

10/00719/FUL: CONSTRUCTION OF A NEW TWO STOREY HIGH ACADEMY SCHOOL BUILDING, INCORPORATING THE LIBRARY, YOUNG PEOPLE'S CENTRE AND EARLY YEARS CENTRE, AND DEMOLITION OF THE EXISTING ACADEMY, LIBRARY AND SHERIDAN CENTRE BUILDINGS. PROVISION OF ASSOCIATED EXTERNAL AREAS, INCLUDING SPORTS FIELDS, A FLOODLIT ALL WEATHER PITCH, CAR PARKING AND PUBLIC PLAZA, WITH ASSOCIATED ACCESS, ALTERATIONS TO CYCLE WAY AND BOUNDARY TREATMENTS. EXTENSION TO THE EXISTING BUSHFIELD SPORTS CENTRE, THE RE-CLADDING OF ITS FRONT ELEVATION AND THE CONSTRUCTION OF A NEW COLONNADE FEATURE. THE REFURBISHMENT AND EXTENSION OF THE EXISTING CHANGING PAVILION BUILDING AT BUSHFIELD COMMUNITY COLLEGE, BUSHFIELD, ORTON GOLDHAY, PETERBOROUGH

VALID: 28 MAY 2010
APPLICANT: PETERBOROUGH CITY COUNCIL
AGENT: FRANK SHAW ASSOCIATES LTD
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: IN THE WIDER PUBLIC INTEREST
DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The proposed design and layout
- The impact on neighbouring developments
- Access to the site and alterations to cycle route
- The impact of the development on trees and ecology
- Unilateral Undertaking Planning Obligation

The Head of Planning Services recommends that the application is APPROVED subject to a Unilateral Undertaking legal agreement being signed.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- DA1** New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.
- DA2** The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.
- DA7** The needs of people with disabilities must be met in terms of access and provision of appropriate

facilities.

- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- DA12 Lighting schemes must be designed and installed to minimise the impact on neighbouring sites.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.
- CBE2 Archaeological potential and importance must be evaluated and appropriately mitigated where appropriate.
- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T3 New development should be safely and easily accessible by pedestrians and those with mobility difficulties.
- T4 New development should not prejudice or cause inconvenience to, cyclists using the cycle route network.
- T5 Safe and convenient access for cyclist should be secured
- T8 Development must safely connect to the existing highway network.
- T9 High quality cycle parking should be provided
- T10 Car and motorcycle parking provision
- T11 Parking provision for motorist with mobility difficulties
- IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS5 Planning for the Historic Environment, seeks to conserve and protect our heritage assets.

PPS9 , Biodiversity and Geological Conservation, seeks to ensure that biological diversity is conserved and enhanced as an integral part of any development.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

Full planning permission is sought for :-

- The construction of a new two storey high Academy school building(9713m²); which includes the library (524m²), young people's (124m²), and early year centres (96m²).
- The demolition of the existing school, library and Sheridan buildings (8500m²).
- The provision of associated external areas, including playing fields, a floodlit all weather pitch, public plaza, car parking, with associated access, alterations to the cycle way and boundary treatments.
- An extension to the existing Bushfield sports centre (93m²), the re-cladding of its front elevation, and the construction of a new colonnade feature around the frontage of the sports and main school buildings.
- The refurbishment and extension (11m²) to the changing room pavilion building, with the addition of a new entrance canopy.
- Relocation of the grounds maintenance depot from its exiting position on the east of the site to the west, adjacent to the car park.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site covers an area of 10.8 hectares and comprises of the existing school buildings, library, sports centre, maintenance depot, car park and sports fields and pitches. The site is located on the edge of the Orton District centre as defined by the Local Plan.

The surrounding land uses are residential to the north and west, recreational playing fields to the east, and the Orton shopping centre (including the community centre, health centre, elderly persons housing, and car park) to the south.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
06/00352/FUL	Continuation of 2.4m high security fence	05.06.2006	Permitted
05/01963/R3FUL	Three new storage containers and mess room and erection of fencing	08.02.2006	Permitted
02/00555/FUL	Security fencing and revised pedestrian access	24.07.2002	Refused
00/01002/R3FUL	New access to sports centre and extension of existing fence to school (2.4 metres and 2 metres)	15.02.2001	Refused
99/00296/R3FUL	2.4 metre high palisade fence as amended by drawing dated 14th June 1999	14.07.1999	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections have been received. Various detailed comments have been made in respect of the specific highways and travel plan information submitted, and amended details are awaited to address these. The further Highway comments in respect of the amended details will be reported to Members at the Committee meeting.

