Agenda Item:

Regulatory Committee

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Dorset County Council



Date of Meeting	11 June 2015
Officer	Head of Economy
Subject of Report	6/2015/0072 - for variation of Condition 3 (alteration of access) of planning permission 6/2014/0437 (erect new school and pre-school) at site for Bere Regis Primary School, off Southbrook, Bere Regis, Dorset.
Executive Summary	Planning permission has been granted for the erection of a new primary school and pre-school to be served by a new access. Permission is sought for a slightly amended access arrangement. The amended arrangement is considered to be of an appropriate standard and its design, layout and landscaping is considered to be acceptable. The proposed development is considered to be in general accordance with the development plan approval is recommended.
Impact Assessment:	Equalities Impact Assessment: The 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 plan, government policy and guidance, representations and all other material planning considerations as detailed in the main body of the report.
	Budget/Risk Assessment: No budget/risk assessment implications.
Recommendation	Grant planning permission subject to the conditions set out in paragraph 8.2 of the Report.

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Reason for Recommendation	The reasons for granting planning permission are summarised in paragraph 6.22.
Appendices	 Site Location Plan. Approved Access Arrangement. Proposed Access Arrangement.
Background Papers	Planning Application File 6/2015/0072
Report Originator and Contact	Name: Mr Huw Williams Tel: (01305) 228264 Email: H.R.Williams@dorsetcc.gov.uk

1. Background

1.1 Following the decision of this Committee on 23 October 2014, Planning permission for a new school and pre-school on land to the west of Egdon Close was granted on 05 November 2014 with access to be provided along a new drive from Southbrook to the north of Egdon Close (Ref: 6/2014/0437). The permission also provided for alterations to the junction between the Class D section of Southbrook leading to Egdon Close and the C6 (also known as Southbrook). The subject application seeks to vary Condition 3 of that permission (development to be carried out in strict accordance with the approved plans) to allow for the implementation of a modified junction arrangement.

2. Site Description

- 2.1 The new school is to be constructed on an area of land formerly used as pasture located to the south of the village of Bere Regis and to the west of Egdon Close. Most of the land in this area has been open meadow, but the majority has recently been laid to community woodland. An area of land has been left open for the new school site.
- 2.2 To the north of the school site lies an area of registered common land known as Souls Moor. The land slopes down from the school site across Souls Moor to the Bere Stream. Part of the moor and stream are identified as a Site of Nature Conservation Interest in the Purbeck Local Plan. Adjacent to the stream is an area of watercress beds. Further watercress beds are located to the east of the C6 junction.
- 2.3 The planning application site extends eastwards from the site of the proposed school buildings to the north of residential properties in Egdon Close and continues along Southbrook to the junction with the C6. The school access drive is to be provided on that section of the site to the north of Egdon Close. A public footpath (SE6/30) runs across this area adjacent to the properties in Egdon Close.
- 2.4 The location and extent of the site are illustrated at Appendix 1 of this report.

3. The Proposal

3.1 The application is made under section 73 of the Town and Country Planning Act 1990 i.e. to develop land without compliance with conditions previously attached. On such applications, planning authorities may only consider the question of the conditions subject to which planning should be granted, the principle of development having been established already. Hence, if it is decided that planning permission should be granted subject to conditions different from those to which the previous permission was granted, or that it should be granted unconditionally, authorities may grant planning permission accordingly. However, if it is determined that planning permission should be granted subject to the same conditions as those to which the previous permission was granted, the application should be refused.

- 3.2 The effect of a grant of planning permission under section 73 is to create a new planning permission for the whole development that sits alongside the original planning permission (which remains intact and unamended).
- 3.3 The application includes a plan showing a preliminary scheme layout for a revised junction arrangement and the access drive (Drawing Number HI1057/19/01/C). Changes are proposed to the junction between the Class C and Class D sections of Southbrook, including the removal of a lime tree that stands in the carriageway of the existing junction. The arrangement approved previously provided for the retention of this tree. The amended plan also details proposals for the installation of cellular surface water storage with stone fill cover between the access drive and retained public footpath which would provide attenuation for surface water run-off from the school and access drive.
- 3.4 The approved access arrangement is illustrated at Appendix 2 of this report and the proposed arrangement at Appendix 3.

