

**Application Number**

P/2018/1211

**Site Address**

Barton County Junior And Infant School  
Barton Hill Road  
Torquay  
TQ2 8JA

**Case Officer**

Verity Clark

**Ward**

Shiphay With The Willows

**Description**

Formation of nursery building.

**Executive Summary/Key Outcomes**

This planning application is for the erection of a new detached building within the south-eastern part of the site, facing Barton Hill Road, to form a new nursery building with two new classrooms and associated facilities. The proposal would allow for the conversion of a section of the existing school building, which is currently used as a nursery, to new classrooms serving the older pupils.

The proposal is considered to be acceptable in terms of the principle of development, visual impact, development amenity, highways and flood risk. A tree report has been requested by the Council's Arboricultural Officer and Members will be verbally updated at the Committee meeting on this issue.

**Recommendation**

That planning permission be granted subject to the conditions listed below, with the final drafting of conditions and resolution of any outstanding matters to be delegated to the Assistant Director for Planning and Transport.

**Statutory Determination Period**

5th February 2019. An extension of time to the 15th March 2019 has been agreed.

**Site Details**

The application relates to Barton County Junior and Infant School, Barton Hill Road, Torquay. The site contains a range of school buildings and a curtilage area comprised of recreation spaces, parking and access, and an open area of grassland between the front of the school buildings and Barton Hill Road. St Martin's Church, which is a Grade II Listed Building, is located beyond the site's north-eastern boundary. The site is not subject to any other designations. The ground levels of the proposed development area, which is located within the grassed area between the main complex of buildings and Barton Hill Road, sit below the level of the existing school buildings.

## **Detailed Proposals**

This planning application proposes the formation of a detached, single-storey building to form a new nursery building with two new classrooms and associated facilities. The proposed building would be located within the area of grassland between the front of the existing school buildings and Barton Hill Road.

The proposal would allow for the conversion of an existing section of the existing buildings, which is currently used as a nursery, to new classrooms serving the older pupils.

The proposed extension would have a footprint of 272.66m<sup>2</sup> and would be sited at the front of the school facing Barton Hill Road. The building appears as two separate sections with a monopitch roof and a section of flat roof.

## **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

### Material Considerations

- Emerging Torquay Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

## **Summary of Consultation Responses**

Highways Engineer: No response.

Strategic Transport Officer: Recommend the provision of a refreshed Travel Plan (including staff, children and visitors of the school) setting out a 30% modal shift (by foot, cycle or public transport) in accordance with policy TA3. This should address the 75% of staff journeys being by car for which there is insufficient parking available on-site. The TP should therefore include SMART targets, particularly aimed at the number of staff driving to the site. The TP should include an annual monitoring regime that with mitigation measure should targets not be met. This can be condition prior to occupation. I would also recommend a

condition that requires written consent of the LPA if pupil numbers increase by 30 pupils or more in accordance with TA2 & 3 Appendix F (Other Parking considerations table, page 298) to ensure that appropriate provision of safe and sustainable access is provided for all users. A Construction Management Plan should also be conditioned.

Sport England: The proposed development does not fall within our statutory remit or non-statutory remit however advice is given to aid the assessment of the application.

Arboricultural Officer: I note the presence of the mature lime trees on the front of the site. There is no tree report submitted to support the application and there is concern about building an occupied building closer to them. The tree report will need to consider these impacts as well as showing suitable protection for them.

Community Safety: No objection.

Conservation: No response.

### **Summary of Representations**

Publication type: Neighbour notification letters/Site notice

7 objections have been received. Issues raised:

- Traffic and highways safety
- Parking
- Loss of sport facilities
- Foul sewage and waste disposal
- Lighting
- Visual impact
- Increase in staff and pupil numbers

### **Relevant Planning History**

P/2016/0739 Reduction of building footprint from 162.80sqm to 133.28sqm.  
Approved 03.08.2016

P/2016/0242 The erection of a new single storey teaching building with WC's.  
Approved 22/06/16

P/2014/0507 New Multiple Use Games Area pitch. Approved 15/8/14

P/2012/0106 Formation of two double temporary classrooms sited on the school playing field to be used by pupils and staff during the internal refurbishment works of Barton Primary school. Approved 09.05.12

