure glass. They are proposed as a muted copper colour and intend to give a 'lift' to the entrance area. Metal finishing to the entrance canopy material is likely to be a shiny aluminium composite material, to be relatively striking to help signal the entrance.
- 6.23 The school would retain the modern design with its square aluminium windows with deep reveals, cantilevered entrance canopy and parapet roof. The most noticeable difference would be the view from the North, where, as opposed to a symmetrical false gable over the entrance, a monopitch false gable is proposed. This would better relate to the entrance canopy below and help to shield plant, PV panels, etc. on the roof of the building.

- 6.24 Overall, officers consider that the design alterations are either benign/minor or positive, do not materially alter the previous design and were they to have been submitted only, would have been capable of being considered under the (lesser) s96a non-material amendment procedure. Officers are content that the changes are therefore acceptable in terms of design policies and in particular, CS7 (Design and the Public Realm).

3. Additional impacts on the character and openness of the Mapledurham Playing Fields

- 6.25 The original officer report for application 171023/FUL noted that whilst the land on which the school is proposed is slightly higher than the rest of the playing fields, the application site is relatively secluded, being located in the North-West corner of the site, towards a corner.
- 6.26 Some objections are concerned for the additional impacts of the school redesign on the playing fields, especially how the edge of the site and the playground/MUGA and its fence meet the MPF, with the necessity of a small retaining wall which tapers up from the ground in the west to an overall height of some one metre maximum in the east.
- 6.27 The original permission was considered on the basis of a level access from the MPF car park and this situation is continuing in this variation: the slab level of the school is at the same level as the car park. This means that impacts beyond the site in terms of impact on neighbouring properties (overbearing) for instance, have not altered. The levels information now shows the school at one level, then the playground steps down slightly, then the MUGA steps down again.
- 6.28 In the context of the large, open space which is the Mapledurham Playing Fields, the changes proposed in this variation application are considered to be relatively minor. From the majority of viewpoints around the playing fields, the principal differences experienced by users will be a slight change to the complexion of the building (as described above) but there will also be the provision of low retaining walls surrounding the school perimeter when seen from the playing fields. As can be seen from most open views from Hewett Avenue below, from glimpsed views of the school, the changes may not even be noticeable and the sense of openness of the playing fields would not be adversely affected by these changes.
- 6.29 From closer views, the changes would be more apparent and in the main, this would be due to the levelling/terracing which is now proposed. However, these changes are relatively localised and the appearance and materials of the boundary/retaining walls would be covered in the existing conditions (for instance the boundary details in the hard and soft landscaping plan condition). Beyond the retaining wall would be the MUGA and playground and this would be enclosed by fencing and the external fence is anticipated to be a green 'weldmesh' style, which is considered to be satisfactory in maintaining a balance between design quality and adequate security and again, this is unchanged. The MUGA playing surface is set behind this area at a lower level, so that the MUGA enclosure is no higher than the weldmesh surrounding it. This more immediate level change is however meaning that the corresponding area to the east, the gentle access slope towards the Pavilion, needs to respond too and the applicant is in contact with the Council's Leisure and Recreation Service, as this will need to be dealt with in their

forthcoming planning application. However, this is not currently budgeted for and the Recommendation above includes a provision to cover these additional works within the MPF. The Update Report will describe this matter further, as this matter is still in discussion at the time of writing.