4. Consultations and Representations

4.1 The application was advertised in the local press and by site notice. Consultation letters were sent to 37 properties.

4.2 County Council Ward Member

No response received.

4.3 Purbeck District Council

No response received.

4.4 Bere Regis Parish Council

No response received.

4.5 **Highway Liaison Engineer**

No objections to the amendments of the junction of Southbrook and the C6.

4.6 Rights of Way

No response received.

4.7 **Environment Agency**

No response received.

4.8 Wessex Water

New access road will be constructed over existing public sewers. Concerned that proposals will affect these sewers and advise that applicant agree these amended details with Wessex Water.

Also concerned over the use of cellular storage crates over the existing foul sewer. Advise that construction loadings with differential settlement may cause longer term damage leading to excessive infiltration and downstream sewer flooding.

Protective engineering measures will be necessary to existing apparatus or agree a suitable diversion of the public sewer under S185 Water Industry Act 1991.

4.9 Sustainable Urban Drainage Systems Officer

Response to be reported at Committee.

4.10 County Ecologist

Seeks the retention of hedges where possible and the establishment of appropriate wildflower grassland alongside retained hedgerows and the new access roadside verge.

Comments that areas of grassland verge should ideally be established on nutrient poor soils to reduce maintenance (mowing frequency) and provide suitable conditions for native grasses.

Advises that surveys carried out to establish whether or not there are any water voles using open ditch and that results were negative, but that road access construction should consider the prevention of pollutants (soils, chemicals, road construction materials) entering the ditch which feeds into the Bere Stream. Surface/ground water protection for the construction period can be addressed by provision of a Construction Environment Management Plan. Notes that any woody/shrubby vegetation removal must be done outside of bird nesting season.

Confirms that single field maple to be lost to development is not likely to be suitable for use by bats and can be discounted from further consideration of any likely significant effects.

Considers Poplar trees near Egdon Close are of limited ecological and amenity value, requiring no further consideration and that removal would not have any negative impact.

4.11 Tree Officer

Has already been involved in project and has no other comments to make.

4.12 Other Representations

Two further representations have been received. One objects to the removal of the tree to create access to the new school and notes that there are other points of access which could be utilised. The other (addressed to the applicant), requests additional information on the potential impact of the proposed development upon watercress beds.

5. Planning Policy Framework

5.1 Applications for planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the *Purbeck Local Plan Part 1: Planning Purbeck's Future* adopted by Purbeck District Council in November 2012. The term 'material considerations' is wide ranging, but includes national and emerging planning policy documents. Material to all applications is the National Planning Policy Framework (the NPPF) issued in March 2012 which sets out the Government's planning policies for England and how these are expected to be applied and the associated online Planning Practice Guidance. The most relevant policies and provisions are:

Purbeck Local Plan Part 1: Planning Purbeck's Future

- Policy BIO: Biodiversity and Geodiversity.
- Policy CF: Community Facilities and Services.
- Policy D: Design.
- Policy IAT: Improving Accessibility & Transport.

- Policy LHH: Landscape, Historic Environment and Heritage.
- FR: Flood Risk.
- Policy GP: Groundwater Protection.

National Planning Policy Framework

- Promoting Healthy Communities (paragraph 69).
- Conserving and enhancing the natural environment (paragraph 109).

6. Planning Assessment

- 6.1 Having regard to the nature of the application, the provisions of the development plan, the information submitted in support of the application and the representations received, the main planning considerations relate to:
 - (i) the need for a satisfactory access arrangement;
 - (ii) impact on the character and appearance of the area; and
 - (iii) whether satisfactory drainage arrangements can be achieved.

Access

- 6.2 Amongst other matters, Policy IAT of the Purbeck Local Plan states that development should provide safe access to local services by foot, cycle and public transport.
- 6.3 As per the original proposal, a segregated pedestrian route to the new school is to be provided from the southern edge of Bere Regis village via a bridge over the Bere stream and vehicular access would be from Southbrook along the dedicated access drive proposed to the north of Egdon Close. The existing unmade right of way that passes to the north of Egdon Close would also be maintained and a footway would be provided along the northern side of the Class D section of Southbrook linking to that to the north of the junction with the C6. Parking for the school and pre-school staff and visitors would be provided on site.
- 6.4 The original design extended the C6 junction to the north, widening the approach to Egdon Close and retaining the lime tree that is located within the existing junction carriageway within an extended area of footway to the south. In view of the landownership considerations, it is now proposed to amend the junction detail closer to the existing layout and remove the lime tree.
- 6.5 The Highway Liaison Engineer has no objections to the amended access arrangement, but has requested amendments to Elder Road to improve pedestrian safety and amenity. This can be dealt with by planning condition.
- The amended access arrangement is therefore considered to be acceptable from a transportation perspective and in compliance with Policy IAT.

