

TORBAY COUNCIL

Application Site Address	Mayfield School Moor Lane Torquay TQ2 8NH
Proposal	Formation of new staff & teaching block.
Application Number	P/2021/0357
Applicant	Torbay Council
Agent	Mr Jonathan Ling-Cotter – MTA Chartered Architects Ltd
Date Application Valid	23/04/2021
Decision Due date	18/06/2021
Extension of Time Date	Not applicable.
Recommendation	Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	Emily Elliott

Location Plan:



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SITE LOCATION PLAN
scale 1:1250

Site Details

The site contains an established school complex that dates from the mid/late 20th Century but features quite large-scale latter-day 21st Century additions. The school buildings are modern in design, with low-lying one and two-storey buildings with flat and pitched roofing, rendered walls and aluminium casement windows. The site lies to the north of Moor Lane on the outskirts of Torquay and sits within the Watcombe Park Conservation Area. The proposal would fall within the cusp of the Steps Cross Urban Landscape Protection Area as defined by Policy C5 of the Torbay Local Plan and is within the Watcombe Community Investment Area as defined by Policy SS11 of the Torbay Local Plan.

The proposal would be sited on sloping land within the school site that ranges between 93.73-96.53 (AOD).

Description of Development

The proposal seeks permission for the formation of a new staff and a teaching block, which would provide a staff room, a training room, a number of office spaces, water closets and kitchenettes. The proposed development would result in 353 square metres of new gross internal floorspace. The proposal would also include a new pedestrian access into the site from Steps Lane.

The proposal would have a principle storey elevated above ground on its southern side to take into account the topography of the land whilst being supported by a bank of coloured columns. The proposal is sited in this location, as it is identified as the last remaining area of open ground within the school which has the potential for future expansion. The proposal is located on the western edge of the existing school grounds bordering Steps Lane and as such the proposed development is positioned to address both the orientation of the main school buildings and the alignment of Steps Lane. The principal level of the building is elevated to meet the adjacent block that was approved in 2011, and a new enclosed bridge links the proposed and existing blocks whilst providing complete accessibility.

Each block is finished in a lightweight cladding material; self-finished metal and fibrous cement. These materials have been chosen to create a strong planar quality emphasising the solidity of the blocks as well as providing low maintenance and longevity. The external windows to the north and south elevations are full height low-e coated glass with polyester powder coated aluminium frames providing good visibility out into the school grounds. Self-finished coloured cladding panels are interspersed and set back into the window reveals. The bridge link between the 2011 building and the new block is encased in glass to accentuate the separation. The space beneath the building is part buried, part exposed with the buried portion housed in metal cladding with a Forticrete Linear concrete block plinth course and retaining structure. The exposed columns are to be encased in coloured cladding.

Pre-Application Enquiry

DE/2021/0015: New staff and training block. Pre-application enquiry response given:

- Principle of development → Impact on ULPA designation and outdoor sports facility is likely to be considered acceptable.
- Visual impact → Broadly acceptable subject to detailed design.
- Residential amenity impact → Limited impact on adjacent neighbours given separation distance.
- Highways impact → Would not result in additional staff or pupils attending the school, so it would not directly result in additional trips onto the highway network once operational. Additional information required should a formal submission be made: confirm the proposals do not directly result in an increase in school size in terms of pupil or staff numbers over that which was in place in 2020; demonstrate that the site can safely be accessed by pupils, staff and visitors; demonstrate the model split of pupils and staff; demonstrate the proposals would not have an adverse impact on the existing parking provision; and; provide details of the access strategy used at the school and how the proposals tie into this.
- Arboricultural impact → Satisfied with the Arboricultural statement and its findings/conclusions.

Relevant Planning 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")
- The Adopted Torquay Neighbourhood Plan 2012-2030 ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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.

Relevant Planning History

P/2011/1319: Alterations and formation of four classroom extension and related facilities with plant and stores in undercroft. Approved 20/02/2012.

