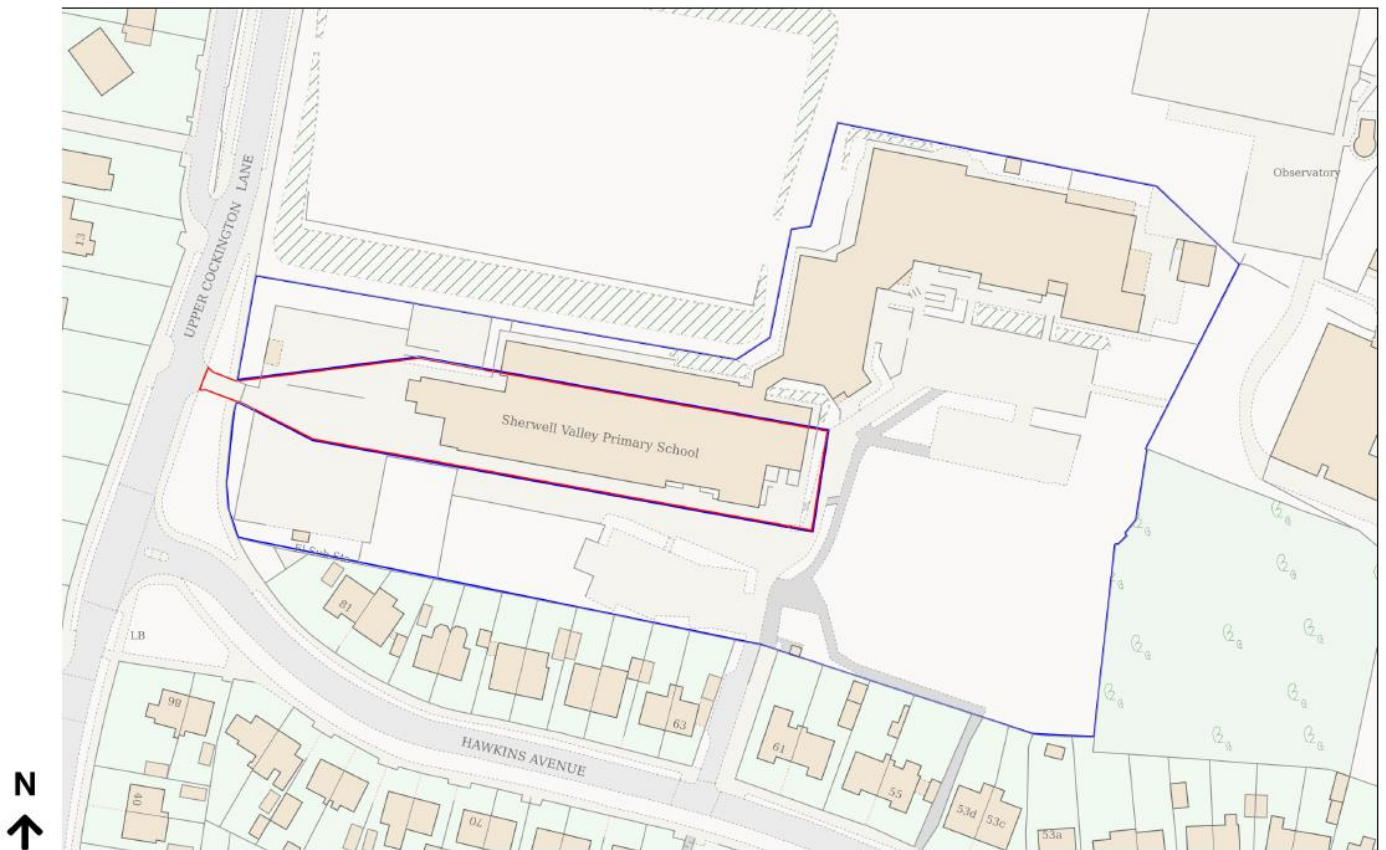


Application Site Address	Sherwell Valley Primary School Hawkins Avenue Torquay TQ2 6ES
Proposal	Installation of X 5 A/C condensers, associated cable trays and acoustic enclosure. Installation of insulation and associated works.
Application Number	P/2026/0016
Applicant/Agent	Torbay Council
Date Application Valid	29/01/2026
Decision Due date	26/03/2026
Extension of Time Date	01/05/2026
Recommendation	Approval subject to:  <ol style="list-style-type: none"> <li>1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Place Strategy.</li> <li>2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.</li> </ol>
Reason for Referral to Planning Committee	The application site is land owned by the Council and an objection has been received.
Planning Case Officer	Verity Clark

## **Location Plan**



## **Site Details**

The site contains an established school complex. The school buildings are modern in design, with low-lying one and two-storey buildings with flat and pitched roofs and rendered walls with areas of cladding. Access to the school is obtained via entrances on Upper Cockington Lane and Hawkins Avenue.

The site is located within Flood Zone 1 and a Critical Drainage Area and the wider site contains trees protected by TPO.

## **Description of Development**

This is a full planning application for the installation of 5no. A/C condenser units with associated cable trays, an acoustic enclosure and the installation of external insulation.

1no. A/C condenser will be located within the existing bin store located on the east elevation. 2no. of A/C condensers will be wall hung at high level on the west elevation which will include the associated refrigerant pipe work and electrical cabling in a galvanised steel cable tray above the units. The pipe work will be routed across to a nearby gutter. 2no. of A/C condenser units will be installed at ground floor level on the west elevation which will be enclosed by a new acoustic enclosure approximately 2.5m high. 150mm of external wall insulation is to be installed around the building on the north, south, east and west elevations which then features a silicone render finish.

## **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"); and
- 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/2011/1064 Installation of solar panels on roof(s) of building(s). Approved 04/11/2011

