

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 15th November 2005

Report Title Avon Valley School, Rugby - Construction of a 1100 Pupil Secondary School with Associated Facilities

Summary This application seeks full planning permission for a new secondary school to replace the school buildings destroyed in a fire at Avon Valley School, Newbold Road, Newbold-on-Avon, Rugby

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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Letters from Severn Trent Water dated 29/9/05 and 7/10/05.
 Letter from Sport England dated 10/10/05.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

Other Committees

Local Member(s) Councillor Ms K M King – fully supports the proposal.
 (With brief comments, if appropriate) Councillor J F Wells – no comments received.

Other Elected Members

Cabinet Member
 (Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive

Legal I Marriott – comments incorporated

- Finance
- Other Chief Officers
- District Councils Rugby Borough Council – No comments received.
- Health Authority
- Police Police Architectural Liaison Officer – See paragraph 2
- Other Bodies/Individuals

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee – 15th November 2005

Avon Valley School, Rugby - Construction of a 1100 Pupil Secondary School with Associated Facilities

Report of the Director of Planning, Transport and Economic Strategy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the construction of a 1100 pupil secondary school with associated facilities at Avon Valley School, Newbold Road, Newbold-on-Avon, Rugby, subject to the conditions and for the reasons contained in **Appendix B** of the report of the Director of Planning, Transport and Economic Strategy.

APPLICATION NO:	R782/05CC031
SUBMITTED BY:	Director of Property Services Department on behalf of the Cabinet of Warwickshire County Council and the Governors of Avon Valley School and Performing Arts College.
RECEIVED BY:	The Director of Planning, Transport and Economic Strategy on 19th September 2005.
THE PROPOSAL:	Construction of a 1100 pupil secondary school with associated facilities.
SITE AND LOCATION:	Avon Valley School, Newbold Road, Newbold-on-Avon, Rugby, Warwickshire.
	See plan in Appendix A

1. Application Details

- 1.1 This current application seeks consent for a new secondary school and associated facilities. The proposal arises out of the pressing need to replace the school buildings that were destroyed by the fire in June 2004.

2. Consultations

- 2.1 **Rugby Borough Council** – No comments received.

- 2.2 **Councillor Ms K King** – Fully supports the proposal.
- 2.3 **Councillor J F Wells** – No comments received.
- 2.4 **County Museum** – A combined ecological and landscaping scheme should be submitted and agreed prior to the commencement of development.
- 2.5 **Environment Agency** – No comments received.
- 2.6 **Severn Trent Water** – No objection, subject to condition.
- 2.7 **Sport England** – Objection.
- 2.8 **Police Architectural Liaison Officer** – No objection. Recommends the use of powder coating fencing on any perimeter fencing associated with the development, and the use of the Association of Chief Police Officers Secured by Design Award.
- 2.9 **CABE (Commission for Architecture and the Built Environment)** – No comments received.

3. Representations

- 3.1 None received.

4 Observations

Background

- 4.1 The previous permanent school buildings on the site were destroyed in a fire in June 2004, with the exception of the caretaker's bungalow, school sports hall and the millennium building. Since this time the school has continued to operate within the remaining 3 buildings and temporary buildings.
- 4.2 This application seeks consent to replace the temporary buildings with a permanent replacement secondary school.

Site and Surroundings

- 4.3 The site lies within the urban area of Rugby and has an area of 11.93 hectares. It comprises of the school and ancillary buildings and the attached playing fields.
- 4.4 Newbold Road forms the site's frontage to the north east. The existing and proposed school buildings are located close to this boundary with the closest building being the Millennium Building some 9 metres from this boundary. The nearest residential property being 37 metres.
- 4.5 This frontage is characterised by an open setting with a green verge and mature deciduous trees. Opposite lies single storey and two storey residential

dwellings, and beyond these further residential properties and Newbold Quarry Park.

- 4.6 Behind, and to the side of, the school buildings lies open space, including extensive school playing fields that lie within a meander bend of the River Avon. Some of the land between the existing sports hall and the River Avon forms part of the Proposed Rugby Western Relief Road. The school boundary stops short of the river channel to accommodate a riverside corridor and pathway and is also characterised by mature deciduous trees and shrubs.
- 4.7 Other parts of the site boundary include the rear boundary of the adjacent Riverside Primary School and the adjacent residential properties.
- 4.8 The highest ground levels on the site are around the existing Millennium Block and slope away towards the boundary with the River Avon corridor. The difference in levels between these points is around 8 metres.

