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To: The Chair and Members  
of the Development  
Management Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 13 October 2020

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## **DEVELOPMENT MANAGEMENT COMMITTEE**

Wednesday, 21st October, 2020

A meeting of the Development Management Committee is to be held on the above date at 2.15 pm to consider the following matters. This will be a Virtual Meeting. For the joining instructions please contact the Clerk for further details on public participation.

Phil Norrey  
Chief Executive

## **A G E N D A**

### **PART 1 - OPEN COMMITTEE**

1 Apologies for Absence

2 Minutes

Minutes of the Meeting held on 23 September 2020 (previously circulated)

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

### **MATTERS FOR DECISION**

- 4 County Matter:Change of use from a bale distribution and storage centre to treatment consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for storage, disposal or recovery and updated site layout plan, Plot 4, Thorverton Road, Exeter (Pages 1 - 20)

Report of the Head of Planning, Transportation and Environment (PTE/20/31), attached

*Electoral Divisions(s): Alphington & Cowick*

- 5 County Council Development: West Devon Borough: New special educational needs school including two-storey school building, hard and soft play areas, playing fields, car park, turning zone and services/plant store (outline application with all matters reserved), Okehampton East Business Park, Higher Stockley Mead, Okehampton (Pages 21 - 44)

Report of the Head of Planning, Transportation and Environment (PTE/20/32), attached

*Electoral Divisions(s): Okehampton Rural*

- 6 County Council Development: Teignbridge District: Construction of a new multi-purpose hall, vocational teaching workshop and ancillary roads, parking and pavements to serve an existing SEN school, Orchard Manor School, John Nash Drive, Dawlish (Pages 45 - 62)

Report of the Head of Planning, Transportation and Environment (PTE/20/33), attached

*Electoral Divisions(s): Dawlish*

### **OTHER MATTERS**

- 7 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule (Pages 63 - 64)

Report of the Head of Planning, Transportation and Environment (PTE/20/34), attached

### **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC**

Nil

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*other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.*

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PTE/20/31

Development Management Committee  
21 October 2020

**County Matter: Waste**

**Change of use from a bale distribution and storage centre to treatment consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for storage, disposal or recovery and updated site layout plan, Plot 4, Thorverton Road, Exeter**

**Applicant: Devon Contract Waste Ltd**

**Application No: 20/0605/CTY**

**Date application received by Devon County Council: 12 May 2020**

Report of the Chief Planner

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

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix I of 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 is a retrospective application to regularise a change of use to the treatment of waste, consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction, for storage or onward movement for disposal or recovery.
- 1.2 It is considered that the main material planning considerations in the determination of this application are consideration against planning policy; impacts on the working conditions of nearby businesses including from odours, pests and noise; traffic and parking; impacts on rail and power infrastructure; nature conservation; impacts on the historic environment; flood risk and climate change.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4167/2020 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4167/2020>.

## **2. The Proposal/Background**

- 2.1 The application site is located within Matford Business Park, the southern extension to the Marsh Barton Trading Estate, with general access provided by the B3123 connecting to the A379 and A377. Within the business park are a range of commercial premises including car showrooms, wholesalers and offices.

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- 2.2 The site lies at the eastern end of Thorverton Road, adjacent to the Driver and Vehicle Standards Agency test centre which includes an office and waiting room together with a motorcycle training area that extends behind the application site. Other premises on the same road include a car showroom and business units including offices and light manufacturing workshops. To the east of the site is the main Exeter to Plymouth rail line, beyond which is the Double Locks public house, the nearest property with a residential use.
- 2.3 The application site has an area of 3.9ha, with overhead power cables crossing its eastern end. Vehicular access is onto Thorverton Road which, at this point, is a private highway with parking bays on either side for the use of nearby businesses.
- 2.4 The site first received outline planning permission from Exeter City Council in 2001 as part of a wider development area for uses falling within classes B1 (business), B2 (general industrial) and B8 (storage and distribution). Subsequently, reserved matters approval was given in 2007 for a two-storey building comprising seven units.
- 2.5 Planning permission was granted by Devon County Council in 2010 (DCC/2989/2010) for the use of the site for recycling of commercial waste, including construction of a new building, with conditions including hours of operation and a daily limit of 55 lorry movements. However, this permission was not implemented, and the applicant subsequently developed a similar facility in Marsh Barton Road known as the Envirohub.
- 2.6 In 2013, planning permission (DCC/3510/2013) was granted for development of the site as a bale distribution and storage centre and bin wash down area, including construction of a six-bay storage building and separate storage areas for glass and skips. This permission was implemented (although with a four-bay building), with the facility used for the storage of bales of processed waste materials from the Envirohub prior to onward transportation to materials reprocessors in the UK and overseas. Prior to development of this new facility, complaints had been received concerning the storage of baled waste materials outside the Envirohub, and the new facility at Thorverton Road was intended to address the issue through provision of an enclosed storage building.
- 2.7 Following closure of the Envirohub due to a serious fire in March 2017, the operator transferred the waste recycling operation from that facility to their Thorverton Road site. The County Council's understanding was that this was a temporary arrangement pending reconstruction of the Envirohub (for which planning permission (DCC/4042/2018) was granted in July 2018), and it was not considered expedient to take enforcement action in the circumstances.
- 2.8 The County Council subsequently received a number of complaints regarding odours, litter, noise, flies and vermin from nearby business premises during 2019, with complaints also received by the Environment Agency and Exeter City Council's Environmental Health Officer. A Section 330 Notice seeking



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information from the operator was served by the County Council in the light of breaches of the extant planning permission, following which the operator agreed to submit a planning application to regularise the current activities.

- 2.9 This application seeks to regularise the use of the site for the recycling of waste, including sorting, separation, screening, baling, shredding, crushing and compaction processes for onward movement to recovery or disposal facilities elsewhere. The facility manages commercial wastes from a range of businesses, which arrives as dry mixed waste, i.e. recyclable materials from sites that do not normally have any wet materials within their waste, although an element of putrescible waste may be present.
- 2.10 This mixed waste is tipped within the sorting building, with card removed for separate recycling and the remaining materials loaded onto a conveyor with a swing shovel and then baled. Maximum storage time for card and plastics is 14 days. The bales are then transferred by a forklift truck and loaded directly onto trailers, which are collected the same day or the next working day. These trailers are then transported to an energy recovery facility or for processing at another company's materials recovery facility. Mixed wastes are stored at the site for a maximum of seven days, with sorted card and plastics being stored for up to 14 days.
- 2.11 Confidential waste is shredded in a mobile shredding vehicle and then despatched to be recycled. Waste electrical equipment is also brought to the site, where it is bulked up in an external bay and collected by a specialist recycling company. Hazardous waste is limited to occasional gas cylinders that may be included in mixed waste, and electrical items such as televisions and fridges that are classified as hazardous but do not pose a significant hazard.
- 2.12 The site currently has permission for external glass storage and a bin wash down area, and the operator proposes to continue these operations as part of this application. Glass is collected in the combined food and glass vehicles, tipped into a glass bay in two loads each day and then moved out to be recycled when sufficient glass has accumulated (usually twice each week). Full food waste bins are brought to the site, as the operator states they currently have to carry out bin swaps at some sites, and these are placed inside the building and then emptied by food lorries. These bins are then prioritised as being the first to be washed.
- 2.13 The site has a dedicated wash bay for washing vehicles and bins, and water flows into an underground collector tank to capture sediments, before draining into the foul waste system. The collector tanks are emptied when required.
- 2.14 Two quarantine areas are also identified on the plans, one nearest the railway line for the storage of hazardous/combustible waste, and another in front of the main building for any hot loads (i.e. materials that appear to be hot or smoking,) as it is next to the pressure washer.

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- 2.15 This application also seeks to formalise the addition of offices and welfare facilities at the western end of the site, a building for plant and crushing, and a water storage tank located at the eastern end of the site under the overhead power lines. These have already been constructed at the site, without the benefit of planning permission.
- 2.16 The existing hours of operation are proposed to continue, and these are:
- external waste operations from 0600 to 2200 Monday to Friday;
  - deliveries of waste, except for glass, from 0600 to 2200 Monday to Sunday; and
  - glass deliveries from 0600 to 1800 Monday to Sunday.
- 2.17 The site benefits from an Environmental Permit which requires that all bulking, transfer or treatment of non-hazardous waste must be carried out inside a building, although exemptions allow for the external storage of waste electrical material and glass. Neither the planning permission nor Environmental Permit currently allow the external storage of baled material.
- 2.18 The application does not propose increased activity at the site, although previous planning permissions have not limited annual throughput. While the Environmental Permit does limit annual throughput to 75,000 tonnes, it is understood that less than half of this amount passed through the site last year.

## 3. Consultation Responses

- 3.1 Exeter City Council (Planning): no objection to the principle of the proposed use.
- 3.2 Exeter City Council (Environmental Health): complaints have been received about this use of the site in the past, relating in particular to odour, litter and pests. No formal action has been taken in respect of these complaints, but they do indicate a level of dissatisfaction amongst the neighbouring businesses.

This site is relatively small and so issues of its suitability seem most likely to relate to whether there is physically space for the activities to take place and for any necessary mitigation. If there is any mitigation which should be employed on the site but cannot be because of space or other physical constraints, then it is possible that the site could be considered unsuitable for the proposed use.

- 3.3 Environment Agency: recommend that this application is not determined until further information has been submitted to demonstrate that existing issues related to the use of this land for these purposes is acceptable. The waste activity has given rise to litter, pest, noise, and odour issues through 2019, in particular during summer months. The site shares a boundary fence with a number of business units which were impacted by amenity issues caused by this waste activity, and it causes traffic issues for the business units during

busy parts of the day when waste lorries will park up waiting to enter Plot 4 and block access to the parking for the business units.

The Environment Agency was consulted on additional information provided by the applicant to address their concerns, but advised that they had no further comments.

- 3.4 Exeter Airport: no safeguarding objections provided there are no changes made to the current application.
- 3.5 South West Water: disposal into the foul drain will require a trade waste consent.
- 3.6 Western Power Distribution: no objection to development works being undertaken under or adjacent to overhead lines provided that adequate clearances are maintained, and that vehicular access is possible to towers/poles on completion of development.
- 3.7 Network Rail: no objection in principle subject to compliance with asset protection measures, but would object to the storage of combustible waste next to the railway.
- 3.8 DCC Highways: no objection. Given the nature of the site being located in an existing industrial estate and the change of use, the trip generation is not considered to be severe. The Traffic Management Plan is acceptable in principle.
- 3.9 DCC Ecology: lighting in the north-east of the site is directly adjacent to the railway line and the vegetated embankment, which is likely to be used by a number of species including bats, reptiles and dormice. The lighting column should be removed and replaced with low level bollard lighting to guarantee no light spill on to ecological habitats.
- 3.10 DCC Flood Risk Management: no objection in principle. The applicant should apply for a trade waste consent at this stage to demonstrate that the surface water drainage system, which drains into the foul sewer, is viable.
- 3.11 DCC Public Health: no objection.

