

PLANNING APPLICATION: 09/02208/AMC

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- This application is part of the Public Private Partnership school project (whereby private developers apply for and develop new facilities which are subsequently leased to public bodies). This application is for one of two schemes for the development of new schools facilities in Moray; the second is the subject of another report to this Committee, for the redevelopment of the Keith Primary School.
- This is a Reserved Matters application for the erection of a new secondary school within the grounds of the current Elgin Academy. Application also includes demolition of the present school building and re-arrangement of the sports pitches within the site. It follows the previous outline planning consent on the site (ref.05/00997/OUT) which was granted permission on 22nd December 2006. For the avoidance of doubt the Reserved Matters application was submitted to this Authority on 27th November 2009, just before expiry of the outline consent. In order that the existing school may remain operational during construction of the new facility, the new school is being built on the playing fields in the north-eastern of the school grounds, close to the boundary with Bishopmill Primary School, and also fronting Morrison Road.
- The design concept of the school is to create an interesting and attractive piece of architecture in a highly visible setting. The new building will be on higher ground than the existing, and close to Morryston Road, but will not replicate the obtrusive tower block of the 1960s design. The school facilities will be much improved and better integrated, with significant enhancement of the vehicular, pedestrian and cycle access arrangements, relieving much of the Morryston Road parking congestion, secured through a Traffic Plan negotiated with the Transportation Services. The wider community will also benefit from the enhanced sports ground facilities.
- To the Morryston Road frontage, the new building will be two storeys high, with a maximum ridge height of 10.8 metres, while from the southern elevation (facing in to the site) the new building will be three storeys high to a ridge height of 15.5 metres: this being achieved through the sloping nature of the site. The overall 'footprint' of the building forms a 'D' shape around an inner courtyard area. Materials to be used in the development include standing seam roofing (colour not specified), aluminium framed windows and curtain walling, weatherboard cladding (colour finish not specified), smooth grey brickwork, and white acrylic render to 'feature' walls.
- Revised and improved vehicular access to the site is proposed, with three points of access/egress; two of which are in existing locations. In addition to this, a 60m long bus layby is shown at the north-eastern end of the road frontage, and the entrance point to this also serves as the access for service vehicles into the site. Three separate parking areas are shown immediately adjacent to Morryston Road and further into the site. A total of 161 car parking spaces are provided within the site, with 134 staff spaces, 10 pupil spaces, 2 visitor spaces, and 15 dedicated disabled bays.

- Pedestrian and cycle access to the site is from various points along the Morriston Road frontage. Cycle access links with the National Cycle Network and a proposal to upgrade the track within the site to 3m width with lighting. More specifically for the site, a total of 120 covered and secure cycle parking spaces are indicated at two locations.
- Revised playing field layout includes three new sports pitches; one of which also has an athletics field incorporated. Two of the pitches (those to the east and west of the site) are to be grass and will measure 112m long by 78m wide, while the centrally located pitch is to be an all-weather floodlit facility measuring 106m long by 66m wide. The latter is situated on the position of the current Academy building. This facility will be available for wider community use out of school hours.
- Mains water supply and public sewers to be utilised.
- Dispersal of surface water by means of Sustainable Urban Drainage Systems (SUDS).

The Site

- The application site is that of the existing school and grounds, and extends to around 8.8 hectares (21.75 acres) in area. It contains the current school buildings, car parking, access roads, sports pitches, play, recreational and other open space.
- To the north the site is bounded by Morriston Road with residential properties opposite.
- To the east lies the Bishopmill Primary School, and part of the eastern boundary is formed by a wooded slope down to the River Lossie with the Boroughbriggs area including the Leisure Centre and football ground beyond.
- To the south the site slopes down to the Morriston playing fields and associated pavilion buildings.
- To the west the site is bounded by the River Lossie, with fields in the 'Old Mills' area beyond.

Policy / Objections-Representations / Consultations - See Appendix

History

- 03/01166/PE -** Without prejudice, advice given about the relationship of planning policy to proposals for the refurbishment and redevelopment of Elgin Academy.
- 05/00997/OUT -** Outline planning application for the demolition of the existing Academy buildings and the development of a new school. This application was considered and approved by the Planning and Environmental Services Committee on 26th October 2005. Consent was issued (following referral to Ministers) on 22nd December 2006. The outline application presented a suggested layout in which the proposed new school building was shown (albeit only indicatively) in the north-eastern corner of the site.

Advertisement

The application was advertised only for the purposes of neighbour notification, and this has attracted objections.