Historic Environment Officer – Comments awaited

Wildlife Officer – No objection. The approach and recommendations regarding great crested newts, bats and biodiversity are supported and considers the use of planning conditions as an appropriate means of securing these.

Landscape Officer – Objects to the proposal on the basis of the loss of trees.

Public Rights of Way Officer - The proposed diversions do not affect any public rights of way. The new cycle routes should be brought into use before the existing routes are extinguished.

EXTERNAL

Police Architectural Liaison Officer – Has raised concern about some of the boundary fencing proposed and its ability to meeting the secure by design 2010 schools guide in respect of the anti climb requirements. Alternative options have been suggested to the applicant and this can be either be secured by receipt of suitable amended details or by the imposition of a planning condition. Members will be updated of this at the Committee meeting.

Natural England – No objection. The site is located within approximately 1km of Orton Pit SSSI and SAC. It is considered unlikely that the proposed development would have any adverse impact on its interest features. The proposed development boundary runs adjacent to Debdale Pond County Wildlife Site, which is designated for its amphibian community, therefore the Wildlife Trust should be consulted.

Peterborough Local Access Forum – Support the extensive survey work carried out by the developer in reaching their conclusions about diverting the cycleways. Need to ensure the safety of pedestrians in Bushfield Square, where there is dual pedestrian and cycle use. Need to ensure that the new cycle routes results in no more unnecessary conflict with cars than the existing.

Environment Agency - Comments awaited.

Sport England – Comments awaited.

Wildlife Trust - Comments awaited.

NEIGHBOURS

2 Letters of objection have been received from local residents, and 3 letters of objection have been received from 2 surrounding land owners raising the following issues:

- Loss of green space that has been used for some time as dual school and community use
- Light pollution for surrounding residents, particularly from all weather pitch
- Noise pollution from all weather sports pitch for residents, particularly in evenings
- The new building will create more noise pollution and reduced privacy and light for surrounding residents
- New school not required, refurbish and improve the existing facilities. (Not a planning issue)
- Is this project affordable in this economic climate? (Not a planning issue)
- The use of any third party land within the application site is objected to. (Not a planning issue)
- Loss or revision of existing legal rights of way for pedestrians and vehicles. (Not a planning issue)

COUNCILLORS

No comments received

7 REASONING

a) The proposed design and layout

The proposed design has been influenced by:-

- the need to create linkages with the Orton shopping centre, with clear pedestrian routes for the new dual education and community facilities on site

- the retention and enhancement of the Bushfeld sports centre with its dual community and educational function
- the relocation of the all weather pitch to suit both the school and sports centre users
- the retention of the existing car park and tennis courts
- The two storey height to remain in keeping with the surrounding urban fabric
- The avoidance of car parking at the front of the building and the improvement of pedestrian and cyclist access to support sustainable travel
- The need to maintain the existing facilities operational during the construction period.

The main building was therefore positioned on site to maintain its close relationship with the sports centre, to screen the car parking, to provide adequate separation distance from surrounding residential sites, and to allow good connections to the adjacent Orton centre. The building was designed with a strong curved double height fully glazed entrance frontage. The four buildings uses (Academy, Library, Early years centre and Young people's centre) each have their own independent entrances on this main elevation, accessed from the circular public plaza to the buildings frontage. A colonnade structure is proposed to wrap around the buildings frontage and that of the sports centre to provide a visual linkage between these two buildings. The front elevation of the sports centre is to be re-clad to create consistency with the new Academy building.

The two storey height of the building proposed is in keeping the surrounding development of the area. The rear teaching spaces are laid out in three wings to give maximum connection to the rear landscaped area, whilst creating outdoor courtyard areas between the wings. The dominance and setting of the new entrance of the Academy building will be enhanced by the creation of an attractive landscaped area to the buildings frontage with strong pedestrian and cycle routes.

