

**Application Number**

P/2018/1214

**Site Address**

Roselands County Primary School  
Lynmouth Avenue  
Paignton  
TQ4 7RQ

**Case Officer**

Miss Emily Elliott

**Ward**

Goodrington With Roselands

**Description**

Formation of new entrance & admin block & conversion of existing building.

**Executive Summary/Key Outcomes**

This planning application is for the formation of a new entrance block for both staff and pupils of Roselands County Primary School, which would provide toilets, offices and a staffroom. The proposal also includes the conversion of an existing building to form a new classroom.

The proposal is considered to be acceptable in terms of the principle of development, visual impact, development amenity, highways and flood risk. Consequently, the proposal meets Local Plan policy requirements.

**Recommendation**

That planning permission is granted, subject to the conditions detailed below and the completion of a legal agreement. The final drafting of conditions; the completion of a legal agreement to secure necessary funds towards investigating the implementation of a 20mph zone for the Roselands residential area; and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

**Reason for Referral to Development Management Committee**

As the proposed development is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received an objection from a neighbour, the Council's constitution requires that the application be referred to the Development Management Committee for determination.

**Statutory Determination Period**

8th February 2019.

**Site Details**

The application relates to Roselands County Primary School, Lynmouth Avenue, Paignton.

### **Detailed Proposals**

This planning application proposes the formation of a new entrance for both staff and pupils of Roselands County Primary School, which will include an administration block providing toilets, offices and a staffroom. The proposal also includes the conversion of an existing building to form a new classroom.

The proposed single-storey, flat-roofed extension would be approximately 22 metres in length and is L-shaped with the width of the proposal extending from 5 metres to 10 metres.

### **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 Paignton 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: There are no Highway technical issues, but as Future Planning will lead on this, there may be an opportunity to look at changing the parking restrictions in the surrounding area if possible, as there are issues with the existing restrictions.

Highways Department: Obtained member approval for the implementation of a 20mph zone for the Roselands residential area, which would include the area of the school. Therefore a contribution towards the implementation of a 20mph zone (which may also include some parking restrictions) should be provided via S106 agreement (this would be up to approximately £4000). We would like contributions to a 20mph zone in this area which may also include parking restrictions. I cannot give any sort of overall cost as this has only just been discussed now, but may have more details in due course.

Strategic Transport Officer: I consider there to be two key issues. One is the parking on site for staff, the other is the impact of additional pupils at drop off and

pick up times. Neither necessarily need to prevent the application being approved but consideration must be given to the impact and updating the travel plan is essential. I do not consider it would be appropriate to increase staffing numbers further than proposed, or pupils, unless it is demonstrated through effective management of the travel plan that it can be achieved.

#### Staff Parking

As above, the loss of two spaces is a concern. However, it is noted that the actual on site arrangement may differ from the layout as drawn. I would not have expected there to be a need to increase parking provision for one additional member of staff, but to lose at the same time typically means that there is going to need to be a step change in travel behaviour of staff. This can be achieved through effective implementation of the travel plan, which must be updated to reflect the current position but also will require strong leadership and ownership of the document to ensure it is effective. The travel plan's aims and targets will need to reflect the need to change behaviour.

#### Pupil drop off/pick up

This impacts on the surrounding roads and it has been noted in previous comments that the Council is seeking to install a 20mph zone around the site. The purpose of this is to improve safety for all, particularly the pupils but it will also need the cooperation of the school and parents to ensure that the restrictions on parking and speed are adhered to and that car journeys are only being used as the last resort. Again the travel plan, alongside effective leadership and ownership of it, will be the key. The implementation of a 20mph scheme will be less effective without cooperation from the school to help manage travel behaviour and support health and wellbeing of pupils (and staff). The proposal will add to the congestion in the surrounding residential roads (Lynmouth Avenue, Porlock Way, Mena Park Close and Roselands Drive) during peak hours at the beginning and end of the school day. It is evident that there is already fairly high levels of on street parking, in the adjoining cul-de-sacs. My colleagues in the Highways Team have already got member approval to investigate the implementation of a 20mph zone for the Roselands residential area, which would include the area of the school. Therefore a contribution towards the implementation of a 20mph zone (which may also include some parking restrictions) should be provided via S106 agreement.

