

Agenda Item:

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Regulatory Committee

Dorset County Council



Date of Meeting	23 October 2014
Officer	Head of Economy
Subject of Report	To consider planning application WD/D/14/001915 new build first school (20 Classrooms) with hall, meeting rooms, parking church and associated landscaping at Damers First School site, Liscombe Street, Dorchester, Dorset.
Executive Summary	This application seeks permission for a new primary school on land at Liscombe Street, Dorchester, Dorset.
Impact Assessment:	Equalities Impact Assessment: This report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The recommendation has been made after consideration of the application and supporting documents, the development, government policy, legislation and guidance, representations and all other material planning considerations as detailed in the main body of the report.
	Budget: Generally the determination of applications will not give rise to any budget implications for the Committee.
	Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied.
	Other Implications: None

Recommendation	That planning permission be granted subject to the conditions set out in paragraph 9.1 of this report.
Reason for Recommendation	As set out in paragraph 6.19-6.20 of this report.
Appendices	<ol style="list-style-type: none">1. Location Plan2. Block Plan3. Plans and elevations of the school building.
Background Papers	Planning application file reference WD/D/14/001915.
Report Originator and Contact	Name: Chris Stokes Tel: 01305 224263 Email: c.stokes@dorsetcc.gov.uk

1. Background

- 1.1 The proposal is for a new school at Poundbury as part of Phase 3 of the development. The school would replace the Damers First School, Damers Road, Dorchester.

2. Site Description

- 2.1 The site is located on the northern side of Peverell Avenue East which links Queen Mother Square to the Bridport Road, A35 and A37. To the east of the site is the Great Field, an area of open space. Liscombe Street forms the western boundary and Old Gallows Lane the northern boundary. At present the site is raised and levelled with excavation material from other parts of the Poundbury development.

3. The Proposal

- 3.1 It is proposed to erect a single storey school and hall together with a church and associated two storey accommodation.

- 3.2 The proposed school includes:-

- 4 reception class bases
- 16 class bases
- 1 large hall (conjoined with the Church)
- 1 small hall
- 1 multi-use heart space.
- 36 w.c.s
- 1 accessible w.c.
- 3 hygiene rooms
- 1 complex cognitive disorder room
- 1 food technology room
- staffroom, offices, stores, group rooms, shared cloak rooms and ancillary accommodations.

- 3.3 The proposed church includes:-

- 1 hall (conjoined with the school)
- 9 w.c.s
- Servery kitchen
- coffee lounge
- crèche/office
- 4 no. meeting rooms
- platform lift.

- 3.4 The development also includes a Lych gate at the Great Field entrance and a '*coach house*' housing sprinkler plant and caretakers storage, workshop and office and parking area off Liscombe Road.

- 3.5 The planning application is accompanied by a Planning Design and Access statement which includes a Site and Buildings appraisal, Site Concept and Duchy Masterplan, and a Design and Building Strategy.

4. Consultations and Representations

4.1 West Dorset District Council:

The application site lies within an area allocated for a comprehensive mixed-use development in the adopted West Dorset District Local Plan policy EA17 (Poundbury North Area). The policy expectations include educational and community facilities. Outline planning permission for development of this area was granted in 2011 – comprising Phases 3 & 4 of the Poundbury development. That permission makes specific reference to a primary school.

The section 106 agreement concluded in association with this outline planning permission places the Duchy of Cornwall under an obligation to provide a new First School, and the location proposed within the current application accords with the site identified within the agreement. The agreement goes on to state that the school also needs to meet the expectations of the Poundbury Development Brief (2006) which states:

“The school will be a first school for children aged between 4 and 9, and will have the eventual capacity of 450 pupils (three form entry with 90 pupils each year), plus about 20 further in a speech and language unit. The ultimate gross built area would be 2,526 square metres and a total site area of 1.74 hectares would be required, to include buildings, access, car parking, pitches and play areas. Playing areas and pitches will be required on the site, for security reasons and so that they are specifically designed for the relevant age range, though as mentioned above the school will be able to use the Great Field for activities requiring more space. The school should be designed in such a way that it could be easily used for other community uses outside school hours.”

West Dorset District Council continues to support the provision of a First School at Poundbury; they see it as essential component in creating a sustainable community. The wording in the Poundbury Development Brief was based upon advice from the local education authority at the time of its publication - 2006. However, they accept that those requirements may now have evolved and, provided that the local education authority supports the current proposals, they have no issue with any discrepancies between the latest proposals and the wording of the Brief in this regard.