The proposed small scale extensions to the sports centre and changing pavilion are considered to be of an appropriate scale and design, to be compatible with the existing buildings.

The design and layout of the development is therefore acceptable and is considered will be both visually enhancing and compatible with the surrounding character or appearance of the area. This is in accordance with Policies DA1 and DA2 of the Local Plan.

Sports Provision

The total area of existing sports pitches on site is 115,535m². The total area of proposed sports pitches is 106,631m², which includes the new proposed all weather pitch. To compensate for the overall loss of 8904m² of playing area, Peterborough City Council are proposing to construct a new all weather pitch at Orton Longueville school.

Sport England is, in this instance, a statutory consultee because the proposed development will result in the loss of a playing field. At the time of writing the report their comments were awaited, and Members will be updated of their response at the Committee meeting.

If on the receipt of further information Sport England advises that it has no objections to the proposal then it is considered that the mitigation measures will be sufficient to satisfy the requirements policy LT3. If, however, Sport England objects then the application will need to be referred to the Secretary of State under the Town and Country (Playing Fields) (England) Direction 1998. This could result in the application being called in by the Secretary of State for her own determination.

b) The impact on neighbouring development

The new school building and sports pitches will move further north on the site, closer to the residential properties of Rangefield and Mill Road. However, it is considered sufficient separation distance would remain between the new facilities and surrounding residents, to allow the existing privacy and amenity levels currently enjoyed to not be adversely reduced.

The new all weather flood lit pitch proposed, would be located in the position of the existing school building.

This is one of the furthest points on site from the residential properties on Mill Road and Rangefield, further than all the existing sports pitches on site. The new school building will be positioned between the new all weather new pitch and the residential sites and so will provide screening. It is therefore

considered that any noise or light pollution generated from this facility would not have an unacceptable adverse impact on residents.

It is not therefore considered that the siting, layout and design of the buildings or external areas would result in any unacceptable harmful on the amenity of any surrounding residents. The proposal is therefore in accordance with Policy DA2 of the Local Plan.

c) Access to the site and alterations to cycle route

The existing staff car park adjacent to Bushfield Square will be retained, with 126 spaces, including disabled and motorcycle spaces. Access to the car park will be off the Square, as existing, as will access to the service yard. High quality covered cycle parking is proposed at the two main cyclist entry points to the school on either side of the site, and will be secured by condition. Access for emergency vehicles and deliveries will be via a new access off the bus way west of the site. Access to the maintenance depot will be off another access off the bus way.

The Academy is surrounded by an extensive and well lit pedestrian and cycle network. The Wellington traffic free cycle route runs along the back of the site linking to other cycle routes through out the Orton township. Bushfield Way to the south of the site links the Academy to the pedestrian and cycle network south of the site. Sustrans National Cycle Route 53 runs along part of the eastern boundary of the site, and the Regional Route 21 runs along the western and southern site boundary. The routes have good signage at all strategic points, aiding both cyclists and pedestrians.

Due to the relocation of the school building and the need prevent cyclists and servicing vehicles clashing it is proposed to divert some of the existing cycle routes. The proposed diversion of cycle ways will all be on the southern part of the site. It is proposed to abandon the route through Bushfield Square and to the north of the sports centre, and divert this route across Bushfield Square and to the south of the sports centre building. New diverted routes with thereafter diverge to both the south and north to link in with the existing routes. The route beside the Sheridan centre will also be moved slightly to the east to wrap around the edge of the new all weather pitch.

The affected cycleways form part of National Cycle Route 53 and are part of the adopted public highway. Therefore in order for the building works to proceed, an application to the government office for the East of England for a stopping up order will need to be made to close the stretch of cycleway affected.

In principle the Local Highway Authority are supportive of these proposals, but their final comments are awaited and will be reported to Members at Committee.

d) The impact of the development on ecology and trees

Ecology

A biodiversity, newt impact assessment, and bat survey were submitted in support of the application. The reports identified the Debdale County Wildlife site, which has a medium sized pond with great crested newts to the north east of the construction activity proposed. The Stagsden Pond was also identified however this is located further from the site to the east. It was concluded that it would be possible that newts could migrate across the site and get caught up in construction activity. Therefore to mitigate against any likelihood of killing or injuring newts it is recommended a temporary amphibian fence be erected for the duration of the works, with the construction site being checked for newts, and appropriate relocation of the newts if found. This mitigation will be secured by condition.