P/2011/1099: Installation of solar panels on roof(s) of building(s). Approved 10/11/2011.

P/2010/1272: Removal of one timber shed and replace with new timber lodge with pitched roof; installation of 2 gazebos to form a covered area for pupils. Approved 17/12/2010.

P/2009/0167: Single storey extension. Approved 07/04/2009.

P/2005/0559: Formation Of Additional Car Parking; Reposition Entrance. Approved 24/05/2005.

P/2003/1557: Erection Of Additional Classroom (And Minor Amendments To Existing Application Ref App.No P/2001/0255/R3). Approved 03/11/2003.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Approximately 3 letters of objection, 2 letters of support and 1 letter of neutral representation has been received.

Concerns raised include:

- Traffic and access

Comments include:

- Provides educational facilities

An update on representations will be given to Members at Planning Committee.

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No response received.

Sport England:

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Torbay Council's Senior Strategy and Project Planning Officer:

I refer to the above application for new office and teaching block at Mayfield Special School. There were detailed pre-application emails between ourselves and Richard Sutton of the TDA, which I attach for information. The supporting information indicates the need for the additional buildings and that the field in question is too steep to be used as a playing area. Whilst it is within the Watcombe Park Conservation Area, the extension will be seen in the context of the modern school buildings, and any (less than substantial) impact will need to be balanced with the need to give great weight to the need to expand or alter schools (NPPF 94). Policies SC3 and SC5 of the Local Plan also support the proposal.

I note that on-street parking is an issue in the vicinity of Moor Lane due to the proximity of three schools. No additional parking spaces are proposed. Although the submitted

details indicate that no additional staff or pupils are proposed, this may be difficult to ensure (and there may be other desirable reasons to increase staffing or pupil numbers). Whilst the scope to ensure sustainable modes of transport is likely to be limited by the nature of the school, I think it would be desirable to require an updated Travel Plan, via planning condition, to seek to reduce single occupancy car use by staff and mitigate any tensions with nearby residents. (Note that I am making this suggesting in a Planning rather than Highways Authority, and as such can acknowledge the wider public interest benefits of the school extension. WSP may be providing a highways specific response).

I included the NPPF advice that the LPA needs to give “great weight” to meeting schools needs to expand. I would suggest that the information supporting an application makes it clear that the land is too steep to be used as playing field.

As far as I understand it, the ULPA was designated to protect the woodland and backdrop associated with Brunel Woods. Proposals should not “undermine the value of the ULPA as an open or landscaped feature within the urban area” (Policy C5 of the Local Plan). However, it doesn’t appear to me that the proposal would have significantly greater impact on the setting of Brunel Woods than the recent 2 storey school buildings. In any event the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area is the bigger policy test. Because it is in a conservation area (etc), it would be worth setting out why the extension is needed to improve teaching and learning outcomes (etc.), so that any “less than substantial” harm to the significance of the CA can be weighed against the public benefits.

On the basis of the above (and the attached emails) I support the proposal.

Torbay Council’s Senior Environmental Health Officer:

No objections subject to the inclusion of the following condition:

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Torbay Council's Drainage Engineer:

The developer has failed to indicate on the submitted flood risk assessment how surface water is to be discharged from the development. As the site is located in Flood Zone 1 and providing the developer is proposing to use sustainable drainage for his surface water drainage, please use the recently agreed standing advice for this planning application.

Torbay Council's Senior Tree and Landscape Officer:

The arboricultural planning statement represents a fair reflection the site and the impact the proposal is likely to have on any retained vegetation. The ecological report indicates that a couple of metres of poor quality hedge will be lost along with the internal scrub and shrubs. No objection is raised to the proposal but it a pre-commencement landscape condition should be in place to mitigate the loss of 'green' from the site.

