

**PLANNING APPLICATIONS: 09/02209/APP,
09/02210/APP & 09/02211/APP**

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 Overall Proposals

These three applications are part of the Moray Schools Public Private Partnership (PPP) (whereby the private sector develops new facilities which are subsequently leased to public bodies.) These Keith applications cumulatively are for one of two schemes for the development of new schools facilities in Moray; the other is the subject of another report to this Committee, for redevelopment of Elgin Academy.

These three applications are all related to the development of a new Primary School at Keith on the site of and adjacent to the existing facility; all three applications are described in this one report.

Unlike the Elgin Academy application these are not "reserved matters" applications, as they comprise three new applications (for individual elements of the overall development.) Although the overall site is 5.8ha, each separate application area is less than 2 hectares, obviating the requirement for pre-application consultation procedures.

Associated with the development, and in particular the new primary school, it must be stressed that there will be a requirement to close the southernmost narrow sections of School Road to through traffic, and this will be pursued separately by the Council.

The design concept of the new school is to use temporary "portacabin" type classrooms, mainly on the annexe site, while the new school is being built. The school facilities will be much improved, and better integrated, and the new all-weather pitch will benefit both the primary and secondary schools as well as the community generally. The access to the school is to be significantly improved, through on-site parking, servicing and drop-off provision; but also through much enhanced pedestrian and cycle provision imposed through a Traffic Plan agreed with the Transportation Service.

The school building is well designed, tucked into the slope of the ground, and set further back from the Drum Road houses than the existing, and on completion it will release for redevelopment the old annexe site which fronts the A96.

The three applications are as follows: -

1) 09/02209/APP (Sports Pitch)

- This application is for detailed permission to construct a new all-weather sports pitch on the site of an existing sports pitch within the grounds of Keith Grammar and Keith Primary schools.
- The new pitch is to be located in the sports ground area, parallel with Drum Road.
- It will have a synthetic green surface and will be surrounded by “weldmesh” type fence to a height of 5m.
- Floodlighting is proposed.
- The facility will be available for community use out of school hours.

2) 09/02210/APP (Temporary Classrooms)

- This application is for detailed permission to construct 7 no. temporary ‘portacabin’ type school buildings, 5 within the grounds of the Keith Primary School Annexe, on the western side of School Lane, and 2 within the grounds of the main school, at the site of an existing store.
- The units are all of a basic two room design, with central common toilet and foyer space between these.
- Each unit measures around 14.5 metres long by 9.5 metres wide, and the flat-roofed design has a height of around 3.2 metres.
- Access ramps serve each unit to the common foyer area, and each room also has a second emergency exit door on the gable end of the unit.
- Following completion of the new school building on the main site the ‘portacabins’ will be removed, and the Annexe site will become surplus to requirements.
- Anticipated requirement time for the units is 24 months.

3) 09/02211/APP (New Primary School)

- This application is for detailed planning permission to erect a new primary school within the grounds of the existing Keith Grammar and Primary schools.
- The proposed new building is designed around a central ‘core’ area which contains the hall and dining/social area, and dividing the school into primary 1-3, 4-7 and special needs areas in each of the three ‘wings’.
- The highest part of the building is the central ‘core’ area over the hall, where the roof level rises to around 10.5m. Elsewhere the roof height is around 8m.
- Material finishes proposed are standing seam cladding for the roof, and a variety of finishes including smooth black brickwork, acrylic render, resin rainscreen and aluminium panelling to the walls. Colour finishes are not specified for all of these.
- Existing access from School Road to be utilised, but re-worked, to provide an internal car park and drop-off/pick up area with space to turn vehicles.
- Additional and much enhanced pedestrian and cycle access from School Road and Drum Road.
- Secure cycle parking .
- The new car parking area to provide 76 spaces, of which 6 are dedicated disabled parking bays.
- Connection to public mains water and mains drainage for foul discharge proposed.
- Dispersal of surface water by means of Sustainable Urban Drainage Systems (SUDS).