Planning Policy

- 4.9 The adopted local plan for the area is the Rugby Borough Local Plan adopted June 1997. Of particular relevance to this application are the following policies:-
 - (i) R/G1 (12) - the scale and character of new development.
 - (ii) R/G1(6) – areas of natural floodplain and access for maintenance of natural watercourses are safeguarded and provision is made for surface water run-off.
 - (iii) R/G1(11) – the amenities enjoyed by occupants of buildings are protected in terms of privacy, access to sunlight and daylight, noise, vibration, pollution and smell.
 - (iv) R/TR3 - safeguarding the western relief road route.
 - (v) R/RL2 – protection of areas of importance for recreation, sport, nature or historical conservation, horticulture and amenity.
 - (vi) R/RL9 – Amenity Corridor.
 - (vii) R/E11 – Areas of Restraint.
- 4.10 There is an emerging local plan for the area, the Rugby Borough Local Plan Review, Redeposit Plan, May 2005. This contains similar site specific designations although there are some subtle changes in their areas. These include:-
 - (i) Policy LR4 – safeguarding open space.
 - (ii) Policy GP10 – Flooding and surface water drainage.
 - (iii) Policy T9 – Safeguarding the route of the Rugby Western Relief Road.

Considerations

Design and Impact on Visual Amenity

- 4.11 The overall design concept of the new school building allows for the retention of two surviving structures, namely the sports hall and Millennium building. These have been incorporated by linking these two elements with the new school buildings.
- 4.12 The overall design of the buildings is determined to some extent by the school's function. For example, the main hall is of a size and scale that means it represents a visual focal point in terms of the front elevation.
- 4.13 The school layout also proposes an environmental area with outdoor classrooms and covered structures that are well integrated into the existing and proposed soft landscaping. These appear to be small scale covered structures and as such can be controlled by a planning condition
- 4.14 In terms of visual amenity, the impact on the Newbold Road frontage is the major consideration, as it is the closest frontage to the public domain and is viewed from the residential properties opposite. Due to the intervening, extensive school grounds to the rear of the school buildings the impact on of the rear elevation would be far less significant.
- 4.15 The proposed buildings create a crescent shaped footprint to the new school building that bows away from the Newbold Road frontage. Because of this, none of the proposed new buildings are any closer to the frontage with Newbold Road than the existing buildings. Which helps reduce the dominance on the prime frontage within the public domain.
- 4.16 In addition, the roof level of the new proposed buildings would stand at approximately the same height as the existing Millennium Building. Further, the lowering of ground level is lower between the Millennium Building and Sports Hall, and the proposed buildings would step between the two levels.
- 4.17 The proposed building utilises a contemporary design and materials that fits well with the existing Millennium Building. It is also proposed that the Sports Hall is re-clad with a lightweight cladding solution that enables it to be visually well integrated with the materials used in the proposed new buildings.
- 4.18 The individual linked buildings with differing design characteristics help to break up the overall bulk of the new buildings along the main frontage. This is achieved by the use of various facing materials, including copper and metal cladding, fenestration detailing, and a variety of building and roof forms.
- 4.19 With regards to the rear elevation of the buildings three rear protruding wings are proposed. The roof heights of these wings would not rise above the main buildings viewed from the Newbold Road frontage. However, the sloping ground levels means that an additional storey can be accommodated at the rear.

- 4.20 Mature trees lie along the main frontage, on either side of the site boundary, which further screen and soften the visual appearance of the building. Further soft landscaping is proposed as part of the scheme which further enhances the visual appearance of the building and its setting.
- 4.21 Due to the design of the building and the surrounding open landscaped context the impact on visual amenity is acceptable and the proposal accords with policy R/G1 (12) - the scale and character of new development of the adopted local plan.
- 4.22 As part of the scheme some additional ancillary development such as fencing and hard landscaping may have an impact on visual amenity. However, these impacts would be controlled by conditions.