## **4. Advertisement/Representations**

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures comments were received from 13 businesses, raising objections on the following grounds:
  - increase in flies, vermin and seagulls with associated problems of bird excrement on vehicles and customers; although a bird of prey helps disperse the birds, they return when it is not on site;

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- the production of obnoxious smells affecting the surrounding businesses, particularly during the summer months, with windows needing to be kept shut and air conditioning units purchased;
- increased noise and rubbish, including constant noise from glass deliveries;
- impacts on air quality;
- increased activities at the site and impact upon other parties;
- increase in traffic from the site;
- increased parking in the surrounding area as there is insufficient space on site;
- highway safety impacts upon the junction of Silverton Road and Thorverton Road, with transporters already parking along this road;
- the safety of the areas where vehicles are currently turning on private land;
- a waste processing use is not appropriate for this location within a business park with uses such as offices, light industrial and retail outlets, and this may set a precedent in this end of the business park;
- the site is too small for the current operations;
- potential for increased flood risk;
- potential negative impact upon water quality from waste contamination, with concerns raised about the proposal to connect the rainwater/ surface water run-off into the foul sewer;
- no evidence of community need for increased operations;
- impacts from HGVs along the access road upon pollution;
- harm is experienced on a regular basis by DVSA employees and visitors, including seagulls dive bombing the motorcycle area with candidates on test and a general foul smell and nuisance for customers using the centre. The DVSA is particularly sensitive to the hazards associated with the intensified and abusive effects on the immediate highway network due to the vulnerability of learner riders using the Test Centre;
- the operator is in breach of permissions of 2010 and 2013, and the facility was only to be temporary whilst the Envirohub was rebuilt;
- the applicant has a right of access over private land but currently uses this land to park waiting vehicles (sometimes blocking parked vehicles in); occasionally for staff use for tea and lunch breaks, used as staff parking; repairing vehicles; as well as to carry out waste operations such as the use as storage of pallets; leave skips on this private land; identify that the parking problem will be transferred onto nearby highway. It is noted that there may have been damage to this private land as a result. Raise points about private safety issue with vehicles reversing in the private land – although practice changes have been put in place to endeavour to address this, this is affecting use of these areas by customers to the surrounding businesses; and
- the suggested alternative parking locations are unlikely to be used, and the Traffic Management Plan isn't workable.

## 5. Planning Policy Considerations

5.1 In considering this application the County Council, as Waste 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 summarised below and the most relevant are referred to in more detail in Section 6.

5.2 Devon Waste Plan (adopted December 2014)

Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling & Materials Recovery); W11 (Biodiversity & Geodiversity); W13 (Historic Environment); W15 (Infrastructure & Community Services); W16 (Natural Resources); W17 (Transportation & Access); W18 (Quality of Life) and W19 (Flooding).

5.3 Exeter Core Strategy (adopted February 2012)

Policies CP09 (Transport); CP11 (Pollution) and CP12 (Flood Risk).

5.4 Exeter Local Plan (First Review) (adopted March 2005)

Saved Policies EN3 (Air & Water Quality); EN4 (Flood Risk) and EN5 (Noise).

5.5 Other material considerations include:

- National Planning Policy Framework
- National Planning Policy for Waste
- National Waste Management Plan for England
- Planning Practice Guidance

## 6. Comments/Issues

6.1 It is considered that the main material planning considerations in the determination of the proposed development will be consistency with planning policy; impacts on the working conditions of nearby businesses including from odours, pests and noise; traffic and parking; impacts on rail and power infrastructure; nature conservation; impacts on the historic environment; flood risk and climate change.

### Planning Policy Considerations

6.2 The site accords with the spatial strategy set out in Policy W3 of the Devon Waste Plan, being located in Exeter, and also meets the preference within

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Policies W3 and W16 for the use of previously developed land rather than a greenfield site.

- 6.3 In providing for the recycling and recovery of waste, the proposal supports Policy W5 of the Devon Waste Plan and its target for the recycling of 60% of commercial and industrial waste by 2021 and 64% by 2031. The site also meets other requirements of the Policy as it is located close to sources of waste and achieves the segregation of recyclable materials prior to energy recovery. It should be noted that this facility deals with the waste previously managed at the Envirohub and, due to its limited size, is unlikely to allow for the expansion of what was already being recycled.

## Impact Upon Working and Living Conditions

- 6.4 It is evident from the responses from neighbouring businesses, as well as the comments and information supplied by the Environment Agency and City Council, that there have been ongoing concerns and complaints about the impacts from the unauthorised operations at the site upon the amenity of surrounding businesses. The main impacts appear to be those associated with odours generated at the site and the consequential impacts from seagulls, vermin and flies, with concerns also being raised regarding noise impacts, the generation of rubbish/litter and impacts upon the parcel of land used to access the site (owned by Oak Business Units Management Ltd).
- 6.5 The nearest residential property is located at the Double Locks public house, which is 180m from the application site, with the next nearest residential properties being 500m away on the edge of Alphington. Closer to the site, there are offices and businesses that align Thorverton Road and have the potential to be impacted by the development. Directly adjacent to the western and southern boundaries of the site is the DVSA test centre, while opposite the northern perimeter of the site and around 25m away are the Oak Business Units which contain a number of business and workshops.
- 6.6 The National Planning Policy for Waste states that waste planning authorities should consider the likely impact on the local environment and on amenity of waste developments against a number of criteria, but also indicates that authorities should “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.
- 6.7 Policy W18 of the Devon Waste Plan seeks to protect peoples’ quality of life and amenity from adverse impacts, including from vermin, insects and birds, litter, noise, dust and odours, and requires that an applicant should demonstrate that these impacts can be controlled to avoid significant nuisance to sensitive properties. In addition, Policies EN3 and EN5 of the Exeter Local Plan First Review seek to avoid farm to air quality and noise respectively.

- 6.8 The following sections of the report will address these potential amenity impacts and consider the scope for these to be avoided or controlled through a planning permission.

## Odour Impacts

- 6.9 Odours generated by the site come from a number of sources including mixed waste that may contain an element of putrescible waste, food waste bins, baled waste and the glass bottles stored at the site. Baled waste is stored on trailers before being removed from the site, and glass is also stored externally, while odours from within the processing building can be detected outside when doors are not shut or as bales emerge on the conveyor.
- 6.10 The application states that the food waste bins that arrive at the site are stored within the building and, after the material is taken away, are cleaned at the earliest opportunity. The Environment Agency has noted during unannounced visits to the site that full food bins have been found outside the building. Changes in practices following those visits have reduced the impacts to a degree, but it is noted that odours still emanate from the site, are an ongoing source of complaints, and continue to attract gulls (see below).
- 6.11 The site's Environmental Permit includes controls over odour emissions, and the Environment Agency can require the operator to submit and implement an odour management plan. While a planning permission should not seek to duplicate the controls available through the Environmental Permit, it is open to the County Council to require that the site be developed and managed in a manner that would limit the risk of odours occurring. It is therefore proposed that a range of management practices should be secured through an updated Environmental Management Plan, including a limitation on storage of glass bottles, and food waste bins or containers not to be brought to this site and managed at another suitable location. This Plan should set out an appropriate process whereby the County Council is notified of complaints and subsequent actions are agreed with the Council and, where appropriate, the Environment Agency.

## Pests – Vermin, Flies and Birds

- 6.12 Seagulls and flies attracted by the glass bottles, mixed bales and to a small degree, the full food waste bins cause nuisance for businesses around the site, and the Environment Agency has received on-going complaints regarding the seagulls in particular. These are still present at the site, but the number of seagulls has reduced due to changes in management practices.
- 6.13 Measures set out in the Environmental Management Plan include closure of the roller shutters on the building when not in use; the baler ejection area being enclosed and bales being moved to the trailer as quickly as possible; closure of the trailer curtain when waste is not being baled; food waste bins being taken within the building, and then washed at the earliest opportunity.

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- 6.14 The application also states a harrier hawk is now brought into the site every two weeks to scare the gulls away, and that the site has purchased an electronic bird scaring device. Although it is considered that the introduction of the hawk to the site has reduced the number of birds that now gather, this does still appear to be a persistent problem and a source for complaints. It is considered that the sources of odour need to be further reduced through the measures advised above and that the frequency of the hawk at the site is increased to ensure impacts do not cause significant nuisance to the surrounding sensitive properties. This should be provided for within an updated Environmental Management Plan.
- 6.15 The site uses a pest controller to manage the site, including use of bait boxes to check if rodents or mice use the site. Results from baiting at the site indicate vermin outside the building but not within the building itself, and it is considered the use of a pest controller adequately mitigates impacts from vermin.

## Litter

- 6.16 Litter has been noted just outside the site boundary, specifically between the site and the railway line and in the parking area by the Oak Business Units to the north. It is considered that this can be managed by the site with regular litter picking and maintenance of the litter fence on the site boundary.

## Noise Impacts

- 6.17 The application is accompanied by three noise reports that assess impacts upon nearby sensitive receptors. Double Locks is noted as the nearest residential receptor (180m), and the DVSA test centre is noted as the nearest commercial receptor (adjacent), and baseline noise monitoring surveys were taken at these premises. Noise from the application site would be expected to arise from the delivery of waste, the use of plant and machinery at the site, the movement of waste around the site and from the deposit of glass.
- 6.18 The results of the noise monitoring assessing impacts upon the Double Locks note the typical noise sources during the test time as being plant and skip movements within the energy recovery facility and waste transfer station to the north; rail movements on the nearby line (including horns); local activity from dog walkers etc.; and moving water in the canal lock system. Ambient sources, in addition to the above, include tonal reversing alarms within the application site, vehicle movements and occasional waste tipping.
- 6.19 The assessment concludes that the noise emissions associated with the application site have a low impact at Double Locks, which equates to an impact of no greater than the No Observed Adverse Effect Level which is the level of noise exposure below which no effect at all on health or quality of life can be detected.
- 6.20 It would appear that noise survey was carried out at a time when glass was not being deposited at the site, which generally occurs twice each day.



Following discussion with the applicant's acoustic specialist, they confirmed that "the glass tipping events are sporadic in the sense that they are very short lived events; lasting no longer than a couple of seconds, so whilst there may be a temporary and locally significant noise maxima event, for the purposes of the assessment methodology, which considers a whole hour, the acoustic energy is dissipated throughout the prescribed assessment period of the hour and will not significantly affect the LAeq statistic used for deriving the specific sound level".

- 6.21 The results of the noise survey indicate that activities at the site, during the time of noise monitoring, did not adversely affect the sound environment associated with the neighbouring commercial receptors. It was noted that activities associated with these off-site businesses dominated the sound environment in that area.
- 6.22 It concluded that, using the recommended internal sound level range for open plan offices/shared spaces, as set out within BS 8233:20143, of 45 to 50 dB(A), the on-site activities associated with the application site would not result in exceedance of this limit at the closest and most exposed office receptors.
- 6.23 It is therefore considered that the development would not result in adverse noise impacts upon the nearest residents or businesses, and concerns have not been raised by the Environmental Health Officer regarding noise. It is considered that, if the hours of operation are limited to those set out in the application, the development would accord with National Planning Policy for Waste and Policy W18 of the Devon Waste Plan.

#### Amenity Impacts of Traffic

- 6.24 Representations suggest that the operator's vehicles use the private land of the nearby business units for waiting with loads as there is insufficient space within the application site. This causes problems for parking and managing external spaces, together with noise and odour from the vehicles. While managing the use of private land is a matter for the landowner and tenants, the impact upon the quality of life and working environment for these businesses is a material planning consideration.
- 6.25 The quantity of waste materials brought to the application site results in a need for vehicles to wait outside the site before unloading, as there is insufficient space within the site for queueing. To address this, the operator has proposed a Traffic Management Plan which details that inbound vehicles should firstly call the site in advance of their visit, then wait in a legal location and not on private land, and identifies two alternative locations at the Envirohub and Peamore Services. The Highway Officer is content with this approach in endeavouring to address the impact upon the highway.

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## Conclusions on Amenity Impacts

- 6.26 To address the recent history of complaints received regarding adverse impacts from operation of the facility, a range of site management measures have been discussed with the applicant and are required through the recommended planning conditions, which will complement the powers over odour and noise emissions available to the Environment Agency through the Environmental Permit. Consideration was given to limiting any planning permission to a temporary period to enable the effectiveness of these measures to be reviewed, but the applicant considers such a limitation to be inappropriate as it will be a disincentive to further investment in the facility. It is therefore recommended that a permanent permission be granted on the grounds that the proposed conditions and additional restrictions placed on the site will limit these impacts to an acceptable level, with the Council having the opportunity to monitor compliance through site visits.