View from Hewett Avenue, looking North

- 6.30 The additional mitigation as described in the sections above would allow for additional planting in the playing fields environs. As was advised for the previous application, a formal landscaping strategy for the playing fields will not be designed until the pitch reorganisation plan is finalised and such would fit into the wider Landscaping Masterplan which will be produced by the Trust. The park landscaping strategy will however, provide an opportunity to supplement the present trees on site with native/wildlife-friendly species and ‘repair’ some areas towards the margins of the playing fields where the woodland edge is more sparse. Locations for such infills will need to be carefully chosen to allow individual trees to thrive and to consolidate the treelines where appropriate. The additional funds indicated above for mitigation will allow increased opportunities for this.
- 6.31 Although not part of this variation application, the Council’s Parks and Leisure Service advises that their latest pitch reorganisation plan (soon to be submitted as a planning application to improve drainage, etc.) does not now require the line of Grey Poplar (UK native) and Lombardy Poplar (not UK native) to be removed. This is due to the archaeological investigations having found Roman remains on site and these have been recorded and are to be preserved in situ. This means that terracing/drainage improvements on the western side of the playing fields are not proposed. Reorganisation and terracing will take place on the eastern area, with a planned avenue of trees running north-south.
- 6.32 This section will also discuss the visual effect on views from the west of the application site. As can be seen from the view below, the site is a considerable distance west of Hewett Avenue at this point (a minimum of 25 metres, a maximum of over 40 metres), with the land in between encircled by the circular public right of way (Footpath 43). There will be increased exposure of the building to the west due to the additional tree removal in the altered proposal. However, due to this considerable set back and the retained trees on the triangle site, when seen from approaching from the north on Hewett Avenue, the school will not be prominent in the streetscene. Although views from the west and south-west near the adjacent property boundary will be clearer, a careful choice of materials finish to this elevation and the mitigating tree cover will in time mature and lessen this visual impact still further.



Present view from Hewett Avenue looking east towards the application site

- 6.33 For information, Policy SA17 also seeks to protect the nearby edge of the Chilterns AONB from inappropriate development, but given the (amended) appearance and size of the structure, its location and distance, the character of the AONB will not be adversely affected.
- 6.34 On balance and whilst accepting that the additional tree loss is greater than previously anticipated, officers advise that the development remains acceptable in this respect and the overall character of the area and the playing fields environs is acceptable and additional details on the levels changes and tree mitigation proposals will follow.

Other matters

Impact on residential amenity

- 6.35 Various objectors have raised issues of impacts on residential or more general environmental amenity, for instance the proximity of play areas, but essentially, this variation application does not propose to alter the situation approved under permission 171023/FUL. There are slight alterations to the staff car park/gating arrangements. These would allow part of the staff car park to be used as part of the originally-proposed play area on this site of the school. The Council's Environmental Protection Officer considers that the additional impact of this area over and above the play area already approved under permission 171023/FUL is not significant in context of neighbour amenity and Policy DM4 (Safeguarding Amenity) continues to be complied with.

Archaeology

- 6.36 Berkshire Archaeology notes the investigations which have been continuing on the playing fields site and is content that the current condition can be reapplied, unchanged, for this variation application.

Footpath 43 Mapledurham

- 6.37 Officers consider that whilst the development may 'affect' the footpath, the footpath itself does not require a formal Diversion and the likely purpose of the footpath -that of accessing Mapledurham Playing Fields - can still be achieved by

accessing suitable public areas/Highway and no conflict with Development Plan policies which encourage walking are identified.

The need for a Primary school in this part of the Borough

- 6.38 There are objections to this application - as there were to the previous proposal - on the basis that the birth rate is declining and that there is no longer a need for a primary school in this part of the Borough. Whilst the principle of the school is not a relevant consideration to this variation application, members are advised for their information that the RBC Brighter Futures for Children service confirms that there is a continuing need for The Heights primary school. Once completed, the school will replace the temporary school at Gosbrook Road, which currently has 276 pupils on the school roll with another 50 arriving in September 2019.

Parking, transport, accessibility, servicing, etc.

- 6.39 These aspects of the development are not proposed to be materially altered in the proposals, although the slight alterations proposed to the staff car park layout/markings and gating arrangements. Whilst such matters would continue to be covered via condition, the Highway Authority is concerned that the gating, which appears to be to allow time-limited use of part of the parking area as childrens' play area. In order to ensure pedestrian safety, a management plan for the use of this area is required and an additional condition is recommended.