#### Travel Plan

This must be updated and must be prepared by the school for the school. It is not appropriate for a third party to prepare a travel plan without input and ownership from the school staff. The document could have pupil input as well as staff and others. The travel plan must clearly set out the targets and how these will be achieved, the targets must be SMART. The Travel Plan should be refreshed to set out opportunities for 30% modal shift for pupils, staff and visitors, with SMART targets and monitoring regime(as per Policy TA1 Transport and Accessibility and Policy TA2 Development Access); the achievement of targets

could be phased over, say three years.

### Sustainable Travel

Improvement to on-site sustainable travel facilities is key. For instance, can staff park a bike away from pupils to avoid risk of accidental damage? Do staff have facilities to change on site and for storage of clothing? Is there a specific element of the curriculum at the school that targets health and wellbeing and encourages active travel? These can all be elements that can feed into the travel plan. Torbay Local Plan Policy TA3, Appendix F seeks the provision of secure covered cycle storage (1 per 10 students) plus 1 car parking per 2.5 members of staff. The School may consider providing alternative scooter parking for pupils. Ideally the car Parking provision would include provision of disabled parking space(s)(10%) and an electrical car charging facilities.

### Contribution

Where there has been an internal application previously, it has not be appropriate to require a financial contribution through an agreement. It is appropriate to say that there is a need for the works to be carried out and that financial support for the implementation will be necessary.

### **Summary Of Representations**

The application was publicised through a site notice and neighbour notification letters. Eleven neighbour notification letters were sent to those neighbours which the development could affect. One objection has been received. Concerns raised:

- Traffic and access
- Congestion

### Relevant Planning History

P/2014/0478: Extension to existing staff room. Approved 23/06/2014.

P/2013/1096: Extension to existing school and removal of existing demountable classroom unit. Approved 29/11/2013.

P/2013/0626: Extension of existing hardstanding school playground and erection of 2.4m boundary fence. Approved 14/08/2013.

P/2012/0503: Installation of mobile classroom. Approved 20/07/2012.

P/2011/1108: Installation of solar panels on roof(s) of building(s). Approved 10/11/2011.

P/2010/0190: Formation of new classrooms, resource rooms with associated ancillary facilities. Approved 21/04/2010.

P/2005/0570: Security Fence To School Boundary. Approved 19/05/2005.

P/2003/0937: Erection Of Nursery For 54 Children Aged 0-5 Years With Car Parking For 10 Cars Accessed From Porlock Way. Approved 02/10/2003.

P/2003/0803: New Pedestrian Access Entrance And Security Fencing To Playground. Approved 04/07/2003.

P/1994/0621: Erection Of Double Mobile Classroom. Approved 21/07/1994.

P/1986/1362: Single Mobile Classroom. Approved 03/09/1986.

P/1985/0149: Single Mobile Classroom. Approved 16/07/1985.  
P/1983/1722: Veh Access/Hardstanding. Approved 02/11/1983.  
P/1983/0044: Community Centre. Refused 28/02/1983.

#### Key Issues/Material Considerations

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

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

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

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 SC3 and SC5 of the Local Plan.

#### **2. Visual Impact**

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 entrance for both staff and pupils of Roselands County Primary School. The proposed extension would include an administration block providing toilets, offices and a staffroom. The proposal also

includes the conversion of an existing building to form a new classroom.

Given the siting, scale, and design of the proposal it is considered that the proposals would not result in unacceptable harm to the character or visual amenities of the locality.