Torbay Council's Highways Engineer:

An update will be given to Members at Planning Committee once in receipt of the Local Highway Authority's response.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Ecology and Trees
6. Impact on Flood Risk and Drainage
7. Low Carbon Development

1. Principle of Development

The proposal seeks permission for the formation of a new staff and a teaching block at Mayfield School, Moor Lane, Torquay.

Paragraph 94 of the NPPF states that local planning authorities should give great weight to the need to expand or alter schools through the decisions on applications.

Policy SC3 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 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 considered that the principle of the development would accord with Policies SC3 and SC5 of the Local Plan.

The proposal would utilise land that is steeply sloping and not used for sporting facilities by the school, the supporting information for this application makes it clear that the land cannot be used as playing field.

The site is within the Watcombe Community Investment Area as defined by Policy SS11 of the Local Plan. Policy SS11 states that that development proposals should promote social inclusion including based on access to education, as well as meeting the needs of residents and enhancing their quality of life. The proposal would assist at enhancing the provisions of an existing school, therefore it is considered that the proposal complies with Policy SS11 of the Local Plan.

It should be noted that the Council's Senior Strategy and Project Planning Officer supports the proposed development. In the context of the proposed development it is within the built up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Impact on Visual Character

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. Policy TH8 of the Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The proposal is for the formation of a new staff and a teaching block. The proposal is positioned to address both the orientation of the main school buildings and the alignment of Steps Lane. The result is the building is seen as two interconnecting blocks and the space between the two opens up to create a widened circulation space that directs the flow of movement through the building. The alignment with Steps Lane is seen as an important juxtaposition which defines the edge of the development. The rotation of the plan signifies the closure of the school quadrangle.

The principal level of the building is elevated to meet the adjacent 2011 block and a new enclosed bridge links the two blocks whilst providing complete accessibility. The inclusion of two access points is dual purpose; life safety, providing two means of escape and the other to provide a distinct entrance to the Steps Lane access link. This allows the school to manage the building independently from the other parts of the school outside of school hours for community and other such uses. The school was also keen for the building to appear as a stand-alone facility with the staff and training rooms sufficiently distanced from the main campus which will allow them the space and environment to recuperate from their daily demanding responsibilities.

The interconnecting blocks are both additive and subtractive in their relationship which is expressed through the elevations and sections. The principal storey is elevated above ground on its southern side on account of the topography and this is celebrated with a bank of coloured columns. The space beneath provides a sheltered and protected outside space for play and teaching connecting it with the landscape. Each block is finished in a lightweight cladding material; self-finished metal and fibrous cement. These materials will create a strong planar quality emphasising the solidity of the blocks as well as providing low maintenance and longevity. The external windows to the north and south elevations are full height low-e coated glass with polyester powder coated aluminium frames providing good visibility out into the school grounds. Side windows are half height to allow work surfaces, cisterns and cable trunking to be fixed beneath. Self-finished coloured cladding panels are interspersed and set back into the window reveals. The bridge link between the 2011 approved building and the new block is encased in glass to accentuate the separation. The space beneath the building is part buried, part exposed with the buried portion housed in metal cladding with a Forticrete Linear concrete block plinth course and retaining structure. The exposed columns are to be encased in coloured cladding.

The proposed building would have a gross internal floorspace of 353 square metres. The proposal would have a lower ground floor and ground floor. The lower ground

floor of the proposal would provide an area for outside play and teaching space and an enclosed void. The ground floor would provide a staff room, a training room, a number of office spaces, water closets and kitchenettes. The proposed finished floor level for the ground floor of the building would be 97.06 (AOD). Given the topography of the land, the proposal has varying measurements. The width varies between approximately 18.1 metres to 20.4 metres, the length varies between approximately 19 metres to 24.3 metres and the height varies between 5.1 metres to 8.1 metres, however the blocks would have a similar height, given how the proposal adapts to the topography.

