

Proposed Local Development Order

South Devon College Campus , Long Road, Paignton

Exec Summary

Local Development Orders (LDOs)

A Local Development Order is a tool within the planning system which may be used by the Local Planning Authority in order to grant planning permission for certain types of development within a defined area, and by doing so, remove the need for planning applications to be made.

Benefits of an LDO

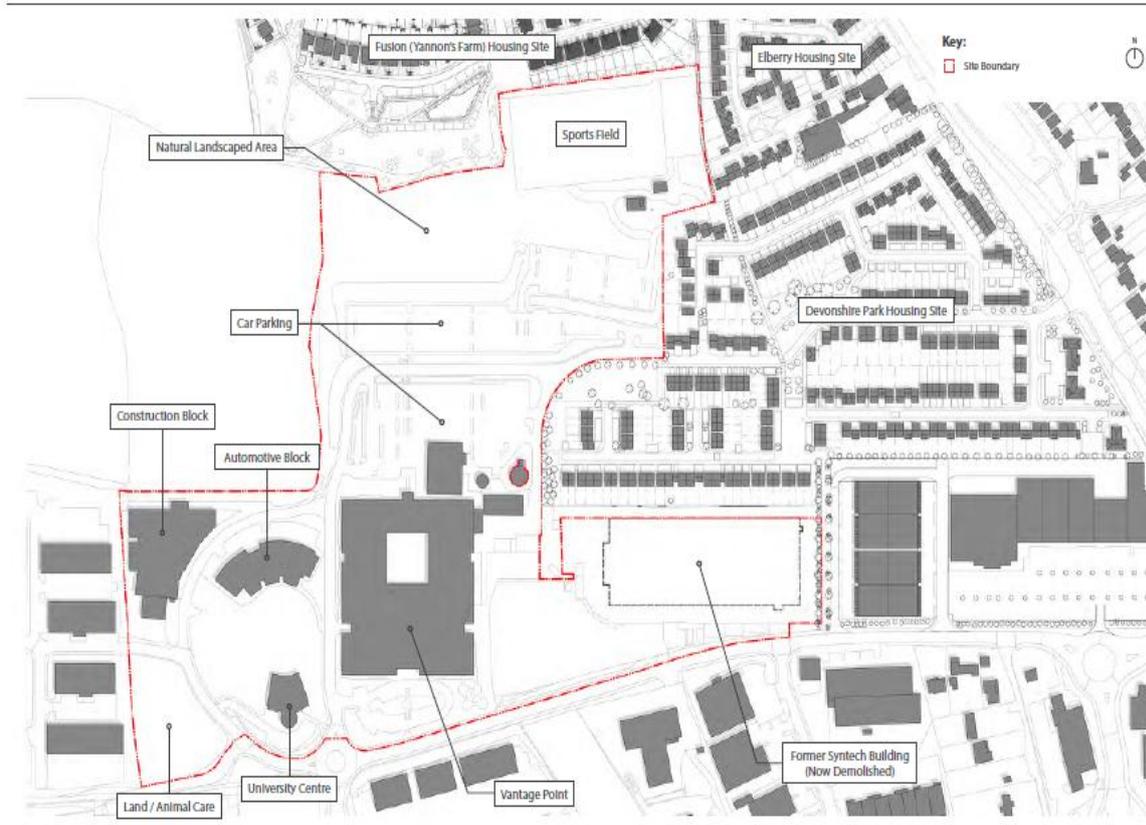
The granting of an LDO can improve certainty for development proposals, provide a more flexible approach to development or redevelopment, and encourage growth and investment on specific sites.

The proposed LDO Area

The site of the proposed LDO is the South Devon College Campus on Long Road in Paignton. The site includes the former “Syntech” site which is now in the College’s ownership. The site has an area of approximately 11.9 Hectares.

Figure 1 Site Plan

Below: Existing Site Plan



The LDO Proposal

The LDO proposal is to grant permission for two classes of development that are considered to be supportive of the growth agenda of South Devon College as a key educational facility. The two classes of development are:

1. The provision of development that falls within use classes C2 (Residential Institutions) and D1 (Non-Residential Institutions) of the Town and Country (Use Classes) Order 1987 (As Amended) and student accommodation (Sui Generis Use), and;
2. The provision of small scale ancillary uses that support the primary use of the site as an educational facility.

