

County Council Development

Mid Devon District: Conversion and refurbishment of a former residential care home to a Special Educational Needs facility, which includes extensions and alterations to the existing building and external landscaping to create sensory gardens, a ball court and parking provision, Charlton Lodge, Orchard Way, Tiverton

Applicant: Devon County Council

Application No: 17/01231/DCC

Date application received by Devon County Council: 19 July 2017

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that subject to no new issues arising from the re-consultation that are not addressed in this report that planning permission is granted subject to the conditions set out in Appendix I to this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to an application for the conversion and refurbishment of a former residential care home into a Special Educational Needs (SEN) school in Tiverton, which includes extensions and alterations to the existing building and external alterations to create sensory gardens, a ball court and parking provision.
- 1.2 The main considerations in the determination of this application are the principle of development against planning policy; the impact upon neighbouring properties; traffic and transport impacts; design; flood risk management; and any landscape and ecological impacts.
- 1.3 The planning application, representations received and consultation responses are available to view on the County Council website under reference DCC/4009/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4009/2017>.

2. The Proposal/Background

- 2.1 Charlton Lodge is located in the south west of Tiverton, accessed off Orchard Way and Broad Lane. It is a former residential care home, which closed in 2015 and has since been left vacant. The existing one and two storey building occupies a large proportion of the site. There is car parking to the front and rear of the building, with areas of garden occupying the rest of the site. Residential properties are located to the east, south and west of the site, with Heathcoat Primary School to the north.
- 2.2 The application looks to utilise and change the use of the existing building, which results in extensive internal remodelling, the erection of three small single storey extensions to the existing building, and the alteration and replacement of existing

windows/doors, roofing elements and the main entrance. Externally, the grounds would also be altered; the garages to the rear would be demolished and the existing parking areas will be extended and formalised with markings to include mini bus parking. The wall along Broad Lane would be demolished to create a new layby for taxis dropping off and collecting pupils. The majority of existing grassed areas will be turned into hard surfaced sensory gardens and a ball court, which would have a 3.5m high mesh fence. Some small planting areas will be created and a variety of fences would be installed around the perimeter, including a 2.4m high acoustic fence along the south and west boundaries and a 1.8m high close boarded timber fence around the remainder.

- 2.3 The proposal would provide up to 90 pupils with a specialist learning environment. This would include three separate functions; 30 medical placements (Group 1); provision for up to 20 young KS3/KS4 with behavioural issues to access bespoke 1:1 and 1:2 Maths and English lessons (Group 2); and between 20 and 40 places for children with high functioning autism (Group 3). The school would be in use between 09:00 to 15:00. The application notes there is an increasing local need for additional SEN places. Currently, there is no specialist provision within Mid Devon; young people who require a specialist setting have to travel to Exeter.

3. Consultation Responses

- 3.1 Tiverton Town Council: Supports the application.
- 3.2 Mid Devon District Council: No objections to the proposal, however, consideration should be given to the retention of the stone wall/hedging along Broad Lane and Orchard Way, rather than the use of a close boarded fence.
- 3.3 South West Water: No objection.
- 3.4 Wales and West Utilities: Wales and West Utilities has pipes in the area which may be affected and at risk during construction works. Should the application be approved the promoter of these works is required to contact Wales and West Utilities prior to the commencement of the development.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice and notification of neighbours by letter. As a result of these procedures one letter raising concerns and two objections were received and make reference to the following:
- It is a quiet residential area;
 - The existing primary school already causes a considerable amount of traffic and congestion twice a day; this application would worsen the situation;
 - Query as to whether there is parking within the grounds of the school;
 - Inconsiderate parking from existing users of primary school and congestion at peak times and during events at the school, there is not enough on-street parking for this application;
 - Altering outlook from and feel of the garden due to the removal of trees and gardens and introduction of noise, tarmac and fences;
 - Clearing of the trees would result in residents of The Deanes looking directly into bedroom windows;
 - Additional tarmac will increase flood risk, concerns over where the flood water will flow and that the existing drainage system is not well equipped;

- Questioning the fencing detail and how this would interact with surrounding property boundary; and
- Proposal would result in property value decreasing.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are listed below and the most relevant are referred to in more detail in Section 6 below.