Observations

The main planning considerations are as follows;

Development Requirements (IMP1) and Supplementary Guidance

(The emphasis of this policy is on ensuring that new development is appropriate in terms of its setting, that it is compatible with adjoining land uses, and that it can be adequately serviced. The conclusion of this Service is that the new development does accord with this policy.)

In terms of the use of the site and the compatibility with adjoining land uses, there will be no change from the present use. The major change from the present situation will be the layout of the site, and in particular the positioning of the new school building which will be much closer to, and thus far more visible from Morriston Road. Notwithstanding this, the new design proposed is of a much higher quality than the existing Academy building, and will make a much more positive statement in the streetscape. The use of varied materials will help to visually break up and reduce the visual impact of the new building, although confirmation of all material colour finishes has yet to be provided. It will inevitably impact to a degree on the present outlook enjoyed by those residential properties on the opposite side of Morriston Road, as their currently open aspect will be removed by the new building. The shortest distance between the new building and any of the houses opposite is 35m. This has been the subject of representation from householders who suggest that the building should be moved further back from the site frontage. However, when viewed in the context of development of the overall site, repositioning the school building to any extent would adversely impact on the overall design concept, and may compromise the effectiveness of this and the ability to adequately service the site. The conclusion therefore is that the location and design of the proposed new school building are appropriate and acceptable, although a condition is recommended requiring the submission of material finish details for approval prior to the commencement of development.

Requirements for servicing the site have, or can be met, by conditions or suspensive conditions, to address some of the SUDS, flooding, access and parking outstanding issues.

Access and Parking (T2, T5)

The application includes proposals for revised access arrangements into the site, revised parking layout, and for a new bus layby and pick-up/drop-off point along the site frontage.

Aspects relating to vehicular, pedestrian and cycle access, and to car and cycle parking, required conditions to ensure both an acceptable form of development, and the provision of details currently lacking from the submission, all in the interests of road safety.

Aside from the vehicle access to the site for cars and service vehicles, school buses will be accommodated, with a 60m layby to the front of the site utilising a 'one way' system. Specific provision has also been made for cycle access both into and through the site, and covered, secure parking for up to 120 bicycles has been shown at two locations. A link is also provided through the site as part of the National Cycle Network, with the route up-graded to 3m width and lighting provided.

Access and parking arrangements are satisfactory for the site, and the proposals thus in compliance with the Development Plan policies noted above.

Drainage (EP5)

(It is a requirement of all new development that it incorporate Sustainable Urban Drainage Systems (SUDS) for the dispersal of surface water).

SUDS will be provided within the site for the dispersal of surface water. Although the information provided to date has been insufficient to satisfy SEPA, a condition is attached requiring the submission of details for this the approval prior to the commencement of development.

Due to the proximity of the site to the 1 in 200 year flood envelope of the River Lossie, SEPA state that further information is required to assess the flood risk and that if a Flood Risk Assessment (or other information) demonstrates that the development accords with the principles of Scottish Planning Policy, then their objection will be removed. The agents are in negotiation with SEPA and the Moray Flood Alleviation team to resolve this issue, and therefore approval of this application is dependent on the submission of information to the satisfaction of SEPA.

Contaminated Land (EP9)

The Environmental Health (Contaminated Land) section has no objections to the proposed development, subject to the attachment of an informative note relating to potential contamination sources both within and immediately outwith the site.

Energy Reduction (ER2)

(This policy requires that all new development with a cumulative floorspace of 500m² or more can demonstrate an additional 15% reduction in CO₂ emissions beyond the 2007 Building Regulations carbon dioxide emissions.)

The agents have provided a statement confirming that models to calculate the energy consumption for the buildings are being re-run, and that they are confident of positive results which will exceed the 15% requirement. It is hoped that the findings will be available to update Committee. On the basis of this it is suggested that approval of this application (assuming that Committee are minded to support it) be delegated to this Service, subject to the receipt of the required information, and confirmation that it meets the standards sought.

Recreation and Open Space (CF2, E4, Elgin ENV5)

The proposed development lies primarily within the Elgin ENV5 designation, with the site of the present Academy building and car parking excluded. The ENV5 designation refers specifically to sports areas and playing fields, and must be read in conjunction with policies E4 and CF2.

(Policy E4 relates to the impact of development on 'green spaces', and stresses that proposals which would impact negatively on these will be refused unless there are mitigating circumstances. Related to this, CF2 refers to the provision and retention of areas for public recreation.)