Impact on Neighbours' Amenity

- 4.23 In terms of loss of sunlight, noise, vibration, pollution, smell, daylight, overlooking and loss of privacy, these would not represent significant impacts in this case. This is due to the distance between the proposed buildings the change in ground levels and the intervening carriageway and mature trees. It must also be acknowledged that the school is an existing established and authorised use and many of these impacts are present to a greater or lesser extent. As such the proposal accords with policy R/G1(11) of the adopted plan relating to the protection of amenities enjoyed by occupants of buildings.

Open Space

- 4.24 The main issue relates to the designation of the school site within the adopted and emerging local plan. As the emerging plan is still at deposit stage it is the adopted plan that carries the greatest weight as a material consideration in the determination of this application.
- 4.25 In the adopted plan both the previous and proposed school buildings and the immediate surroundings are located within an area designated as Protected Open Space. Policy R/RL2 of the plan states that -
- “development will not be permitted on those areas of protected open space designated on the proposals map”, it then goes on to state some exceptions will permit development in these areas. These exceptions include “where it would not detract from the contribution the open space makes to the visual amenity of the area.”
- 4.26 The footprint area of the proposed building is located in a similar position, to that of the previous buildings destroyed by the fire. As such the proposed building enables the openness around the school to be retained and further planting to be carried out.
- 4.27 As the site is not an area subject to open public access its designation relates purely to the contribution it makes to the visual amenity of the surrounding area. Therefore, as the spacious landscaped frontage would be retained, the proposal is not contrary to policy R/RL2 of the adopted local plan.

- 4.28 The remainder of the site is covered by an Area of Restraint policy (R/E11 of the adopted plan) or Amenity Corridor policy (R/RL9). However, as this is to remain open and free from built development these policies would not be compromised.

Sports Facilities

- 4.29 As part of the scheme the existing playing fields are to be retained for school use in addition, as mentioned previously the sports hall is also to be retained and re-clad. Sports England have objected to the proposal. Their main concern appears to be the retention of the existing sports hall rather than its replacement. The Hall does not meet current Sport England and Department for Education and Skills (DfES) standards being less than 33m x 18m. Sport England suggest that this building should be demolished and replaced.
- 4.30 In this particular case the school is an existing well established use and continues to operate with existing sports hall facilities. This would have been the case without the intervening fire damage. It would be unreasonable to insist that sound, serviceable building that is fit for its intended purpose, is demolished and replaced. As this particular application is not concerned with a replacement Sports Hall, it is considered that this particular objection is unreasonable and inappropriate.
- 4.31 Sports England's other concerns seem to relate to the lack of consideration given to the integration of facilities for the disabled use. Their consultant architect suggests that through amendments to the internal layout and the provision of access ramps etc. These improvements could be integrated into the scheme without a further increase in floor area, as such I do not believe these objections would warrant the refusal of the scheme.
- 4.32 They also raise issues in relation to the phasing for the construction of the proposed relief road in relation to the loss of playing fields and sports facilities. This matter has already been dealt with in the determination of the planning application for the Inner Relief Road, which has been approved. It should not now be a consideration for this application.

Relief Road

- 4.33 The school site is covered by policy R/TR3 of the adopted plan and policy T9 of the emerging plan, which effectively safeguard the route of the proposed Western Relief Road from development that would compromise it's operation. The position of the new school buildings would not infringe upon the proposed Compulsory Purchase Order (CPO) land for the proposed road. As such the proposed buildings would not affect the route of the road and accord with these policies.
- 4.34 The lay out plans do show playing areas and surfaces that do lie close to the proposed road route. In particular a MUGA (Multi Use Games Area) is shown adjacent to the road. The architects design statement suggests that this would be illuminated at a future date, as such a condition fixing the site and scheme of illumination should be submitted prior to it's implementation to ensure that

lighting overspill onto the proposed highway is acceptable in terms of highways safety.