The bat report assessed all the buildings on site for their suitability to support roosting bats and any evidence of bat activity. The inspection revealed no evidence of bats, and the building scored as low potential for bat interest. The survey did however show evidence of access to the building by birds. As a precautionary measure a further check for bats should be made prior to demolition in accordance with the method statement of the report. Precautions to avoid adverse impacts on nesting birds should be observed.

The reports concluded that the provision of bat and bird boxes on site would potentially enhance the overall site biodiversity, therefore it is recommended that they be secured by way of a planning condition. An ecology garden is also proposed as part of the school re-development. Whilst exact details of what

this will include are not yet known, consideration should be given to the creation of a pond suitable for the needs of great crested newts with appropriate connecting habitat to the existing newt ponds.

No objections to the application have been raised by the City Council's Wildlife Officer or Natural England, subject to conditions.

Trees

In total, 14 individual trees, 2 groups & 1 part group plus 1 section of hedgerow are proposed for removal to enable the development to proceed. The tree removal detail provided by the applicant highlights that 13 trees are category A and 1 tree is category B. Specifically the Landscape Officer objects to the loss of a group of trees at the front of the proposed school.

Whilst the loss of some trees of highest landscape value is especially regretted this must be balanced against the outcome of the options appraisal which demonstrates that the proposed siting is the preferred option because it:

- allows for the existing school to remain in situ whilst the current development is being constructed
- allows for the building mass to be more sensitively located on site in relation to adjacent residential areas and the Orton centre
- achieves greatest area of landscaping compared to the alternative options

Notwithstanding the loss of existing trees a new landscape will be created as part of this development and in particular the setting of the academy will be enhanced by the creation of soft landscaping involving the planting of some new trees.

It is concluded that on balance the benefits of this redevelopment outweigh the harm caused by the loss of the trees taking into account: the strategic importance of this development to the city and its future growth; the benefits of the proposed siting of the new development identified through an initial appraisal of options; and the proposal to plant new trees and create a new landscape.

e) Unilateral Undertaking Planning Obligation

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

In this case the development triggers a requirement for:-

- Bus stop improvements
- Travel Plan and monitoring
- S106 monitoring fee

These requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The design and layout of the development proposed would be both visually compatible with and enhancing to the surrounding character or appearance of the area. It is not considered that the development would adversely impact on any surrounding sites. Subject to the final comments of the Highway Officers, the highway implications of the development are considered to be acceptable. The ecologically enhancements and impacts of the development can be addressed by conditions.

The development is therefore considered to be in accordance with the planning policies of the Peterborough Local Plan (First Replacement) 2005.

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the travel choice needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all boundary walls/fences, external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.**
Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**
- (a) A phasing scheme and schedule of the proposed works;**
 - (b) Provisions to control construction noise and vibration emanating from the site;**
 - (c) A scheme for the control of dust arising from building works and site works;**
 - (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
 - (e) A scheme of working hours for construction and other site works**
 - (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
 - (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**
- The development shall be carried out in accordance with the approved construction management plan.**
Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).
- C5 No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.**

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- C6** a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;
- (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;
- (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;
- (d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C7** Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C8** Notwithstanding the Framework Travel Plan hereby approved, a final Travel Plan shall be submitted for the approval of the Local Planning Authority no less than three months prior to the first occupation of the development. The approved Plan shall be implemented within the timetable contained therein.

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement) and Planning Policy Guidance (PPG13 Planning and Transport).

- C9** All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance for smell, grease or smoke to persons in neighbouring nearby properties. Details of the nature and location of such filtration equipment shall be submitted to and agreed in writing by the Local Planning Authority before installation and shall be installed before the use hereby approved commences.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG23) 'Planning and Pollution Control' 2004 and policies DA2 and DA13 of the Peterborough Local Plan (First Replacement) 2005.

If the Unilateral Undertaking (UU) has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure bus stop improvements, Travel Plan and monitoring, and S106 monitoring fee however, no UU Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Allen, Elsey, and Stokes