Character and Appearance of Area

6.7 Policy D of the Purbeck Local Plan indicates that development should positively integrate with its surroundings and demonstrate support for biodiversity through sensitive landscaping. Amongst other matters, Policy

BIO provides that new development should incorporate opportunities for biodiversity in and around the development and Policy LHH provides that proposals for development and other works will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of the landscape (including trees and hedgerows).

- 6.8 The new school is to be located on a sloping site overlooked by the village to the north and visible from Elder Road. However there is an extensive area of newly planted community woodland such that the school will be screened by tree planting to the south and west. Egdon Close would screen the site from the east so that the school would only be visible from the north. A hedge and hedgerow trees would be planted on the northern boundary of the school, helping to break up the outline of the new buildings. These arrangements are all unchanged from the original proposal.
- 6.9 As with the original proposal, a section of hedgerow and a notable field maple will be removed to the north of Southbrook in the vicinity of the C6 junction, but replacement planting will be provided.
- 6.10 The landscape and ecological assessment of the school site access road submitted with the original application noted that the lime tree in the carriageway of the C6 junction was of no real ecological value, but indicated that the tree was of high landscape value, being the only tree of any reasonable size in the immediate area and therefore highly desirable to retain as a feature. The revised junction arrangement would result in the loss of this tree.
- 6.11 The condition of the tree has been assessed by the County Council's Tree Office as 'fair' (BS Category C1 i.e. low quality). The survey notes that:

"The tree forks at 2m. Below this fork there are signs of fibre buckling, possibly linked to the expanding cone of decay which is emanating from the cavity at the base of the tree. This cone of decay is largest at the base of the tree and will eventually result in the tree breaking off at ground level. There is substantial epicormic growth on the trunk and on the main branches. This is an indication that the tree is under stress. ... "

- 6.12 Whilst loss of the tree will have a limited detrimental impact on the character, appearance and amenity of the area, such harm can be mitigated by further replacement planting, which can be secured by planning condition. Notwithstanding the objection received, loss of the tree is therefore considered to be acceptable.
- 6.13 The proposal to install surface water attenuation crates between the school access drive and the residential boundary with Egdon Close is likely to result in the removal of a group of poplar trees located close to the residential boundary. These trees have been assessed by the Council's Senior Ecologist as having limited ecological and amenity value and, subject to replacement planting, their loss is therefore considered to be acceptable.
- 6.14 Overall, the revised access arrangement is considered to be acceptable from a design and landscaping perspective. The revised arrangement will have similar implications for residential amenity and any additional harm to the

character and appearance of the locality can be mitigated by means of replacement planting.