The Overall Site

- The overall site area for the new primary school and sports pitches extends to 5.8 hectares.
- The site presently comprises current school buildings annexe and playing fields.
- The site of the proposed new primary school building will replace the stone and slate single-storey school building that has been considerably extended over the years. The remainder of the area is grassed amenity ground.
- Boundaries of the site are varied, with stone walls and fencing to the adjoining residential properties on Drum Road, a blockwork wall with railings atop to School Road, undefined boundaries to the Grammar School, and post and wire fencing to the fields to the east. The boundary of the playing field area with Drum Road is defined by a line of coniferous trees.
- The location for the temporary units lies both within the grounds of the current Primary School annexe, which is situated in a self-contained site to the west of the main school site and in the grounds of the main school. The Annexe building is of traditional design and built in stone and slate. It is surrounded by a hard-surfaced playground, and has residential properties to the west, north, and east. Stone walls bound these three sides of the site. To the Church Street/Moss Street frontage the site is bounded by a low stone wall with railings atop, and is above the level of the adjacent roads. Access to the annexe is mainly by foot; a lane leading at right angles from School Lane to the east. There is a gated vehicular access to the Church Street frontage, with limited visibility to the west.

Policy / Objections-Representations / Consultations - See Appendix

History

- 98/01290/MC** - Renewal of consent for temporary classroom at Keith Primary School. Approved October 1998.
- 01/02003/MC** - As above. Approved February 2002.
- 05/01223/OUT** - Outline planning application to demolish existing school and erect new primary school. Application withdrawn July 2005.
- 05/01784/OUT** - Outline application for demolition of existing school, erection of new school, associated landscaping and car parking at Keith Primary School. Application approved February 2007.

Advertisement

The applications were advertised only in terms of neighbour notification.

Observations and Planning Assessment

The main planning considerations are:

Development Requirements (IMP1) and Guidance

(This policy and the associated Guidance requires that new developments can be adequately serviced and that the design and nature of the proposals are compatible with the adjoining land uses.)

The proposed new school building and the sports pitch are replacement facilities and are not changing the use of the overall site from its current purpose. Therefore the new facilities are in principle no more in conflict with the adjoining (especially residential) properties than the current uses.

Concern has been expressed in the representations from Drum Road about the proximity of the sports pitch and the potential for youths congregating close to this resulting in increased disturbance. The formalising of the Drum Road pedestrian access to the school, and the provision of a vehicle turning space at the all-weather pitch, is an integral part of the upgrading of access to the schools complex allowing alternative safe routes for pupils. This cannot be achieved without some impact on the neighbouring roads.

The proposed new school building is of single storey design and utilises a low pitched roof 8-10m high which will minimise the mass and impact of the school, while the advantage taken of the site contours will limit the impact of the new building on adjoining residential property. In addition, the new building is set 28m further away from the Drum Road houses than the existing school.

In terms of servicing, Scottish Water has no objection, and SEPA require a suspensive condition to address their objection regarding SUDS; and a number of planning conditions and informatives address matters relating to access and parking. Of special note is a condition to re-design the drop-off/pick-up point on Drum Road (a condition addresses this) and (as noted in the discussion on roads and access below) the requirement to close off School road to through traffic; the latter to be pursued by this Council as Planning and Roads Authority.

The overall development will require removal of some trees (e.g. to accommodate floodlights at the all-weather pitch) and some grassed area.

There is insufficient detail regarding landscaping around the new school and pitch and a condition of planning permission is recommended to ensure that an appropriate scheme for the landscaping of the site is submitted for approval; also further details of the material finishes of the school building require to be submitted for approval prior to the commencement of development.

With the application of the above conditions the development is in accordance with this policy.

Access and Parking (T2, T5)

(The requirement of these policies is that all new development is provided with vehicular and pedestrian access to a safe and appropriate standard, and that the parking provision is appropriate to the use proposed.)