Subject to a matching materials condition, the proposal is considered to be in accordance with Policy DE1 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 west of the building. Given its siting, scale, and design, it is considered that the proposal 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. Highways**

The Council's Strategic Transport Officer's has stated that there are two concerns with regards to the proposal; on-site parking and the impact of pupil drop-off and pick-up times. The proposed site layout shows a loss of two parking spaces for the proposed extension. From on-site observations and it is noted that the actual on site arrangement may differ from the layout as shown. The Council's Strategic Transport Officer would not expect there to be a need to increase parking provision for one additional member of staff, however there will be a loss of two parking spaces on site, which will impact upon the travel behaviour of the staff. The Council's Strategic Transport Officer has stated that the loss of the two parking spaces can be mitigated through effective implementation of an updated travel plan. A planning condition will be given to ensure that the travel plan for the site is updated and therefore the loss of the two parking spaces is mitigated. The travel plan must clearly set out the targets and how these will be achieved. The travel plan should be refreshed to set out opportunities for 30% modal shift for pupils, staff and visitors, with SMART targets and monitoring regime (as per Policy TA1 and Policy TA2 of the Local Plan).

It is considered that the site has an impact on the surrounding roads and it has been noted on previous comments given by the Highways Department that the Council is seeking to install a 20mph zone around the site. The proposal will add

to the congestion in the surrounding residential roads (Lynmouth Avenue, Porlock Way, Mena Park Close and Roselands Drive) during peak hours at the beginning and end of the school day. It is evident that there is already fairly high levels of on street parking, in the adjoining cul-de-sacs. My colleagues in the Highways Team have already got member approval to investigate the implementation of a 20mph zone for the Roselands residential area, which would include the area of the school. Therefore a contribution towards the implementation of a 20mph zone (which may also include some parking restrictions) should be provided via S106 agreement alongside an updated travel plan.

Policy TA3 and Appendix F of the Local Plan seeks the provision of secure covered bicycle storage for one bicycle storage space per 10 students, plus 1 car parking space per 2.5 members of staff. The School may consider providing alternative scooter parking for pupils. Ideally the car parking provision would include provision of disabled parking space(s) at 10% and electrical car charging facilities. The existing bicycle storage will be reallocated and will provide adequate facilities

The Council's Highways Engineer has stated that there are no Highway technical issues, however there may be an opportunity to look at changing the parking restrictions in the surrounding area if possible, as there are issues with the existing restrictions. The Highways Department have obtained member approval to investigate the implementation of a 20mph zone for the Roselands residential area, which would include the area of the school. Therefore a contribution towards the implementation of a 20mph zone (which may also include some parking restrictions) could be provided via S106 agreement. An update will be given to Members with regard to the financial contribution required with regards to highways.

Subject to the conditions given below and the securing of any necessary financial contribution towards improving the highway and parking nearby, the proposal is considered to comply with Policies TA1, TA2 and TA3 of the Local Plan.

## **5. Ecology**

The application has been accompanied by an ecological survey report. This report confirmed that the proposal will not impact upon nesting birds and no evidence of bats was found. No further surveys are required. The proposal therefore complies with Policy NC1 Biodiversity and Geodiversity of the Torbay Local Plan 2012-2030.

## **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 Paignton 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 Policies PNP1(c) Design Principles. Policy PNP1(c) states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials. The proposal is considered to comply with this policy as the scale, design and materials match the host building, and the scale and bulk of the proposal is in keeping with the surrounding area. The proposal is therefore considered to accord with the emerging Paignton Neighbourhood Plan.

### **Local Finance Considerations**

S106/CIL -

The proposal may entail the completion of a legal agreement to secure necessary funds towards investigating the implementation of a 20mph zone for the Roselands residential area, and this is to be delegated to the Assistant Director of Planning and Transport.

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, subject to the completion of a legal agreement to secure contributions towards highway works, and the conditions detailed below.

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

01. The extension hereby approved shall be clad in materials matching those of the host building, 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 Adopted Torbay Local Plan 2012-2030.

02. Prior to the use of the extension and conversion 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 2010 Travel Plan, setting out opportunities for 30% modal shift for pupils, 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.

03. In accordance with the submitted flood risk assessment received 30th November 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.

**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**

SS11 - Sustainable Communities Strategy  
SC3 - Education, skills and local labour  
SC5 - Child poverty  
DE1 - Design  
DE3 - Development Amenity  
TA1 - Transport and accessibility  
TA2 - Development access  
TA3 - Parking requirements  
NC1LFS - Biodiversity and Geodiversity\_  
ER1 - Flood Risk