P/2009/0372 Alterations, extension to form cloakroom/store; formation of parking area; formation of paved areas and wall. Approved 03/06/2009

P/2008/0970 Remove temporary classrooms; extension to provide 4 classrooms, storage, circulation space. Approved 30/09/2008

P/2006/0812 UPVC Windows. Approved 25/07/2006

P/2003/0179 Part Demolition And Erection Of 6 New Classrooms With Stores/Caretakers Workshop /Toilets/Cloakroom/ Boiler Room (Phase 2). Approved 03/04/2003

P/2000/0516 Alterations, Extensions And Erection Of 7 Classrooms, Library, Staff Room, Admin Areas, Car Park Extension And Ancillary Accommodation To Link Existing Primary And Junior Schools. Approved 01/08/2000

P/1996/0471 Erection Of 2 Additional Classrooms For Infants. Approved 12/06/1996

P/1994/0558 Formation Of New Entrance Doors. Approved 07/07/1994

### **Summary of Representations**

1 letter of objection has been received. Issues raised:

- Request that a noise survey is carried out
- Noise impacts
- Impact on light to classrooms

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Forum:**

No response received.

#### **Torbay Council's Senior Environmental Health Officer: (Response dated 04/02/2026)**

The application includes a brochure for the proposed equipment and details of an acoustic enclosure, however there is not sufficient information to determine whether the noise impacts

of the scheme will be acceptable. Please could you ask the applicant to submit a noise assessment?

**(Response dated 25/03/2026 following the submission of a noise report)**

I'm OK with the condition being 7am to 11pm every day. The noise report compared to background levels measured over a period that included a weekend so the consultant has assumed weekend use when they came to their conclusion. I just wanted to check the school really did want weekends as well.

**Planning Officer Assessment**

**Key Issues/Material Considerations**

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Ecology
5. Flood Risk and Drainage
6. Low Carbon Development and Climate Change

**1. Principle of Development**

The proposal seeks permission for the installation of 5no. A/C condenser units with associated cable trays, an acoustic enclosure and the installation of external insulation.