Accessibility

- 6.40 The introduction of a level change within the school grounds has meant the inclusion of a shallow ramp is necessary. No conflict with Policy CS5 is advised.

Flooding

- 6.41 The original Flood Risk Assessment (FRA) is not proposed to be updated. No additional flood risk has been identified as a result of these changes.

Air quality

- 6.42 Additional impacts on air quality through loss of trees will be considered in the re-provision of trees in the mitigation strategy, to be advised. At this stage, no concerns are advised.

Equality Act

- 6.43 In determining this variation application, the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

7. CONCLUSION

7.1 In summary:

1. The changes required are unfortunate in terms of the extra impact on the surrounding trees but this extra harm is considered to be capable of mitigation;
2. Changes to the building itself are minor and acceptable;
3. Additional impacts on the character and openness of the playing fields are comparatively minor/localised; and
4. The majority of planning considerations relevant to application/permission 171023/FUL are not affected by this variation application.

7.2 There is a continuing need for a primary school in this part of Caversham and the applicant advises that it is imperative that these changes are agreed to allow the build to be commenced with a view to keeping the school to its scheduled September 2020 opening.

7.3 Subject to the satisfactory conclusion of matters as detailed in the Recommendation above - principally the linking of this variation proposal to the s106 legal obligations of the original permission, officers recommend that you **GRANT** s73 variation planning permission.

Case officer: Richard Eatough

Plans and full list of documents which apply (both new and carried forward from application/permission 171023/FUL) to this application:

Plans:

<i>Drawing title</i>	<i>Drawing no as submitted</i>	<i>Revision</i>	<i>Notes (see also cover letter)</i>
Architect	DMA	Noviun	
Proposed site plan within MPF	THS/DMA/XX/00/DR/A/01101/S2/P4	FS0820-NOV-V1-ZZ-PL-A-0003 rev P01	Same redline PA site
Proposed GF plan	THS/DMA/XX/00/DR/A/02101/S2/P3	FS0820-NOV-V1-00-PL-A-0004 rev P01	Pupil entrance/core moved from N to S, hall/kitchen layout adjusted
Proposed 1F plan	THS/DMA/XX/00/DR/A/02102/S2/P3	FS0820-NOV-V1-01-PL-A-0005 rev P01	Core moved from N to S, classrooms adjusted
Proposed roof plan	THS/DMA/XX/00/DR/A/02103/S2/P4	FS0820-NOV-V1-RL-PL-A-0006 rev P01	Increased height behind parapet, hence fold down safety barrier; PVs increased, biodiverse roof shown, kitchen plant and AHU indicated; lift overrun omitted
Proposed N S elevations	THS/DMA/XX/00/DR/A/03101/S2/P3	FS0820-NOV-V1-ZZ-PL-A-0007 rev P01	Amended roof over entrance; pupil entrance moved; minor fenestration changes
Proposed E W elevations	THS/DMA/XX/00/DR/A/03102/S2/P3		Greater activity on E elevation, amended fenestration on W reflecting classroom layout
Proposed key sections	THS/DMA/XX/00/DR/A/04101/S2/P3	FS0820-NOV-V1-ZZ-PL-A-0008 rev P01	Additional floor/floor heights (+300mm x2) behind parapet NB sections reversed!

Landscape architect	Ryder	terrafirma	
School landscape plan	HPS-RYD-XX-XX-DR-L-0001 P9	FS0820-TFC-V2-00-DR-L-1001 rev P01	Changes reflecting accommodation of levels, loss of trees, while maximizing playspace
Wider Landscape context plan	HPS-RYD-XX-XX-DR-L-0002 P6	FS0820-TFC-V2-00-DR-L-1002 rev P01	
Indicative sections and elevation sheet 1	-	FS0820-TFC-V2-00-DR-L-5001 rev P01	New – shows levels
Indicative sections and elevation sheet 2	-	FS0820-TFC-V2-00-DR-L-5002 rev P01	New – shows levels

All other originally submitted documents are unaffected by this variation application.