The section 106 agreement also places the Duchy of Cornwall under an obligation to provide a new community hall. The agreement states that:

*“No more than 600 dwellings within [Phases 3 and 4] shall be Occupied until such time as:-
“A specification for the provision of a new Community Hall which meets the expectations of the Poundbury Development Brief (December 2006) (including details of the location, design size, provision for public use and future management thereof) shall have been submitted to and approved in writing by the LPA.
The Poundbury Development Brief provides that this facility should:-
include a main hall sufficiently large to accommodate 300 people, and should include a range of rooms of varying sizes so as to enable flexible use. The main hall should be capable of accommodating a*

range of community uses, which could include performances by amateur or touring theatre or music groups. It is therefore important that the design takes into account the special technical requirements (acoustics etc.) necessary for performance.”

The agreement also “*acknowledges that the Community Hall may (if His Royal Highness so elects) be located within the School Site provided that it is accessible as a community facility ...*”

West Dorset District Council continues to support the provision of a community hall to serve Poundbury Phases 3 & 4; being another essential component in creating a sustainable community. The section 106 agreement contains no specific requirement for a church, but it would be a “*community use*” for the purposes of applying adopted Local Plan Policy EA17. In fact, it would reinforce the mixed-use expectations of the policy.

A number of officers from West Dorset District Council have been involved in the pre-application discussions relating to this proposal, and regard the scale, position and detailed design of the proposed building to be consistent with the relevant Local Plan policies and the design expectations of the Poundbury Development Brief. As a piece of urban design they consider that it maintains the high standards that have been established within Poundbury.

The Poundbury Development Brief encourages co-location of the new school and the new community facility. It is implicit that such an arrangement is seen as having potential mutual benefits: flexible floorspace configurations; shared management responsibilities; reduced costs etc. The Brief does not foresee a situation in which a third use might be involved, but, taken together, the relevant elements of the current proposal – the school hall, the church hall and the other rooms/facilities proposed within the church - would appear to be physically capable of meeting the Poundbury Development Brief’s expectations for a community hall and if properly managed the resulting asset could be used very efficiently.

Whether or not the arrangement would ultimately satisfy the requirements for a community hall established by the Poundbury Development Brief will depend upon the ‘*shared use*’ or ‘*community access*’ agreement forged between the various end users. Such an agreement would need to provide for reasonable levels of public access (accepting that the school hall would be unavailable during school hours) and would need to be non-discriminatory.

4.2 **Dorchester Town Council:**

The Committee were particularly concerned that the hall on the site should be fully available for community use as detailed in the Supplementary Planning Document ‘Poundbury Development Brief’ December 2006. The relevant points being:

‘Objective of Development Brief: to identify the community Facilities.’

‘Objective for the development: provide community facilities to meet the needs of new residents.’

‘Land Use: Community facilities will be provided including a further community hall.’

‘Community Hall: The Brownsword Hall in Pummery Square, on Phase 1 of the development, is successfully meeting the needs of the early phases of development but a larger hall will be needed for the

additional phases. The additional hall should be located so that it is within easy walking distance for as many residents as possible. It should include a main hall sufficiently large to accommodate 300 people, and should include a range of rooms of varying sizes so as to enable flexible use. The main hall should be capable of accommodating a range of community uses, which could include performances by amateur or touring theatre or music groups. It is therefore important that the design takes into account the special technical requirements (acoustics etc.) necessary for performance. The potential for accommodating the hall in the centre square, or as a shared facility (for example with the new school) is outlined in paragraph 4.6.'

With these points in mind, the Committee recommended that a planning condition be added to any approval, through a Section 106 agreement, that no unreasonable restrictions shall be placed on hirers of the community hall space and that arrangements shall be put in place to ensure that there is sufficient availability of the community hall space for adequate and open community use.

4.3 **Highway Liaison Engineer:**
No objection subject to conditions.

4.4 **Highways Agency:**
No objection. Reference is made to the committed Poundbury Phases 3 and 4 development which included provision for a 450 place First School on the same site. This was considered within the Transport Assessment for that development, something which the Agency approved and agreed mitigation works on the A35 roundabout. These works are to be completed either by 31st December 2016 or on occupation of the 451st dwelling and the school. The Agency is currently in the process of agreeing the Section 278 agreement to enable these works to take place.

Given that this standalone application will replace the school approved under the outline consent and represents only a relatively small increase in provision which is likely to be filled from within Dorchester and the Poundbury development as it is built out, the Agency has no objections to the proposals.

However, the occupation of the this larger school should be treated as meeting the Section 106 requirements as agreed for the outline planning permission i.e. that the works on the A35 are triggered as if the 450 pupil school has been occupied.

4.5 **Environment Agency.**
Awaiting comments.