Mid Devon Local Development Framework: Core Strategy 2026 (adopted July 2007)

COR1 (Sustainable Communities), COR7 (Previously Developed Land), COR11 (Flooding), COR12 (Development Focus), COR13 (Tiverton)

Mid Devon Local Plan Part 3: Development management policies (adopted October 2013)

DM2 (High quality design), DM4 (Waste management), DM6 (Transport and air quality), DM7 (Pollution), DM8 (Parking), DM25 (Community facilities)

Local Plan Review 2013-2033: Proposed Submission (incorporating proposed modifications) – January 2017

S1 (Sustainable development priorities), DM1 (High quality design), DM4 (Pollution), DM5 (Parking), DM23 (Community Facilities)

National Planning Policy Framework National Planning Practice Guidance

6. Comments/Issues

- 6.1 The material considerations in the determination of this application are considered below.

Principle of the development

- 6.2 Concerns have been raised regarding the use of the site of a school in this residential location. The immediate surrounding uses are residential, a primary school and an Age UK Activity Centre.
- 6.3 In terms of planning policy, policies COR12 (Development Focus) and COR7 (Previously Developed Land) of the Mid Devon Core Strategy generally look for development to be concentrated within the main settlements and for it to make use of previously developed land. It is considered the proposal is consistent with these policies.
- 6.4 Specific to the proposed use, Policy DM25 (Community facilities) of the Mid Devon Local Plan Part 3 supports the provision of new community facilities that provide a local community benefit where they are easily accessible by the local community and well related to the settlement. It also restricts the loss of existing community facilities where this would damage the settlement's ability to meet its day to day needs or

result in total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable will applications for alternative use, including alternative community uses, be considered acceptable. The care home has not been in use since 2015, following a decision by Devon County Council to close a number of care homes across the county. A number of private care homes exist within and close to the town. Given this, and that it would be replaced by another community facility providing a local benefit that does not currently exist within Mid Devon, it is considered that, the proposal is consistent with Policy DM25 (Community facilities).

- 6.5 Overall, given the accessibility of the site, the surrounding uses, and the policy support outlined above, it is not considered a school use of this nature would be inappropriate in this location.

Impact on neighbouring properties

- 6.6 Concerns have been raised by the closest residential property to the south of the site due to the proposed changes from a previously quiet garden lined with trees, to the erection of a 2.4m high acoustic fence and use of the south of the site as parking facilities and a ball court, with a 3.5m mesh fence. The proposal will significantly change the current outlook and character of the residential properties to the south; the wooden acoustic fence will become the boundary feature and the mesh fence associated with the ball court will be visible above this due to the 1.1m height difference. The site is, however, within an urban setting, and fencing is not considered out of character. It is not considered any overlooking will result from the development with the removal of trees; the fence will restrict any views from the nearest part of the building. Overlooking to the west will be addressed through the installation of obscured glazing in the first-floor windows. This is considered acceptable.
- 6.7 Regarding noise, the application states that the noise levels will mirror the existing levels experienced during the buildings use as an old people's home; kitchen deliveries; staff arriving and departing; and internal noise, from music, video teaching and noise from users. The biggest difference is acknowledged to be the outdoor play areas created, this is considered a reasonable conclusion. The proposal creates a number of outdoor play areas distributed across the site, to limit the use by numerous pupils at any one time. The application also states that external play will be limited to small groups at set times. In total, the anticipated use of external space across the site will be for approximately 1 hour and 40 minutes per day. The ball court is anticipated to be the loudest outdoor element, and in order to minimise any impact upon the neighbouring properties, the application proposes an acoustic fence along the western and southern boundaries; this looks to significantly reduce any sound for the neighbouring properties from approximately 74dBA, a measurement taken from existing multi-use game areas in Devon, to 46dBA on the other side of the fence, and at 4m away this is anticipated to reduce to 40dB (a quiet residential area can be from approximately 41dBA to 43dBA). With this fence in place and the managed outdoor play arrangements, it is considered any impacts will be limited.
- 6.8 While there will be a change to the neighbouring properties as a result of this development, these changes are considered to be acceptable and, therefore, are in accordance with Policy DM2 (High Quality Design) and Policy DM7 (Pollution) of the Mid Devon Local Plan Part 3: Development Management Policies.