## Traffic and Parking Issues

- 6.27 The site is accessed directly from Thorverton Road which in turn is accessed from Silverton Road. The application indicates that the site generates an average of 50 heavy goods vehicle movements per day (i.e. 25 inbound and 25 outbound movements), which equates to an approximate average of three movements per hour. In addition, other vehicles accessing the site will consist of Light Goods Vehicles, cars and vans, but it is not clear how many movements are associated with these vehicles.
- 6.28 The facility will continue to operate within the existing hours for deliveries which are between 0600 and 2200 Mondays to Sundays, with delivery of glass limited to 0600 to 1800 Monday to Sunday. Parking for all vehicles associated with the proposed operations will be provided on site, as identified on the Site Layout Plan ref. 2020-D002.
- 6.29 It has been highlighted that vehicles associated with the site have been known to park on the pavement along Thorverton Road. The Traffic Management Plan which accompanies the application states that, in order to prevent waiting on the highway or private land, there would be two designated waiting areas, and it is felt that this will help prevent further problems with parking on the footpath in the future, which can also be managed through the Parking Enforcement Department.
- 6.30 The Highway Officer has not raised an objection to the scheme, stating that “given the nature of the site being located in an existing industrial estate and the change of use, the trip generation is not considered to be severe”. The impacts upon the highway are therefore considered to accord with Policy W17 (Transportation and Access) of the Devon Waste Plan.

## Nature Conservation

- 6.31 No impacts are predicted upon European or other designated wildlife sites, due to the distance to these designations and the type of operations proposed. Possible impacts for a number of species including bats, reptiles and dormice who use the vegetation between the site and the railway line could result from external lighting at the eastern end of the site. To address these, a condition is proposed requiring the replacement of the lighting column with a low-level light. If this is implemented, the development would avoid in causing harm to species and so accord with Policy W11 (Biodiversity & Geodiversity) of the Devon Waste Plan.

## Flood Risk and Drainage

- 6.32 The site is located in Flood Zone 3(a) with a high probability of flooding, and the application is therefore accompanied by a Flood Risk Assessment (FRA). The closest 'main river' is the Alphin Brook, 130m east of the site, which flows into the Exeter Canal approximately 1.0 km to the south-east of the site. The River Exe, classified as a 'main river', is located approximately 345m to the east of the site.
- 6.33 The Environment Agency refers the planning authority to its standing advice, as the site is considered to be 'less vulnerable' as no hazardous waste is stored at the site. In this case, according to the 'Flood Risk Vulnerability Classification' table, the development would be appropriate at the site.
- 6.34 The FRA indicates that the users of the site will be responsible for acting on flood warnings and identifies the procedures to be followed in the event of a flood. In line with the recommendations, a condition is proposed requiring the submission and approval of a Flood Evacuation Plan, to ensure the development is in accordance with national policy, Exeter Local Plan and Core Strategy Policies EN4 (Flood Risk) and CP12 (Flood Risk), and Policy W19 (Flooding) of the Devon Waste Plan.
- 6.35 The Lead Local Flood Authority has identified that the operator should apply for a trade waste consent to demonstrate that the surface water drainage system, which drains into the foul sewer is viable. This should be included as an informative note in any decision.

## Rail and Power Infrastructure

- 6.36 The external lighting located at the eastern end of the site, along with the gas cylinders also found in this same location, both have the potential to interfere with the safe operation of the railway line. However, the operator has agreed to relocate the canisters, with the new location to be agreed through a condition on the permission unless these are taken off site. Another condition will require the lighting column to be replaced with bollard lighting.

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- 6.37 A 132K volt overhead power line runs across the site at its eastern end, parallel to the railway line, and lies above the water tank, the trailers for the bales and the temporary quarantine area.
- 6.38 Western Power Distribution (WPD) has no objection to the development but advise that minimum statutory clearances are required from buildings or structures to the power lines, and they strongly recommend that the clearances are increased to the recommended, rather than minimum, dimensions. The water tank is the main structure that is over-sailed by the lines, and the minimum clearance distances would be 3.6m with the recommended clearance 6.6m. A topographical survey indicates the actual distance is 5.23m and it is considered that, as this is significantly in excess of the recommended minimum, no further action is required.
- 6.39 WPD have also commented that significant measures need be taken by the site operator to enable safe utilisation of the area near the oversailing lines. The law requires that work may be carried out in close proximity to live overhead lines, but only when there is no alternative and only when the risks are acceptable and can be properly controlled. To ensure site operations, and the use of plant and machinery under the lines remains safe, an informative note referring to the WPD guidance will be included with the decision notice.

## Historic Environment

- 6.40 Double Locks is a Grade II listed building, which affords protection in relation to its setting. The key impact from the development would be associated with noise, and the deposition of glass in particular. While noisy, this activity would be sporadic and short term, and associated with typical noises from an industrial estate which forms the existing setting for the listed building. It is therefore considered that the development would not result in harm to the setting and so accords with the Planning (Listed Building and Conservation Areas) Act 1990, the paragraphs 193 to 199 of the NPPF and Policy W13 of the Devon Waste Plan.

## Other Environmental Considerations (Including Climate Change)

- 6.41 Paragraph 148 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.42 Although the proposal would result in an increase in traffic movements associated with this site, the development could result in a reduction in distances travelled, as waste materials could be managed nearer to their source, specifically for Exeter as demand increases through the planned

expansion of the city. According to the Exeter Core Strategy (2012) the non-domestic sector (commercial, business and public sector) at that time was responsible for 44% of Exeter's CO<sub>2</sub> emissions making it the largest contributor to the city's carbon footprint. In this case the development is considered to help to contribute toward a reduction in carbon emissions in this sector.

## **7. Reasons for Recommendation/Alternative Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the benefits of the development, to move waste up the waste hierarchy and provide further provision for local waste management close to major sources of waste, would allow for the continued use of the site as a waste management facility. It is considered that the proposed conditions would address the impacts experienced by those working in the nearby business units, and the development is therefore recommended for approval.

Mike Deaton  
Chief Planner

### **Electoral Division: Alphington & Cowick**

#### Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

Room No: 120, County Hall

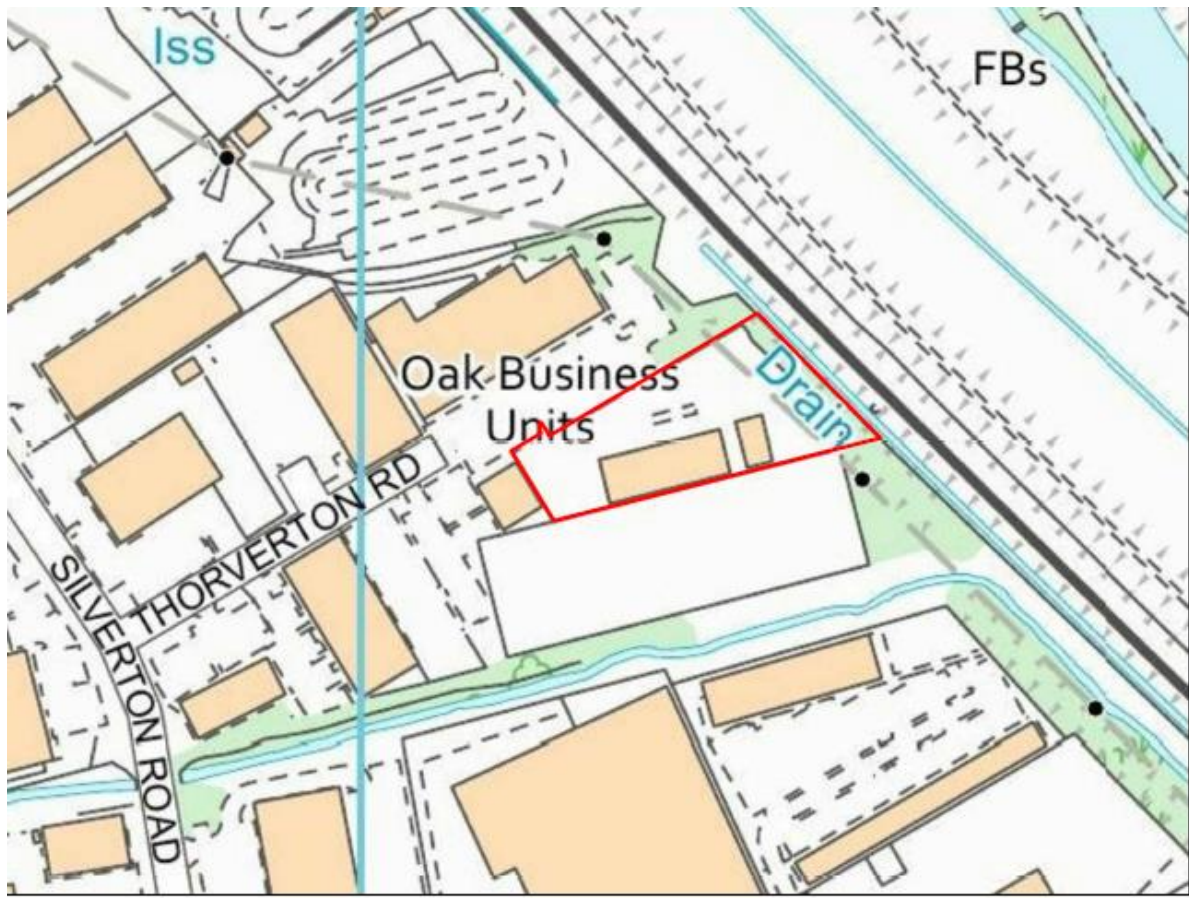
Tel No: 01392 383000

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	DCC/4167/2020

hs280920dma  
sc/cr/change of use from bale distribution centre plot 4 thorverton road exeter  
02 121020

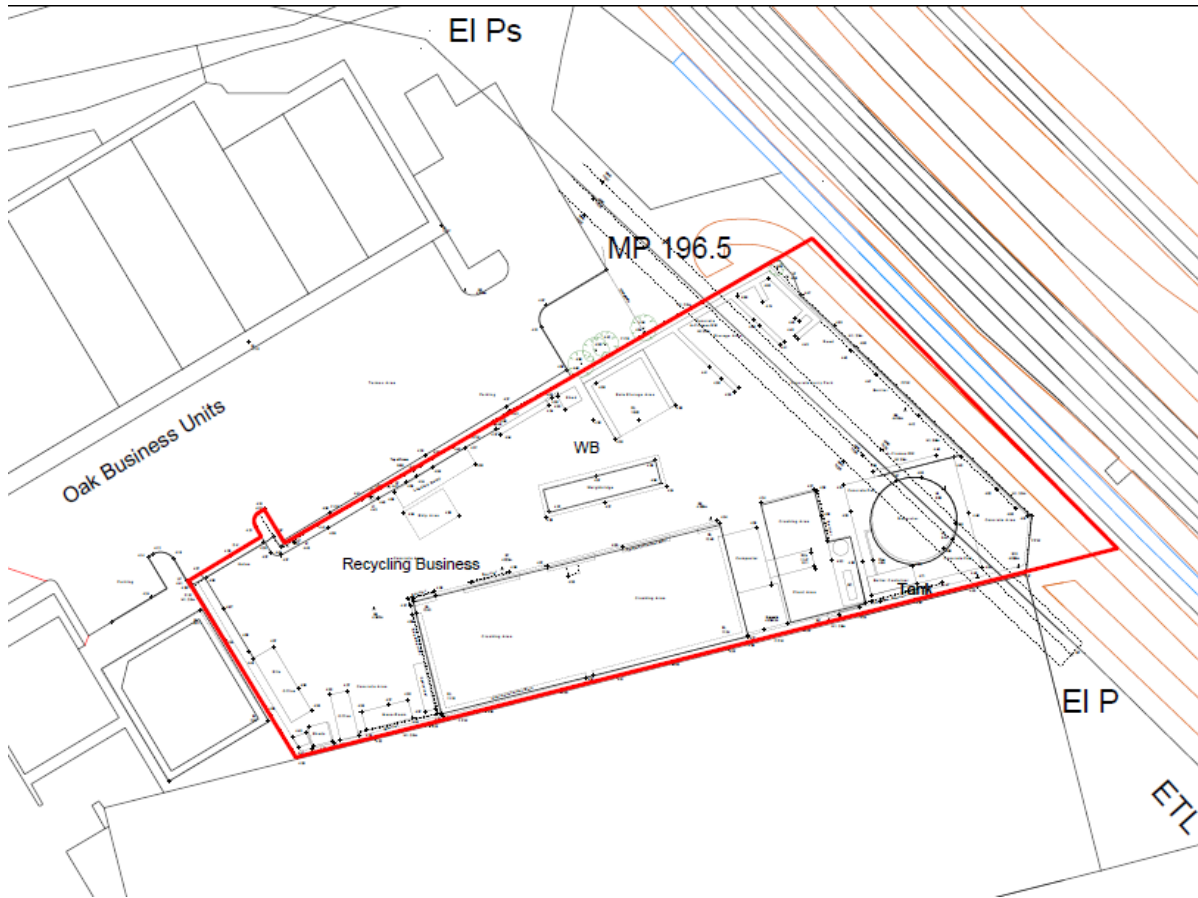
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## Location Plan