The vehicular access will be directly from School Road. Parking is within the site, and is immediately adjacent to School Road.

The separate pick-up and drop-off point proposed on Drum Road adjacent to the new all-weather playing field requires to be re-designed, and a condition of planning permission addresses this issue.

There is no separate vehicular access and parking provision proposed for the temporary classroom units at the annexe site.

A condition of the outline planning permission for development of the Keith Primary School site was that no development should commence until all procedures for the closure of School Road to through traffic have been completed. This is still required, due to road safety issues as the southern-most portion of School Road is a narrow one-way lane bordered by property boundary walls, with no footpath. As a critical element in ensuring road safety to the whole school complex it is recommended that this Council pursues a Closure Order for School Road to vehicular traffic beyond the end of the School Road public footpaths; the only exceptions being for the 3 neighbouring properties with frontage access onto School Road. It is suggested that this may be linked to the development by means of an appropriate legal agreement.

Drainage (EP5)

(This policy requires that all new development be provided with Sustainable Urban Drainage Systems (SUDS) for the dispersal of surface water.)

In this instance the main SUDS considerations will relate to the development of the new primary school building, although there will be implications also for the delivery of the all-weather sports pitch.

For the new school, SEPA requires a condition that surface water treatment, in accordance with the technical guidance contained within 'The SUDS Manual' and is attached as an appropriate suspensive planning condition.

In respect of the all weather pitch, SEPA requests that a condition of planning permission be imposed requiring the submission of details of a full site specific surface water scheme. This will require to be approved by the Planning Authority in consultation with SEPA. Accordingly, a suspensive planning condition is attached.

SEPA has no comment in respect of the temporary classrooms.

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.)

This policy applies only to the new school.

To date, the agents have only 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. An up-date will be reported to the Committee meeting. 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.

Sports Areas (E4, CF2, Keith ENV5)

(Keith ENV5 designation must be considered in conjunction with Development Plan policies E4 and CF2 for Green Spaces, and for Recreational Land and Open Space respectively)

The new school building and the associated access and car parking will diminish the present area of open space fronting School Road. However that loss will be off-set by an overall increase in formal recreation provision. (The main playing field area to the east of the Grammar/Primary site will not be eroded by the development proposals.)

The applications have been the subject of consultation with SportScotland, who confirm no objections, noting that in principle the synthetic/all-weather surface will "...significantly increase the capacity of the sports pitch when compared to a grass pitch." The overall development will in fact enhance, rather than diminish the recreational use of the protected ENV area of the school grounds.

The new sports pitch facility will be available for wider community use outwith school hours, thereby increasing the potential for sports development in the area. Accordingly the proposals are in compliance with Development Plan policies for open space and recreation provision.

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 Keith Primary 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.

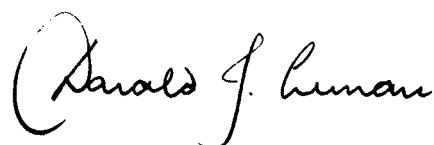
Opportunity Sites (Keith OPP4)

This designation applies only to the annexe site. It is recognised in the Development Plan that the creation of the new school will render the existing annexe site redundant, and accordingly it has an 'opportunity site' designation, for redevelopment for business or housing purposes, although it is stressed that access to the A96 may restrict options.

The current application proposals only defer future redevelopment of the site, and there is therefore no conflict with designation OPP4.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

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.

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.

ENV5 Sports Areas

Golf Course; Fife Keith Park; Simpson Park; Seafield Park; Keith Grammar and Primary Schools; St Thomas Primary School; Bowling Green; Kynoch Park; Dunnyduff Road; Cuthill Park

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.

T6: Traffic Management

The road hierarchy will be used to assist the assessment of planning applications, in particular for the consideration of the appropriate road design and traffic management requirements. The road hierarchy will be used when considering appropriate traffic management options/schemes to optimise the performance of specific roads.