Highways/Car Parking/Traffic Issues

- 6.9 Concerns have been raised regarding the lack of on street parking available and that any additional traffic would worsen the current situation, particularly in the context of the existing primary school. In terms of pupils, the facility will accommodate up to 90 pupils who, due to the nature of the facility, are expected to arrive by private car or taxi, with an average occupancy of 3 pupils per taxi. The creation of a layby, for up to 6-7 taxis at any one time, to drop off and pick up students and the visitor spaces in the main entrance should look to focus pupil traffic in these areas and ensure this element is regulated.
- 6.10 In relation to staff, the site offers the opportunity to utilise sustainable transport; there are bus stops nearby and 16 cycle parking spaces are proposed on site. Despite this, there will be a proportion of staff likely to drive. Typically, it is expected the school will have up to 39 members of staff at any one time, of these 26 are expected to drive. As the facility includes parking for 19 members of staff, 7 staff will either need to use sustainable transport or rely on parking at the town centre Multi storey car park which is within walking distance or on the neighbouring streets. Orchard Way, Howden Road and Broad Lane all have sections of unrestricted on-street parking. In order to encourage sustainable travel and reduce the number of single occupancy trips, for example, by car sharing, it is recommended a Travel Plan is prepared which can include measures targets and incentives to use the existing town centre car parks. This will be subject to a planning condition to be provided prior to occupation.
- 6.11 In terms of movements, it is anticipated that there will be 65 two-way trips from 08:00 and 09:00, with 58 two way trips in the afternoon spread out between 14:00 and 17:00, with the highest period being between 15:00 and 16:00 with 27 two way movements. While it is expected that there will be an increase in traffic, is not considered to be significant given the nature of the roads.

Design/Materials

- 6.12 The existing building is mainly red brick with some render; the proposal looks to maintain this but introduces colour and a canopy on the main entrance, creating a focal point and a clear point of entry to the facility. This will be framed by the use of fences along Orchard Road creating a view into the site of the building's entrance. The three minor extensions are single storey acting as a natural extension to, and using the same materials as, the existing building.
- 6.13 Mid Devon District Council suggested that consideration be given to the retention of the stone wall along broad lane and the brick wall and vegetation along Orchard Way. The brick wall will remain in situ with the close boarded fence and proposed vegetation set behind. In terms of the stone wall, the applicant has explained that in order to provide the layby and pedestrian access there is no room left to accommodate a stone wall. In addition, the nature of the facility requires 1.8m minimum, anti-climb boundaries. Given the urban setting of the proposal, a fence is considered appropriate. Overall, it is considered the proposal is in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies.

Landscaping and trees

- 6.14 The application looks to remove all vegetation from the site, and replace it with either the extensions, hard surfacing or new landscaped areas. The Arboricultural information submitted with the application shows that all 17 trees and vegetation on the site are of low quality (Category U trees), with one high quality tree (Category A). While this is contrary to policy that looks for the retention of existing vegetation, given the need to remodel the site to make it fit for purpose, the poor quality of the vegetation and that some replacement planting is proposed, it is considered acceptable that the vegetation is required to be removed to become functional.