P/2011/1351 Formation of extension to provide new main reception facilities, replacement windows, provision of accessible parking spaces, realignment of paths, removal of pedestrian entrance gate and engineering works to improve

grass play areas. Approved 13.04.12

P/2003/0920 Extension To Form Class Room And Nursery. Approved 09.07.03

P/1999/1200 Erection Of Office Extension. Approved 28.10.99

P/1999/0001 Formation Of Playing Field Together With Access Road And Car Park. Approved 22.03.99

P/1998/1259 Erection Of Link Corridor. Approved 30.10.98

P/1997/0838 Demolition Of Existing Toilet Building. New Two Storey Extension With Two Classrooms And Toilets. Brick Cladding To Timber Frame Building Concrete Roof Tiles On Timber Roof Trusses. Approved 09.10.97

P/1993/0985 Two Storey Extension To Provide Two Classrooms. Approved 16.11.93

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are:

1. Principle of Development
2. Visual Impact
3. Development Amenity
4. Highways
5. Trees
6. Flood Risk
7. Other Considerations

#### **1. Principle of Development**

Policy SS11 (Sustainable Communities) of the Local Plan states that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle. Policy SS11 details further that development proposals will be assessed against 13 criteria, which includes promoting social inclusion, and seeking to eliminate exclusion based on access to housing, health, education, recreation or other facilities. Policy SC3 (Education, Skills and Local Labour) of the Local Plan specifies that the Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. Policy SC3 notes further that this includes the expansion of schools to meet identified short to medium-term needs. Policy SC5 (Child Poverty) of the Local Plan states that new development will be assessed for its contribution towards reducing child poverty, proportionate to the scale and nature of the proposal. This includes the need to support investment in existing schools and make appropriate contributions, and improve equality of access to high quality education provision for all, including early-years education.

The proposed development would improve the education facilities in the area. As such, it is deemed that the principle of the development would accord with Policies SS11, SC3 and SC5 of the Local Plan.

## **2. Character of the Area and Heritage Assets**

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space.

The proposal seeks the formation of a new detached building to form a new nursery with two new classrooms and associated facilities. The proposed building appears as two separate sections with a mono-pitch roof and a section of flat roof. The proposed structure would have a footprint of approximately 272.66m<sup>2</sup> and would be sited at the front of the school facing Barton Hill Road. The proposal would sit below the existing complex of buildings on lower ground. This results in a level of subservience to the existing school buildings and allows views from the streetscene through to the main teaching block behind. Areas of grass would be retained around the proposed building. It is noted that the boundary between the wider site and the public highway is formed by mature trees and other vegetation.

Given its siting, scale, and design it is considered that the proposal would result in an acceptable addition to the existing school site and the wider area in terms of its impact on the character of the area. A condition is recommended to secure the approval of external materials.

Given its single-storey design and siting on lower ground; its relationship to the existing complex of school buildings; and the separation distances involved, it is considered that the proposal would have an acceptable impact on the setting of the adjacent listed building; St Martin's Church. The proposal would not result in any harm to heritage assets. In terms of its impact on the character of the area and heritage assets, the proposal is considered to be in accordance with Policies DE1 and HE1 of the Local Plan, and the guidance contained in the NPPF.

## **3. Development Amenity**

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposal would be sited to the South East of the school adjacent to Barton Hill Road. Given its siting, scale, and design, it is considered that the proposal

would not result in any unacceptable harm to the amenities of neighbours.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

#### **4. Highways**

The Council's Strategic Transport Officer has noted that the new nursery building would potentially provide 4 full-time additional staff with an additional 10 to 50 pupils. The supporting 2018 Travel Plan states that, including the nursery facility, the school site would have 661 pupils and 100 full-time staff with 18 part time staff (109 full-time equivalent). Policy TA3 and Appendix F recommends that a pre-school nursery should provide 1 car parking space per 4 full-time equivalent staff, plus 1 cycle space per 4 staff. This would equate to one additional space of each for the unit proposed. Appendix F also recommends 1 space per 2.5 FTE for Primary/Secondary Schools.

The submitted travel plan states that there are 65 staff parking spaces (including 3 disabled spaces), 12 scooter parking spaces, and 67 cycle spaces at the site. The Design and Access Statement indicates an 'overflow car park' for 30 off Beechfield Avenue, which is inclusive of the 67 above. The travel plan staff survey (2016) indicates that over 70% - 80% staff drive.