Drainage

- 6.15 Policy FR of the Purbeck Local Plan provides that the impact of flooding will be managed by locating development in accordance with Purbeck's Strategic Flood Risk Assessment. Policy GP provides that development will be permitted if there is no risk to the quality or quantity of groundwater, noting that development should have no impact on licensed supplies or any other private supplies or water features and that within Groundwater Source Protection Areas additional safeguards may be required in consultation with the Environment Agency.
- 6.16 Planning permission 6/2014/0437 was granted subject to a condition providing that no development shall take place until a scheme for the drainage of the site has been submitted to and approved in writing by the county planning authority.
- 6.17 The drainage arrangements illustrated on the preliminary scheme layout follow preparation of a Flood Risk Assessment which recognises that the application site is located within a Zone 1 Source Protection Area (inner zone), an area at risk of ground water flooding and that the main pedestrian and vehicle access to the site may be affected by flooding. However, the assessment confirms that the proposed school itself will be located significantly above the 1 in 100 year flood level and will not be adversely affected by surface water flooding. The assessment further concludes that the proposed surface water drainage system with both attenuation and some infiltration will ensure that the discharges from the site will not cause additional flooding downstream; that the drainage system is located above ground water level; and that existing ground water conditions will not be affected.
- 6.18 The assessment does note that pedestrian access from Elder Road may not be possible in flood conditions (1 in 30 year event) and that vehicular access may also be affected by flooding (1 in 100 year event), but note that alternative routes are available for occasional use and/or emergency evacuation.
- 6.19 Concerns have been raised by Wessex Water relating to the indicated drainage arrangements, but it is expected that these concerns can be resolved as part of the detailed drainage design process and can therefore remain subject to control by condition.
- 6.20 The potential for the development to impact on the watercress beds has been questioned and the Flood Risk Assessment recognises that both the quality and quantity of water are critical for the adjacent cress beds. However, whilst the drainage scheme does include infiltration trenches and the proposed attenuation will also allow percolation into the ground, the risk of pollution during operation is considered to be very low. Appropriate pollution prevention measures during construction may also be secured by means of a condition requiring a Construction Environment Management Plan.

6.21 Accordingly, having regarded to the contents of the Flood Risk Assessment, subject to the re-imposition of the previous drainage condition and provision of a Construction Environment Management Plan, the preliminary scheme layout is considered to be acceptable.

Conclusion

6.22 Planning permission has been granted for the erection of a new primary school and pre-school with a new access drive from Southbrook. Permission is now sought for an amended access arrangement. The amended arrangement is considered to be of an appropriate standard and its design, layout and landscaping is considered to be acceptable. The proposed development is considered to be in general accordance with the development plan and there are no material considerations indicating that the application should be determined other than in accordance with the development plan. Approval of the remaining outstanding details can be satisfactorily controlled by condition and hence planning permission can and should be granted.

7. Human Rights Implications

- 7.1 The provisions of the Human Rights Act and 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. Recommendation

8.1 Grant planning permission subject to the conditions set out in paragraph 8.2 below.

8.2 SCHEDULE OF CONDITIONS

<u>Time Limit – Commencement of Development</u>

1. The development to which this permission relates must be begun not later than the 05 November 2017.

Reason

In accordance with sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

Materials

2. Prior to works commencing on the construction of any buildings on the site samples/details of materials to be used 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 D of the Purbeck Local Plan.

Submitted Plans and Details

3. Unless otherwise required by the conditions of this permission, the development shall be carried out in strict accordance with Drawing Number H11057/19/01/C submitted was part of the subject planning application and Drawing Nos. 2079/005570/ A100 P2; A101 P2; A102 P2; L100 P2; L101 P2; L102 P2; L103 P2; and the Design and Access Statement dated August 2014 submitted with planning application 6/2014/0437.

Reason

To ensure that the development is completed in a satisfactory manner having regard to Policies D, IAT and LHH of the Purbeck Local Plan.

Landscaping Scheme

- 4. Prior to works commencing on the construction of any buildings on the site, full details of both hard and soft landscape proposals shall be 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) Planting plans.
 - (vi) Written specifications (including cultivation and other operations associated with grass establishment).
 - (vii) Schedules of plants, noting species, planting sizes and proposed numbers/densities, where appropriate.
 - (viii) Implementation timetables.

The details shall provide for the planting of trees to replace those lost to the development. The development shall be carried out in accordance with the approved details.

Reason:

To preserve and enhance the character and appearance of the area in accordance with Policy LHH of the Purbeck Local Plan.

Tree Protection

All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see guidance notes enclosed and BS 5837: 1991). The protection measures shall be as specified in drawing number S01 and the Arboriculture Impact Assessment and shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason

To ensure the continuity of amenity afforded by existing trees and in accordance with Policies LHH and BIO of the Purbeck Local Plan.

Details of Segregated Access

6. Prior to the use of the school commencing, a scheme for a segregated access to the school from Elder Road shall be submitted to and approved in writing by the county planning authority. The scheme shall also detail highway alterations within Elder Road to improve pedestrian safety. The approved scheme shall be implemented in full prior to use of the school commencing. The segregated pedestrian access shall thereafter be maintained in accordance with the approved scheme for the duration of the development.

Reason

To provide safe access to the site in accordance with Policy IAT of the Purbeck Local Plan.