Nature Conservation/Habitats

- 6.15 The features on the site are of low ecological value, however, slow-worms, a protected species, have been identified on site. The application proposes to capture and relocate any slow-worms on a suitable habitat nearby. This is considered acceptable, however, a method statement detailing the mitigation measures to avoid any impact on reptiles prior to and during construction is still required, this will be subject of a planning condition. The trees and shrubs are deemed suitable for nesting birds, therefore, a condition restricting vegetation loss should be included on any consent. The ecological information submitted recommends the installation of 10 bird nesting boxes, in order to ensure this mitigation measure and the planting successfully establishes a Landscape and Ecological Management Plan is recommended to be included as a planning condition.

Potential for Flooding

- 6.16 The site is within Flood Zone 3 and, given the proposal is for a change of use from a residential care home to a non-residential institution, the vulnerability of the development does not increase and is therefore acceptable in this respect. As the access to the site is also within Flood Zone 3, it is recommended that the site is connected to the EA flood warning system for the area to allow users to prepare for flooding.
- 6.17 Surface water run-off from the existing building will continue to be managed by the current arrangements, however, the extensions and additional surfacing will be served by a sustainable drainage system, namely by permeable paving and soakaways. This system has been designed to the 1 in 100 year rainfall event, with a 40% allowance for climate change, which provides betterment from the existing site.
- 6.18 In relation to water flowing onto the neighbouring properties, the proposed arrangements for surface water management will not increase flood risk off-site. In the event of exceedance (a storm in excess of the 1 in 100 year return period rainfall event), it is understood that water would run over ground towards the south-east of the site, as is the current situation. The introduction of parking in the south east corner will provide a drop kerb allowing water to flow onto the road.
- 6.19 While the above approach is considered acceptable in principle, further information is required in relation to the detailed design of the surface water management system, infiltration testing, surface water management during construction and detailed exceedance paths and flows, therefore, these elements are recommended to be subject to planning conditions.

- 6.20 Given the above, it is considered the proposal, with the addition of conditions, uses appropriate sustainable drainage system and does not increase flood risk off site in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies and Policy COR11 (Flooding) of the Mid Devon Core Strategy.

Other matters

- 6.21 Concerns were raised about the boundary treatments and whether access would be provided to the neighbouring properties fence for maintenance. The plans now include the provision of an approximate gap of half a metre for maintenance.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 In conclusion it is considered that there is a demonstrable need for this facility; there is no provision of this kind in Mid Devon. The objections from neighbouring properties are noted and it is acknowledged the character for the properties will change and there will be an increase in parking and traffic on the surrounding streets, however, these impacts are not considered to be at an unacceptable level. On balance, taking into consideration paragraph 72 of the National Planning Policy Framework, which outlines local planning authorities should give great weight to the need to create schools; it is considered that it is appropriate to grant planning permission in accordance with the recommendation of this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Tiverton West