Purpose of the LDO

The key purpose of the LDO is to simplify the planning process over the college site in order to help deliver flexibility and confidence for the College to implement an expansion program and to develop and adapt its facilities, to help unlock the educational and employment benefits that would come from expansion.

Proposed management of LDO development

The time span of the proposed LDO is 15 years from its adoption, which is aligned with the College's estates plan.

It is proposed that development granted under the LDO will be subject to meeting certain parameters (see section 8 of this report) and subject to a number of conditions, in order to inform and shape development and support the delivery of sustainable development that respects the physical, social and environmental constraints.

There is the ability for the LPA to amend or revoke the Order if it is not achieving the expected benefits.

Parameters for LDO Development

Development permitted under the LDO would be required to meet a number of proposed parameters. Prior to commencement of components of the overall development, those components shall be subject to a pre-notification process to the LPA to establish that the development falls within the parameters of the LDO. The proposed Parameters cover;

1. Maximum amount of new floor area across the site (23,000 square metres)
2. A spread of development across the various zones of the site
3. The maximum heights of buildings for each zone of the site
4. The amount and delivery of new car parking spaces across the site
5. Landscape expectations across the site
6. Architectural principles for development within each zone
7. Noise management expectations across the site
8. External lighting strategy across the site.

The proposed parameters are detailed in the accompanying LDO Statement of Reasons document.

Once determined as LDO development proposals will be subject to a number of proposed conditions.

Conditions for LDO development

The attached conditions are proposed in order to achieve appropriate development that responds to Local Plan policy aspirations, the sites context and relevant physical, social and environmental constraints.

The proposed conditions are detailed in the accompanying LDO Statement of Reasons document.

Proposed conditions cover:

1. Compliance with associated technical documents that have informed the LDO
2. Approval from the LPA of surface and foul water details
3. Approval from the LPA of landscape details
4. Approval from the LPA of ecological management details
5. Approval from the LPA of external lighting details
6. Contamination
7. Approval from the LPA of transport impact and traffic management
8. Approval from the LPA of construction management details
9. Provision of parking and cycle parking provision
10. Approval from the LPA of servicing arrangements

Conclusions

The LDO will help support the College to deliver its growth agenda for the next 15 years and is considered to be aligned with the Local Plan Policy in terms of supporting improved education facilities and the delivery of well paid jobs.

The parameters and conditions will achieve development that will respect the physical, social and environmental constraints.

Recommendations

DMC supports the adoption of the LDO and recommends that the Mayor formally adopts the LDO on behalf of the Council as Local Planning Authority.

1. Context and the ambitions of South Devon College

South Devon College has occupied its current Long Road campus since 2005. Since this relocation the College has expanded, most notably through the provision of the University Centre in 2011 and the nearby South West Energy Centre in 2013. Other permissions have been granted but not all have been implemented and one of the reasons cited for not implementing permissions and stalled expansion is the complexity and complications around securing funding at the appropriate times.

The College has a 15 year estate strategy and has supported the evolution of a proposed LDO in order to help overcome the some of the barriers that have historically stalled growth.

The LDO is considered to support the delivery of the College's future needs in terms of expanding the educational facility to help deliver new teaching space, indoor sports and recreation space, student accommodation and ancillary uses.

The LDO will give security to the College towards achieving its long term ambitions and provide greater confidence to invest. Strategically it will provide the opportunity for the College to respond quickly when external funding opportunities arise and demonstrate that projects are deliverable.

Operationally the development potential of the LDO could deliver an additional 1700 learners being supported and an additional 200 training places per annum, in addition to 120 FTE direct jobs and 200 FTE indirect jobs.

An indicative masterplan supports the proposal to illustrate how development permitted by the LDO could be achieved on the site.