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## Site Plan To PTE/20/31



# Agenda Item 4

Appendix I  
To PTE/20/31

## Planning Conditions

### STRICT ACCORDANCE WITH PLANS

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled Location Plan - 2020/D001 Rev v.a.; Site Plan - 2020/D002 Rev v.a; Existing Site Levels Plan - 8288 (dated March 2020); East & West Elevations - 8288 (dated March 2020); Traffic Management Plan - QMF 265 Issue 1 / Issued 12/08/2020 / Annex B – Diversion Locations; Matford Site Drainage Plan; and Environmental Management System Plan - QMF 40j (dated 05/02/2018).

except as varied by the conditions below.

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

### ENVIRONMENTAL MANAGEMENT SYSTEM PLAN

2. Within one month of the date of this permission, an updated Environmental Management System Plan shall be submitted to and approved in writing by the Waste Planning Authority. This shall include the following:
  - (a) measures for the storage of glass bottles for a maximum of seven days;
  - (b) measures to ensure that the doors to the waste reception hall shall be kept shut at all times except for when receiving deliveries;
  - (c) food waste bins or containers shall not be brought onto this site;
  - (d) a plan showing the new location for the storage of gas canisters and any other hazardous wastes away from the boundary with the rail line;
  - (e) frequency of hawk visits to the site; and
  - (f) a complaints procedure including notification to the Waste Planning Authority and implementation of any subsequent actions that are agreed with the authority.

The development shall be carried out in accordance with the approved details, and any new storage facilities shall be implemented within one month of approval of the Plan.

REASON: To help protect the working conditions of nearby businesses and users of the Valley Park, in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

### LIGHTING

3. Within one month of the date of this permission, a lighting scheme, indicating the timescale for the removal of lighting column number LP4.56 indicated on plan numbered and entitled 'Existing Site Levels Plan - 8288 (dated March



2020)', shall set out details of the replacement low level lighting, and shall be submitted to and agreed with the Waste Planning Authority. This shall include the height, design, sensors and luminance of the lights (which shall be designed to prevent light spill onto the adjacent railway line and Valley Park).

The development shall be carried out in accordance with the approved scheme.

REASON: To ensure that the development does not prevent the safe operation of the adjacent railway line or affect wildlife in accordance with Policies W11 (Biodiversity & Geodiversity) and W17 (Transportation) of the Devon Waste Plan.

## FLOOD RISK

4. Within one month of the date of this permission a Flood Evacuation Plan, which will set out how the site proposes to manage the risk associated with the site being flooded, shall be submitted to and agreed in writing with the Waste Planning Authority. The development shall be carried out in accordance with this approved plan.

REASON: To protect water quality and minimise flood risk in accordance with Policy EN4 (Flood Risk) of the Exeter Local Plan, Policy CP12 (Flood Risk) of the Exeter Core Strategy and Policy W19 (Flooding) of the Devon Waste Plan.

## WASTE MATERIALS

5. No more than 50,000 tonnes of waste materials shall be brought to the site in any one calendar year. The operator shall maintain records of the tonnages and types of waste brought to the site and shall make these available to the Waste Planning Authority on request.

No baled waste (except for cardboard bales and clean plastic located within the bale storage area shown on the Site Plan (drawing no. 2020/D002 Rev v.a), plant or machinery shall be stored or used outside the buildings indicated on that plan.

REASON: To ensure that the external areas outside the building are free from waste debris to protect the working conditions of nearby businesses, to ensure the safe operation of the adjacent railway line and to help limit pollution if flooding occurs, in accordance with Policies W2 (Sustainable Waste Management) and W18 (Quality of Life) of the Devon Waste Plan.

## HOURS OF OPERATION

6. External waste operations outside the building shall not take place other than between the hours of 0600 and 2200 on Mondays to Fridays.

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Deliveries of waste (except for glass) shall not take place other than between the hours of 0600 and 2200 on Monday to Sundays. Glass deliveries shall only be carried out between 0600 and 1800 on Mondays to Sundays.

REASON: To protect the working conditions for nearby businesses and living conditions for residents along transport routes that deliver the waste, in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## INFORMATIVE NOTES

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of three months' notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

The operator should apply for a trade waste consent from South West Water to demonstrate that the surface water drainage system, which drains into the foul sewer, is viable.

The operator's attention is drawn to the advice provided by Western Power Distribution on operations in proximity to overhead power lines in their consultation response dated 2 July 2020.

PTE/20/32

Development Management Committee  
21 October 2020

## **County Council Development**

**West Devon Borough: New special educational needs school including two-storey school building, hard and soft play areas, playing fields, car park, turning zone and services/plant store (outline application with all matters reserved), Okehampton East Business Park, Higher Stockley Mead, Okehampton**

**Applicant: Devon County Council**

**Application No: DCC/4194/2020**

**Date application received by Devon County Council: 28 July 2020**

Report of the Chief Planner

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

Recommendation: It is recommended that outline planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

## **1. Summary**

- 1.1 The applicant is seeking outline planning permission for a new Special Educational Needs school including two-storey school building, hard and soft play areas, playing fields, car park, turning zone and services/plant store.
- 1.2 The main material planning consideration in the determination of this application are that the proposal is a departure from the development plan, specifically Policy DEV14 (Maintaining a flexible mix of employment sites) of the Plymouth and South West Devon Joint Local Plan, together with the impacts on landscape, including Dartmoor National Park, the local highway network, amenity considerations and climate change.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4194/2020 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4194/2020>.

## **2. The Proposal/Background**

- 2.1 The application site is located on the Okehampton East Business Park on the eastern edge of Okehampton, on the north side of the B3260 and approximately 1 km from the junction of that road with the A30(T). A footpath and a small business centre/farm estate border the site to the west, and Higher Stockley Mead along with retail and office/business units lies to the

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east, with a large industrial unit lies across an access road to the north. The site is visible from Dartmoor National Park whose boundary lies less than 300m to the south.

- 2.2 Outline planning permission (00868/2014) was granted in March 2015 for development of Okehampton East Business Park as a mix of Class B1, B2 and B8 uses. The business park has subsequently been partially developed for employment use, and the remaining plots have been remodelled to create level development areas as a series of terraces (one for each plot), with structural planting implemented around the external boundaries of the Business Park.
- 2.3 The application site comprises Plots B and C, which are currently vacant, but Plots D, E/F (combined) and G are now occupied and contain large scale industrial buildings with surface car parking. The terrace of Plot B is elevated above Plot C to the west, but it is lower than the adjacent Plot A to the east. As the terraces have been created to accommodate development, they are almost completely level and contain no vegetation or other landscape features.
- 2.4 The proposal is to provide a new Special Educational Needs (SEN) School for 80 to 100 pupils, catering for children aged 5 to 16 with Social Emotional and Mental Health (SEMH) conditions. Although all matters including access, layout, scale and appearance are reserved for later approval, the indicative layout plan shows the potential allocation of development across the two plots. The size and shape of the western plot lends itself to accommodating sports pitches, habitat zone and play areas, with the eastern plot subdivided into a secure entrance area with car park and turning zone, the main school building; and informal play areas.
- 2.5 Vehicular access would be from the B3260 using Higher Stockley Mead Road and the estate road, while cyclists and pedestrians would have the use of a segregated path from the B3260 to the west of the application site, with the B3260 having a pavement on its north side for shared pedestrian and cycle use.

## 3. Consultation Responses

- 3.1 West Devon Borough Council (Planning): provides comments on the application relating to potential impacts on employment; biodiversity and landscaping; pedestrian and cycle provision; and design.

In terms of employment the WDBC comment on the nature of a school in the context of employment and whether the school would result in an increase number of jobs in the local plan area. Also noting that there is no in-principle objection to the use of some of the employment allocation for an alternative use but the less intensive nature of a school use (which contains outdoor spaces) may result in fewer jobs than traditional commercial development might deliver. However, WDBC also note that SEN facilities are not something which are routinely planned for within a local plan. It looks for

assurances that the proposed use would not constrain existing and future employment uses in the area allocated for employment and demonstration that appropriate mitigation would be put in place. The Council also seeks further reassurances that the type and nature of traffic generated by the proposal would not impact on the adjoining commercial uses.

In terms of biodiversity and landscape, WDBC recommend that conditions should be imposed to require ensure appropriate landscaping and biodiversity net gain can be achieved through the final design.

In terms of pedestrian and cycle provision, WDBC suggest an appropriate connection from the site should be required by planning condition. Also, provision should be made for facilities to deliver sustainable transport options for staff and visitors, even if these are not required for pupils.

In terms of amenity and environmental impacts WDBC refers to possible impacts of odours emanating from a nearby business and suggests this issue is considered further by the applicant to ensure there will be no adverse amenity impacts on staff and pupils.

In terms of design WDBC request that it is consulted on reserved matters relating to design and suggest the use of a Design Review Panel to ensure the new building is appropriate in terms of the local area.

WDBC consider that the school proposal does not accord with the policies of the local plan but recognises that a SEN school is unlikely to have been considered as an alternative use when the outline planning consent for the business park was granted and acknowledge that sites for this type of social infrastructure are not specifically allocated in the local plan.

In conclusion WDBC consider that there are locational challenges brought about by a potential lack of compatibility with existing users and consider that additional information is required on:

- the number of jobs expected to be created by the proposal;
- the compatibility of transport movements within the site, particularly at times of peak use;
- compliance with NPPF paragraph 182 (decisions should ensure that new development can be integrated effectively with existing businesses and community facilities); and
- whether these matters can be satisfactorily addressed through planning conditions.

At this stage WDBC are not currently in a position to offer support for the proposal. The issues raised by WDBC are examined in part 6 of this report.

- 3.2 West Devon Borough Council (Environmental Health): no objection. The response refers to there being three potential environmental health issues: the impact of noise from the adjacent business park uses; emissions and odour from the nearby modern pet food factory; and lighting/light spill from the

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proposed school, but concludes that these are resolvable through detailed design at the reserved matters stage.

