

KEY INFORMATION

Ward Strathmartine

Proposal

Outline consent for erection of new secondary school and associated facilities and demolition of existing school

Address

Kingspark School
Gillburn Road
Dundee
DD3 0AB

Applicant

Anne Wilson
Director of Education
Dundee City Council
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Dundee

Agent

Registered 5 Sep 2003

Case Officer R Anderson



The outline consent for the erection of a new secondary school and associated facilities and demolition of existing school is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the new secondary school can be accommodated at the above location without detriment to surrounding land uses and residential amenity. The proposal conforms to the development plan and accordingly approval of the application is recommended

SUMMARY OF REPORT

- The council's Education department are seeking to improve education facilities throughout the council area as part of a Public Private Partnership (PPP) project.
- The application is part of a series of applications submitted after funding has been secured from the Scottish Executive. It seeks to agree the principle of redeveloping the site for a new secondary school, which will replace the existing secondaries at Lawside and St Saviours. The new school will be developed with a full range of community facilities.
- A Transport Assessment has been submitted in support of the application. It indicates that the impact of transport associated with the development can be accommodated into the local network given the implementation of travel plans and other mitigation measures.
- Thirty-one letters of objection were received covering issues such as impact on residential amenity, increases in traffic and loss of community playing fields. sportScotland have maintained their objection to the proposal as they are not satisfied that the current overall level of playing field provision throughout the city will be maintained, although they do accept that the precise rescheduling of pitch provision can be reserved for subsequent applications.
- It is considered that the proposal is not contrary to the provisions of the development plan and although there are issues which require to be clarified as part of the detailed plans, the planning authority are satisfied that in principle the proposal is acceptable and will provide a facility of major benefit to the area without detriment to surrounding land uses. Accordingly approval of the application is recommended.
- As the application is one in which the local authority have an interest (both financial and as landowner) and has attracted a substantial body of objection, in addition to sportScotland raising objections, formal notification to The Scottish Executive is required

DESCRIPTION OF PROPOSAL

It is proposed to develop a new secondary school and associated facilities for 1000-1100 pupils at the above site. The new school will be developed to the north east of the site with a combination of grass and synthetic pitches provided to the west and south. The proposal also involves the demolition of the existing Kingspark to the west of the site and its replacement in the longer term with playing fields. During construction the pitches displaced will be relocated to St Saviours School to the east of the city and Balfield Park further to the south. An existing path traversing the site from south to north is to be retained. No details of the development are available as the application is in outline form and deals with the principle of development at this stage.

SITE DESCRIPTION

The site is currently used as public open space including public football pitches and includes the existing Kingspark SEN school site, a combination of mostly flat roofed modern buildings. The overall area of the site is some 11.78 Ha. It is located between Gillburn Road and the Kingsway. To the north are modern residential properties, to the east is the McTaggart sports centre and Dundee College, with Caird Park beyond; To the north is the Kingsway Trunk Road (A90), with residential properties and Kingspark school to the west. The site is mainly made up of grassland but a thick landscaping strip does exist in the centre of the site separating the existing school and the playing fields.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 5B: Open Space and Recreation

Dundee Local Plan 1998

The following policies are of relevance:

H1 - Existing Residential Areas

SCE5 - Dual Use of School Property

OS1 - Existing Open Space

LT14 - Joint Use of School Sports Facilities

ENV4 - Site Protection

ENV12 - Existing Trees on Development Sites

Proposal MP3 - Increasing Accessibility

Policy MV20 - Cycling Facilities

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 66 - Open Space Network

Policy 68 - Dual Use of Open Space within School Grounds

Policy 72 - Trees and Urban Woodland

Policy 75 - Sustainable Urban Drainage Systems

Policy 81 - Pedestrians

Policy 82 - Cycling facilities

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 11 - Sport, Physical Recreation and Open Space

PAN 55 - The Private Finance Initiative and the Planning Process

Non Statutory Statements of Council Policy

Draft Site Planning Brief.

LOCAL AGENDA 21

Key Theme 4 seeks to ensure that local needs are met locally.

Key Theme 7 seeks to ensure that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

Key Theme 12 seeks to ensure that opportunities for culture, leisure and recreation are readily available to all.

SITE HISTORY

DLA00646 - Erection of Children's respite Unit - Approved 20th August 1999

02/00156/OUT - Outline Erection of replacement school - Approved - 30th August 2002

PUBLIC PARTICIPATION

Thirty-one Letters of Objection have been received regarding the application. The main issues arising are:

- * Impact on residential amenity/privacy
- * The proposal is contrary to the local plan
- * There is insufficient drainage in the area
- * The development will cause problems for traffic
- * The development will result in problems with overlooking
- * Noise impact
- * Impact on the environment
- * Removal of trees
- * Increase in litter
- * Parking problems
- * Access Problems
- * Overshadowing

These issues will be considered in greater detail in the Observations section of this report.