4.6 **Other Representations:**
Seventeen letters which for the most part support the provision of the school but raise the following concerns:-

- The description of the development is incorrect and should refer to provision of a 300 capacity Community Hall.
- The Community Hall aspect has been completely overlooked.

- Poundbury is a rapidly growing community and needs a larger space than Brownsword Hall.
- Local residents may not have the access to the hall as envisaged years ago.
- Poundbury residents envisaged a range of uses including badminton, bowls and theatre which may conflict with church events.
- The introduction of a third body makes the management of the hall a difficult task.
- The licensing of community events may be a problem.
- There is a concern that a minority church should be at the same site as a school.
- There are potentially major highway issues.
- The school serves the catchment of west Dorchester and caters for an age group 4-9 parents will want to drop children off at the school.
- There is insufficient provision for parent parking and drop at the school.
- There is likely to be a conflict between school traffic and deliveries to the cereal factory.
- There is already a burst of new commercial letting adding to traffic in the area.
- Poundbury is already becoming an unofficial Park and Ride for Dorchester and residents have problems parking in allocated parking spaces.
- The parking and traffic issues have not been addressed in the planning application and the new school will exacerbate traffic and parking issues.
- There is no provision of a swimming pool at the school.

5. Planning Policy Framework:

- 5.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The term '*other material considerations*' is wide ranging, but includes national and emerging planning policy documents.

The Development Plan

- 5.2 The Development Plan includes the saved policies of the West Dorset District Local Plan. The following policies are of particular relevance to this application.
- Policy Tran 1 Access to the Strategic Highway Network.
 - Policy DA1 Detailed Design and Materials.
 - Policy DA5 Scale and Positioning of Buildings.
 - Policy AH14 Road Safety.
 - Policy EA17 Poundbury North Area:
Land in the north of Poundbury (as shown on the proposals map) is designated for a comprehensive mixed-use development to include the following:
 - c) educational facilities*
 - d) community facilities.**The development of the site will be in accordance with a Poundbury Development Brief.*

National Planning Policy

- 5.3 National Policy Planning Framework - Paragraph 69 (Promoting Healthy Communities) and Paragraph 116 (Development in AONBs).

6. Planning Assessment

- 6.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the main planning considerations are:

- The acceptability in principle of the proposed development.
- Design and Layout.
- Highways, Parking and Access.
- Community Use.
- Flooding

Principle of Development.

- 6.2 The school lies within the area allocated for comprehensive development in the adopted West Dorset District Local Plan, Policy EA17 Poundbury North Area. The policy includes allocations for educational and community use. Outline planning permission was granted in 2011 for phases 3 & 4 of the Poundbury development. The Section 106 Agreement forming part of the outline consent makes specific reference to a Primary School. The new school also needs to meet the requirements of the Poundbury Development Brief (2006).

- 6.3 The Poundbury Development Brief (2006) states:-:

“The school will be a first school for children aged between 4 and 9, and will have the eventual capacity of 450 pupils (three form entry with 90 pupils each year), plus about 20 further in a speech and language unit. The ultimate gross built area would be 2,526 square metres and a total site area of 1.74 hectares would be required, to include buildings, access, car parking, pitches and play areas. Playing areas and pitches will be required on the site, for security reasons and so that they are specifically designed for the relevant age range, though as mentioned above the school will be able to use the Great Field for activities requiring more space. The school should be designed in such a way that it could be easily used for other community uses outside school hours.”

- 6.4 The Section 106 Agreement also places the Duchy of Cornwall under an obligation to provide a new community hall. The agreement states:-

*“No more than 600 dwellings within [Phases 3 and 4] shall be occupied until such time as:-
A specification for the provision of a new Community Hall which meets the expectations of the Poundbury Development Brief (December 2006) (including details of the location, design size, provision for public use and future management thereof) shall have been submitted to and approved in writing by the LPA.”*

- 6.5 The Poundbury Development Brief provides that this facility should:-

“include a main hall sufficiently large to accommodate 300 people, and should include a range of rooms of varying sizes so as to enable flexible use. The main hall should be capable of accommodating a range of community uses, which could include performances by amateur or touring theatre or music groups. It is therefore important that the design takes into account the special technical requirements (acoustics etc.) necessary for performance. “

- 6.6 The agreement also *“acknowledges that the Community Hall may (if His Royal Highness so elects) be located within the School Site provided that it is accessible as a community facility ...”*
- 6.7 Although the size of the school has changed since the formulation of the Development Brief the site conforms with the allocation in the Local Plan and the principle of a school and hall on the site is in accordance with Policy EA17 of the West Dorset District Local Plan. As a community facility, provision of a church is also in accordance with the site allocation. The proposed uses are therefore in accordance with the development plan and acceptable in principle.