- 3.3 Dartmoor National Park Authority: no comments received.
- 3.4 Okehampton Hamlets Parish Council: no objection.
- 3.5 Okehampton Town Council: no comments received.
- 3.6 Environment Agency: no comments received.
- 3.7 Natural England: no objection. Based on the plans submitted, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 3.8 Highways England: no objection.
- 3.9 Sport England: no objection. Consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.
- 3.10 DCC Highways Development Management: no objection. The proposed development has been the subject of pre-application discussions with highways officers and the scope of the supporting information provided about trip generation has been agreed as adequate and appropriate in the circumstances. The trip generation potential is similar if not less than the potential (approved in outline) commercial usage of the site which means that the highway infrastructure is adequate to serve the proposed development without further improvement or mitigating measures. An appropriate condition requiring the submission of details of access, parking facilities, turning area and access drainage is requested on any permission granted.
- 3.11 DCC Road Safety: no objection subject to Road Safety input being sought at the reserved matters stage regarding the internal layout and movement of vehicles.
- 3.12 DCC Ecologist: no objection subject to the submission of details at the reserved matters stage.
- 3.13 DCC Historic Environment: no comments following those provided at the pre-application stage which advised that the site has been the subject of previous desk-based archaeological assessment and also archaeological monitoring of groundworks for access roads and initial topsoil strip. No significant archaeology was identified. No further archaeological work is required to inform a planning application or in mitigation for the proposed development.

- 3.14 DCC Flood Risk Management: no objections subject to conditions requiring the design of the proposed permanent surface water drainage management system, submission of details of the exceedance pathways and overland flow routes across the site and full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system being submitted to and agreed in writing by the County Planning Authority.
- 3.15 DCC Landscape: no objections. The proposals could be accommodated without harming the distinctive character and special qualities and features of the landscape affected, including Dartmoor National Park. The proposals include measures that would mitigate potential adverse effects on the landscape and on views to acceptable levels or could achieve this subject to appropriate conditions.
- 3.16 DCC Public Health: support employment opportunities and play area provision, but recommend submission of a travel plan and measures to use renewable technologies.

## **4. Advertisement/Representations**

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures one letter of objection was received from a local business citing concerns "...that at key arrival and departure times there will be cars overflowing into neighbouring roads and business to find parking... which could have a significant impact on our business, customers avoiding these times or stopping them coming altogether".
- 4.2 In addition concerns were also raised with regards to impacts upon business and safety; with an estimated increase of 274 vehicle movements per day more trips will utilise an already popular short cut to the A30 from the east side of Okehampton via the county road from the B3215 to the B3260 (through Stockley).

## **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 summarised below and the most relevant are referred to in more detail in Section 6.

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## 5.2 Plymouth and South West Devon Joint Local Plan (adopted March 2019)

Strategic Objective SO6 (Delivering a prosperous and sustainable South West Devon) and Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT4 (provision for employment floorspace); TTV2 (Delivering sustainable development in the Thriving Towns and Villages); TTV3 (Strategic Infrastructure Measures for the Main Towns); TTV13 (Land at Exeter Road, Okehampton); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV14 (Maintaining a flexible mix of employment sites); DEV15 (Supporting the rural economy); DEV19 (Provisions for local employment and skills); DEV20 (Place shaping and the quality of the built environment); DEV23 (Landscape character); DEV25 (Protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedgerows); DEV29 (Specific provisions relating to transport); and DEV32 (Delivering low carbon development).

## 5.3 Devon Waste Plan (adopted December 2014)

Policy W4 (Waste Prevention).

## 5.4 Other material considerations in the determination of this application are:

- Devon Education Infrastructure Plan (revised) 2016-2033
- Plymouth and South West Devon Supplementary Planning Document (adopted 22 June 2020)
- National Planning Policy Framework
- National Planning Policy for Waste
- Planning Practice Guidance
- CLG/DfE Policy Statement – Planning for Schools Development

## 6. **Comments/Issues**

6.1 It is considered that the main material planning issues in the determination of the proposed development are planning policy considerations, the impacts on landscape, including Dartmoor National Park, the local highway network, amenity considerations and climate change.

### Planning Policy Considerations

6.2 Paragraph 94 of the NPPF highlights the importance of ensuring sufficient choice of school places to meet community needs and requires that planning authorities should “give great weight to the need to create, expand or alter schools”. In addition, the Government’s policy statement ‘Planning for Schools Development’ stresses the need for local authorities to consider the importance of enabling development of state-funded schools and using their planning powers to support such schools. These requirements are reflected in Strategic Objective SO6 of the Joint Local Plan, with Policy TTV3 requiring expansion of special educational needs places.



6.3 Devon County Council has proposed a £20 million programme to deliver up to 300 additional SEN places across the county, and plans are in place for North and South Devon as well as new provision delivered in Tiverton and Newton Abbot. A search has been undertaken for suitable sites for further provision, focussing on major transport links and reviewing existing County Council land holdings, the One Public Estate Programme and local agents and landowners. This review considered sites at Exminster, Feniton, Totnes and off the A382, but these were ruled out due to proximity to existing provision, deliverability, access infrastructure and/or other constraints.

6.4 In support of the proposal, the applicant states that:

“There is a geographic gap in SEN provision within West Devon and in some respects to the western edge of Mid Devon and the site at Okehampton that is within DCC ownership, geographically well located in an under provided area for SEN places and close to the A30 transport corridor is a deemed the most deliverable site option available to DCC within required timeframe.

Local authorities have a statutory duty to provide sufficient schools for pupils receiving primary and secondary education up to the age of 16. They must also secure sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.

Local authorities receive Department for Education (DfE) funding to support the provision of new mainstream school places, but this does not factor in the cost of land acquisition nor the additional costs associated with supporting special education needs. In meeting their statutory duties, the DfE expects local authorities to manage their estate efficiently, achieving value for money partly through the efficient use of land within their ownership. While new mainstream schools are sometimes delivered through land and funding contributions from housing development, a special school is unlikely to be fully delivered in this way, so it is particularly important that publicly owned land is utilised wherever possible.”

6.5 In this context, the proposal is considered acceptable in principle as it will deliver new SEN capacity in a location well-connected to Okehampton as well as being accessible to the wider community. However, consideration also needs to be given to the economic implications of the proposal, with Policy DEV14 of the Joint Local Plan seeking to maintain a mix of employment sites and stating that:

- “1. Change of use of existing employment sites (including vacant sites whose lawful use is for employment purposes) will only be allowed where the following applies:
  - i. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or
  - ii. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood/communities benefits from doing so, or

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- iii There is no reasonable prospect of a site being used for employment use in the future.”

6.6 As the proposal represents a potential departure from the Development Plan in terms of Policy DEV14, the applicant has provided supporting information which addresses that Policy’s criteria:

“i. The new school proposal supports the wider strategic objectives outlined in the Plymouth/South Hams/West Devon Joint Local Plan Policy TTV3 (Strategic infrastructure measures for the Main Towns) for the expansion of Special Educational Needs places in main towns;

ii. The new school proposal...supports a demonstrable need for additional SEND school places in the West Devon locality; supporting Local Plan Policy SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) by providing the appropriate level of education facilities for the local need.

The positive economic impact of capital investment is estimated to be in the region of 1.81, with capital expenditure expected to be in the region of £6.5m; and

iii. Plots A, B and D were offered for sale by way of informal tender in 2017 when DCC received interest from a number [of] prospective purchasers. A sale was agreed on Plot A which is now nearing completion. Interest was received from Devon and Cornwall Police for a relocated office and base which was subsequently expanded to include a further large building requiring both Plots B and C. As another public body, through the One Public Estate programme DCC agreed not to pursue commercial bids for Plots B and C and deal with DCPA. DCPA eventually pulled out in May 2020 and given the wider DCC strategic need, statutory duty to provide sufficient pupil places and the previous decision to support DCPA acquisition no further commercial bids have been actively pursued.

Given the uncertainty of the impact of Covid, it is reasonable to assume the site could remain vacant for a number of years. It should be noted that the school is an employer and therefore will create jobs for teaching and support staff, as well as preparing a number of students to enter the workforce. Construction of such a facility will also provide local supply chain and employment benefits during the build phase.”

6.7 While the proposed school is not specifically provided for in the Joint Local Plan, it will meet a wider community need and fill an important gap in the County’s SEN provision in West Devon, and would provide a site which will enable timely delivery of essential provision.

6.8 The applicant estimates that the proposed school would provide up to 50 full-time equivalent jobs for teaching and associated staff, with additional indirect employment for cleaning, catering and maintenance activities, and suggests

that this is at least comparable to other business park uses. The Joint Local Plan includes a further allocation for employment land at Okehampton that would allow for development of the local economy, and the Borough Council's consultation response indicates that remaining commercial floorspace requirements are reflected within extant consents and development under construction, suggesting "some flexibility in releasing allocated commercial land to meet a very specific need".

- 6.9 Policies SPT1, SPT2 and TTV3 recognise that the delivery of sustainable development in West Devon relies not only on providing for economic growth and employment opportunities, but also through the development of facilities to support local communities such as education. Given these considerations, together with the support given by paragraph 94 of the NPPF and the advice in the Government's policy statement referred to above that "a refusal of any application for a state-funded school...will have to be clearly justified by the local planning authority", there are considered to be sufficient grounds to override the presumption in Policy DEV14 against the loss of employment land to enable development of the proposed school.

### Landscape Impact

- 6.10 The application site is within a plot of a planned business park on the edge of Okehampton. The wider site of the business park already has established infrastructure and other buildings of a comparable scale to the school building proposed, although the site occupies the most elevated part of the wider business park site and, therefore, could be more visually prominent from surrounding areas than other plots. There is thus some potential for the proposed development to impact upon the local landscape with the site being visible from Dartmoor National Park whose boundary lies less than 300m to the south.
- 6.11 However, it is considered that the proposed school and associated development could be accommodated without harming the distinctive character and special qualities and features of the landscape affected, and that potential impacts can be adequately mitigated through an appropriate design approach that includes the following measures:
- (a) The height of the school building should sit as low as possible on local skylines. The crest of the earth bund to the north is around 234m AOD and the FFL of the relevant plots on the 2014 plans looks to be around 228m AOD, so the bund and associated vegetation will help with visual screening and integration of the building. Should the building height increase, scope to recess the building lower into the ground should be explored;
  - (b) Subtle colours and non-reflective materials are selected for the building to blend it into the backdrop in sensitive views and relate to those of nearby buildings. If solar PV panels are being considered for the school building roof, those with a matt finish and black frames should be used to minimise glare and visual impacts from Dartmoor;

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- (c) Light pollution emanating from the site is limited and is not significant, in particular in views from Dartmoor National Park, noting that dark skies are one of the Park's special qualities. Any floodlighting of the MUGA or sports pitch should therefore be avoided; and
- (d) The building should be of a high standard of architectural design when seen in close-hand views, particularly from the Devonshire Heartland Way. Opportunity should be taken in the architecture to echo locally distinctive building character and styles within Okehampton.

6.12 To address these principles, a range of conditions are proposed for the outline permission which will ensure that the development achieves compliance with Joint Local Plan Policies DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV20 (Place shaping and the quality of the built environment); DEV23 (Landscape character); DEV25 (Protected landscapes); and DEV26 (Protecting and enhancing biodiversity and geological conservation).

## Impact on the Local Highway Network

6.13 The response from the County Council's Highways Development Management officer concludes that the trip generation potential from the proposal is similar to, if not less than, the potential (approved in principle) commercial usage of the site and that the highway infrastructure is adequate to serve the proposed development without further improvement or mitigating measures. Additional clarification on access arrangements has been provided by the applicant:

“the site lends itself to be able to accommodate on-site pupil drop-off and pick up with minimal impact on the public highway and subsequently neighbouring businesses. Due to the nature of the SEN pupils the pick-up and drop-off is a part of the day that is well planned and managed with agreed time slots for taxi companies to enable a quick and safe drop-off and pick up process”.

6.14 The requirement of an appropriate condition detailing access, parking facilities, turning area and access drainage will also ensure there is appropriate infrastructure provision for internal movement of vehicles within the site. In addition, conditions will require submission of a detailed school travel plan which will address how the school proposes to manage potential impacts of additional traffic entering and leaving the site during school drop off and collection times, together with green travel measures including cycling, walking and electric vehicles.