Flooding and Land Drainage

- 4.35 The site includes part of the River Avon Flood Plain and as such policy R/G1(6) of the adopted plan and policy GP10 of the emerging plan need to be considered. The design of the proposed scheme incorporates details that helps ameliorate issues regarding flooding and land drainage these are outlined in the submitted Flood Risk Assessment.
- 4.36 With regards to flooding, the Environment Agency has advised that the 1 in 100 year flood event level is at a height of 82.36m ordnance datum. In view of this, the proposed buildings have a floor level of 86.075m ordnance datum over 3 metres above the 1 in 100 year flood level and are 48.5m away from this level. In view of this, the likelihood of significant impacts on the proposed buildings arising from flooding would be insignificant.
- 4.37 As part of the Flood Risk Assessment, a proposed drainage strategy has been submitted. This addresses the issues relating to both foul and surface water drainage, including the provision of attenuation storage by tanks, ponds and swales. Provisions including dry wadis, swales and Sustainable Urban Drainage System (SUDS) measures attached to allocated parking spaces are also illustrated on site layout drawings. Therefore the implications of the development in terms of land drainage have been integrated into the overall scheme.
- 4.38 Severn Trent Water have commented upon the application and have requested that a planning condition is attached that requires a scheme of surface and foul water drainage to be submitted prior to the commencement of development. If this is attached then the impact will be properly assessed. As such, the impacts on flooding and land drainage will be acceptable and the proposal would accord with local plan policy, in this regard.