CONSULTATIONS

The Director of Environmental and Consumer Protection wishes to ensure that any mechanical equipment or plant should not impact adversely on residential properties.

SEPA indicate that disposal of surface water should be carried out via the implementation of a SUDS scheme.

The Director of Leisure and Arts indicates that conditions regarding tree protection during construction be included along with suitable landscaping conditions.

JMP consultants on behalf of the Scottish Executive (Trunk Roads) commenting on the Transport Assessment submitted with the application have indicated general satisfaction with the assessment. However they indicate that a School Travel Plan should be developed before the school is constructed.

sportScotland are agreeable, in principle, to the programme of pitch provision during the period of construction of the school, which involves using pitches elsewhere in the city to make up for the losses at the application site. They have indicated that the proposals for the longer term use of St Saviours school are crucial to their considerations. Although agreeing that the phasing and programming of works can be carried out through subsequent reserved matters applications, they wish to have the key elements of the programme agreed beforehand. Subsequently they have objected to the development until a phasing programme for pitch provision has been agreed and committed to by the council.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 5B: Open Space and Recreation - It is considered that the proposal, although being developed on Public Open Space, will provide replacement playing fields, which will be in dual use for school and community. In addition to this the increase in community facilities provided within the school combine to ensure that

acceptable alternative provision will be realised to make up for any loss of public open space.

Dundee Local Plan 1998

H1 - Existing Residential Areas - The site is within a predominantly residential area, which has other institutional uses and greenspace surrounding it. The proposed school is considered to be a community use which, although having a wider catchment area will serve many people in the immediate area. In general terms having schools situated in residential areas is a common land use feature. If they were situated in outlying areas they would be less accessible and promote more unsustainable modes of transport. It is unclear at this stage what the detailed design of the site will be. However the site planning brief and conditions that should be placed on any outline consent will ensure that all of the issues regarding parking traffic movements and noise and smells will be covered. It is considered that the proposal is not contrary to this policy.

SCE5 - Dual use of School Property - The proposal will involve the development of a number of community facilities and pitches which will be used for both the school and the general public. The new school will serve the general role of a valued community establishment as well as a school. This is in line with this policy.

OS1 - Existing Open Space - It is proposed that the existing pitches be replaced on the same site and will be available for dual use for the proposed secondary school and the wider community. This is consistent with this policy. The loss of open space in this area is something that can be accommodated elsewhere in the immediate area. To the east of the site is Caird Park, an extensive and varied parkland area that is easily accessible to potential users of the application site. It is envisaged that members of the public in Gillburn Road and other surrounding areas of the site will still be within 5-10 minutes walk of similar open space. It is considered that the application site has little recognised nature conservation value and therefore its loss is not contrary to this aspect of the policy. Although it can be argued that development of the school will lead to a loss of visual amenity for the wider area, this will be

compensated for in the longer term by the return of the existing Kingspark School site to greenspace associated with the new school.

LT14 - Joint Use of School Sports Facilities - The proposal involves the provision of extensive community facilities and although they are not known precisely at this stage, will include (for a facility of this size) 2 synthetic turf pitches, and at least 5 full size grass pitches. In addition to this, indoor facilities will also be provided. These facilities will be available for members of the public and will provide a valuable community resource. Such provision and availability is in conformity with the aims of this policy.

ENV4 - Site Protection - The site in question is not zoned in the local plan as a site of wildlife interest and is not identified as part of any of the wildlife corridors. It is accepted that the site has limited wildlife interest and therefore its loss to development in this regard is not significant. However the developed site will provide extensive areas of greenspace in addition to the return of Kingspark school to greenspace.

ENV12 - Existing Trees on Development Sites - There are areas of landscaping both within the site and along the frontages onto the Kingsway and Gillburn Road. These are important features and provide visual interest. The retention and planting of existing and further landscaping is to be the subject of conditions which will prevent any landscaping being lost until such time as an overall assessment across the site has been undertaken.

Policy MV20 - Cycling Facilities - The Transport Assessment that has accompanied the application has taken into account the needs of cyclists and pedestrians and full facilities will be included in the detailed design for the development.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Local Plan Review

Policy 66 - Open Space Network - Considerations of this policy are similar to those of policy OS1 above.

Policy 68 - Dual Use of Open Space within School Grounds - Considerations of this policy are similar to those of policy SCE5 above.

Policy 72 - Trees and Urban Woodland - Considerations of this policy are similar to those of policy ENV12 above.