## Amenity Considerations

6.15 The Borough Council's Planning Officer has drawn attention to odours arising from a nearby industrial premises on the Business Park and suggested that these may be an amenity issue for pupils and staff at the proposed school, particularly in relation to ventilation arrangements during Covid-19. Attention

is also drawn by the Borough Council to paragraph 182 of the NPPF which states that:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities... Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

- 6.16 While the Borough Council’s Environmental Health Officer (EHO) also recognises the potential for odours from the pet food factory to pose environmental health impacts, they conclude that these issues are resolvable through detailed design at the reserved matters stage. The EHO comments that the reported odour issues have been found to be associated with waste water at the pet food site, rather than from raw ingredients for the manufacturing process, and control measures have been put in place to resolve the issue and no day to day offsite odour issues have since been reported. The design of any heating, ventilation and air conditioning system for the proposed school should, however, take into account the need to filter out external odours as far as practicable, and the location and orientation of the air intakes need to be carefully considered.
- 6.17 With regard to noise, the site is adjacent to an existing business park, which has a variety of uses and an inherent noise climate, but it is not anticipated that noise from the business uses will impact on the internal areas of the school. The site is within 250m of the A30 dual carriageway, and the design of the school should ensure that windows are of a standard to mitigate potential impact from that road and general residual traffic noise, to a standard suitable for an education setting.
- 6.18 The lighting proposals include external lighting for security and safety purposes which will only be operational whilst the building is in use (other than essential security lighting), and it is not anticipated that there will be any adverse impact beyond the site.
- 6.19 Given these conclusions and the requirement for amenity impacts to be addressed at through detailed design at the reserved matters stage, it is considered that the application site is capable of providing an appropriate standard of amenity for pupils and staff of the proposed school, and that the introduction of a school within the business park will not constrain established businesses, consistent with the requirements of paragraph 182 of the NPPF.

#### Other Environmental Considerations (Including Climate Change)

- 6.20 Paragraph 148 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of

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the development being proposed, and relevant considerations are outlined below.

- 6.21 In line with Policy DEV32 of the Joint Local Plan, it will be important that any school proposal plays its part "...through providing low carbon solutions and managing the risks associated with flooding and other impacts of climate change".
- 6.22 The planning application includes a commitment to an environmental design philosophy that includes: "reducing the energy required for both the construction of the school and its in use energy consumption"; undertaking a whole life carbon assessment to provide a true picture of a building's carbon impact on the environment and offset accordingly; careful material selection; and reducing operational energy required through:
- (a) the efficient use of materials to minimise thermal bridging;
  - (b) shading design, orientation and shape/size of windows to reduce heating and cooling demand;
  - (c) natural daylighting to reduce artificial lighting demand;
  - (d) natural ventilation to reduce Heating, Ventilation and Air Conditioning demand;
  - (e) energy efficient building systems;
  - (f) energy management systems;
  - (g) reduction of water usage with water saving fittings;
  - (h) ensuring good indoor air quality, daylighting and windows with views of visible sky to prioritise the wellbeing of users; and
  - (i) utilising onsite renewables to offset the remaining energy demand.
- 6.23 Ecology habitats and increased biodiversity will also be incorporated into the landscape design, in particular tree planting which will assist with natural solar shading, noise control from the adjacent road and improved indoor air quality.
- 6.24 Delivery of these aspirations will be achieved through appropriate conditions, including a requirement to meet the provisions of Policy DEV32 (Delivering low carbon development) of the Joint Local Plan in order to provide "low carbon solutions and managing the risks associated with flooding and other impacts of climate change".

## **7. Reasons for Recommendation/Alternative Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 Whilst the proposal is a departure from the development plan in terms of Policy DEV14, the social and community benefits of providing new SEN capacity in a location where a need has been identified and which can be delivered promptly are sufficient to offset the loss of allocated employment land. It is therefore considered that the principle of the development is acceptable in overall policy terms, having regard to the Joint Local Plan as a whole together with paragraph 94 of the NPPF, and that there are no grounds on which to withhold permission. The report has addressed the material

planning issues raised by the proposal, setting out appropriate mitigation measures that can be conditioned through a reserved matters application. It is considered the development should be approved subject to the conditions set out in the Appendix.

Mike Deaton  
Chief Planner

## **Electoral Division: Okehampton Rural**

### Local Government Act 1972: List of Background Papers

Contact for enquiries: Barnaby Grubb

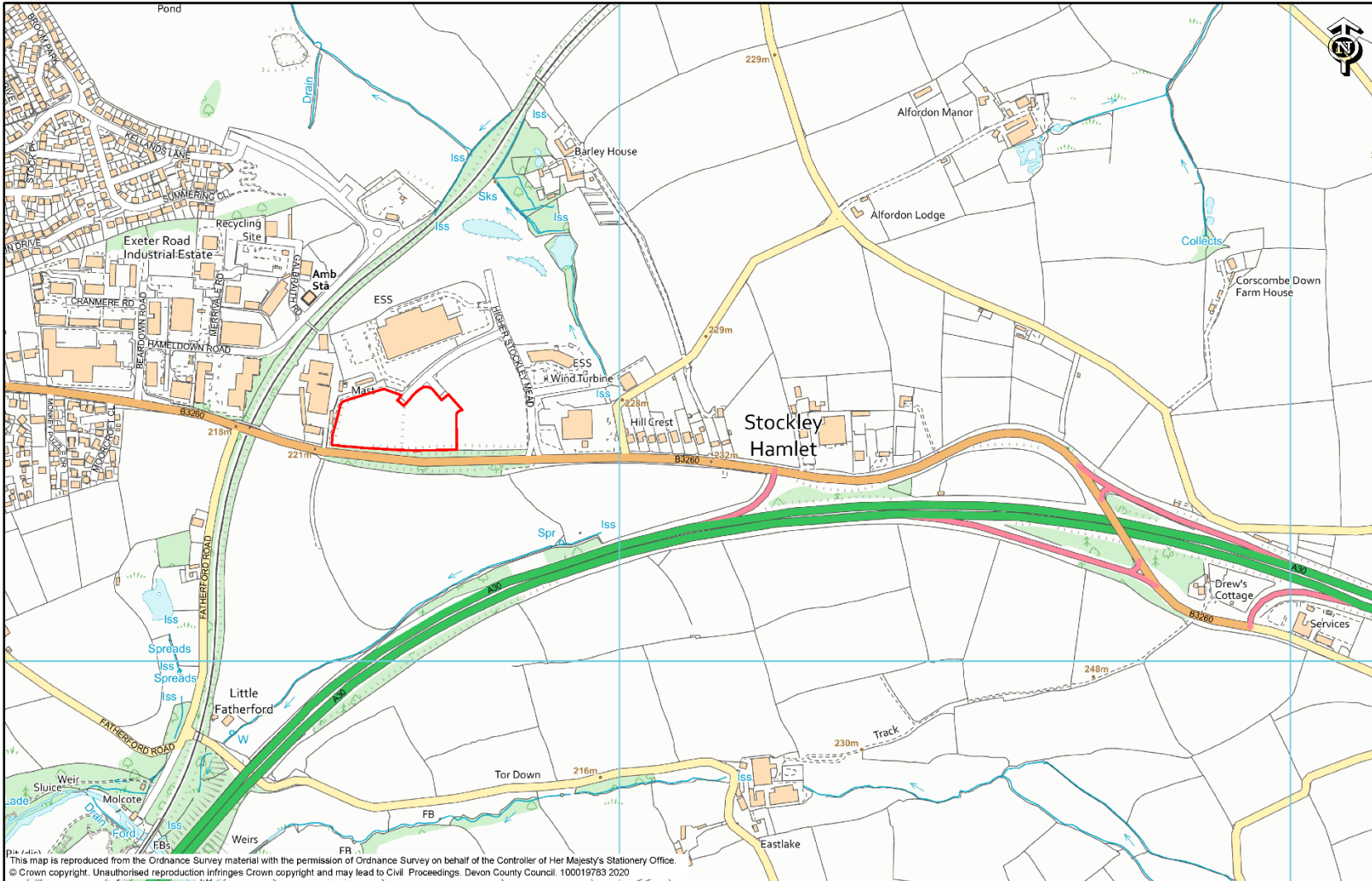
Room No: 120, County Hall

Tel No: 01392 383000

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	DCC/4194/2020

bg010920dma  
sc/cr/WDevon New special educational needs school Okehampton E Business Park  
Higher Stockley Mead Okehampton 02 121020

Location Plan



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 <p><b>NPS South West Ltd</b></p> <ul style="list-style-type: none"> <li>• Specialist works in all types of water courses</li> <li>• Full services for all types of water courses</li> <li>• Full services for all types of water courses</li> </ul>	<p>Title: Okehampton East</p>	<p>Scale: 1:5,000</p>	<p>Date: Jun 20</p>	<p>Contact:</p>
	<p>Project: Potential site for Special School</p>	<p>File/ Deed:</p>	<p>OS Sheet:</p>	<p>Telephone:</p>
		<p>Map: CP</p>	<p>Checked:</p>	<p>Office: Exeter</p>
		<p>B/S No:</p>	<p>Project No: 20001</p>	<p>Dwg No: OESS01</p>



# Site Plan To PTE/20/32



Notes:  
FOR ILLUSTRATIVE PURPOSES ONLY. MATTERS OF DESIGN AND LAYOUT ARE TO BE RESERVED FOR LATER CONSIDERATION DURING DETAILED DESIGN

Informal hardplay areas amended and building shape adapted for illustrative purposes

P5	HW	2017/2020							
Hardplay shifted to East boundary, notice area moved to South boundary as advised by landscape consultant									
P4	HW	21/02/2020							
Vegetation zones added from Ecology & Landscaping Masterplan - 21/02/2020									
P3	HW	07/07/2020							
Note amended									
P2	HW	07/03/2020							
Parking and Access shown as zone									
P1	HW	09/07/2020							
Finalist issued									
P0	HW	01/07/2020							
REV	DRAWN	DATE	CHECKED	DATE	APPROVED	DATE			

RESPONSIBILITY IS NOT ACCEPTED FOR OTHERS SCALING DIRECTLY FROM THIS DRAWING. DO NOT SCALE FROM THIS DRAWING. USE WRITTEN DIMENSIONS ONLY.

0 5m 10m 20m  
1:500 ORIGINAL SHEET SIZE A2

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CLIENT  
Devon County Council

PROJECT  
New SEMH School Okehampton

TITLE  
Initial Zoning Plan

SCALE  
1:500

DISCIPLINE  
Architect

PROJECT NUMBER  
106246

DRAWING NUMBER  
NPS-00-XX-DR-A-010

REV CODE  
P5

STATUS CODE  
S0

PURPOSE OF ISSUE  
Planning Approval

Drawn by  
KW

Checked by  
CJ

**nps group**

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## Planning Conditions

### SUBMISSION OF RESERVED MATTERS

1. Approval of the details of access, appearance, landscaping, layout and scale of the proposed development ('the reserved matters') shall be obtained from the County Planning Authority before any development is commenced.

Application for approval of the reserved matters shall be made to the County Planning Authority no later than the expiration of three years from the date of this outline permission. The development shall be carried out in accordance with the approved reserved matters details.

REASON: To enable full and proper consideration of the proposed development. The application is in outline only and these details remain to be submitted and approved.

### COMMENCEMENT OF DEVELOPMENT

2. The development shall be commenced before the expiry of three years from the date of final approval of the reserved matters.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### ACCORDANCE WITH PLANS

3. The development shall be carried out in general accordance with the details shown on drawings numbered OESS03 and NPS-00-XX-DR-A-010 revision P5, except as varied by the conditions below or any plans and documents that may be approved through submission of the reserved matters.

