

Application Number

P/2014/0675

Site Address

Cockington Primary School
Old Mill Road
Torquay
Devon
TQ2 6AP

Case Officer

Matt Diamond

Ward

Cockington With Chelston

Description

Removal of existing earth bank to create new nursery playground extension - Scheme Option B

Executive Summary/Key Outcomes

The application is to extend the school playground at Cockington Primary School by removing part of a grass embankment, including a number of small trees. It is the larger of two options to extend the playground at the school (Option B) and is the preferred option of the School due to its larger size. The application has been submitted to cater for the larger intake of children into Reception Year at the School from September 2014. Both applications relate to land immediately to the rear/south of Cockington Primary School, not on Torre Valley North Playing Field.

The proposals are acceptable in principle and are supported by policies in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan') and NPPF. The land does not form part of a playing pitch and is incapable of forming part of one, therefore it does not need to be protected in this regard and Sport England does not object to its loss. Whilst the loss of the trees would have a limited visual impact on the character of the area, this would be mitigated by replacement tree planting and the retention of surrounding trees.

No details have been provided of the proposed drainage strategy and there are known flooding issues within the area. A pre-commencement condition has been agreed with the Council's Engineering - Drainage department accordingly and this has taken into consideration the interests of Network Rail. Comments are still awaited from Network Rail and these will be reported as a late representation with a verbal update given at committee accordingly.

Recommendation

Conditional approval

Statutory Determination Period

The application was validated on 16.07.2014. The 8 week determination date is 11.09.2014.

Site Details

The site comprises a relatively small parcel of land within the curtilage of Cockington Primary School, Old Mill Road, Torquay. The total site area is 256 sq m. The parcel of land is sited south of the children's centre.

The site comprises a grass embankment with a number of small trees and a set of steps to the west divided from the rest of the site by a 1.8m high security fence.

There are playgrounds to the north and south, whilst the embankment continues east and west with more trees and vegetation. At its closest point, the site is 9 metres from the boundary with the railway line.

The site is undesignated in the Local Plan, but the railway embankment is designated a Local Wildlife Site (LWS). The site is designated as part of an Urban Landscape Protection Area (ULPA) in the Torbay Local Plan: A landscape for success - Proposed Submission Plan ('the new Local Plan'), which has been submitted to the Government for examination, and is in close proximity to a flood risk area to the south.

Detailed Proposals

The proposals are to remove part of the grass embankment, including two trees on the site and one tree adjacent, and regrade and resurface the land in tarmac to create an extension to the existing school playground. The playground would be approximately 0.5 metres higher than the existing playground to the south, therefore a concrete retaining wall with brick facing to match existing would be provided with green powder coated railings on top. The existing steps to the west would be upgraded to concrete and the adjacent footpath resurfaced in tarmac. A new 1.2 metre green powder coated gate would be provided to control access to the existing playground to the south. In addition, new stepped access to the existing steps would be built and an existing ramped access widened.

This application (Option B) is accompanied by a second application (Option A) and is the preferred choice of the school. It is for a larger playground than Option A.

Summary Of Consultation Responses

Sport England: No objections - the land is incapable of forming part of a playing pitch.

(Sport England has also commented on the application to create the existing playground to the south (ref. P/2012/0723), but this has no relevance to this application.)

Arboricultural Officer: No tree survey submitted. Rooting zones of various trees would be affected by both options. Scheme suitable for approval, subject to submission of tree survey prior to commencement. This is required to identify quality of existing trees and define root zones to inform mitigation tree planting and safety implications.

It is considered that the above requirements can be secured via pre-commencement conditions should the application be approved.

Environment Agency: No objections.

Engineering - Drainage: No additional surface water drainage allowed to the Torre Valley Watercourse, due to major flooding issues. A sustainable drainage option should be investigated first. No details provided of proposed drainage strategy. These must be provided before planning permission is granted.

Following discussions with the Engineering - Drainage Service Manager, it has been agreed that the above requirements can be dealt with via a condition that must be approved before any development is carried out.

Network Rail: Comments awaited.

Summary Of Representations

No public representations received.

Relevant Planning History

P/2014/0674/R4: Removal of existing earth bank to create new nursery playground extension -Scheme Option A: Pending consideration.

P/2013/0141/PA: Single storey extension, comprising three classrooms, staffroom, hall and kitchen with associated storage: Approved 04.02.2014

P/2012/0723/PA: Adjustment of school site boundary to create additional play area: Approved 25.04.2013

P/2011/1102/R4: Installation of solar panels on roof(s) of building(s): Approved 11.11.2011

P/2008/0129/PA: Boundary Extension And New Fence To South Of Site: Approved 14.03.2008

P/2006/1654/PA: Single Storey Extension: Approved 28.12.2006

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Impact on Trees
3. Visual Impact
4. Drainage

1. The Principle of Development

Local Plan Policy CFS states that applications for new educational infrastructure are acceptable in principle, whilst Policy CF10 states the improvement of educational facilities at existing schools will be permitted subject to certain considerations. The relevant considerations are: the size of the school site must be sufficient to accommodate the satisfactory design and layout of the facility; existing playing fields should be safeguarded; and surrounding residential areas should not be affected. The proposals are considered to satisfy these criteria, therefore the principle of the development is acceptable.