Design and Layout.

- 6.8 The brief for the school is to provide a single storey building for a school roll of 600. The design is required to be in accordance with the Poundbury Design Guide which illustrates a variety of acceptable dwelling and public building treatments. The development is based on the Governments Baseline Design and there have been extensive discussions with the Duchy and West Dorset District Council to agree a design which meets the design standards for Poundbury. The school buildings would be constructed of brickwork with an aluminium roof set to the rear of development on Peverill Avenue.
- 6.9 The school site forms the urban edge to the promenade which forms the western edge of the Great Field. The school would be designed around an open courtyard. To the south of the school a 3-4 storey block of assisted housing would form the frontage to Peverill Avenue, apart from a public piazza on the south-western corner of the school site. This would form one of the main entrances to the church and community hall. The piazza and main frontage to Peverill Avenue will be constructed by the Duchy.
- 6.10 The school is positioned to form the street frontage with Liscombe Street, with the main entrance just to the north of the hall. A secondary entrance point from Liscombe Street with the main entrance to the north of the hall. There will also be a pedestrian entrance on the eastern boundary, from the promenade adjacent to the Great Field, and to the Reception class area on the north-east corner of the piazza. Within the school site there would be a playing field, sports courts, playground and soft play areas.

Highways, Parking and Access.

- 6.11 The new school is located approximately 1km from the existing Damers School and would serve Poundbury and the western sector of Dorchester. There are concerns from local residents that such a large school will generate significant traffic along Peverill Avenue and parking in the wider area at school opening and closing times.

- 6.12 The existing school at Damers Road has no on site parking or parent drop-off facilities. A school travel plan operates where children are encouraged to walk to school. As with most new schools in Dorset, turning and drop-off areas are not proposed at the new school. An amended travel plan will be required when the new school is operational. It is considered that Peverill Avenue and surrounding streets can cater for extra traffic generated by the development during the peak times. The school travel plan will serve to encourage sustainable forms of travel.
- 6.13 A staff parking area is allocated on the north-west corner of the school site which will be reserved for staff parking during school hours, but will be available for community use out of hours.

Community Use.

- 6.14 The provision of a community hall is considered to be a key element of the scheme. The Poundbury Development Brief provides that the community hall should be sufficient to accommodate 300 people and should include a range of rooms of varying sizes so as to enable flexible use. The co-joined church and main school hall would be capable of accommodating 300 people and a range of community uses, which could include performances by amateur or touring theatre or music groups. The design also allows for the hall to be subdivided to allow use by the school and other parties during school hours. There are also a range of other rooms which could be used by the Community.
- 6.15 A particular concern of local residents is that the combination of a church, community hall and school will not be satisfactory and that such a tripartite arrangement will engender conflict between the parties with the view that the local community will not benefit from the facility as envisaged in the development brief.
- 6.16 The detailed management of the community hall is a matter that the Duchy must address as part of its existing planning obligations. Management and use arrangements will also need to be agreed with constituent occupiers and users. Many schools have various levels of community involvement which require agreement of access and management arrangements. Sometimes the County Council is required to facilitate joint use facilities for, for instance, playing fields and sports facilities. Normally a planning condition would be imposed requiring a management scheme to be drawn up through consultation with the various parties and it is considered that this is an appropriate course of action in this instance. Therefore a condition is proposed requiring that a community use management plan be submitted prior to occupation of the building.
- 6.17 It should be noted that the Duchy will remain under an obligation to provide a separate community hall if it is not possible to provide for sufficient community use of the co-joined hall through the management and use arrangements

Flooding

- 6.18 Although the site is not within the flood plain, and has already been the subject of an outline planning consent, the Environment Agency have been consulted because the site extends to over 1 hectare. A flood risk

assessment has been submitted and the detailed comments are of the Environment Agency are awaited.

Conclusion

- 6.19 As part of the Poundbury Development Brief a site has been identified for a new school in the North East quadrant. A design for the school has been agreed with West Dorset District Council and the Duchy which conforms with the Poundbury Design Guide. The masterplan for Poundbury includes the provision of a community hall. Whilst the use of the proposed co-joined hall by school, community and church is consistent with local plan policy, careful consideration will need to be given to the management of the hall to ensure the needs of all parties are met.
- 6.20 Although there are concerns about access and parking the Highways Agency and the Highway Authority have no objections. However a new school travel plan will be required before the school use commences.

7. Human Rights Implications:

- 7.1 The provisions of the Human Rights Act and the principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

- i. Article 8 - Right to respect for private and family life; and
- ii. The First Protocol, Article 1 - Protection of Property.