The surrounding area is somewhat urban in character, but development is at a lower density at this end of Moor Lane. The site is within the Watcombe Park Conservation Area as defined by Policy SS10 of the Local Plan. Policy SS10 of the Local Plan states that proposals that may affect heritage assets will be assessed on the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas, whilst allowing sympathetic development within them. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA when making a decision on the application to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. It is considered that the proposed development will be seen within the context of the existing modern school buildings, and would be considered to result in a neutral impact when considering the impact the proposal would have upon the heritage asset, given that the proposal would not make the site any more visually prominent, nor would the loss of open space within the school site be harmful to the setting of the heritage asset, as the proposal is well-designed and complements the existing modern school site. Therefore, it is considered that the proposal would sustain the character and appearance of the heritage asset. It should be noted that the impact on the heritage asset will need to be balanced with the need to give great weight to the need to expand or alter schools.

It is also important to give consideration to the Urban Landscape Protection Area (ULPA) designation on site in relation to the potential impact the proposal may have.

The site is located within an area designated as an ULPA as defined by Policy C5 of the Local Plan. Policy C5 specifies that development within an ULPA will only be permitted where:

1. It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and
2. It makes a positive contribution to the urban environment and enhances the landscape character of the ULPA.

In terms of landscape impact it is relevant to consider the cumulative effects of the existing buildings within the school site. The Council's Senior Strategy and Project

Delivery Planning Officer has stated that the ULPA was designated to protect the woodland and backdrop associated with Brunel Woods. It is considered that the application site is visible from Moor Lane and other public realm vantage points. However, the proposal would provide a continuation of the existing built form on site and would not protrude beyond the existing building line. It is considered that the proposed development would not have a significant adverse impact on the special qualities and characteristics of the ULPA. It is considered that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the ULPA in terms of the proposal not undermining the value of the ULPA as an open or landscaped feature within the urban area and making a positive contribution to the urban environment and enhance the landscape character of the ULPA, subject to a suitable landscaping scheme.

Given its siting, scale, and design of the proposal, it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality or the wider heritage asset. It is considered that the proposal would result have a neutral impact on the setting and character of the Watcombe Park Conservation Area and therefore would sustain and preserve the character and appearance of the heritage asset, given that the proposal is well-designed and in keeping with the existing modern school buildings. It is also considered that the proposal would not have a significant adverse impact upon the Steps Cross ULPA.

The proposal is considered to accord with Policies DE1, C5 and SS10 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Paragraph 127 of the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. The Neighbourhood Plan is largely silent on the matter of amenity.

The site has Steps Lane and residential properties to the west, existing school buildings and beyond that further residential properties to the north and east, and Moor Lane and Steps Cross Park to the south. The representations received do not raise concerns regarding residential amenity. The Council's Senior Environmental Health Officer raises no objection to the proposal, subject to a planning condition to secure a Construction Method Statement. It is considered that there will be limited impact on adjacent residential properties given the separation distances.

Given its siting, scale, and design of the proposal, it is considered that the proposals would not result in any unacceptable harm to the amenities of neighbours in terms of

their outlook, privacy, or access to natural light. The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

4. Impact on Highways

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. The Neighbourhood Plan is largely silent on the matter of parking in relation to non-housing development.

Letters of objection and representation have raised concerns regarding traffic and access. The proposed scheme seeks to expand on the principles of whole-school accessibility and as such adopts the level access strategy used throughout. All rooms are fully accessible. All thresholds are level. There are two new mobility washrooms provided within the building and two new accessible kitchens; one for general use and one for training purposes. Group session rooms, training room, staff room, review room and 1-1 office and session rooms all include full height glazing or vision screens for sedentary views. There is a proposed new personnel entrance from Steps Lane providing modern fit for purpose pedestrian and disabled access to the site, the new block and the courtyard. This would be provided with a new gate in the perimeter of the site, together with steps and an access ramp. An existing larger access will be blocked up after the works along with improved perimeter landscaping.