T7: Cycling, Walking and Equestrian Networks

The Council will promote the improvement of the cycling, walking, equestrian and motorised sport path networks within Moray. It will give priority to the path networks and to long distance routes including the Aberdeen to Inverness National Cycle Route and the Speyside Way. Development proposals that adversely impact on the routes and cannot be adequately mitigated will not be acceptable.

Dependant on funding the Council will examine the possibility of an extension of the Elgin to Lhanbryde footpath network.

Policy CF1: Safeguarding Community Facilities

Development proposals which impact on community facilities will be refused unless;

- a. the facility is in need of replacement,
- b. alternative facilities will be provided that are of equivalent standard and accessibility, or,
- c. the development will provide sufficient local public compensation for the loss of all or part of the safeguarded site and facilities must be directly replaced unless it can be demonstrated that they are no longer required, or,

Where land or buildings in community use become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will in principle be considered with other local plan policies.

Town and village statements will identify where local facilities are under provided, or in need of upgrading.

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.

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.

OBJECTIONS-REPRESENTATIONS

In respect of the All-Weather Sports Pitch objections/representations have been received from;

- Norman And Pamela Wilson, 22 Union Terrace, Keith, Moray, AB55 5EQ
- Mr And Mrs Simmers, Yarrow Bank, Drum Road, Keith, Moray, AB55 5ER
- Alan And Linda Greig, Valhalla, 24 Union Terrace, Keith, Moray, AB55 5EQ
- Mr And Mrs Brian Lawrence, Dunlaw, 23 Union Terrace, Keith, Moray, AB55 5EQ
- Mr And Mrs W Gray, 25 Union Terrace, Keith, Moray, AB55 5EQ
- Mrs C Shaw, 26 Union Terrace, Keith, Moray, AB55 5EQ

- Mr C George, 27 Union Terrace, Keith, Moray, AB55 5EQ

The main points of the objections are as follows;

Existing houses/location/size: It is suggested that the site is not big enough for the sports pitch proposed, that it is too close to the existing residential properties on Drum Road, and that the facility would be better located elsewhere in Keith.

Comment: The application as it stands must be determined on its own merits, irrespective of whether other sites are available within Keith. In terms of the nature of the facility and its size, the optimum location for the pitch within the grounds of the Grammar/Primary site. There is little scope within the limits of the overall site to move the pitch further away from the existing houses.

Antisocial behaviour: reference is made in some of the representation letters about the potential for antisocial behaviour arising from the new facility, and that this may exacerbate the problems currently experienced with litter and intrusive noise on what is otherwise a quiet residential area.

Comment: This is addressed in the main report.

Lighting: Concern is expressed in some of the representations about the potential for "pollution" from the new floodlighting of the pitch.

Comment: This is a reasonable concern and since details of lighting have not been provided at this stage, and it is suggested that this be made a suspensive condition of planning permission; requiring the submission of details for written approval prior to the commencement of development.

Facilities: Concern is expressed at the lack of toilet/changing facilities on site.

Comment: Changing and toilet facilities are available at the community centre and swimming pool as is the case now. There may indeed be increased usage of the all-weather pitch but it is speculation to suggest that users of the new facility will change in cars and use the surrounding area to relieve themselves. This cannot therefore be taken into account in the determination of this application.

Car parking: Concern is expressed that there is no parking facility adjacent to the new pitch, and that users of the facility will therefore park on Drum Road, which is narrow and easily congested.

Comment: Car parking will be available for the users of the pitch at both the new school grounds off School road, and at the community centre and swimming pool.

Height of perimeter fence: Concern is expressed about the height of the perimeter fence for the new pitch facility, and the impact that this will have on views from neighbouring properties.

Comment: The height of the fence bounding the all weather facility is chosen to limit the incidence of footballs, etc. being lost from the ground and causing nuisance to neighbouring properties. Without being overly intrusive, the fence design is acceptable.