Paragraph 100 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and 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 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.

The proposed development would improve and upgrade the existing facilities at the school. As such, it is considered that the principle of the development would accord with Policies SC3 and SC5 of the Local Plan.

In the context of the proposed development it is within the built up area and 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. Design and Visual Impact**

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. 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 requires that developments 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 seeks to install a total of 5no. new A/C condenser units on the school. 1no. A/C condenser will be located within the existing bin store located on the east elevation. 2no. A/C condensers will be wall hung at high level on the west elevation which will include the associated refrigerant pipe work and electrical cabling in a galvanised steel cable tray above the units. The pipe work will be routed across to a nearby gutter. 2no. of A/C condenser units will be installed at ground floor level on the west elevation which will be enclosed by a new acoustic enclosure approximately 2.5m high. The proposal also includes the addition of 150mm of external wall insulation which is to be installed around the building on the north, south, east and west elevations which then feature a silicone render finish.

The location of the development, with the exception of the A/C unit located within the existing bin store, will be visible from public vantage points from Upper Cockington Lane and Hawkins Avenue. The external visual appearance of the A/C units and associated works are considered to be acceptable within the context of the school setting and the existing appearance of the buildings. The acoustic enclosure on the west elevation is considered to be visually acceptable and will be viewed in the context of existing enclosures and boundary treatments within the site. The new external wall insulation will be finished in a matching render finish and is considered to have little impact on the external appearance of the building, again appearing visually acceptable.

It is considered that the proposed development in terms of visual amenity is acceptable thereby according with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

### **3. Residential Amenity**

Policy DE3 of the Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

An objection has been raised in respect of the potential noise and impacts on nearby residential amenity.

The nearest proposed A/C unit is located approximately 28.8m from the rear elevation of the nearest residential dwellings along Hawkins Avenue.

Following the receipt of the objection and a request from the Environmental Health Officer, a noise impact assessment was provided. The assessment concluded that *'the report has established the existing background noise levels at the closest residential façade to the site and the assessment of the impact of the site operation on nearby residential properties. The resulting emissions from the site running on a worst case scenario show no conflict with 'low impact' criteria and give a strong indication that complaint and impact on the local amenity is unlikely.'*

The Council's Senior Environmental Health Officer assessed this report and raised no concerns from an amenity standpoint. They asked for confirmation from the applicant about the intended hours of operation and this was confirmed to be 7am – 11pm every day. The Officer has confirmed that these hours are acceptable as the noise report compared to background levels measured over a period that included a weekend so the consultant has

assumed weekend use when they came to their conclusion. An hours of use condition is therefore recommended in line with the proposed hours of use.

Given the separation distances and form of development, the proposal as a whole is considered to result in an acceptable impact on the amenity of all surrounding occupiers/users.

Concerns were raised within an objection over the impact on the existing classroom use from the proposal and specifically the new acoustic enclosure. The applicant has confirmed that whilst the enclosure will block some natural light to the south elevation of the adjacent classroom, there are 2no. sets of additional windows on the north elevation which also provide natural light to this classroom. On the west elevation the acoustic enclosure sites in front of two high level windows which serve existing WC/changing facilities. The plan notes that this will result in a reduction of natural light however upgraded artificial lighting will be provided to compensate the impact if required.

Overall the impact on the exiting classroom and WC/changing facilities and the wider school use is considered to be acceptable.

Given the clarification provided in respect of the likely noise generated, the distance from the nearest residential properties to the proposed equipment and type of development, it is considered that the proposal will retain an adequate level of amenity for nearby residential properties and the existing school use. The proposal is therefore considered to accord with Policy DE3 of the Local Plan and the guidance contained within the NPPF.