It is not proposed to include any additional parking areas with this proposal. There is no anticipated increase in vehicle numbers as this development aims to address the existing pupil capacity issues and alleviate the current spatial constraints. The proposal would not alter the number of employees. As with all schools, the site (including the proposed new block) has the capacity to accommodate the usual activity outside of the traditional school hours including staff training, extending learning, meetings, third party evening classes and sports. This modest activity can be comfortably accommodated from the existing vehicle and personnel entrances, and the vehicle and cycle spaces. In addition, the applicant has stated that modest weekend use can be accommodated (e.g at present there is a Waterbabies event in the Hydro pool on Saturdays), although Sunday and Bank Holiday activities would be extremely rare.

There is an existing on-street parking issue in the vicinity of Moor Lane due to the proximity of three schools. The submitted information states that no additional staff or pupils are proposed, however the Council's Senior Strategy and Project Delivery Planning Officer has recommended that the existing Travel Plan is updated to seek to

reduce single occupancy car use by staff and mitigate any tensions with nearby residents, this recommended condition shall be included in the list of conditions at the end of this report. The main concerns regarding the impact on highways is during the construction phase of the proposed development. Therefore, a planning condition is recommended to secure a construction method statement that includes the applicant providing details of the parking of vehicles of site operatives and visitors and the loading and unloading of plant and materials. The Local Highway Authority have been consulted on the proposal, an update will be provided to Members upon receipt of this response.

5. Impact on Ecology and Trees

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

The application is supported by an Ecological Impact Assessment. The site is just outside the Landscape Connectivity Zone for the South Hams Special Area of Conservation for the Greater Horseshoe Bat.

The site is approximately 0.09 hectares (ha) and comprised amenity grassland, hardstanding, species poor hedge and scattered scrub. The site was found to be of low ecological interest, but the short section of species-poor hedgerow offered some limited opportunities for nesting birds and dormice. The proposed development will result in the temporary loss of 0.02ha and permanent loss of 0.07ha of amenity grassland and -2 metres of hedgerow.

There is possibility for temporary foraging disruption during construction and through the loss of -2 metres of species poor hedgerow. The report states that the Ecologist considers the impact to be low, and the loss of 2 metres of foraging habitat will be compensated by the filling up of existing gaps in the hedge. The removal of -2 metres of hedgerow will have negligible impact on nesting birds if carried out outside of the bird nesting season. Due to the isolation of the site within the wider landscape, and the negligible chance of the hedgerow supporting a dormouse population, habitat loss on site will be of negligible impact for dormouse and will not affect the favourable conservation status of this species. No further ecological survey work is considered necessary.

The report sets out the mitigation and compensation measures to minimise the impacts on important ecological features, including carrying out hedgerow removal outside of the bird nesting season, with a pre-start check by a suitably experienced ecologist; the protection and enhancement of retained hedgerow on site; and no overall increase in exterior lighting. The report includes recommendations which are recommended as a planning condition to enhance the site for biodiversity post-development. Subject to the aforementioned planning condition, the proposal is considered to accord with Policy NC1 of the Local Plan.

Policy C4 of the Local Plan states that development will not be permitted where it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

The site is within the Watcombe Park Conservation Area. The Council's Senior Tree and Landscape Officer has been consulted on the proposal. The Officer has stated that the submitted arboricultural statement represents a fair reflection the site and the impact the proposal is likely to have on any retained vegetation. The ecological report indicates that a couple of metres of poor quality hedge will be lost along with the internal scrub and shrubs. The Officer therefore raises no objection to the proposal, subject to the inclusion of a planning condition for a landscaping scheme to be submitted prior to commencement to mitigate the loss of 'green' from the site. Therefore, subject to the aforementioned planning condition, the proposal is considered to accord with Policy C4 of the Local Plan.

6. Impact on Flood Risk and Drainage

Policy ER1 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 the application has been accompanied by a flood risk assessment. The Council's Drainage Engineer was consulted on the proposal, the adopted Standing Advice applies to the proposal as it is within Flood Zone 1. A planning condition is recommended to ensure that a sustainable surface water drainage method is secured. Subject to the aforementioned planning condition, the proposal is considered to accord with Policy ER1 of the Local Plan.