There are no representations in respect of the temporary classrooms.

In respect of the New Primary School representations have been received from

- Mr And Mrs Simmers, Yarrow Bank, Drum Road, Keith, Moray, AB55 5ER
- Mrs Jennifer Boardman, School Cottage, School Road, Keith, Moray, AB55 5ES

- Alexander And Linda Watt, Lamia, 8 School Road, Keith, Moray, AB55 5ES
- Alan And Linda Greig, Valhalla, 24 Union Terrace, Keith, Moray, AB55 5EQ
- Mr And Mrs W Gray, 25 Union Terrace, Keith, Moray, AB55 5EQ
- Norman And Pamela Wilson, 22 Union Terrace, Keith, Moray, AB55 5EQ
- A Watt, NO POSTAL ADDRESS GIVEN

Position of drop-off/pick-up point: Objectors argue that the position of the pick-up/drop-off point and turning area on Drum Road will exacerbate current problems with antisocial behaviour and road congestion.

Comment: The overall design of the new school complex promotes better, safer access from both School Road and Drum Road.

Loss of trees: The loss of existing trees on the site is cited as a reason for objection to the application.

Comment: Some trees will be removed with the school reposition and therefore a condition requiring the submission of detailed landscaping plans for approval is recommended. This will include the need to identify any trees to be retained and any new planting to be undertaken.

Access via School Road: This is the main issue on contention, and many of the representations object to the scheme on the grounds of the continued use of School Road as the primary access to the new development, and especially the congestion during the start and finish of the school day with buses, and parents in cars, choking the roadway. Road safety is also cited as an issue connected with this.

Comment: The issue of access to the site for vehicular traffic has been taken into account in the design of the layout. As a result, the facility proposes on-site parking to an appropriate standard, with the addition of bus and car turning and drop-off/pick-up to be provided. It is anticipated that this will ease the current congestion experienced on School Road, and also improve road safety.

Consultation Process: Concern is expressed that the consultation process for the development was inadequate and did not enable nearby residents to fully engage with the application process.

Comment: The appropriate neighbour notification procedures were carried out by this Council, and interested parties had the option of viewing the proposals and making comments on-line, or writing in within the standard representation period. Despite there not being a requirement for pre-application consultation (as none of the applications is a Major), the developers carried out a consultation exercise in the form of a public exhibition.

Loss of privacy: One of the comments received is that the car park of the new school will be very close to, and therefore impact on the privacy of nearby residential properties.

Comment: The parking arrangements for the new school are a significant improvement on the existing on-street, and limited on site provision.

Impact of development: Some of the representations are concerned about the impact of the new school building on the surrounding area, and that this may be detrimental to residential amenity.

Comment: The proposed new school building will be located further away from the Drum Road neighbours than the existing building by around 28m, and will be on slightly lower ground. The building is also of a low pitched roof design which will minimise its impact on the closest residential properties.

Impact on drainage infrastructure: Comment is made about the ability of the drainage infrastructure in particular to deal with the new development.

Comment: The consultation responses received from Scottish water make no objection to the developments.

CONSULTATIONS

Environmental Health Manage. Development Services - No objections to either the temporary units or to the all-weather pitch facility.

Contaminated Land, Development Services - No objections. Informatives suggested for 09/02210/APP and 09/02211/APP.

Environmental Protection Manager, Direct Services - No responses received.

Transportation Manager, Direct Services - A number of conditions of planning permission are recommended, and imposed, along with informatives.

Sport Scotland - No objection to the proposals. Although it is noted that no detail of the all-weather pitch is provided, it is confirmed that this will enhance the sporting use of the site.

SEPA - SEPA has stated that its objection to the application for the new primary school can be removed by a condition of permission requiring the submission of further details of surface water dispersal schemes. A request for a similar condition is made in respect of the all-weather pitch.

Keith Community Council - No response received.

Scottish Water - No objections to the proposals.