Policy 75 - Sustainable Urban Drainage Systems - It has been made clear to the applicants that, although a SUDS scheme has not been finalised at this stage, the detailed proposals must include a detailed SUDS scheme including any flooding issues which may affect the development. The main strategic issues have been made clear to the applicants and is proposed as a condition for a subsequent application. Although the policy indicates plans should be submitted with any planning application it is considered that the issue has been sufficiently covered and brought to the attention of the applicants and its inclusion as a condition is appropriate to this outline application.

Policy 81 - Pedestrians - The Transport Assessment has made allowances for pedestrian facilities and non-car modes of transport and it is expected that facilities for pedestrians and cyclists will be included in any detailed submission. Again it is considered that with the addition of conditions/reserved matters this matter can be appropriately covered.

Policy 82 - Cycling facilities - Similar considerations are given to this policy as those for policy 81 above.

National Planning Policy Guidelines

NPPG 11 - Sport, Physical Recreation and Open Space - Paragraph 44 sets out the national policy on the development of sports pitches and playing fields. Although there is a general presumption against the development of such resources, exceptions include where there would be no loss of amenity and alternative provision is of equal benefit to the community and is accessible; the loss of playing field will not lead to a shortfall in the wider area and the

development of the playing field is seen as a way to best achieve its full sporting potential or amenity value. With regard to the first point it is considered that although the playing fields will be lost to development in the longer term a similar area will be provided for dual use on the existing Kingspark school site. This will provide similar amenity and sporting value to that that already exists. In addition to this the enhanced facilities that the new school will provide in terms of indoor facilities and all weather pitches will increase the quality of sporting provision in this area. These enhanced facilities will be accessible and beneficial to the surrounding community. The proposal will not lead to any loss of pitches in the wider area. Indeed an indicative programme has been set out by the applicants which demonstrates that pitches for both the community and the merging schools will be provided for elsewhere in the city (within appropriate travel limits set out by sportScotland) both in the longer term and during the construction period. It is also considered that by developing the site the majority of facilities, which are currently enjoyed will be redeveloped but further enhanced facilities will also be provided.

PAN 55 - The Private Finance Initiative and the Planning Process - This Planning Advice Note makes provision for where a planning authority require planning permission for development which they themselves will not be undertaking then the normal NID procedures are not open to them. In such circumstances a normal planning application should be submitted from the developing department and considered under the normal planning procedures. This course of action has been observed in this case and is consistent with the terms of government advice.

The Transport Assessment

As this is a major development in close proximity to the Trunk road it was necessary to ask for a Transport Assessment at the outline stage of development. It is a means of assessing whether in principle transport issues are likely to be problematic. The assessment indicates that the anticipated levels of traffic generated will be able to be

accommodated into the existing road network through the introduction of travel plans and other mitigating measures. These plans and measures will be set out at detailed planning stage when details of the development are known.

Conformity with the draft site Planning Brief

The site planning brief is to be presented for approval to the Planning and Transportation committee of the 1st December 2003 (Report Number 655-2003 refers). It goes into detail about a variety of issues such as access parking, landscaping, built form etc. As no details of development have been provided at this stage the brief only has a limited role. However the spatial criteria set out in the brief and the levels of facilities that will be required from the school can all be accommodated at this site and provided in such a manner that conformity with the brief will be achievable.

The response from sportScotland

sportScotland considers that a programme of pitch provision to make up for the loss of community pitches from the application site should be produced and agreed at this stage in the planning process. It is the case that the applicants have submitted a schedule of pitch provision for the duration of construction and for an as yet undefined period after that. Indeed a report to be submitted to the Planning and Transport committee on the 1st December 2003 (Report Number 726-2003 refers) indicates that the pitches that are to be lost as a result of development will be replaced in full. As this is an application for Outline Planning Permission, only the principle of development has to be agreed at this stage. A detailed scheme including precise pitch provision and implementation can be included as a condition. This will also give sportScotland the opportunity to comment on the development when pitch provision details are known.

The Points Raised By the Objectors

Impact on residential amenity/privacy - Although the school will be a substantial building it will be sited a considerable distance away from residential properties which will not be affected by privacy/amenity issues. Some points have been raised with

regard to the proximity of pitches to existing residences. It is anticipated that any pitches would be delineated a safe distance from houses and although there may be increased noise levels for the duration of the matches played this is likely to be a relatively infrequent occurrence and not a factor which will have a major impact on residential amenity.

The proposal is contrary to the local plan - As demonstrated earlier in the report the proposal conforms to development Plan policy.

There is insufficient drainage in the area - As there are no detailed proposals at this stage drainage details are unknown. Scottish Water have not objected to the application. Also as previously indicated SEPA are supportive of surface water being disposed of via an approved SUDS scheme. It is considered that drainage issues are adequately covered.

The development will cause problems for traffic - A Transport Assessment has been undertaken and submitted in support of the application. The assessment shows (in principle) that the anticipated increases in traffic and other transport forms as a result of the development can be integrated into the existing network. It may be that some measures have to be introduced to cater for the increases however this will be known better at the detailed planning stage.