It is noted that there are objections to the proposal on Highway grounds and that the surrounding area can be congested at peak times. It is therefore recommended that the provision of a refreshed Travel Plan (including staff, children and visitors of the school) setting out a 30% modal shift (by foot, cycle or public transport) in accordance with policy TA3 is required by condition. This should include SMART targets, particularly aimed at the number of staff driving to the site. The travel plan should include an annual monitoring regime that with mitigation measure should targets not be met. It is also recommended that a condition is added which requires written consent of the Local Planning Authority if pupil numbers increase by 30 pupils or more in accordance with TA2 & 3 Appendix F (Other Parking considerations table, page 298) to ensure that appropriate provision of safe and sustainable access is provided for all users. A Construction Management Plan should also be conditioned.

Subject to the use of this condition, the proposal is considered to comply with Policies TA1, TA2 and TA3 of the Local Plan.

#### **5. Trees**

Consultation from the Council's Arboricultural Officer has noted the presence of mature lime trees at the front of the site. The submitted tree report is considered to be acceptable and a condition is proposed to ensure compliance with it.

#### **6. Flood risk**

Policy ER1 Flood Risk of the Local Plan states that proposals should maintain or

enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. Given the nature of the proposal, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice, and the proposal is therefore considered to be in accordance with Policy ER1.

## **7. Other Considerations**

The Torquay Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The relevant policy for this application is Policy TH8 (Established Architecture). This policy requires development to be of good quality design and to respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings. The proposal is considered to comply with this policy as the scale and bulk respect the characteristic of the school and of the existing building resulting in an acceptable design and appearance. The proposal is therefore considered to accord with the Torquay Neighbourhood Plan Policy.

## **Local Finance Considerations**

S106/CIL -

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

## **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and

sexual orientation.

## **EIA/HRA**

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

## **Conclusions**

The proposal is considered acceptable, having regard to the Local Plan, and all other material considerations.

## **Condition(s)/Reason(s)**

01. No development shall take place until a method statement for the construction of the development hereby approved has been submitted to and approved by the Local Planning Authority. The statement shall provide details of the management of material deliveries and where they will be stored; measures for minimising noise and preventing dust-drift; the times of construction on the site; and the management of parking provision for contractors working on the site. The development shall be carried out in accordance with the approved details.

Reason: This information is required prior to the commencement of the development as it will confirm how the construction process will be managed in the interests of highway safety and local amenity in accordance with policies TA1, TA2 and DE3 of the Torbay Local Plan 2012-2030.

02. Prior to the occupation of the building hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out how at least 30% of the potential users can gain access by foot, bicycle or public transport, and how this will be implemented and monitored including SMART targets and annual reviews. The Travel Plan shall be continually monitored by a Travel Plan Coordinator (TPC) appointed to ensure that it meets its objectives and targets. In the event that the objectives and targets of the Travel Plan are not met, or if there is an increase above the number of 30 pupils on site, the Travel Plan shall be updated by the TPC setting out further measures in order to rectify this. A copy of the Travel Plan or updated Travel Plan, shall be made available to the Local Planning Authority upon request during normal business hours and the contact details of the TPC shall be provided in all iterations of the Travel Plan.

Reason: In the interests of road safety and sustainability to encourage



walking, cycling and public transport use by staff, students and visitors in accordance with policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

03. Prior to commencement of any works above damp proof course level on the new building, samples of all the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the streetscene in accordance with policy DE1 of the Torbay Local Plan 2012-2030.

04. In accordance with the submitted flood risk assessment dated 10th December 2018, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

05. Prior to the commencement of any works on site (including demolition and site clearance or tree works), the submitted tree protection measures shall be implemented according to the agreed Tree Protection Plan and Arboricultural Impact Assessment. This provides for the long term retention of the trees with details of tree protection and construction exclusion zones. No development or other operations shall take place except in complete accordance with the approved plan and report.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the area.

### **Informative(s)**

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this

application is acceptable for planning approval.

**Relevant Policies**

DE1 - Design

DE3 - Development Amenity

HE1 - Listed Buildings

SS11 - Sustainable Communities Strategy

SC3 - Education, skills and local labour

SC5 - Child poverty

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

C4 - Trees, hedgerows and natural landscape

ER1 - Flood Risk