Figure 2. Indicative site plan

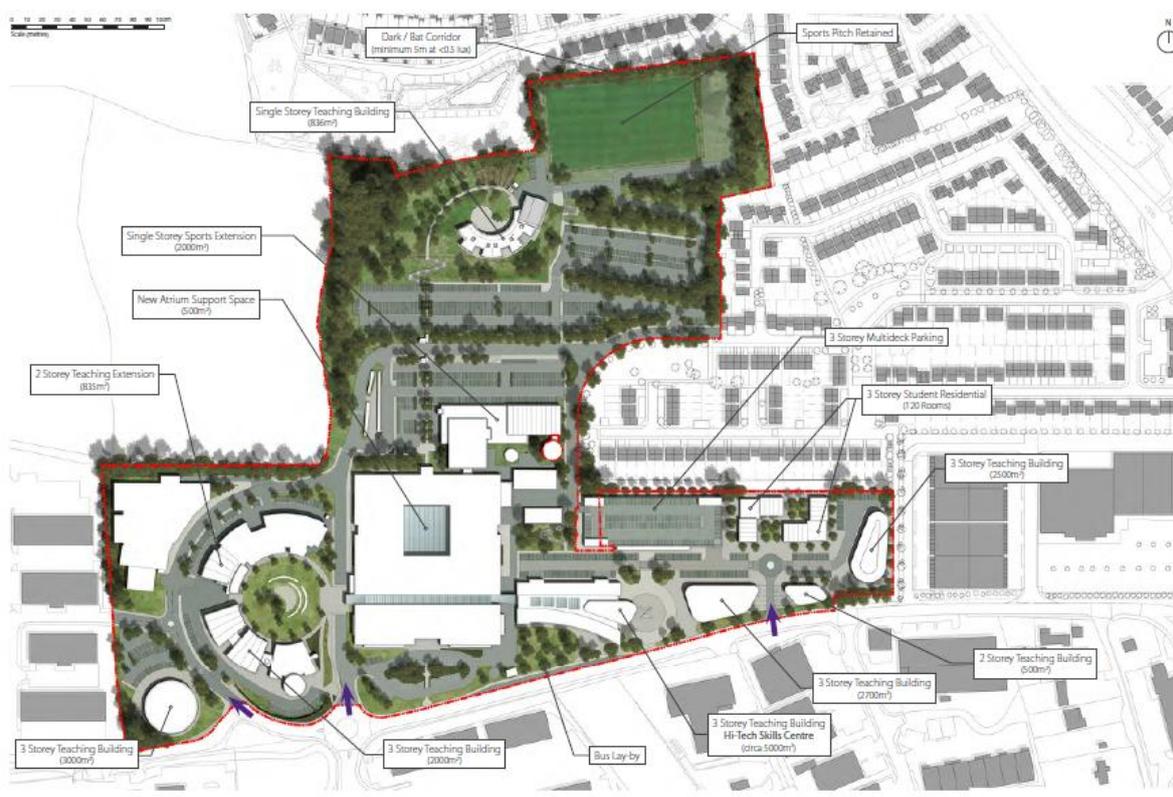


Figure 3. Indicative layout

Below: Indicative Artist's Impression



Local Development Order, South Devon College Design & Access Statement

2. Purpose of the LDO (framework)

The purpose of the LDO is to provide a simplified planning framework for the College in order to support the ambitions for growth and the delivery of a vibrant educational campus over the next 15 years.

It will deliver enhanced flexibility for the College to bring forward development as and when funding becomes available over the period of the Order and help maximise the success of the college by removing some of the barriers to securing funding that have been experienced through the shorter timescales of development permitted by way of planning permissions.

The LDO will only grant permission for uses that are supportive of the education facility as laid out within the Order.

The LDO includes detailed parameters for development to ensure that development will be provided where appropriate, including development at the appropriate heights and distances from borders, in order to limit impacts.

The LDO includes detailed conditions for development to satisfy in order to ensure that development responds to key physical, social and environmental factors, such as landscape sensitively, local amenity, ecology, flood risk and transport impacts.

Development not in accordance with the LDO will need to be determined by a planning application.

A 5 year review of the LDO will permit the LPA to reflect on the success and ongoing suitability in terms of changes in planning policy, which will permit the consideration of retaining it for the remaining 10 years, or retain with revisions, or revoke and cancel to LDO.

The LPA may also exercise its powers to amend or withdraw the order if it is satisfied that the Order has consistently failed to meet the objective of the LDO, subject to a period of notice to the landowner.