#### **4. Ecology**

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

The application has been accompanied by a bat survey report. The report states that no features with potential to be used by bats were identified during the survey and the buildings were assessed as having 'Negligible' suitability for roosting bats. The wider site comprises largely school associated structures and hardstanding, interspersed with amenity grassland. It is considered that surrounding habitats provide moderate quality opportunities for foraging and commuting bats. Where areas of suitable foraging habitat occur close by, the chance of roosting features being used generally increases. Limited evidence of nesting birds was recorded during the survey, such as occasional feathers and nesting material which were scattered along the flat roof at the easternmost area of the zone of impact. These were not recent, and appeared to have been washed away, likely from the neighbouring flat roof outside of the zone of impact. The building could provide limited potential for breeding bird species typical of urban and suburban habitats. No evidence of other protected species was recorded during the surveys.

The report confirmed that no further surveys are required. The report suggests biodiversity enhancement in the form of 1 bat box and 1 bird box. The recommendations and enhancement measure are recommended to be secured by condition. With the addition of the recommended condition the proposal is considered to accord with Policy NC1 of the Local Plan.

#### **5. 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 application site sits within Flood Zone 1 and the wider Torbay Critical Drainage Area as designated by the Environment Agency.

The proposed development would not result in an increase of impermeable footprint of over 20 square metres and in accordance with the standing advice it is not necessary to condition drainage.

## **6. Low Carbon Development and Climate Change**

Paragraph 161 of the NPPF guides that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help: to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy SS14 of the Local Plan supports national guidance and states that development should be designed to be appropriately resilient to the local climate, including extreme weather events, commensurate with the anticipated lifetime and use of the proposal. Policy ES1 of the Local Plan seeks to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited.

The application form confirms that the proposed work is to decarbonise the school with the A/C units required to meet the heating loads of the school's blocks A and H. The external insulation will improve the thermal performance of the building. The development will therefore help with reducing the Carbon emissions of Torbay Council, in line with the Environment and Net Zero Carbon Policy.

The proposal is considered to accord with Policies ES1 and SS14 of the Local Plan, and the guidance contained within the NPPF.

### **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**

Minor development with limited impact on economic benefits. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

#### **The Social Role**

The principal social benefit of the proposed development would be the improvement of the existing facilities. 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 relevant to the proposed development are impacts on the streetscene, ecology, drainage and low carbon development. These matters have been considered above. The proposed development is considered in terms of the environmental element of sustainable development to weigh in favour of the development.

### **Sustainability Conclusion**

Having regard to the above assessment, the proposed development is considered to represent sustainable development when considered in the round.

### **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**

CIL – Not applicable.

S106 - Not applicable.

### **EIA/HRA**

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. The development does not meet the thresholds for screening and is not in a sensitive area.

### **BNG**

The application is not liable for Biodiversity Net Gain (BNG) due to the de minimis exemption.

### **Proactive Working**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area; will have an acceptable impact on neighbour amenity; would provide acceptable arrangements in relation to flood risk and ecological constraints and is acceptable from a low carbon development perspective. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

### **Officer Recommendation**

Approval: subject to;

1. The conditions outlined below, with the final drafting of conditions delegated to the Divisional Director of Place Strategy.
2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.

### **Planning Conditions**

#### 1. Ecology

The recommendations and mitigation given in the Bat Survey Report dated September 2025, shall be followed, including precautions to prevent threat of harm during construction works, timings of works, and the installation of one bat box and one bird box. The bat box and bird box shall be installed prior to first use of any of the A/C condenser units hereby approved and shall be retained thereafter.

Reason: To safeguard protected and/or priority species, and to ensure biodiversity net gain in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

#### 2. Hours of use

The A/C condenser units hereby approved shall only be operational between the hours of 7.00am and 11.00pm.

Reason: In the interests of residential amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

### **Relevant Policies**

#### Development Plan Relevant Policies

SS14 - Low Carbon Development and Adaption to Climate Change

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ES1 - Energy

NC1 - Biodiversity and Geodiversity

SC3 - Education, skills and local labour

SC5 - Child poverty

TH8 - Established Architecture