Lighting

7. Prior to the use of the school commencing, details of any external and/or security lighting to be installed on the site shall be submitted to and approved in writing by the county planning authority. The development 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 LHH of the Purbeck Local Plan.

Landscaping and Ecology

8. The development shall be undertaken in accordance with the recommendations of the Landscape and Visual Impact Assessment dated July 2014 and submitted in support of planning application 6/2014/0437.

Reason

In the interests of the ecology of the area and in accordance with Policy LHH of the Purbeck Local Plan.

Access, Turning and Parking

9. Prior to the use of the school commencing, the access, turning and parking facilities shown of Drawing No. 2079/005570/L100 P2 shall be constructed. Thereafter, these areas shall be maintained for the purposes specified and shall be kept free from other obstruction.

<u>Reason</u>

In the interests of road safety and in accordance with Policy IAT of the Purbeck Local Plan.

Access Crossing

10. Prior to the commencement of any other element of the development hereby approved, the first 10 metres of the access drive from Southbrook, as measured from the nearside edge of the carriageway, shall be laid out and constructed to a specification submitted to and approved in writing by the county planning authority.

Reason

In the interests of road safety having regard to Policy IAT of the Purbeck Local Plan.

Access Gates

Prior to works commencing on the construction of any buildings hereby approved, a scheme for the provision of gates for the pedestrian and vehicular accesses to the school from Southbrook shall be submitted to and approved in writing by the county planning authority. The approved scheme shall be implemented before the school is brought into use and, thereafter, the gates shall be maintained in accordance with the approved details.

Reason

In the interests of road safety having regard to Policy IAT of the Purbeck Local Plan.

Cycle Parking

12. Prior to works commencing on the construction of any buildings hereby approved, a scheme showing precise details of the proposed cycle parking facilities shall be submitted to and approved in writing by the county planning authority. The approved scheme shall be implemented before the development is commenced and, thereafter, shall be maintained in accordance with the approved details.

Reason

To ensure adequate provision is made for cycle parking having regard to Policy IAT of the Purbeck Local Plan.

Highway Improvements

13. Prior to school hereby permitted being brought into use, the alterations to the public highway network shown on Drawing Number HI1057/19/01/C shall be completed in accordance with a specification which shall first be submitted to and approved in writing by the county planning authority.

Reason

In the interests of road safety having regard to Policy IAT of the Purbeck Local Plan.

School Travel Plan

14. Prior to the school hereby being permitted being brought into use, a detailed Travel Plan shall be submitted to, and approved in writing by, the county planning authority. The Travel Plan shall include travel survey data for all modes of transport and set out measures and targets to reduce car trips to the school. The School shall also complete Dorset County Council's School Travel Health Check annually to monitor the success of the Plan. If subsequent annual School Travel Health Checks do not meet the targets set in the approved Travel Plan, a revised Travel Plan with amended measures and specifying timescales to meet the targets shall be submitted to the county planning authority for approval.

Reason

To reduce the impact of school traffic on the highway network and to increase the number of children using active modes of travel to school having regard to Policy IAT of the Purbeck Local Plan.

Drainage

15. No development shall take place until a scheme for the drainage of the site has been submitted to and approved in writing by the county planning authority. The drainage shall than be constructed in accordance with the approved scheme.

Reason

To ensure that acceptable drainage arrangements can be achieved having regard to Policies FR and GP of the Purbeck Local Plan and the concerns raised by Wessex Water.

Construction Environment Management Plan

16. Prior to the commencement of the development hereby permitted, A Construction Environment Management Plan shall be submitted to and approved in writing by the county planning authority. Unless otherwise agreed in writing by the county planning authority, the development shall be carried out in accordance with the approved Construction Environment Management Plan.

Reason

To ensure that appropriate pollution prevention measures are implemented to protect the local environment and water quality having regard to Policy GP of the Purbeck Local Plan.

8.3 OTHER INFORMATION FOR INCLUSION IN DECISION NOTICE

INFORMATIVES:

Statement of Positive Involvement

- In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County 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; and
 - (ii) updating the applicant's agent of issues as they arose in the processing of the application.