3. Policy - Local Plan

The LDO is considered consistent with the aspirations of the Local Plan.

The LDO will support the growth of the College as an educational facility. Policy SC3 (Education skills and labour) of the Local Plan seeks to support improvement of existing or new educational facilities to meet needs. SC3 also supports initiatives and development that improve skills and links between work and education, and particularly identifies South Devon College. The LDO is considered aligned with the aspirations of this policy.

The LDO will support the growth of the College and its contribution to the local economy in terms of job creation. Policy SS4 (The economy and employment) supports the improvement in the economic performance of Torbay and supports existing businesses and education facilities. It encourages new business and new investment. There is in principle support for proposals that deliver employment and high value jobs education is highlighted as one of the important growth sectors to help achieve this economic improvement. The LDO is considered aligned with the aspirations of this policy.

Policy SS11 (Sustainable communities) supports proposals that regenerate or lead to improvement of social, economical or environmental conditions, which includes the access to education and jobs. The LDO is considered aligned with the aspirations of this policy.

A series of technical assessments and surveys have been undertaken to inform the LDO in order to ensure that the Order is capable of achieving development that can be delivered without undue impact upon the physical, social and environmental constraints of the area.

4. Adoption

On adoption the LDO will provide a 15 year period to deliver the permitted forms of development.

Within this period only the forms of development that fall outside of the classified LDO Development will require planning permission.

LDO Development will be subject to scrutiny by the LPA in the following ways.

Firstly all development sought to be delivered through the LDO will be subject to a pre-notification process in order for the LPA to confirm conformity with the approved use classes and the defined parameters. Please refer to the Statement of Reasons document to review the detailed parameters.

Where the pre-notification process satisfies the LPA that the development accords with the classes of development and general parameters for development it will be necessary to accord with the proposed conditions. Please refer to the Statement of Reasons document for the list of conditions.

Although the LDO will grant the principle of development the pre-notification process will ensure that agreement is reached on compliance with the Order prior to commencing. Following this the requirement to satisfy the proposed conditions will ensure that where necessary appropriate detail is submitted and agreed by the LPA in order to ensure development respects and responds to relevant physical social and environmental constraints.

5. Consultation responses and public representations

Prior to the statutory consultation process the College undertook a public consultation exercise and the summary findings are available within the accompanying Statement of Community Involvement.

Following the formal consultation process three supportive comments from the public were received, along with support from the Paignton Neighbourhood forum. These are available to view within the Public Representations and all principally support the proposals as they will help deliver improvements to an important education facility and support economic prosperity.

Key consultation responses are summarised below:

Sport England: Support, as the proposals will not affect current sports pitch provision.

South West Water: Do not object, subject to satisfactory sewerage connections being achieved.

Environment Agency: Do not object, comments made in regard to conditions.

South Hams AONB: Does not object, but contends that new buildings should be no higher than existing and lighting plans should be achieved to limit night-time light-spill.

South Devon and Torbay CCG: No objection, comments made.

Community Safety: No objection, comments made.

Arboricultural Officer: No objection, scope exists for arboricultural betterment through the site and a condition on landscaping could achieve this along with understanding of protection or mitigation for removed trees.

Green Infrastructure Officer: No objection, conditions should be attached to ensure appropriate ecological protection, mitigation and enhancement is achieved.

Drainage Officer: Supporting detail appears satisfactory however further information is necessary at detailed design stage to establish accordance with the drainage hierarchy identified within the Local Plan and demonstration that the risk of flooding would not be increased elsewhere.

Natural England: No objection, comments made.

Police Liaison officer: No objection, comments made.

Strategic transport / Highways: No objection, comments made including in regard to mitigation measures to counter the impact of development on the highway network.

6. Uses

Section 6 of the proposed Local Development Order and Statement of Reasons proposes two classes of development that shall be granted permission under the provisions of the Order.