As submitted, the development proposal will result in the initial loss of recreational 'green' space within the Academy site, between the current buildings and the boundary with Bishopmill Primary School to the east, but will be rectified by the removal of the existing buildings and re-use of that land for "ENV" open/recreational land. Viewed in the context of the overall application (the new building will be a replacement for the existing building, and the latter will be demolished once the new facility is commissioned.) the area occupied by the present Academy building will be redeveloped as an all weather sports pitch, replacing the grass pitches are on which the new building is to be sited. These recreation facilities will be available to the community outwith school hours, and that will be floodlit to enable evening use. To address concerns about the potential impact of flood lighting on nearby residential properties, a condition of planning permission is recommended requiring the submission of details for approval, prior to development commencing.

Developer Contributions (IMP3)

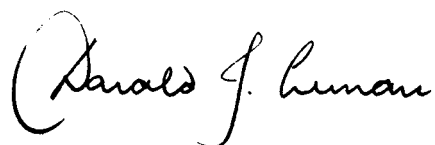
(Developer contributions are sought where new development will impact on the provision and/or delivery of services and community facilities.)

The proposed redevelopment of the Academy building will represent a considerable improvement over the existing facility. In particular, wider benefit will be gained not only through the improved school facility, but through improvements to the parking and access arrangements and all-weather sports facilities. This will benefit not only the primary users of the school; i.e. the pupils and staff, but also the wider community who will have access to many of the new and improved facilities outside of school hours and term times.

The community and infrastructural benefits which have been secured through the PPP process, the Traffic Plan and the Conditions of Consent are significant and represent suitable Planning Gain from the project; no requirements have been imposed for additional mitigation under Policy IMP3.

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DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;

- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

Policy CF2: Providing Recreational Land and Open Space

- (i) **Preparation of an open space strategy**
The Council will prepare an open space strategy and this will be subject to consultation with stakeholders.
- (ii) **Provision of new sporting and recreational facilities**
The Council supports proposals for new sporting and recreational facilities.
- (iii) **Safeguarding existing recreational land and open space**
Development proposals, which impact on existing sporting and recreational facilities (i.e. playing field, sports pitch or other recreational open space), will not be permitted unless:
 - a. The proposed development is required to enhance the principal use of the site as a sporting facility and will result in an overall improvement of its sporting and recreational potential, and not result in a negative impact upon its overall amenity value and its accessibility; OR
 - b. The facilities are no longer required for their original purpose and there is clearly an excess of such sporting facilities in the wider area, taking into account long-term strategy.

Policy E4: Green Spaces

Development which would cause the loss of, or impact on, areas identified under the ENV designation in settlements and the 'Amenity Land' designation in rural communities will be refused unless:

- a. the proposal is for a public use that clearly outweighs the value of the green space; and
- b. the development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site.

Development proposals on sites with an identified sporting or recreational function will also be considered against Policy CF2: Recreational Land and Open Space.

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq. metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

Policy ER2: Energy Reduction Requirements in New Development

Proposals with a cumulative floorspace of 500 m² or more must include on site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 Building Regulations carbon dioxide emissions. The location of the equipment should not significantly detract from the amenity, appearance or character of the site. Applications should only be exempt from the above targets where developers are able to demonstrate that technical constraints exist. In those cases, equivalent carbon savings elsewhere in the area would require to be secured from the applicant by agreement.

PAN 84 will be used as guidance for the implementation of this policy.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,

- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

Policy IMP3: Developer Contributions

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact on existing infrastructure, community facilities or amenity, and those contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

ENV5 Sports Areas

Greenwards School, Eastend School, Tyock/Pinefield playing field, New Elgin Road, Borough Briggs.

OBJECTIONS-REPRESENTATIONS

Objections/representations received from:

- Mr And Mrs B Anderson And Mrs Joan Abbey, 119 Morriston Road, Elgin, Moray, IV30 4NB
- Keith And Helen Mitchell, 127 Morriston Road, Elgin, Moray, IV30 4NB
- Mr James Scott, Glenericht, 137 Morriston Road, Elgin, Moray, IV30 4NB
- S Hollis, Lorelei, 115 Morriston Road, Elgin, Moray, IV30 4NB
- Mr Derek Petrie, Suilven, 117 Morriston Road, Elgin, Moray, IV30 4NB
- Colin A And Heather Park, Vermont, 1 Quarry Road, Elgin, Moray, IV30 4NF
- Ms Pamela McKerron, Suilven, 117 Morriston Road, Elgin, Moray, IV30 4NB
- The City And Royal Burgh Of Elgin Community Council, Alistair G Kennedy, Chair Of Planning Committee, 5 Linksfield Court, Elgin, Moray, IV30 5JB

The main points raised in the representations are as follows:

Situation: It is suggested in some of the representations that the new school building be located further back from the site frontage.