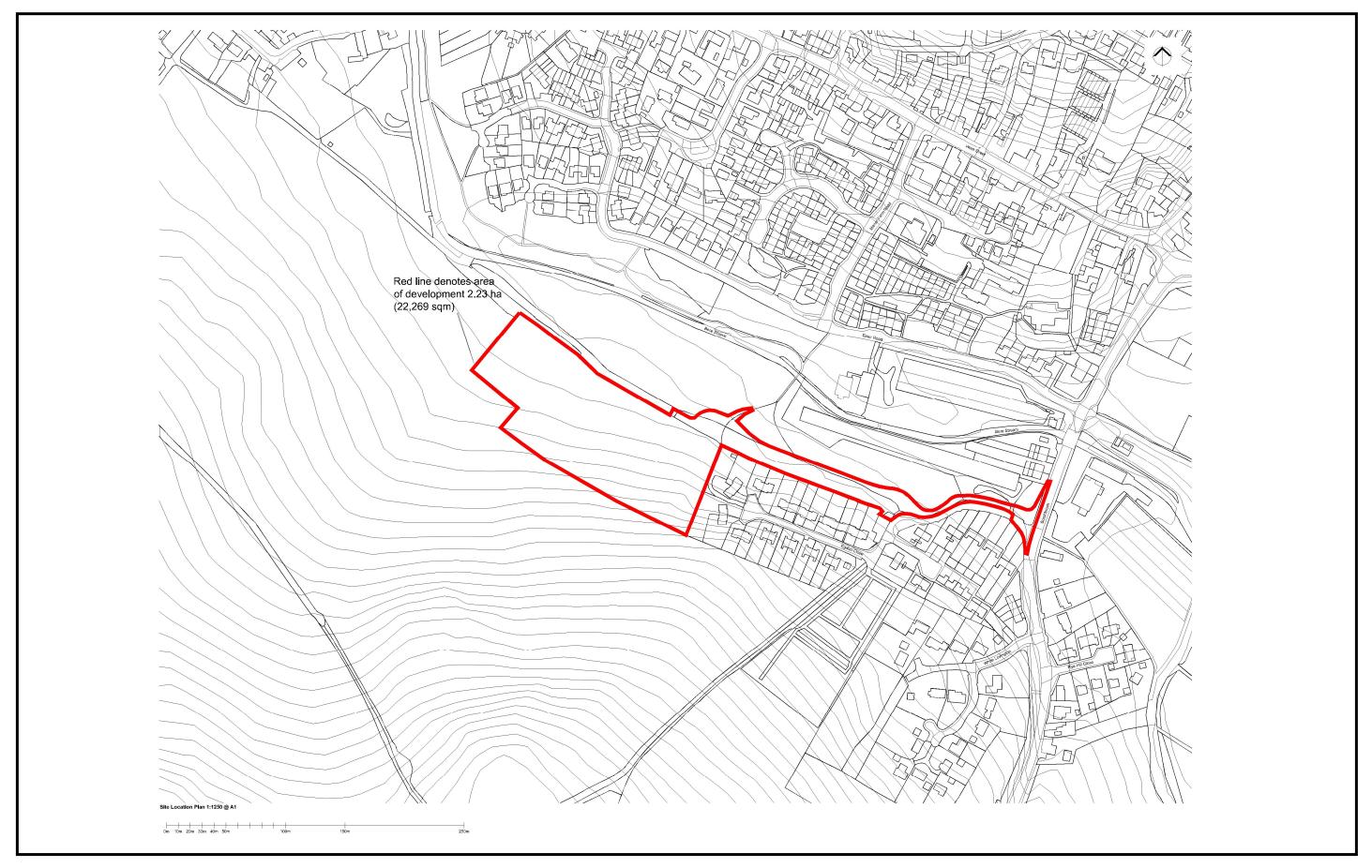
Further Information

2. Further details including application documents and the Planning Officers report can be viewed by entering the application reference number given above in to the relevant search field at the following url: www.dorsetforyou.com/ePlanning/searchPageLoad.do.