Class A:

Development for uses falling within use classes C2 (Residential Institutions) and D1 (Non-Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and student accommodation (sui generis use)

Class A Development shall be subject to:

The proposed Parameters and Conditions

Class B:

Other Uses being limited to small-scale café, crèche, recreation and innovation/pre-incubation facilities falling within use classes A3 to A5, B1 and D2 respectively of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Class B Development shall be Subject to:

- a) The proposed Parameters
- b) The proposed conditions when development floor area is greater than 200sqm
- c) Such uses remaining ancillary to the primary use of the Site [i.e. pre-existing uses and those permitted by Class A]
- d) Such uses not exceeding a total of 3000 sq m in the area subject to the Local Development Order

The proposed classes of development are considered to support the provision of uses complementary to the College as an educational facility.

Minor operations

In addition to the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 , or its successor, the LDO proposes to permit minor operational development in-line with the following:

Changes to external appearance of buildings, including recladding, alterations to doors and windows

Changes to access to buildings

Installation of plant or small-scale micro renewable energy development

Reorganisation of vehicle parking

Provision of cycle parking

Provision of covered bin stores

Class A development

C2 Use Class is for forms of residential institutions and is considered acceptable in terms of planning policy and land use as it will permit the College development of residential education or training facilities.

D1 Use Class is for forms of non-residential institutions and is considered acceptable in terms of planning policy and land use as it will permit the College development in the form of education and training facilities.

Student accommodation is a Sui Generis use and is considered complimentary to the broad educational facility.

Class B Development

Other uses complimentary and ancillary to the primary use of the College are considered an acceptable form of development. The maximum cumulative provision of such development will be 3000sqm through the site under the LDO, which is considered an appropriate threshold.

Minor Operations

The six minor operations are individually and collectively considered acceptable and supportive of the concept of flexibility and freeing up the planning regimes over the land in order to aid delivery of growth and regeneration.

7. Zones

The LDO identifies 7 geographical / character areas. The Zones can be viewed within the accompanying Design and Access Statement (Page 13).

The 7 Zones are:

Zone A: Vantage Point Zone (fronting Long Road)

Zone B: West Campus Zone (fronting Long Road and encompasses the University Centre)

Zone C: East Campus Ex-Syntech Zone (fronting Long Road and the former Syntech site)

Zone D: Rear Lower Car park Zone (to the north of the Vantage Building)

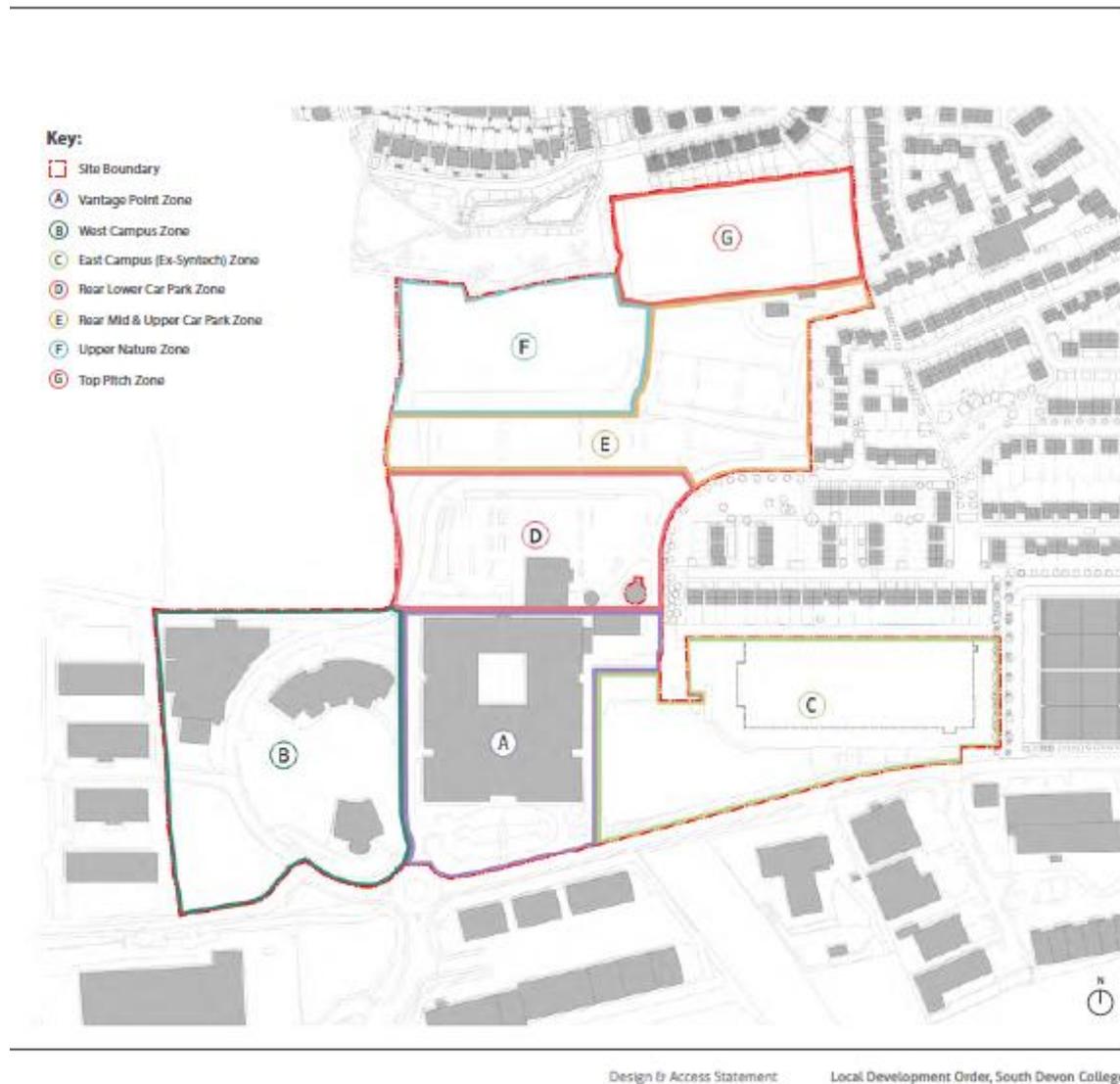
Zone E: Mid and Upper Car Park Zone (to the north of the Zone D)