- 7.2 Having considered the impact of the development, as set out in the assessment above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles.

8. Statement of Positive Involvement

- 8.1 In accordance with paragraphs 186 and 187 of the NPPF, the Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:
- i. providing a pre-application advice service;
 - ii. updating the applicant's agent of issues as they arose in the processing of the application;
 - iii. discussing possible solutions to potential planning issues; and
 - iv. providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.

9. Recommendation

9.1 That planning permission be granted subject to the conditions set out below:-

Time Limit - Commencement

1. The development hereby permitted shall be begun not later than the expiration of 3 years beginning from the date of this permission.

Reason

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

Materials

2. Prior to the commencement of development samples/details of materials shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out using the approved materials.

Reason

To ensure that the external appearance of the completed development is satisfactory and sympathetic to its locality in accordance with Policy DA7 of the adopted West Dorset District Local Plan.

Submitted Plans and Details

3. The development shall be carried out in strict accordance with the approved plans reference 2375/005477/ A110-P8; A111-P2; A115-P6; A120-P7; A121-P2; A125-P6; A150-P1; L210-P3; L211-P3; L212-P2; L214-P2; L215-P2; L216-P2; L217-P2; L219-P2; L220-P2; L221-P2; L224-P2 and the Design and Access Statement dated July 2014, unless otherwise agreed in writing by the County Planning Authority.

Reason

To enable the County Planning Authority to deal with any development not in accordance with the approved plans.

Landscaping Scheme

4. No development shall take place until full details of both hard and soft landscape proposals have been submitted to, and approved in writing by, the County Planning Authority. These details shall include, as appropriate:
 - (i) Proposed finished levels or contours.
 - (ii) Means of enclosure.
 - (iii) Surfacing of vehicle and pedestrian access and circulation areas.
 - (iv) Hard surfacing materials.
 - (v) Implementation timetable.Soft landscaping details shall include
 - (i) Planting plans.
 - (ii) Written specifications (including cultivation and other operations associated with grass establishment).
 - (iii) Schedules of plants, noting species, planting sizes and proposed numbers/densities, where appropriate.
 - (iv) Implementation timetables.The development shall be carried out in accordance with the approved details

Reason:

To enhance the character and appearance of the area in accordance with Policy DA2 of the adopted West Dorset District Local Plan.

Access, Parking and Turning

5. The development hereby permitted shall not be occupied until the pedestrian and vehicle access points, geometric highway layout (footways and carriageway), parking and turning areas, all as shown on the application drawings have been constructed. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason:

In the interests of road safety and Policy Tran 5 of the adopted West Dorset District Local Plan.

School Travel Plan

6. Prior to the occupation of the development hereby approved, details of a revised and updated School Travel Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan shall detail measures to reduce the need to travel to and from the site by private transport and the timing of such measures. The Plan shall be implemented in accordance with the details as approved.

Reason:

To reduce the potential impact of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site, in accordance with Policy Tran 12 of the adopted West Dorset District Local Plan.

Construction Traffic Management Plan

7. The development hereby permitted shall not commence until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall be carried out in accordance with the approved Plan.

Reason:

In the interests of road safety and in accordance with Policy AH 14 of the West Dorset District Local Plan.

Lighting

8. Prior to works commencing details shall be submitted to and approved by the County Planning Authority for the lighting for the building including external/security lighting, and the works shall be carried out in accordance with the approved details.

Reason:

In the interests of the character and appearance of the area and in accordance with Policy DA8 of the adopted West Dorset District Local Plan.

Drainage

9. Prior to the commencement of development a scheme for the drainage of the application site shall be submitted to and agreed in writing by the County Planning Authority. The drainage shall then be constructed in accordance with the approved scheme.

Reason:

In the interests of the proper drainage of the site.

Community Use Management Plan

10. Prior to the occupation of the development hereby permitted, a Community Use Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan shall include proposed hours of use and detail arrangements for community use. Unless otherwise approved in writing by the County Planning Authority, community use of the development shall be in accordance with the approved Management Plan.

Reason:

Having regard to the Poundbury Development Brief and Policy EA17 of the adopted West Dorset District Local Plan.

9.2 ADDITIONAL INFORMATION FOR INCLUSION IN DECISION NOTICE

- I. A statement explaining how the Council worked with the applicant in a positive and proactive way as set out in paragraph 8.1 above.
- II. Note to Applicant:
Contact with the County Highway Authority should be made in connection with the above conditions with Ian Madgwick of the Transport Development Team.

Matthew Piles

Head of Economy

October 2014