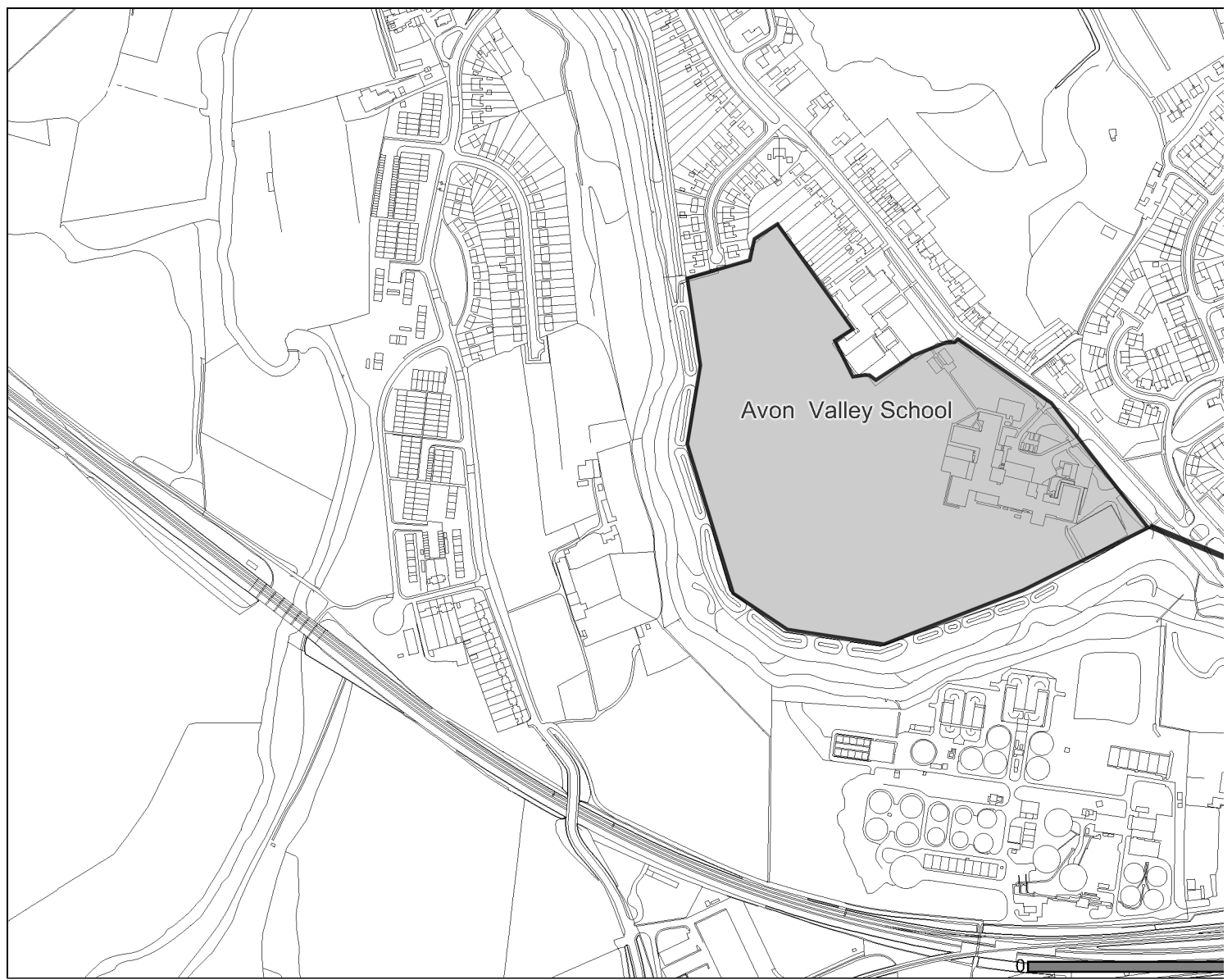
5. Conclusions

- 5.1 This application principally concerns the replacement of school buildings previously destroyed in the 2004 fire. As such the principal for such development on this particular site is firmly established, indeed the school use has continued through the use of temporary buildings.
- 5.2 The design of the proposal retains the existing spacious setting along Newbold Road. In addition the design ensures that the building serves its specific function, i.e. that of a secondary school. At the same time the existing, serviceable buildings are to be integrated and retained. There are no valid reasons why either of these existing buildings should be demolished as part of the development.

- 5.3 For the reasons outlined in this report it is concluded that the design solution proposed is considered to be acceptable, in terms of planning policy and that the impact upon the general locality is considered to be acceptable.

JOHN DEEGAN
Director of Planning, Transport and Economic Strategy
Shire Hall
Warwick

1st November 2005



Scale 1: 6121

Ref No. R782/05CC031

Drawn Richard

Regulatory Committee - 15/11/05

Subject

Avon Valley School

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Regulatory Committee – 15th November 2005

Avon Valley School, Rugby - Construction of a 1100 Pupil Secondary School with Associated Facilities

Application No: R782/05CC031

Commencement Date

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Pre-Commencement

2. The development hereby permitted shall not be carried out other than in accordance with the submitted application ref; R782/05CC031 and the accompanying plans, 106 A, SK120, 050A, 105B, 045A, 200A, 201A, 202A, 203A, 300A, 301A, 302B, 303B, 304B, 305B, 350A, and 313-29 and with any details approved in accordance with these conditions.
3. The development hereby permitted shall not be commenced until full details of a combined ecological and landscaping scheme for the site have been submitted to and approved in writing by the County Planning Authority. These details should include a planting plan :
 - (a) showing existing trees to be retained along with new planting;
 - (b) written specifications, schedules of plants noting plant locations, species, sizes and proposed numbers and densities where appropriate
 - (c) species lists of proposed planting of the ponds, swale, reedbeds and copse areas;
 - (d) cross-sectional diagrams of proposed ponds, swale and reedbeds,
 - (e) proposed management of ponds, swale, reedbeds and copse,
 - (f) details of any further ecological measures such as bird boxes, bat boxes etc.
4. The development hereby permitted shall not be commenced until a schedule of all external finish materials, to be used on the exterior of the buildings hereby approved have been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the said approved schedule.

5. The development hereby permitted shall not be commenced until full construction details of the new car parking areas and access roads within the site have been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the said approved details.
6. The development hereby permitted shall not be commenced until full design details of all new fencing and railings to be erected on the site as part of this development have been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the said approved details.
7. The development hereby permitted shall not be commenced until full design details of the covered structures and outdoor classrooms, to be erected on the site as part of this development have been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the said approved details.
8. The development hereby permitted shall not be commenced until full details of the means of foul and surface water disposal to serve the development have been submitted and approved in writing by the County Planning Authority and the said approved scheme shall be installed in the approved form prior to the first occupation of the premises.
9. Prior to the commencement of work, details shall be submitted to and approved in writing by the County Planning Authority comprising full specifications, including a timescale, for:- the removal of buildings, materials, services, structures and hard surfacing associated with temporary use and buildings and the restoration of the land to be used as a playing field including the initial maintenance regime.