Zone F: Upper Nature Zone (to the north of Zone E)

Zone G: Top Pitch Zone (north east corner of the site / current grass pitch area)

The use of a number of smaller geographical zones permits a greater understanding and control for the delivery of appropriate levels and forms of LDO development through the site that respects the changing landscape and ecological constraints of each area.

Figure 4 Zone Map



8. Proposed Parameters & conditions

Section 6 of the proposed Local Development Order and Statement of Reasons proposes 8 Parameters for development. See Table A: LDO Development Parameters for the precise detail.

The provision of parameters provides the basic principles for what the LDO will permit beyond the permitted Use Classes.

The parameters include:

Amount of development

Parameter 1 is that the quantum of LDO development shall be capped at 23,000sqm of new floor space.

The location of development

Parameter 2 is that the amount of development within each zone is detailed and, within the more sensitive zones, capped or excluded altogether.

Scale of development

Parameter 3 is that the maximum height of development is capped for each zone to reflect the character and sensitivity of each area.

Parking

Parameter 4 is that the amount of new parking has been capped at an additional 220 spaces over the College's current provision, which presently includes 300 off-site spaces that are leased on the adjacent Devonshire Park site to the east. The 300 spaces will be displaced from the adjacent site and provided within the college grounds through the LDO in addition to the net new 200 spaces

The parking shall be provided proportionate with new floor space.

Landscape

Parameter 5 is that landscaping and landscape features shall be designed to provide and maintain a high quality public realm and reinforce legibility through the site and ecological sensitivity. This parameter also ensures the strategic landscape character of the area will be maintained and enhanced.

Architectural materials

Parameter 6 is that development maintains and builds upon the vision of a high quality built environment for the campus and responds to the context of each zone / character area.

Noise Management

Parameter 7 is that external plant shall be designed to limit noise to nearest receivers and the adequate mitigation shall be achieved to ensure typical activity of building use or car parks shall not unduly affect amenity.

Lighting strategy

Parameter 8 is that new external lighting shall limit light-spill through design and respond to the sensitivities of the wider dark landscape and ecological context.

9. Consideration in regard to achieving sustainable development and responding to key issues

Principle of uses

The principle of the uses that are proposed has been considered against the aims and objectives of the Local Plan. The uses outlined in the Order are considered acceptable.