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

### SCOPE OF THE RESERVED MATTERS

#### WHOLE LIFE CARBON ASSESSMENT

4. The submission of reserved matters for appearance, landscaping and layout shall be informed by a Whole Life Carbon Assessment that shall have been submitted to and approved in writing by the County Planning Authority. The statement shall be in accordance with BS EN 15978: 2011 Sustainability of construction works - assessment of environmental performance of buildings and RICS professional standards and guidance, UK: Whole life carbon assessment for the built environment, 1st edition, November, 2017

<https://www.rics.org/globalassets/rics-website/media/news/whole-life-carbon-assessment-for-the--built-environment-november-2017.pdf> and include:

- (a) consideration of materials;
- (b) construction methods;
- (c) design, including heating and ventilation;
- (d) energy use;
- (e) water; and
- (f) waste management and carbon offsetting.

REASON: To contribute toward reductions in carbon emission and to minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy DEV32 (Delivering low carbon development) of the Plymouth and South West Devon Joint Local Plan and Policy W4 (Waste Prevention) of the Devon Waste Plan.

## AMENITY OF OCCUPANTS

5. The submission of reserved matters for appearance and scale shall include details of measures to protect occupants of the proposed buildings from the impacts of external noise and odours that may arise from nearby commercial premises and highways, including design of glazing and ventilation.

REASON: To ensure that the proposed buildings are designed to ensure an appropriate standard of amenity for its occupants in accordance with Policy DEV1 (Protecting health and amenity) of the Plymouth and South West Devon Joint Local Plan.

## ACCESS AND HIGHWAYS

6. The submission of reserved matters for access shall include details of the internal site layout and movement including details of access, parking facilities, turning areas, access drainage and connection to the existing cycle/pedestrian path to the north and west of the site. These facilities shall be implemented prior to any part of the proposed development being occupied and shall subsequently be maintained in accordance with those details.

REASON: To ensure safe and satisfactory traffic movement and vehicular access to and within the site in accordance with Policy DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

7. The submission of reserved matters for access and layout for layout shall include details of proposed electric vehicle charging points to be provided, including the location, number and power rating of the charging points. The electric car charging provision shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management. The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first

# Agenda Item 5

occupation of the building(s) to which they relate, and shall retained thereafter as such.

Reason: To protect air quality and support sustainable development in accordance with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan and NPPF paragraph 148.

## PROVISION FOR SPORT

8. The submission of reserved matters for layout shall include details of all outdoor sports provision, including any associated facilities. For natural or artificial turf pitches this shall include:
  - (a) an assessment of ground conditions, including drainage and topography, of the land proposed for sports pitches which identifies constraints that could adversely affect playing field quality; and
  - (b) a detailed scheme with measures to address any identified constraints and including a written specification of the proposed soil structure, drainage measures, means of cultivation and other operations associated with establishment and future maintenance of a natural or artificial turf pitch.

The approved scheme for outdoor sports provision shall be implemented in accordance with the details approved under this condition prior to the proposed schools first being brought into use and thereafter maintained in accordance with the approved details.

REASON: To ensure that the development is matched by an appropriate level of provision for playing pitch facilities in accordance with Policy DEV4 (Playing Pitches) of the Plymouth and South West Devon Joint Local Plan.

## LANDSCAPING & ECOLOGY

9. The submission of reserved matters for landscaping shall include:
  - (a) a Landscaping Scheme which shall include:
    - (i) finished contours of the site;
    - (ii) means of enclosure in and around the site;
    - (iii) hard surfacing materials to be used;
    - (iv) treatment and retention of existing landscape features including trees and hedgerows;
    - (v) structures including furniture, play equipment and signs;
    - (vi) written specifications, including methods of cultivation and other operations associated with plant and grass establishment; and
    - (vii) schedules of plants/grass detailing species, planting sizes and proposed numbers and densities.

The landscaping works shall be carried out in accordance with the approved Landscaping Scheme in the first planting and seeding season after completion of the development.

- (b) a Landscape and Ecological Management Plan (LEMP), which shall reflect the proposed mitigation and enhancement of Section 6.2 of the Landscape and Visual Appraisal (Redbay Design, July 2020) and the recommendations and requirements of Chapter 6 of the Preliminary Ecological Appraisal (Ecological Surveys Ltd, July 2020), and shall include:
- (i) method statements for the maintenance and management associated with the proposed landscaping scheme, along with a timetable/schedule;
  - (ii) ongoing maintenance and management of sustainable drainage features;
  - (iii) an annotated map(s) illustrating the measures to mitigate/enhance ecology and landscape on the site; and
  - (iv) details relating to habitat creation, species specification and management including provision of a biodiversity metric to demonstrate net gain.

The development shall be carried out in accordance with the approved LEMP.

REASON: To conserve the character of the local landscape, to ensure that ecological mitigation is built into landscaping requirements, in accordance with Policies DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV20 (Place shaping and the quality of the built environment); DEV23 (Landscape character); DEV25 (Protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation) of the Plymouth and South West Devon Joint Local Plan.

## PRE-COMMENCEMENT CONDITIONS

### SURFACE WATER DRAINAGE

10. 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 County Planning Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Statement for Outline Planning (Ref. 106435/SUDS; dated 23rd July 2020). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

# Agenda Item 5

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with Policy DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

11. 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 County Planning 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 DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

12. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the County Planning Authority.

REASON: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policy DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

## FOUL DRAINAGE

13. No development shall commence until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the County Planning Authority. Prior to occupation of any part of the development hereby approved, it shall be demonstrated to the County Planning Authority that relevant parts of the scheme have been completed in accordance with the details and agreed timetable. The scheme shall thereafter be managed and maintained in accordance with the approved details.

REASON: To protect water quality in accordance with Policy DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

## ECOLOGY

14. Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and agreed in writing by the County Planning Authority. Any necessary mitigation/compensation measures shall be implemented in accordance with the approved details.

REASON: To ensure that protection of species and habitats and to minimise the impact of construction on ecology in accordance with Policy DEV26 (Protecting and enhancing biodiversity and geological conservation) of the Plymouth and South West Devon Joint Local Plan.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

15. Before any part of the development commences, a Construction Environmental Management Plan shall be submitted to, and approved in writing by, the County Planning Authority. The Plan shall provide details of:
- (a) timetable/programme of works;
  - (b) measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
  - (c) days and hours of building operations and deliveries; including any further restrictions on noisy operations;
  - (d) location of loading, unloading and storage of plant and materials;
  - (e) location of contractor compound and facilities;
  - (f) provision of boundary fencing/hoarding;
  - (g) parking of vehicles of site personnel, operatives and visitors;
  - (h) wheel washing;
  - (i) dust management and mitigation measures; including complaints procedures and notification, inspections, screening, site layout and liaison meetings;
  - (j) detailed proposals and method statement for soil stripping, storage, handling and reinstatement, and any re-use of soils on site (to align with 'Good practice guidance for handling soils and the Construction code of practice for sustainable use of soils on construction sites');
  - (k) tree and hedgerow protection which should be carried out in accordance with BS5837; this shall include a tree protection plan and separate monitoring plan for the duration of the construction period;
  - (l) other habitat protection measures including control of invasive species;
  - (m) environmental protection throughout the construction phase.
  - (n) species mitigation measures including requirements for Natural England Licences; and
  - (o) any lighting control measures for the construction phase.

The development shall be implemented in accordance with the approved Plan.

REASON: To minimise the impact of construction on nearby residents, ecology, landscape and local highway network in accordance with Policies DEV23 (Landscape character); DEV25 (Protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedgerows); and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

## WASTE MANAGEMENT

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16. Before the commencement of the development, a Waste Audit Statement for waste arising from the construction of the development and shall be submitted to, and agreed in writing by, the County Planning Authority. The statement shall include:
- (a) methods to reduce the amounts of waste materials;
  - (b) methods to re-use the waste materials within the development;
  - (c) methods for the reprocessing and/or final disposal of excavated materials, including locations where such activities will take place (which should hold appropriate planning permission, Environmental Permits and/or Exemptions);
  - (d) estimated quantities of excavation/demolition materials arising from the site;
  - (e) evidence that all alternative methods of waste management have been considered prior to use of disposal;
  - (f) evidence that the distance travelled when transporting waste materials to their final management or disposal point have been kept to a minimum; and
  - (g) measures for the segregated storage of recyclable and non-recyclable wastes.

REASON: To contribute toward reductions in carbon emission and to minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 (Waste Prevention) of the Devon Waste Plan.

## PRE-OCCUPATION CONDITIONS

### LIGHTING

17. No external lighting shall be installed in any part of the site until a Lighting Strategy has been submitted to, and agreed in writing by, the County Planning Authority. The Lighting Strategy shall minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. The strategy shall include the following details:
- (a) a layout plan showing the location of all external lighting;
  - (b) design of lighting fixtures and mounting height;
  - (c) beam orientation and spread;
  - (d) controls including movement sensors and/or timers, where practical, to reduce energy consumption);
  - (e) hours of use; and
  - (f) identification of the area of any light spill, details of mitigation measures, and assessment of the impact of light spill on all receptors including wildlife species.

Installation of any external lighting shall be carried out in accordance with the approved details.



REASON: To protect the amenity of local residents, and to protect the landscape and protected species and habitats in accordance with Policies DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV23 (Landscape character); DEV25 (Protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedgerows) of the Plymouth and South West Devon Joint Local Plan.

## SCHOOL TRAVEL PLAN

18. Before any part of the development is brought into use, a School Travel Plan, including a programme of implementation, measures for the management of vehicles dropping off and collecting pupils and provision for staff showers and changing facilities, shall be submitted to and approved in writing by the County Planning Authority. The travel plan shall be implemented in accordance with the approved implementation programme.

REASON: To maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network accordance with Policies DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

## CYCLE AND SCOOTER PARKING

19. Secure cycle and scooter storage facilities shall be constructed prior to any part of the development hereby permitted being brought into use, in accordance with details including numbers, design and location, that shall have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network accordance with Policies DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.



PTE/20/33

Development Management Committee  
21 October 2020

## **County Council Development**

**Teignbridge District: Construction of a new multi-purpose hall, vocational teaching workshop and ancillary roads, parking and pavements to serve an existing SEN school, Orchard Manor School, John Nash Drive, Dawlish**

**Applicant: Devon County Council**

**Application No: 20/00785/DCR3**

**Date application received by Devon County Council: 11 May 2020**

Report of the Chief Planner

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

Recommendation: It is recommended that planning permission be 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 The report relates to a proposal at Orchard Manor School construct a new multi-purpose hall with ancillary accommodation and a new vocational workshop to accommodate an increase in pupil numbers from 156 to 210. Associated external works include the formation of a new road and an additional 28 car parking spaces, taking the total up to 100 spaces.
- 1.2 The main planning considerations for the determination of this application are the impacts on residential properties, loss of vegetation and ecological impacts, surface water flooding and car parking and drop off/pick up issues.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4180/2020 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4180/2020>.

### **2. The Proposal/Background**

- 2.1 Orchard Manor School is located on the edge of Dawlish, approximately one mile from the town centre, and is accessed via John Nash Drive. Residential properties are located to the north, east and south of the site, with open countryside to the west. The school is an amalgamation of Ratcliffe Special School and Oaklands Park Special School which previously occupied two adjacent sites but, since the merger in 2017/18, the sites are now shared.

