

Application Ref: 22/01621/WCPP

Proposal: Variation of Condition 8 (removal of building) of planning permission 18/00251/R3FUL

Site: Recreation Ground, Thorpe Lea Road, Peterborough,
Applicant: Peterborough City Council
Agent: Mr William Nichols
 Lanpro

Referred By: Cllr Jamil
Reason: Lack of justification for continued use

Site visit: 22.12.2023

Case officer: Miss Molly Hood
Telephone No. 07967 318633
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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site is located to the eastern side of the Recreation Ground, forming a closed sports pitch with a supporting modular building that provides a classroom, changing facilities and toilets. The perimeter of the site is fenced, with mature landscaping screening majority of the development.

To the north, south and east of the wider area are mature tree/shrub belts with residential dwellings along Thorpe Lea Road and Vermont Grove further to the north. There is also an open watercourse/ditch running along the north-western boundary of the site. Further to the south is a foot/cycleway which runs east-west along the banks of the River Nene connecting the City Centre (to the east) with Orton Mere and Ferry Meadows (to the west). The proximity to the river puts part of the site within Flood Zone 2.

Permission was previously received (18/00251/R3FUL) to change the use of the site from public open space to a closed sports pitch and running track for the use of West Town Primary School. The facilities on site also included a temporary mobile building to form a classroom, changing facilities and toilets. The perimeter of the sports pitch and building were to be enclosed by a 2.4m high weldmesh security fencing.

The Proposal

Permission is sought to vary the wording of Condition 8 to allow for a further five years for the mobile classroom, changing facilities and toilets. The building would remain positioned in the north-west corner of the site and solely for the use of West Town Primary School.

2 Planning History

Reference	Proposal	Decision	Date
18/00251/R3FUL	Creation of a sports pitch and running track, a mobile classroom, changing facilities and WCs including perimeter fence and associated soft landscaping	Permitted	15/06/2018

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2021)

- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

Peterborough Local Plan 2016 to 2036 (2019)

- LP07 - Health and Wellbeing
- LP13 - Transport
- LP16 - Urban Design and the Public Realm
- LP19 - The Historic Environment
- LP28 - Biodiversity and Geological Conservation
- LP32 - Flood and Water Management
- LP24 - Nene Valley
- LP33 - Development on Land Affected by Contamination

4 Consultations/Representations

PCC Wildlife Officer (04.01.23)

No objection as the revised condition does not create any new significant negative impacts on ecological constraints relevant on the site.

The Wildlife Trusts (Cambridgeshire)

No comments received

Inland Waterways Association

No comments received

PCC Property Services

No comments received

PCC Tree Officer (21.12.22)

No objection on arboricultural landscape grounds. The site is not within a Conservation Area and there are no Tree Preservation Orders (TPO's) on or adjacent to the site.

Thorpe Gate Residents Association (11.01.23)

1. The original permission contained the condition that the field would be restored to public use and the building removed after 5 years – Condition 8.

2. Unable to locate the justification of need letter mentioned in the Planning Statement of

21.11.2022.

3. The field is used in limited occasions over the last years and raises questions about the established need for physical activities.

4. Had the field still be available to public, it would have been used hundreds of times by local people. Significant loss to the community has proved to be little to no use to the school.

5. West Town School have been advertising the field as being available for rent for sports use – they quickly removed notice when members of the public raised concern. However, activities of rental still continued to older children than primary age.

6. The field adjacent was previously for a biodiversity area and is now lost to accommodate the playing field and relocated goal posts. The proposal has destroyed an area of great biodiversity and ecological value.

7. The hut has never been used by Nene Valley for nature education which was one of the original justifications.

8. No justification to extend the planning permission and oppose this. It's requested to return the field to its original use.

Local Residents/Interested Parties

Initial consultations: 154

Total number of responses: 7

Total number of objections: 4

Total number in support: 1

Comments objecting or against the development

- The justification letter contains no detail that was not available in the original documents.
- The school has made extremely little use of the sports field and therefore cannot be said to be 'need' for the field or the changing hut.
- The changing hut has never been used for the alternative proposed use by Nene Park trust.
- The structures and landscaping works undertaken since planning permission was granted must be removed, as agreed in Condition 8, and restored to their original use for the general public.
- The building should be removed to allow for the public to have it for recreational use and the adjacent field should be rewilded.
- If this is fenced off, where will children in the local area play football.

Support

- In support – whilst it's still in use its needed.