Local Government Act 1972: List of Background Papers

Contact for enquiries: Emily Harper

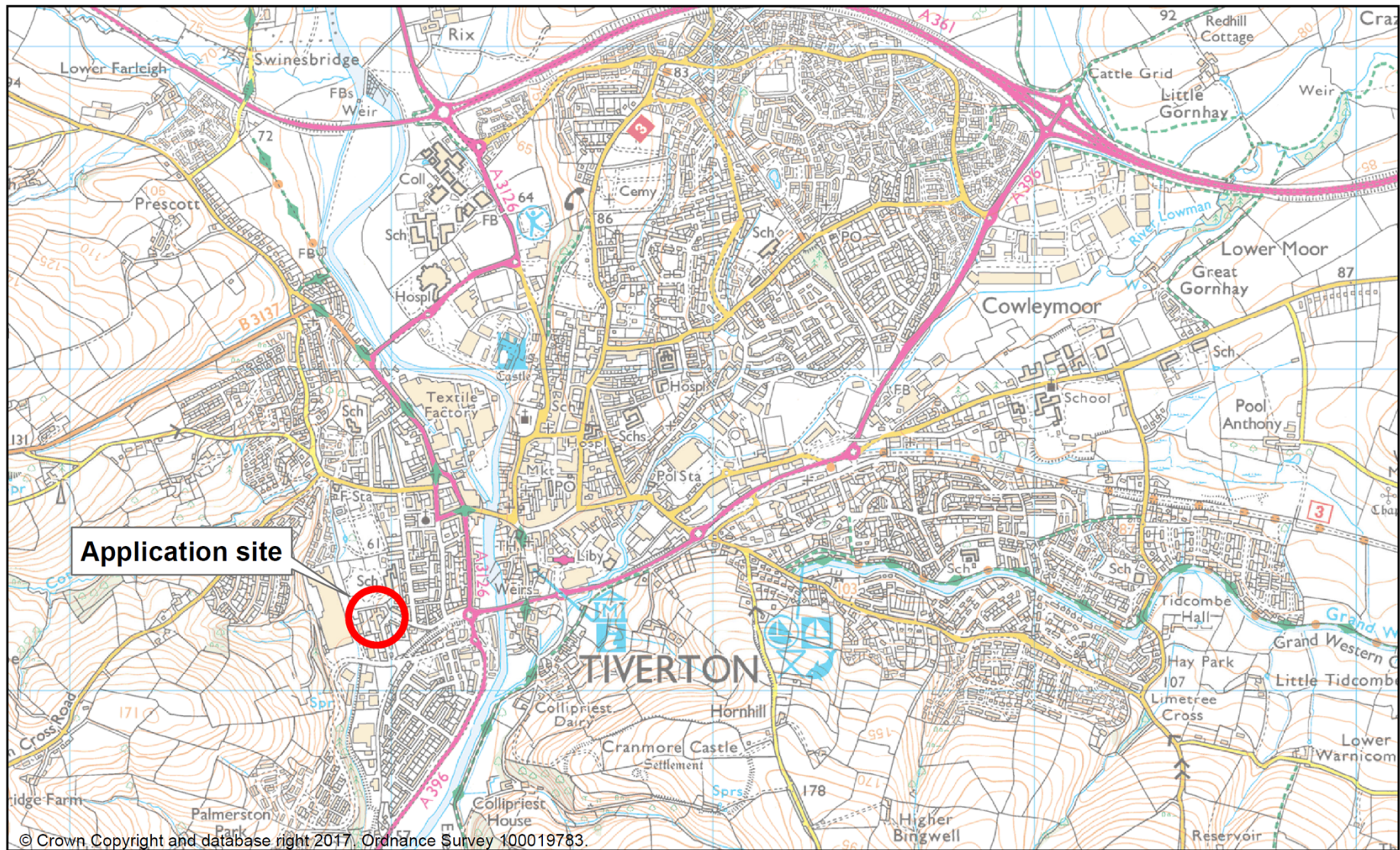
Room No: AB2, Lucombe House, County Hall


Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File		DCC/4009/2017

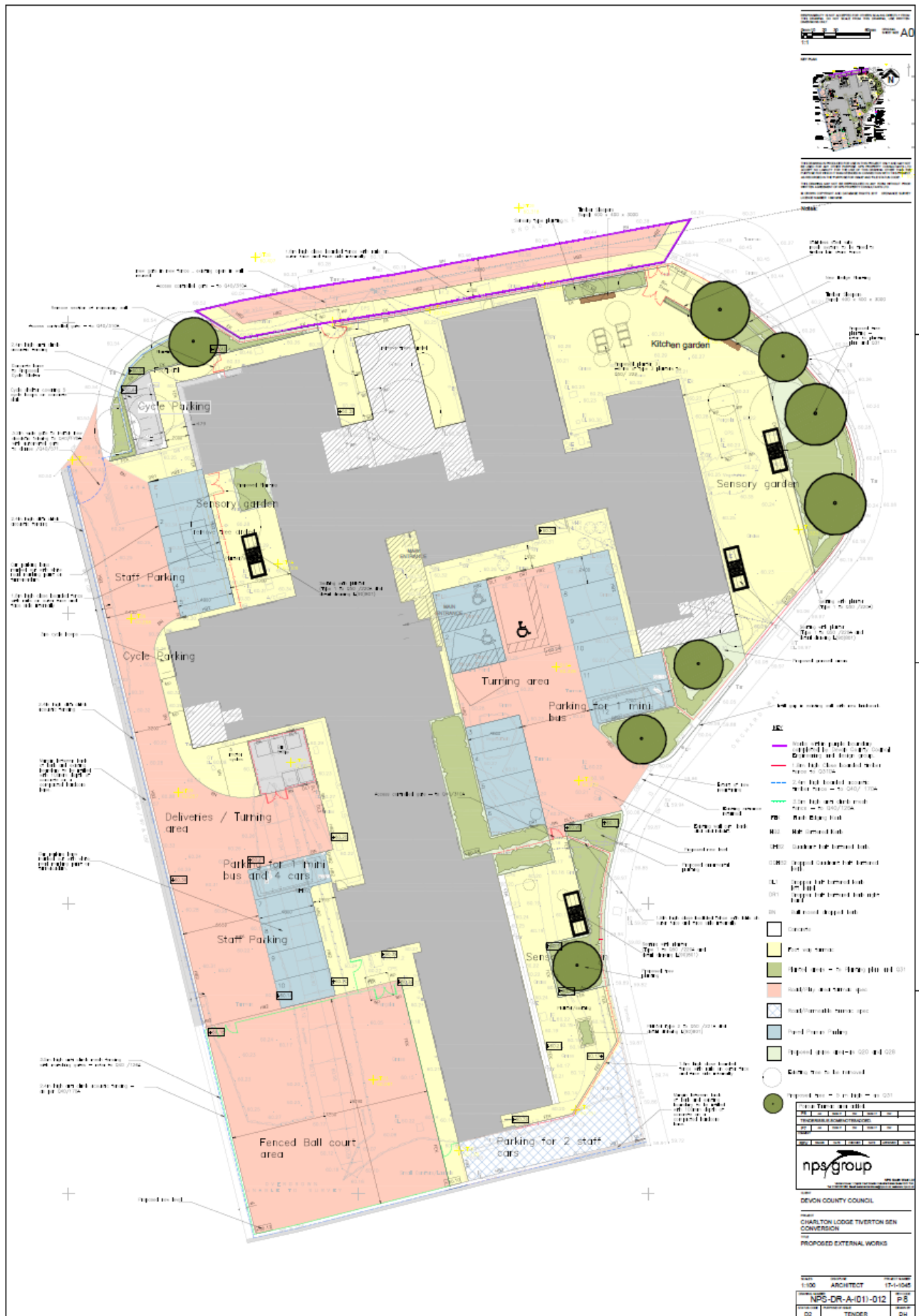
eh051017dma
sc/cr/conversion former residential care home to special educational needs facility charlton lodge tiverton
02 171017

Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee	date	scale
		County Council Development	October 2017	1:15,000
		Mid Devon District Council: Conversion and refurbishment of a former residential care home to a Special Educational Needs facility, which includes extensions and alterations to the existing building and external landscaping to create sensory gardens, a ball court and parking provision	Application No: 17/01231/DCC	

Site Plan



Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered and entitled NPS-DR-A-(01)-012 Rev P8, NPS-DR-L-(90)-800 Rev P2, S_T_469 SECTION Rev P2, NPS-DR-A-(04)-112 Rev P3, NPS-DR-A-(04)-111 Rev P1, NPS-DR-A-(04)-110 Rev P1, NPS-DR-A-(02)-004 Rev P9, NPS-DR-A-(02)-001 Rev P2, NPS-DR-A-(02)-003 Rev P1, NPS-DR-A-(02)-020 Rev P0, NPS-DR-A-(03)-100 Rev P0, NPS-DR-A-(04)-113 Rev P0, NPS-DR-A-(01)-010 Rev P1, 3001 Rev B, 3002 Rev A, 'Construction Traffic Management Plan Rev A (dated 17/07/2017), and 'Validation checklist & planning statement' except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

SUBMISSION OF DETAILS

3. No development shall take place until details of the permeable paving has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved.