Comment: Repositioning of the school building further back within the site will impact on the layout of the rest of the site, and diminish the design concept for access and servicing of the building.

Finishes: It is requested that there be no areas of un-finished concrete on the walls of the new building, and that these should have a harled finish.

Comment: From the plans received with this application it is not apparent that there are any areas of un-finished concrete on the proposed new building. However, as details are lacking on the precise nature and colour of many of the exterior finishes, a condition (no 14) of planning permission is recommended requiring the submission of details for approval prior to the commencement of development.

Trees: There are a number of exiting mature trees around the present Academy building, and it is requested that these be retained as far as is possible.

Comment: Redevelopment of the site, and in particular demolition of the existing Academy building will necessitate removal of some of the mature trees on site. Notwithstanding this the importance of landscape planting within the site is recognised, and it is proposed that a condition (no 13 as recommended) be applied to any permission requiring the submission of landscaping details for approval prior to the commencement of development. This should show the position of existing trees, and those which are to be retained, along with those which will require removal and any new planting which is proposed.

Floodlighting: Concern is expressed in one of the representations about the impact of floodlighting for sports pitches/courts on the amenity of nearby residential properties.

Comment: Insufficient details of proposed flood lighting are provided with the application and as this may be an issue for nearby residents, a suspensive planning condition be attached to any grant of consent requiring submission of floodlighting details for the consideration and approval in writing of the Planning Authority prior to the commencement of development.

Roads: Various concerns are raised in the representations relating to the movement of traffic in the vicinity of the site. Among the suggestions are a reduction in the length of road subject to the temporary 20mph speed limit, the installation of traffic calming and double yellow lines, and of making the service road which runs parallel to Morrision Road for access only. Overall road safety is also a concern, and related to this the activities of 'boy racers' within the school grounds at night.

Comment: A Traffic Assessment was been submitted with this application, and has been considered in detail by the Transportation Manager. Following on from this, discussion has taken place with the agents and changes have been made to internal site layout details. The position of the entrance to the car park has also been amended, from the original position proposed back to the position it currently occupies on site. In addition to this, the consultation response received from the Transportation Manager lists a number of recommended conditions of planning permission and a number of informatives. Many of the former are suspensive, and will require further action from the applicants/agents prior to the commencement of development.

Neighbour notification: One of the issues raised is that of neighbour notification and access to the plans for inspection; some correspondents concerned that they have not had adequate access to these. In particular correspondents are concerned about access to plans 'on-line'.

Comment: As Members will be aware, it was the decision of this Council that all applications should be made available 'on-line', and this took effect from April of 2009, coinciding with the facility to submit applications electronically. The Council also now is responsible for neighbour notification following a change to legislation, and this was carried out in accordance with procedures. Further to this, Members are advised that the procedures and facilities for public inspection of major application plans are being reviewed, and maybe subject to amendment.

For Members information, it can be confirmed that meetings were held at Elgin Academy following announcement of the preferred bidders, and prior to lodging the applications. Meetings were held during school hours for pupils, and after hours for parents/community, with members of the design and construction teams on hand to answer questions. Display boards were then left on view in the school reception/entrance area.

CONSULTATIONS

Scottish Water - Scottish water do not object to the application. It is noted a Licensed Provider is required to act on the applicant's behalf for new water and waste water connections, and also that SUDS is required for the dispersal of surface water.

Environmental Health (Contaminated Land), Development Services - No objections to the proposal, subject to the use of an informative relating to potential contamination sources both within and close to the site.

Transportation Manager, Direct Services - No objections, subject to several conditions of planning permission and a number of informatives.

Environmental Protection Manager, Direct Services - No response received.

City and Burgh of Elgin Community Council - The response received from the Community Council does not object to the application per se but raises a number of concerns expressed by members of the Community Council and/or local residents. The issues of concern are:

- Availability and accessibility of plans for inspection 'on-line';
- Validity of the Reserved Matters application;
- Variance from outline application indicative plans; and
- Traffic congestion/road safety.

All of these matters have been addressed earlier in this report.

SportScotland - Further information requested from the applicants regarding the proposed changing facilities before final comments are made.

SEPA/

SEPA - SEPA initially objected to the development on two grounds. The first of these relates to surface water drainage, and the lack of detail about how this would be achieved on site. It is, however, confirmed that this objection will be withdrawn subject to a condition being attached to any permission requiring the submission of full details for approval. The second matter relates to flood risk as part of one of the playing fields is within the 1 in 200 year flood envelope for the River Lossie. This objection will also be withdrawn if the applicant can demonstrate that the works for the playing field accord with their flood risk principles; SEPA's response to the further information supplied is still awaited.