5 Assessment of the planning issues

The application seeks to vary condition 8 of planning permission 18/00251/R3FUL, as such only the material planning considerations pertinent to this variation will be considered and are as follows:

- a) Principle
- b) Residential Amenity
- c) Appearance and Context
- d) Flood Risk
- e) Other Matters

a) Principle

Paragraph 95 advises local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. The Local Planning Authority remain of the opinion that this provision also covers Physical Education (PE) space. The original application (18/00251/R3FUL) sought to improve the existing facilities for the site, as the previous playing fields were approximately 1km from the school. The current site provides those facilities for PE space within approximately 300m of the West Town Primary School.

Public representations and Thorpe Gate Residents Association have raised concern with the proposed variation of the condition and the 'need' of the facility. The comments reference that Condition 8 required the field to be restored to public use and the building removed after 5 years. The wording of condition 8 is as follows:

C8 *The mobile classroom building hereby permitted shall be removed and the land restored to its former condition no later than 5 years from its first use, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The scheme of work shall be submitted to the Local Planning Authority at least 3 months prior to the expiry of the date (as above) for the restoration of the site.*

Reason: In order to reinstate the original use of the land or site and preserve the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-2036 (Submission Version).

Condition 8 only requires the removal of the mobile classroom building and does not apply to the use of the remainder of the land for the football pitch, running track, landscaping or fencing. Therefore, by removing the building it would not restore the use of the land as a public open space.

Concerns were raised on the 'need' of the facility, advising it has only been used on limited occasions over the last few years and whether there is suitable justification. A letter was received in support from the Peterborough Education Capital Projects Officer confirming the continued need for these facilities as the school site has no grass playing fields. The building is an essential part of the offsite sports provision, as it provides the school students with toilets, changing facilities and a classroom space when accessing the school playing field. The importance of the facilities to support the school delivering the PE curriculum and ensure the children have access to the appropriate welfare facilities, such as toilets and a changing area is acknowledged. Without the building the nearest facilities would then be within the main school building approximately 300m from the site.

It is considered there is a continued need for the building in order to support the continuance of off-site provision of the PE space and the betterment of the school facilities as originally sought to achieve under application 18/00251/R3FUL. It is acknowledged the Planning Practice Guidance (PPG) advises it is rarely justifiable to grant second temporary permissions, however there are exceptions such as cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities. This particular proposal is considered to be one of these exceptions, given the necessity of the facilities to support the PE curriculum.

Whilst the proposal originally permitted has resulted in loss of part of the recreation ground, it is considered there are still sufficient facilities available for the enjoyment of the public given the area to the west. The football goals were relocated as part of 18/00251/R3FUL and remain on public open space for use. As such there are no principal concerns to a further five years of the mobile home being present on the site and is considered to meet the requirements of paragraph 95. However, the application remains subject to all other materials considerations.

b) Residential Amenity

The mobile classroom, changing facilities and toilets will remain solely used by the West Town Primary School and would only be used during school hours in term-time. The proposal does not seek to allow for community use outside these school hours (i.e. in the evenings or at weekends) albeit there may be school-run after-school clubs which use the facilities. In light of this relatively limited use, the impact arising from the development in terms of noise/general disturbance would only occur during the daytime and would not take place during those times at which local residents would reasonably expect a quiet level of amenity (weekends and evenings).

In light of the above, the proposal complies with Policy LP17 of the Peterborough Local Plan 2019.

c) Appearance and Context

Within the Officer Assessment of 18/00251/R3FUL it was acknowledged that the building was of a construction that can deteriorate over time, hence the granting of this for only a temporary period. However, the building is currently in a good condition and the appearance remains satisfactory. It is considered the building is not in a condition that warrants its removal or alterations and therefore no visual concerns are raised with the building remaining on situ for a further five years.

In light of the above, the proposal complies with Policy LP17 of the Peterborough Local Plan 2019.

d) Flood risk

The southern half of the application site (sports pitch) is located within Flood Zone 2, whilst the location of the mobile building lies within Flood Zone 1. As the building itself, which is the only aspect of the original permission subject to the variation, a site specific flood risk assessment is not required. Given the classroom and facilities are located within Flood Zone 1 it is considered the proposal would not be at unacceptable risk from flooding and would not increase the flood risk elsewhere, in accordance with Policy LP32 of the Peterborough Local Plan 2019.

e) Other Matters

The public representations advise of a loss of the biodiversity area due to the original permission and this loss remains. The landscaping as required under 18/00251/R3FUL has matured significantly and is considered to make a good contribution to the ecology value of the site. The Wildlife Officer raises no objection to the varying of the condition, advising that this does not create any significant negative impacts on ecological constraints relevant on the site.