7. Low Carbon Development

Policy SS14 of the Local Plan seeks to promote a low carbon form of development with adaptations to climate change so as to minimise carbon emissions and the use of natural resources.

In regard to the Mechanical and Electrical Strategy, the heating proposals include an Air Source Heat Pump system which was chosen in place of extending the school's existing gas boiler system. The electrical specification includes energy efficient sensor controlled LED light fittings and minimal reliance on mechanical ventilation as the building is naturally ventilated. In addition, the applicant has chosen a lightweight metal structural frame and mineral fibre rainscreen cladding with mineral wool insulation all of which provides a sustainable method of construction with high recyclable content.

Further details include the overall design solution which considered minimum ground excavation reducing the reliance on retaining reinforced concrete structures. The applicant has also adopted an efficient single storey flat roof solution to the site and removing the need for extraneous structures and roof void areas. With such measures in place, the proposal is considered to be in accordance with Policy SS14 of the Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Educational development is important for individual growth and the economy and there would be economic benefits to the construction industry from the proposed development.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional educational facilities. Given the NPPF, great weight should be given to the expansion of schools and therefore the proposal must carry great weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that it would possible to develop this site as proposed without significant harm to residential amenity.

On balance, the social impacts of the development weigh in favour of the development.

The Environmental Role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape in particular the urban landscape protection area; ecology and biodiversity; and surface and foul water drainage. These matters are considered in detail above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development.

The proposed development is in a sustainable location inasmuch as it is within the existing urban area.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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.

Local Finance Considerations

S106: Not applicable.

CIL: Not applicable.

EIA/HRA

ERA: 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.

HRA: Not applicable.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and it is in accordance with the Development Plan, including the Torquay Neighbourhood Plan. As such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal on balance is considered acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets, or local amenity; would provide acceptable arrangements in relation to access, trees, ecology and flood risk. The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust, dirt and other air-borne pollutants during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery. Procedures for maintaining good neighbour relations including complaint management. Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009

Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

- i) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- j) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

This pre-commencement condition is required to ensure that neighbour amenity is duly protected.

Removal of Vegetation

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Ecology Report

The development hereby approved shall be carried out in accordance with the mitigation measures and recommendations set out in the approved ecology report (plan reference 1248-EclA-DM (Impact assessment)' received 23rd April 2021).

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Flood Risk Assessment

Notwithstanding the submitted flood risk assessment, 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 40% for climate change.

If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to commencement of the development, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the alternative means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 40% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 40% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream.

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

Materials

Prior to their installation details and samples of the proposed exterior materials including the cladding wall finish, windows, doors, eaves, fascias and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

Landscaping

Prior to development continuing above slab level a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the

same species. The approved hard landscaping details shall be provided within 8 weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and C5 of the Torbay Local Plan 2012-2030

Travel Plan

Prior to the use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall provide details of an update to the existing Travel Plan, setting out opportunities to seek to reduce single occupancy car use by staff and mitigate any tensions with nearby residents, 30% modal shift for staff and visitors, with SMART targets and monitoring regime, with the achievement of targets being given over a specific timeframe.

Reason: In the interests of road safety and sustainability, and in order to accord with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

Informative(s)

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.
2. 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.
3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any

year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

Relevant Policies

C4 – Trees, Hedgerows and Natural Landscape Features

C5 – Urban Landscape Protection Areas

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

NC1 – Biodiversity and Geodiversity

SC3 – Education, Skills and Local Labour

SC5 – Child Poverty

SS3 – Presumption in Favour of Sustainable Development

SS10 – Conservation and the Historic Environment

SS11 – Sustainable Communities

SS14 – Low Carbon Development and Adaptation to Climate Change

TA2 – Development Access

TA3 – Parking Requirements

TH8 – Established Architecture