The development will result in problems with overlooking - It is considered that the new school will be located a considerable distance from residential properties and overlooking will not be a significant issue.

Noise impact - It is accepted that a new secondary school may bring increased activity and subsequently noise into any residential area. However it is the case that the noise and activity will be limited to certain times of the day and will invariably be in daylight hours when increased noise levels can be tolerated more readily. It is also the case that the school with its community facilities will bring a great benefit for the surrounding area and again any perceived problems associated with the school are likely to be considered against the benefits to the community and tolerated more easily. No objections have been received from the director of

Environmental and Consumer Protection.

Impact on the environment - Any loss of pitches at this site will be replaced in full (here and at other sites in the city). The loss of trees on site will be minimal and any that are lost (after survey) will be replaced providing wildlife habitat and improved landscaping. The impact of traffic and pollution on the environment has been assessed as part of the Transport Assessment and will be minimised as mitigation measures are implemented.

Removal of trees - The question of trees and landscaping will be the subject of a reserved matter. All existing trees on site will be the subject of a survey and their retention (or compensatory replanting) will be part of an overall landscaping plan for the whole site.

Increase in litter - This is an issue which can best be dealt with as a matter of school management and through the provision of appropriate facilities.

Parking problems - Appropriate levels of parking are to be made available within the site. The city council is keen to promote alternative transport methods other than the car and may choose to set parking standards at a low level. This would be in keeping with national policy, which now looks to set maximum parking standards for this type of development.

Access Problems - Any problems with access both to and within the site have been covered in the Transport Assessment, which indicates that accessing the site and the surrounding network can be achieved to a satisfactory level.

Overshadowing - As previously stated it is considered that the school will be built in a location, which will respect the amenity of surrounding residences.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

There are no issues of design related to this application. There has been a site

planning brief prepared, which will ensure that the school and associated facilities are designed to appropriate standards.

CONCLUSION

Although it is the case that the new secondary school will be a major development which will have an impact on this area of city, it is anticipated that it will also bring many benefits, in the shape of new and improved facilities. Although no details of development have been submitted with the application it is considered in principle that a school of the size proposed can be accommodated on this site without detriment to surrounding land uses and the wider area. The development does not conflict with local plan policy and although there are significant material issues, which require clarification at detailed stage, it is considered that the principle of developing the school is acceptable. In view of the above approval of the application is recommended.

Under the terms of Circular 4/1997 Notification of Planning Applications (as amended), the application is one in which the local authority has an interest, both financially and as landowner. It has attracted a substantial body of objection and sportScotland (a statutory consultee) have objected to the proposal. In these circumstances referral to the Scottish Executive is necessary.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), the means of access and landscaping.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.

- 3 Application for approval of reserved matters shall be made to the planning authority within 3 years from the date of this permission.
- 4 The development hereby permitted shall commence within 5 years from the date of this permission, or within 2 years from the date of approval by the planning authority of the last of the reserved matter
- 5 That details of all plant and equipment shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 6 A tree survey of the application site shall be carried out and a report setting out details of all trees and proposals for their retention and/or removal shall be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved details.
- 7 A full landscaping scheme be submitted and agreed in writing with the planning authority, prior to any commencement of development on site and once approved shall thereafter be implemented in accordance with the agreed scheme.
- 8 A scheme covering the disposal of surface water implementing Sustainable Urban Drainage Systems, be submitted to and agreed in writing with the planning authority, prior to the commencement of development on site and the development shall be implemented in strict accordance with these plans thereafter.
- 9 A schedule of playing field provision to compensate for the loss of playing fields on the application site, shall be submitted to and agreed in writing with the planning authority, in consultation with sportScotland, prior to the commencement of development

on site. The submitted scheme shall include details relating to the phasing of implementation and forward maintenance

- 10 That the development be carried out in accordance with the terms of the planning brief prepared for development of this site.

Reasons

- 1 To reserve these matters for future consideration by the council.
- 2 To ensure that all reserve matters are submitted for consideration by the planning authority
- 3 To comply with section 59 of the of the Town and Country Planning (Scotland) act 1997.
- 4 To comply with section 59 of the of the Town and Country Planning (Scotland) act 1997
- 5 To ensure that the proposed development does not have an adverse on visual amenity
- 6 To allow for an assessment of the existing trees within the site in the interests of visual amenity.
- 7 In order to ensure that adequate additional landscaping is provided throughout the site in the interests of visual amenity.
- 8 In order to ensure that the disposal of surface water from the site is achieved in a sustainable and effective manner
- 9 In order to ensure that the provision of playing fields across the city is not adversely affected as a result of the development.
- 10 In order to ensure that the appropriate detailed development of the site.