Similarly, the Trees Officer has no objection to the proposal, noting there are no Tree Preservation Orders (TPO's) on or adjacent and the site is not within a Conservation Area.

Matters of ground contamination were handled under application 18/00251/R3FUL.

The classroom and facilities are only used by the school and as per the original application students and staff access the site by foot. The vehicular access is only used for maintenance vehicles and any emergency vehicles, should they be required.

The public representations raised concern of the school advertising the sports pitch for use in breach of the previous conditions, but that this was rectified. If the use of the sports pitch is contrary to the restrictions applied under the conditions, then this can be reported to Planning Enforcement for further investigation. Furthermore, Condition 3 of the original permission restricted the use of the facility and therefore it could not be used for Nene Park Trust.

A number of conditions have been updated to reflect the implementation and subsequent discharges of the conditions.

6 Conclusions

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

- The proposal would represent improved sports education facilities for pupils of West Town Primary School which should be afforded great weight, in accordance with paragraph 95 of the National Planning Policy Framework (2021)
- The proposal would not result in unacceptable harm to the residential amenity of the neighbouring occupiers, in accordance with Policy LP17.
- The proposal would not result in harm to the character or appearance of the surroundings, in accordance with Policy LP16.

7 Recommendation

The case officer recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

C 1 The development hereby permitted shall be carried out in accordance with the following drawings:

- Site Location Plan (drawing number 18-8-1017-DR-001 Revision P4);
- Proposed Site Plan (drawing number 18-8-1017-DR-800 REV P8)
- Proposed Indicative Temporary Mobile Classroom Floor Plan (drawing number 18-8-1017-DR-801 Revision P1);
- Proposed Temporary Mobile Classroom Elevations (drawing number 18-8-1017-DR-802 Revision P1); and
- Proposed Boundary Treatment Elevation (drawing number 18-8-1017-DR-803- REV P3).
- Landscape Management and Maintenance Plan (Rev 01 02.07.18)
- Landscape Schedule
- Sports Provision Method of Construction/ Management & Maintenance Plan Rev 01 dated 09.01.19
- Tree Pit Details (drawing number 18-8-1017-HBS-DR-L-804 P1)
- Hamson Barron Smith and Peterborough City Council (dated 15.05.18)

Reason: For the avoidance of doubt and in the interests of proper planning.

C 2 The development hereby permitted shall solely be used by West Town Primary School and shall not be open for use by members of the general public, external sports or community groups.

Reason: The site is not capable of accommodating the parking demand generated by public use and to prevent unacceptable harm from arising to the amenities of neighbouring occupants, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan 2019.

C 3 The vehicular access from Vermont Grove/Thorpe Lea Road shown on drawing number 18-8-1017-DR-800 Revision P8 'Proposed Site Plan' shall not be used by anything other than pedestrians, cyclists, emergency vehicles or vehicles required for the purpose of maintaining the site or wider Thorpe Meadows public open space.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan 2019.

- C 4 The soft landscaping scheme shall be maintained in accordance with drawing 18-8-1017-DR-800 REV P8 (Proposed site plan), the Landscape Management and Maintenance Plan (Rev 01 02.07.18) and Landscape Schedule.

For the avoidance of doubt the maintenance of the shrubs as shown on Drawing 18-8-1017-DR-800 REV P8 (Site Plan) is to be carried out by the Education Dept.

Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity and enhancement of biodiversity, in accordance with Policies LP16 and LP28 of the Peterborough Local Plan 2019.

- C 5 The development shall be maintained in accordance with the approved details by Sports England as per the Sports Provision Method of Construction/ Management & Maintenance Plan and Drawings 18-8-1017-DR-800 REV P8 (Site Plan) and 18-8-1017-DR-803- REV P3 Proposed Boundary Treatment Elevation.

Reason: To ensure the playing field is prepared and maintained to an adequate standard and is fit for purpose, in accordance with Policy LP23 of the Peterborough Local Plan 2019.

- C 6 The mobile classroom building hereby permitted shall be removed and the land restored to its former condition no later than 31st August 2028, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The scheme of work shall be submitted to the Local Planning Authority at least 3 months prior to the expiry of the date (as above) for the restoration of the site.

Reason: In order to reinstate the original use of the land or site and preserve the amenity of the area, in accordance with Policy LP16 of the Peterborough Local Plan 2019.

Copies to Councillors- Councillor Amjad Iqbal
- Councillor Mohammed Jamil
- Councillor Alison Jones

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