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Matthew Piles

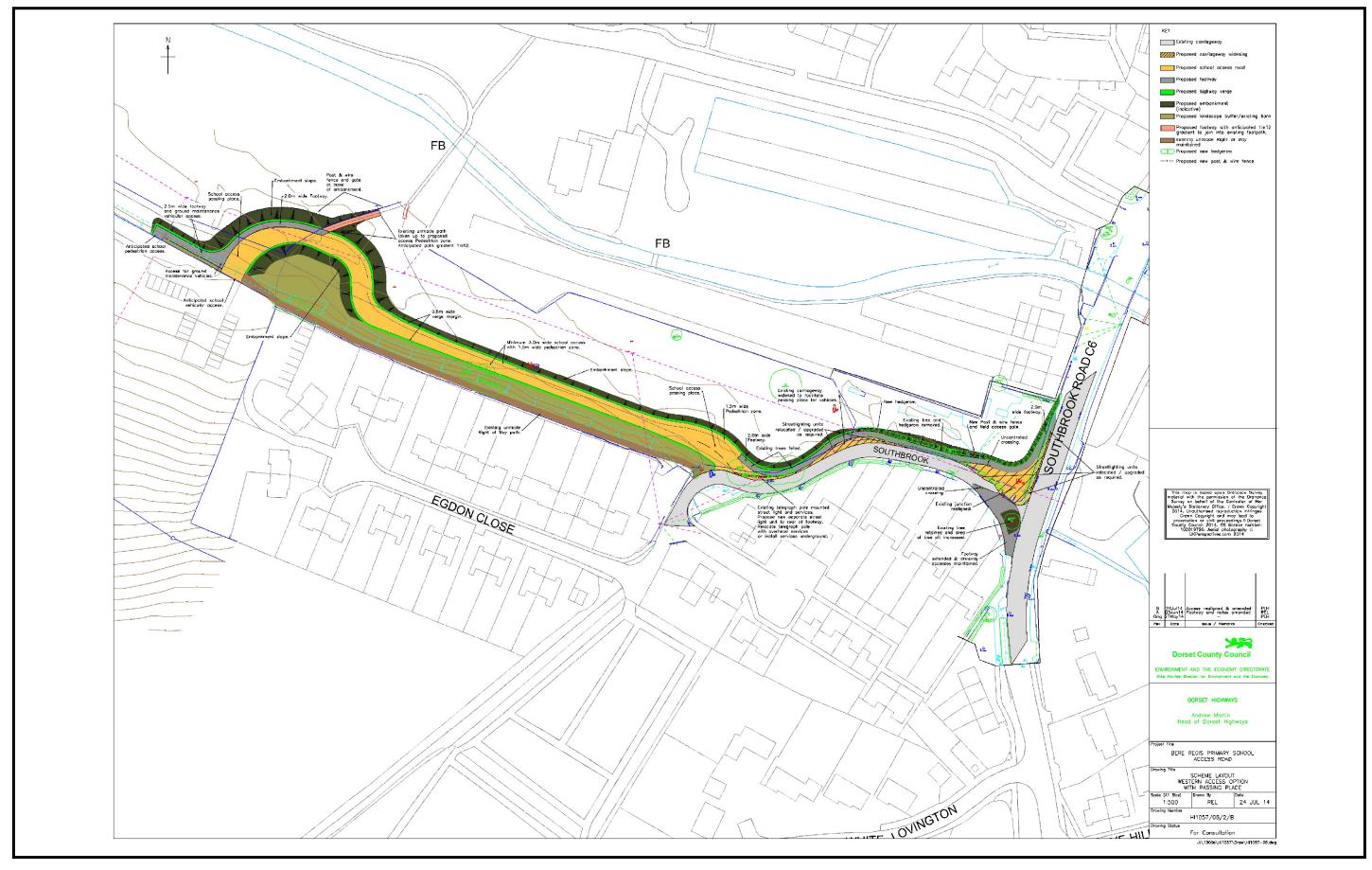
Head of Economy June 2015



Appendix 1: Site Location Plan

Application No: 6/2015/0072 – Bere Regis Primary School, Off Southbrook, Bere Regis Variation of Condition 3 (Alteration of Access) of Planning Permission 6/2014/0437 (Erect New School and Pre-school)