General Operations

10. The landscaping scheme approved pursuant to Condition 3 shall be implemented in the first planting season following the completion of the development hereby approved and unless otherwise agreed in writing by the County Planning Authority, should any trees or shrubs planted as part of the landscaping scheme die, be removed become damaged or seriously diseased within five years of the initial planting they shall be replaced in the next planting season with others of a similar size and species.
11. Prior to the first use of the new school, the car park and service roads shall be laid out surfaced drained and marked out in fully accordance with the scheme approved pursuant to Condition 5 of this consent.
12. Prior to their installation on site as part of this development full design details of any lighting to be installed on the exterior of the buildings or in the car parks or grounds of the new school shall be submitted to and approved by the County Planning Authority and the development shall then be carried out in accordance with the said approved details.

Tree Protection Conditions

13. No development shall take place on site until the trees identified to be retained on the landscaping plan submitted in pursuance of Condition 3 of this consent have been protected by fencing and enclosures, full design details of which shall have been submitted to and approved by the County Planning Authority prior to their installation on site, and the approved tree protection scheme shall be retained in situ and in the approved form for the duration of construction work.
14. No storage of materials, chemicals, fuel, machinery, the lighting of fires nor the movement of vehicles shall take place under the canopies of the trees referred to in Condition 13 of this permission.
15. There shall be no alterations to natural ground levels underneath the canopies of the trees referred to in condition 13 of this consent.
16. Should any excavation be necessary under the canopy of the trees referred to in Condition 13 of this consent, tree protection measures must be submitted to and be approved in writing by the County Planning Authority prior to the carrying out of any such excavations and all works must be carried out in accordance with the agreed scheme. In such circumstances any excavation should be by hand.

Reasons

1. To comply with section 51 of the Planning and Compulsory Purchase Act.
2. To ensure development is carried out in accordance with the planning permission hereby granted.
3. In order to ensure the satisfactory appearance of the completed development and in the interests of supporting biodiversity.
4. In order to ensure the satisfactory appearance of the completed development.
5. In order to ensure the satisfactory appearance of the completed development and to ensure that satisfactory arrangements are made for servicing the site.
6. In order to ensure the satisfactory appearance of the completed development.
7. In order to ensure that the development makes appropriate arrangements for the disposal of sewage and surface water from the site.
8. In order to ensure the satisfactory appearance of the completed development.
9. In order to ensure the reinstatement of sports/playing fields.
10. In order to ensure the satisfactory appearance of the completed development.
11. In order to ensure that satisfactory arrangements are made for servicing the site.
12. In order to ensure the satisfactory appearance of the completed development and to minimise the amount of light pollution affecting the locality.

13. In order to protect trees on the site which are of amenity value.
14. In order to protect trees on the site which are of amenity value.
15. In order to protect trees on the site which are of amenity value.
16. In order to protect trees on the site which are of amenity value.

Notes:

1. There are records of badger setts nearby and as such it is possible that this species may use the site. Therefore care should be taken when clearing the ground prior to development, and if evidence of specially protected species such as badgers is found, work should stop while English Nature is contacted.
Badgers and their setts are protected under the 1992 Badger's Act, and several species of reptile and amphibian are protected under the 1981 Wildlife & Countryside Act.
2. Where it is **essential** to fell or lop any trees or shrubs, it should be ensured that this work does not disturb nesting birds. Nesting birds are protected under the 1981 Wildlife and Countryside Act, and if they are present, work should not take place during the nesting season, (approximately March - September). It is also important to survey any mature trees for bats if they are to be affected, as bats **and** their roost sites are protected under the 1981 Wildlife and Countryside Act.
3. Any proposed planting on the site should use indigenous tree and shrub species, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants.
4. This permission does not imply nor shall it be deemed to imply permission for the installation of lighting on sports surfaces. Such development will require the submission of a planning application at a future date.

Development Plan Policies Relevant to this Decision

The Regional Spatial Strategy and Warwickshire Structure Plan – Policies GD3, GD4, GD5 and ER6.

The Adopted Rugby Borough Local Plan 1997 - Policies R/G1 (12), R/G1(6), R/G1(11), R/TR3, R/RL2, R/RL9 and R/E11.

The Emerging Rugby Borough Local Plan Review Redeposit Plan May 2005 – Policies Policy LR4, Policy GP10, and Policy T9.

Reasons for the Decision to Grant Permission

The development hereby permitted is in accordance with the relevant policies of the development plan. Further more there are no other material planning considerations which would, either in their own right or cumulatively, justify withholding planning permission.

Note The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.