REASON: To achieve high quality design in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

LANDSCAPING/TREES

4. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The LEMP shall be consistent with the submitted Preliminary Ecological Appraisal (Sunflower International, dated June 2017) and drawing NPS-DR-L-(90)-800 Rev P2, and shall also include:
 - (i) The intended purpose and structure/composition at end of the maintenance period of each vegetation type and intended ultimate size once mature. Clear composition targets should be stated;
 - (ii) Timings and frequencies of maintenance/management interventions including identifying any restrictions on timing of operations e.g. no vegetation clearance during bird nesting season, responsibilities for necessary permissions/licences;

- (iii) Maintenance and management of other landscape elements that are critical to the way the scheme functions, including fencing, surfaces, sustainable drainage features and culverts;
- (iv) Control of invasive weeds;
- (v) Use and storage of chemicals for Landscape Maintenance Operations/Control of Substances Hazardous to Health;
- (vi) Arrangements for reporting and monitoring. These should be consistent with the approved scheme and any relevant development consents and licenses;
- (vii) The location and details of the bird nesting boxes.

Development shall be carried out in accordance with the approved scheme.

REASON: To ensure that the landscape and ecological proposals successfully establish and are maintained in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

DRAINAGE

5. No part of the development hereby permitted shall be commenced until a programme of infiltration tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

REASON: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) infiltration tests and in accordance with the principles set out in the Flood Risk Assessment & Surface Water Drainage Strategy (Report Ref. J-201-Rev.01; Rev. 01; dated 26th June 2017), Proposed Details Sheet 1 of 2 (drawing No. 3401; Rev. A; dated June 2017) and Proposed Details Sheet 2 of 2 (drawing No. 3402; Rev. A; dated June 2017).

REASON: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

7. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

REASON: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

REASON: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policy DM2 (High Quality Design) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013) and Policy COR11 (Flooding) of the Mid Devon Core Strategy 2026 (adopted July 2007).

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

ECOLOGY

9. No development shall take place until a Method Statement detailing the mitigation measures that will be put into place to avoid impacting upon reptiles is submitted and approved in writing by the County Planning Authority.

Development shall be carried out in accordance with the approved statement.

REASON: To minimise impacts on reptiles during the construction of the development in accordance with Policy DM30 of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

DURING CONSTRUCTION

ECOLOGY

10. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 109 of the NPPF and the wildlife and Countryside Act 1981 (as amended).

CONSTRUCTION MANAGEMENT

11. Building operations shall only take place between 07:30 and 17:30 on Mondays to Fridays and 08:00 and 13:00 on Saturdays. There shall be no working on Sundays and Public Holidays.

REASON: To protect the living conditions of nearby residents in accordance with Policy DM7 (Pollution) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

12. Deliveries to the site related to the construction of the approved development shall only take place at the following times:
 - During school term time on Mondays to Fridays from 07:30 to 08:30 hours, 09:30 to 15:00 hours and 16:00 to 17:30 hours;
 - Outside of school term times on Mondays to Fridays from 07:30 to 17:30; and
 - Saturdays from 08:00 to 13:00.

No deliveries shall take place on Sundays or Public Holidays.

REASON: To ensure adequate access and associated facilities are available for construction traffic and to minimise impact on the local highway network and on local amenity in accordance with Policy DM7 (Pollution) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).

PRIOR TO OCCUPATION

TRAVEL PLAN

13. Prior to the occupation of the development, a Travel Plan shall be submitted to and approved by the County Planning Authority. This should be based on Section 7 of the submitted Transport Assessment (dated October 2017).

The Travel Plan shall be implemented in accordance with the approved document.

REASON: To ensure safe and sustainable travel to the school in accordance with Policy DM6 (Transport and Air Quality) of the Mid Devon Local Plan Part 3: Development Management Policies (adopted October 2013).