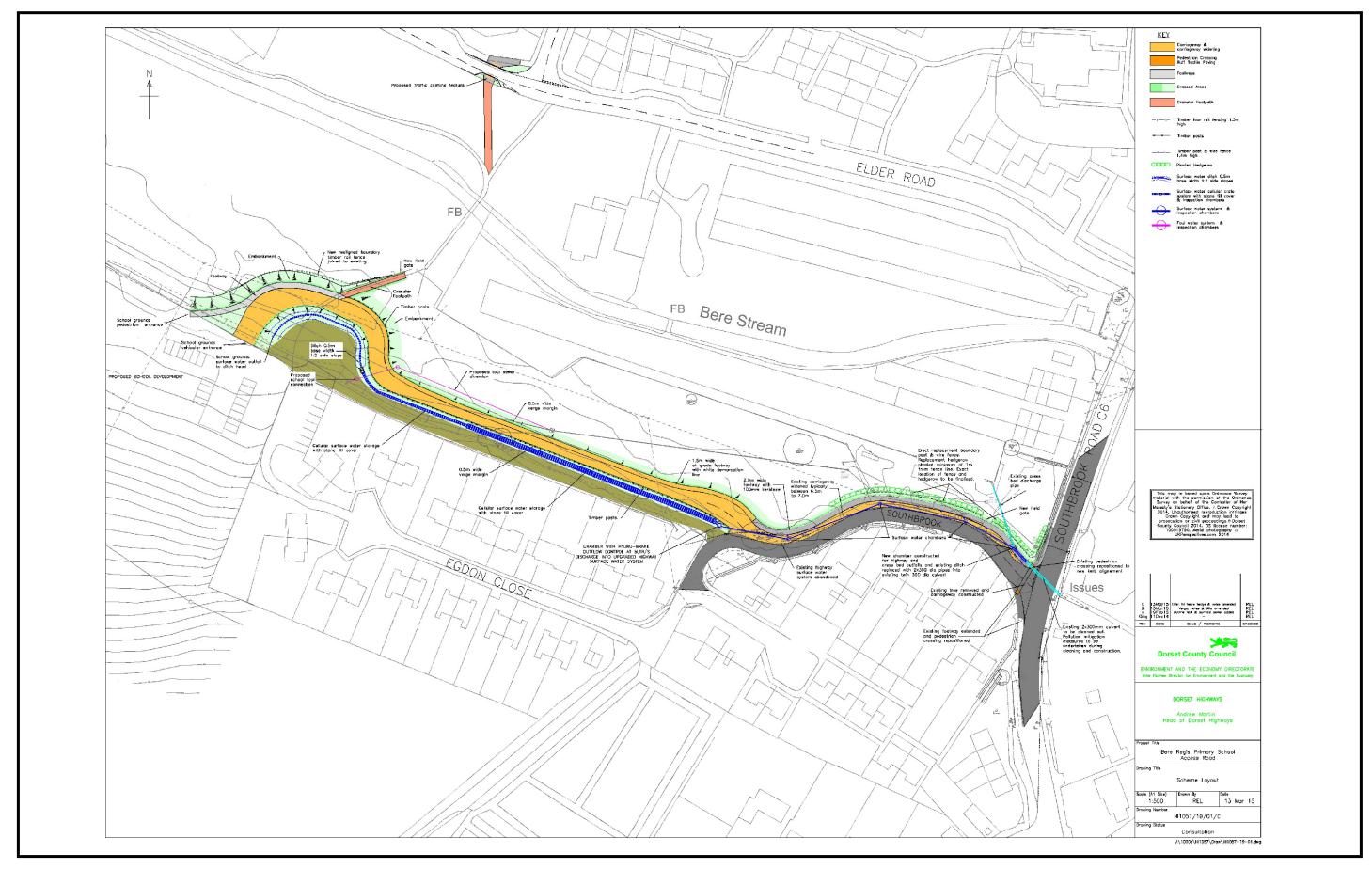




Appendix 2: Approved Access Arrangement

Application No: 6/2015/0072 – Bere Regis Primary School, Off Southbrook, Bere Regis Variation of Condition 3 (Alteration of Access) of Planning Permission 6/2014/0437 (Erect New School and Pre-school)





Appendix 3: Proposed Access Arrangement

Application No: 6/2015/0072 – Bere Regis Primary School, Off Southbrook, Bere Regis Variation of Condition 3 (Alteration of Access) of Planning Permission 6/2014/0437 (Erect New School and Pre-school)