Class A proposes non-residential institution uses, residential institutions uses, and student accommodation. Schools and colleges fall under the institutional classes outlined, depending on the character of the provision. The uses are hence directly aligned and supportive of the use and

character of the College site as a large scale educational campus. Student accommodation is also considered an acceptable form of use.

The provision of ancillary uses supportive of the primary use of the site is considered acceptable and characteristic to a large campus style education facility where small-scale broader uses complement the dominant educational use.

Design and scale

The design of development will be compliant with the detail expressed in the accompanying documentation, most notably the Design & Access Statement, achieved through the imposition of a general condition.

The design and access statement cites the core objective of creating a distinctive contemporary campus through the provision of high quality buildings that blend uniqueness with forging a cohesive campus character

The imposition of a parameter in regard to architectural character and materials reinforces the expectation for development to maintain and build upon the vision of a high quality built environment. Zone limitations within the parameter will ensure that development respects the responds to the immediate context.

In regard to scale all development will be informed by Parameter 2 (Building Heights) which sets out the maximum height of buildings within each defined zone. The proposed building heights respond to the dominant building height where one exists and acceptable building heights where zones are absent of a predominant building reference.

The LDO is considered to support and inform well-designed and suitably scaled building forms, which relate to the different character zones of the site.

Landscape and visual impact

The supporting LDO documentation ensures that development responds to the urban context of the southern and eastern parts of the site and with the more rural context in the northern and western fringes.

The zonal floor space parameter and building height parameter reinforces the concept that the majority of the quantum of development, and the taller buildings, will be provided in the less visually sensitive zones. The zones to the north that are considered more sensitive are specified to achieve lower level buildings or no development. This will ensure visual impact of buildings is limited.

The landscape parameter enshrines that landscape and landscape features shall be designed as an integral part of development. It furthers that landscape features of value such as hedgerows or woodland shall be retained and new features to benefit biodiversity integrated where appropriate.

The supporting documentation cites the importance of retaining important trees and hedgerows and the imposition of the landscape parameter and landscape condition will protect the landscape and landscape features and limit any landscape and visual impact.

The South Hams AONB Office does not object to development that respects the established building heights.

The LDO is considered to protect and support development that is respectful of the landscape context.

Flooding

The site sits in a Critical Drainage Area.

The flood risk assessment that has been submitted in support of the Order identifies a drainage strategy for the surface water run-off from this development. This strategy has been based on initial infiltration testing and geotechnical information. The proposals within the strategy appear satisfactory however further information will be required during the detailed design stage of the development.

Development proposals will be expected to follow the hierarchy for dealing with surface water run-off with infiltration techniques being the preferred method of surface water drainage. Only when the ground conditions are unsuitable should the developer progress to investigating a controlled discharge off the site, in-line with Local Plan Policy.

All LDO development will be subject to details of foul and surface water treatment being first submitted to and approved in writing by the LPA, which accords with advice from both South West Water and the Authority's Drainage Department.

The imposition of a condition relating to surface and foul water treatments being considered by the LPA will ensure that flood risk is not increased as a result of LDO development.

Ecology

There are no designated sites of nature conservation within the site or immediately adjoining the site. The site does however lie within the sustenance zone of the Greater Horseshoe Bat Colony due to its proximity to the roost at Berry Head.

The LDO has been informed by an Ecological Impact Assessment (EAD, 2015) and the Authority has screened the development proposal and undertaken a Habitat Regulations Assessment (HRA) in order to establish any likely significant impact.

The HRA has concluded that subject to mitigation, which can be achieved by a number of proposed conditions, the LDO is unlikely to have a significant effect.

Natural England has concluded that the proposal unlikely to have a significant effect and therefore there is no requirement for any further assessment.

It is proposed that LDO development will be subject to conditions on dark boundaries, sensitive lighting strategies, construction environmental management plans, and landscape and ecological management plans.

The conditions will ensure suitable development in-light of the ecological sensitivities of the site.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to determine whether it is likely to have any significant effects on the environment. It was concluded that the proposed development is unlikely to have any significant effects on the environment by virtue of factors such as its nature, size or location.

Contamination

The LDO is supported by technical documentation relating to ground conditions.

In regard to the contamination of land and the risk posed to future users and neighbouring users it is proposed that if contamination is found no development shall begin until a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. This will be achieved by condition.