This assessment takes into account paragraph 72 of the NPPF, which states that local planning authorities should give great weight to the need to create, expand or alter schools in support of ensuring that a sufficient choice of school places is available to meet the needs of the community. The application has been submitted because from September 2014 the annual intake into Reception Year will increase from 60 children to 90 children per annum and the existing play area for Reception age children (5 years) was built to accommodate two form entry (60 children). Therefore, it is under sized as required by the Early Years Curriculum.

2. Impact on Trees

According to the plans, the proposals would result in the removal of two small trees on the site and one small tree adjacent. However, there are more trees planted along the southern edge of the site that are not shown on the plans and would also need to be removed. The quality and species of these trees is unknown because a tree survey has not been carried out. However, in consultation with the Council's Arboricultural Officer, the removal of the trees is

acceptable provided suitable replacement trees are planted to mitigate for their loss. A tree survey should be carried out prior to the commencement of development to identify the species of the trees to be removed and the rooting zones of other nearby trees, in order to inform the replacement species and the location of tree protective fencing during construction to avoid damaging existing trees to the detriment of their safety.

Therefore, subject to conditions securing the matters above, the proposals are acceptable with regard to the impact on trees and in accordance with Local Plan Policy L9.

3. Visual Impact

The existing trees provide a 'green' backdrop to the Torre Valley North playing fields to the south and can be glimpsed from Avenue Road within the conservation area to the east. The loss of the trees to create the playground would provide a gap in the tree line along the embankment. However, it is considered that the harm this would cause would be limited given the small size of the trees to be removed and retention of surrounding trees, plus replacement planting. Furthermore, the replacement trees could be planted within the playground to the south in order to maintain the tree line. This would be investigated through the discharge of conditions. Notwithstanding, this issue does not outweigh the positive benefits of improving facilities at the school described under 1 above.

Whilst the new Local Plan provides slightly more weight to this issue by allocating the land as part of an Urban Land Protection Area (ULPA), it is still considered to be insufficient to outweigh the positive benefits of the proposals. Furthermore, the new Local Plan has limited weight at present, as it has not been adopted.

4. Drainage

The proposals would replace a grassed area with a hard surfaced area resulting in increased surface water runoff. No details have been provided to show how surface water would be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land, including the railway line. Whilst comments are awaited from Network Rail, a specially worded condition has been drafted to approve drainage details before development starts and which takes into account Network Rail's interests. This has been approved by the Council's Engineering - Drainage department and has been sent to Network Rail for comment.

Therefore, subject to this condition, the proposals are considered to be acceptable with regards to drainage and in accordance with Local Plan Policy EPS and paragraph 103 of the NPPF. Network Rail's comments shall be reported as a late representation and a verbal update will be provided at committee

accordingly.

S106/CIL -

N/A

Conclusions

The proposed development is acceptable, subject to appropriately worded conditions addressing the key issues above. The playground extension is required due to the expansion of the school from a school intake of 60 children per year to 90 children per year into Reception. Both local and national policy support new school facilities to accommodate new school places to meet the needs of communities.

Condition(s)/Reason(s)

01. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school, no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (i) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.
- (ii) Details of the surface water drainage system connecting the new playground to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school, no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

(i) Evidence of how surface water will be dealt with in order not to increase surface water discharge to the Torre Valley watercourse or increase the risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school. The playground hereby approved shall not be brought into use until the approved surface water drainage system has been completed as approved and the surface water drainage system shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

02. No development shall take place until a Tree Survey in accordance with BS 5837:2012 (or any superseding standard) has been submitted to and approved in writing by the Local Planning Authority. The Tree Survey shall survey the trees on the site and within 10 metres of the site boundary and shall define the Root Protection Area of the trees.

Reason: To identify the tree species to be lost and within close proximity of the site in order to inform a strategy for replacement tree planting and methodology to protect trees to be retained during construction.

03. No development shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012 (or any superseding standard) have been submitted to and approved in writing by the Local Planning Authority. This shall include the location and details of protective fencing, which must be erected before development commences and retained until the completion of the development, and a methodology for the protection of roots of existing trees to be retained. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Tree Protection Plan and Arboricultural Method Statement shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and to accord with Saved Policy L9 of the Adopted Torbay Local Plan 1995-2011.

04. Prior to the commencement of development, the location and species of replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority together with the methodology for their planting. The ratio of replacement trees to trees removed shall be 1:1, unless otherwise agreed with the Council. The location of the replacement trees shall include along the southern boundary of the site, unless otherwise agreed with the Council. The replacement trees shall be planted within the first planting season following the first use of the playground or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To mitigate for the loss of the existing trees in the interests of the amenities of the area in accordance with saved Policy L9 of the Adopted Torbay Local Plan 1995-2011.

Relevant Policies

CFS - Sustainable communities strategy
CF10 - New schools and improved school facilities
LS - Landscape strategy
L9 - Planting and retention of trees
EPS - Environmental protection strategy