There is a moderate risk of contamination in groundwater. The Environment Agency concurs with the geo-environmental conclusions in regard to groundwater contamination and recommends the imposition of a condition for further details on mitigation measures should, if during development, contamination not previously identified is found to be present.

The Environment Agency has also identified that aquifers exist within the vicinity of the site and have suggested that details of all penetrative piling or foundation methods be submitted for approval, to prevent pollution to groundwater.

The LDO will inform appropriate development in terms of contamination and the risks from contamination through the imposition of conditions that respond to the matters outlined above.

Traffic and Movement

The proposed LDO will permit up to 23,000sqm of new floor space, which approximately provides 4000sqm of net additional floor space when considering the 14,000sqm of the former Syntech building and further buildings to be demolished.

The additional development will have an impact upon the highway network through additional trips, however it is concluded that the impact would not be severe.

It is reasonable to seek mitigation measures to respond to the likely impact of development permitted through the LDO, which may be achieved through physical works, or improvements and a modal shift towards more sustainable means of travel being achieved.

The context and likely impact has been considered by the Council's Strategic Planning Team and it is proposed that the expected impact of the LDO on the local highway network is achieved through the following measures:

1. Bus layby secured off Long Road via a s278 Highway Agreement (circa £50k)
2. Traffic calming through long road for build outs (@ £5k) secured by a s278 Highway Agreement
3. Implementation of Travel Plan measures by 2020 to achieve target modal split would waive the remainder of the contribution that would have been sought (£77k waived), achieved through condition.

In regard to car parking the LDO proposes 219 spaces, which is more than this minimum requirement and seeks to ensure that peaks in demand can be dealt with on site rather than spilling out on to the local highway network. So long as the above noted measures to reduce car use are put in place the number of spaces is not considered unreasonable.

Local Amenity

The proposed development parameters have emerged following consideration of neighbouring land uses. This includes the adjacent Devonshire Park site to the east being subject to future mixed use development including residential development.

It is important that the amenity of adjacent users is protected from harmful development, through unnecessary noise, dominance and loss of privacy for example.

The extent to which potential harmful impacts arise is usually dependant on proximity of buildings, the height and mass of buildings, the uses of buildings and any potential for overlooking from windows or raised areas.

To respond to amenity concerns there is a proposed parameter for all new buildings to be sited at least 5m from the outer boundaries of the LDO area. In addition the building heights parameter will limit the heights of buildings within certain areas, and the noise parameter will ensure that external plant is suitably designed in order to protect levels of amenity.

The LDO is detailed in order to ensure that appropriate development is secured which will provide for and protect suitable levels of amenity.

10. Monitoring, review, revocation

Monitoring

The pre-notification and conditions requirements will allow the LPA to monitor what development has been approved under the LDO and what development has commenced, and the cumulative amount of development built under the order.

Any development that does not comply with the terms and conditions of the order may be liable to enforcement proceedings.

Review

The LPA will review the LDO on the 5th anniversary of its adoption to be able to consider the continuing suitability of the Order in light of any changes to planning policy. The review will give the LPA the options to either retain the LDO for the remaining 10 years, revise the LDO to respond to changing policy, or revoke and cancel the LDO.

Revocation

The LPA may exercise powers to amend or withdraw the LDO if it is satisfied that the Order has consistently failed to meet its objectives as set out in the Statement of Reasons or if changes in material considerations

11. Conclusions

The LDO will provide the College with more certainty on the delivery of its expansion goals as it will permit the delivery of a definitive amount of floor space over the period of the LDO for the specific classes of use outlined within the order. It will also provide greater clarity and certainty for funding organisations, which will in turn help deliver Local Plan objectives.

The LDO will also provide greater flexibility for the College to deliver development through the site and respond to the various drivers of development and their needs.

With greater certainty and flexibility the LDO will support economic and educational growth by removing barriers to development.

The proposed parameters secure acceptable outline principles that provide certainty over the amount of development, its placement through the site, and the height of buildings.

The proposed conditions will secure development that responds to social, physical and environmental constraints.

The monitoring, revocation and review process will permit the Council to amend or revoke the LDO should it be considered to be failing to deliver the Council's expectations.