# Agenda Item 6

- 2.2 Orchard Manor is a residential school that provides educational care for pupils with special educational needs (SEN) aged from 3 to 19. Pupils attend the school on either a weekly (Monday – Friday) residential basis or as day pupils.
- 2.3 The application proposes construction of a new single storey multi-purpose hall in the centre of the school site, to be used for whole school assemblies, school events, small group teaching and physiotherapy. A new single storey vocational workshop with a covered area and associated external works is proposed in the south-east corner of the site, including a 2m high weld mesh secure fence, which will link to the existing fence line. The workshop will be used to deliver vocational subjects including catering, motor mechanics, construction and horticulture.
- 2.4 The application also proposes a new internal road to enable a safe and secure pick up and drop off area. There are currently three separate roadways into the school, all of which require two-way-traffic, and the new roadway will provide a one-loop around both the upper and lower parts of the site. The proposal proposes to improve the current on-site parking for staff/visitors by providing an additional 28 car parking spaces, resulting in a total of 100 spaces on site to eliminate the need for staff/visitors to park along the roads close to the school site.
- 2.5 The multi-purpose hall will be located in the centre of the school site, adjacent to the residential buildings and wooded area. Existing residential buildings are two storey brick and render with low pitched roofs, and the new hall will have a mono-pitch roof with a mixture of brickwork and cladding, and will be lower in height than the residential buildings so as to reduce the visual impact. The vocational workshop will be located in the south-east corner of the school site, which is surrounded by vegetation to the south, east and west. The workshop and canopy will be situated on an existing hard paved area, which will be repaired and replaced as required.
- 2.6 As a result of the proposal, there will be a loss of vegetation throughout the site in order to accommodate the multi-purpose hall and the road, including the excavation of an area of banked soft landscaping and the removal of three trees.

## **3. Consultation Responses**

- 3.1 Teignbridge District Council: No planning response received.
- 3.2 Dawlish Town Council: no objection following further on the number of parking spaces and details of electric car charging points.
- 3.3 South West Water: no objection.
- 3.4 DCC Highways: no objection. There have been two “slight collisions recorded to/by the police between 01/01/2014 and 31/12/2018. These were at the junctions at either end rather than in the proximity of the site access.

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Parking on John Nash Drive is not restricted and there is a significant amount of on-street parking including overspill from the school site. The application proposes an additional 48 parking spaces to allow all staff to park within the school site and improve the existing situation on John Nash Drive.

- 3.5 DCC Road Safety: no objection.
- 3.6 DCC Landscape: no objection subject to conditions. Taking into account that mature and veteran trees on site have already been removed in anticipation of planning consent being granted, the proposals could now be accommodated at the site without further harming or eroding the distinctive characteristics and valued attributes of the landscape, subject to conditions requiring proposals for protection of mature trees during construction and replacement tree planting, together with ongoing management of these as part of a wider woodland management plan, and detailed lighting proposals.
- 3.7 DCC Ecology: no objection subject to conditions requiring a construction environmental management plan, compliance with the ecological appraisal actions, further surveys and avoidance of vegetation clearance during the nesting season.
- 3.8 DCC Flood Risk: no objections, subject to pre-commencement conditions that address the following areas:
- detailed design of the proposed permanent surface water drainage management system;
  - full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system; and
  - details design of the proposed surface water drainage management system.
- 3.9 DCC Public Health: supportive of the application and are encouraged by the enhanced provision of the sports hall and changing facilities and the sustainability statement. In order to maximise the offer of the sustainable travel modes highlighted in the travel plan, we would support the provision of car share spaces, and support initiatives that support to increase the uptake of sustainable modes of travel and reduce the volume of single occupancy car journeys.
- 3.10 DCC Local Member (Cllr Clatworthy): I consider this to be a major application, which should be decided by the Committee, in view of both capital expenditure and scale of development and thus be transparent in the decision making process.

I would add that I am supportive of the proposals; subject always to a satisfactory solution to parking onsite for staff members whom I am to understand is being addressed. It has recently been brought to my attention that there are pigs within the site and I have received complaints about this and feel this is not appropriate in view of the close residential development and it clearly has an effect on their amenities. Although not a planning point, I think I am correct in saying all the residential in the immediate area is the

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subject of a restrict covenant that chickens cannot be kept as the land was sold by DCC to various developers, so clearly it does not question why there is not a similar restriction on the school site to protect amenities?

I have been told that prior to Ratcliffe School and Oakland School joining up to form Orchard Manor School, there were regular meetings with the local community. Perhaps they can recommence? This would be very welcome. I do not know whether this would pass the test for appropriate conditions? But I am aware that Local Community Groups meeting with local quarry owners, which is of benefit and it would not create a precedent.

## **4. Advertisement/Representations**

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures four objections were received, making reference to the following matters:

- clearance of vegetation between the school boundary and Shillingate Close and within the school site;
- the potential noise that will come from the new Vocational Workshop, as well as potential hazards from the use of petrol, paint and flammable liquids;
- the ecological impacts that the Vocational Workshop will have on the surrounding wooded area;
- residents have complained that there are pigs on the school site;
- parking from staff and visitors along John Nash Drive and Shillingate Close;
- residents have questioned the location of the vocational workshop and have requested its location is re-considered, so that it is not close to the houses and the sensitive land;
- all previously utilised parking areas should be brought back into use and further additional car parking spaces incorporated in the proposals;
- whether the vocational workshop will be used during term time;
- the potential for surface water flooding and the impacts the proposal may have on the resident's drains;
- what the impacts will be during the development;
- the associated plans that were put online were unacceptable, being small and extremely difficult to understand;
- the impact the outside lighting will have on the adjoining properties from the Vocational Workshop;
- whether there will be further development onsite at a later date; and
- whether the hall and vocational building will be used through term-time only.

## **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 summarised below and the most relevant are referred to in more detail in Section 6.

## 5.2 Teignbridge Local Plan 2013-2033 (adopted May 2014)

Policies S1 (Sustainable Development Criteria), S2 (Quality Development), S5 (Infrastructure) S21A (Settlement Limits), S22 (Countryside), EN2A (Landscape Protection and Enhancement), , EN12 (Woodlands, Trees & Hedgerows), EN4 (Flood Risk), EN8 (Biodiversity Protection and Enhancement) and DA10 (Education Facilities).

## 5.3 Other material considerations include:

- National Planning Policy Framework; and
- Planning Practice Guidance.

## 6. **Comments/Issues**

### 6.1 It is considered that the main material planning considerations in the determination of the proposed development are planning policy and the need for the development, the impact on residential properties, loss of vegetation and ecological impacts, surface water flooding, and car parking and transport issues.

#### Planning Policy and the Need for the Development

### 6.2 Paragraph 94 of the NPPF highlights the importance of ensuring sufficient choice of school places to meet community needs and requires that planning authorities should “give great weight to the need to create, expand or alter schools”. These requirements are reflected in Policies S5 (Infrastructure) and DA10 (Education Facilities) of the Teignbridge Local Plan.

### 6.3 Devon County Council (DCC) and the Department for Education (DfE) have identified a requirement for more SEN places to serve pupils in Dawlish and the surrounding area. To enable the school to expand and to help ease the problems caused by the split site, DCC and the School Management Team have identified the need to provide additional accommodation in the following curriculum areas to address a deficiency in:

- indoor PE facilities;
- dining area; and
- basic teaching, particularly in the area of practical vocational training, particularly for post-16 pupils.

### 6.4 While Orchard Manor is outside the defined settlement limit for Dawlish as set out by Policy S21A (Settlement Limits) of the Teignbridge Local Plan, Policy S22 (Countryside) notes that development and investment will be managed to

# Agenda Item 6

provide attractive, accessible and biodiverse landscapes and sustainable settlements, and allows for uses such as infrastructure and community facilities.

- 6.5 It is considered that the proposal meets an identified need that will deliver additional places and improved facilities for staff and pupils, is consistent with the NPPF and relevant Local Plan policies, and is therefore acceptable in principle subject to consideration of the specific impacts addressed below.

## Impact on Residential Properties

- 6.6 Concerns have been raised regarding the proposed vocational workshop, which will be used as a workshop for vehicle maintenance and building and construction skills. The concerns noted the impact the workshop would have on the neighbouring residential properties to the south-east of the school site in terms of its location, light pollution and any noise that it will generate whilst it is being used. The distance between the closest residential property and the vocational workshop is approximately 60m.
- 6.7 The vocational workshop has been located in the most appropriate position on site in order to suit the needs of the school. The older students are predominantly situated towards the upper end of the school site, therefore the workshop was located so that it was in close proximity to the other specialist teaching spaces in that area, including the existing technology rooms and existing stores and closer to the main vehicular access route.
- 6.8 The location of the proposed workshop is on an existing hard surfaced area, is close to a vehicular access, requires the removal of only two trees, which will be replaced, and is accessible for the older pupils and allows for an easy transition between lessons.
- 6.9 A suggestion has been made about relocating the workshop along the south west boundary of the site, adjacent to Holcombe Down Rd/Oak Hill. However, this would entail the removal of a number of trees and vegetation and the construction of vehicular access road and is, therefore, not considered an appropriate location.
- 6.10 The proposed vocational workshop borders the wooded area which separates the school site and the residential properties in Shillingate Close. The existing vegetation acts as a screen in order to prevent any overlooking between the school and the neighbours. However, lighting has been raised as a concern due to the potential impact upon the neighbouring properties and biodiversity.
- 6.11 This wooded area is made up of dense vegetation, including deciduous and evergreen species, which should provide an adequate visual screen and prevent any light nuisance. Given the distance between the vocational workshop and the nearby housing, it is considered the proposal will be in accordance with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan, which requires development to protect and mitigate the impact on residential amenity of existing dwellings.



- 6.12 In terms of noise impacts, it is anticipated that the workshop will only be used in term-time during the school hours. Additionally, the workshop is not a commercial unit, so noise will be limited. It is therefore not considered that the workshop would adversely affect the amenity of the residents.
- 6.13 It has been highlighted that there are clanging gates, hydraulic noises and warning beepers through the school day, as well as a security light shining during the night. Whilst these are not planning matters and will not be made worse by the planning application, the school has agreed to identify these issues. There are suggestions of adding rubber stoppers, if necessary, to the gates and adjusting any time sensors as appropriate to alleviate these issues.
- 6.14 Given the circumstances discussed above, it is considered that the proposal will avoid any significant impact on nearby properties and will therefore be in accordance with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan.

### Car Parking and Drop Off/Pick Up

- 6.15 The concerns that have been raised in representations focus on the off-site parking along John Nash Drive and Shillinggate Close from staff and visitors, as well as traffic concerns that are associated with pupil pick up and drop off.
- 6.16 The proposal will improve the current on-site parking for staff and visitors by providing an additional 28 car parking spaces, taking the total to 100 car parking spaces for staff and visitors, which will eliminate the need for staff and visitors to park along the roads close to the school site. There are currently 176 pupils on roll, and 149 staff members, some of whom work part-time and are on different shift patterns. After the development is completed, the pupil numbers will rise to 210, and staff numbers will increase to 164.
- 6.17 The Transport Statement and School Travel Plan that were submitted as part of the application show that, out of 149 staff, 104 drive to school; however, not all staff are on site at the same time. Appendix 4 of the Transport Statement shows a profile of staff numbers throughout the day, showing the maximum number of staff on site at any time during the day is 135 at 15:00hrs. Applying the modal split average factor for car drivers, this would result in a peak parking demand of 93 spaces. Once the proposed development is completed, and staff numbers increase, the modal split factor for each job type results in an increased demand of 10 car parking spaces. It is anticipated the demand will be slightly lower due to staff members not being on site at the same time.
- 6.18 Given the above, it is considered that the proposal will offer sufficient parking spaces to allow current and future staff parking to be contained on site even during peak times, and to remove the need for any on street parking. Therefore, the scheme is considered acceptable and in accordance with Policy S2 (Quality Development) of the Teignbridge Local Plan.

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- 6.19 The access road inside the school site is split into two, with the left-hand access road running down to the upper school buildings. The right-hand access road splits into two, with one road leading to the lower school buildings, and the other road leading to the central buildings. The roads are culs-de-sac and currently operate in a two-way traffic flow.
- 6.20 The proposal looks to form a new link road between the left-hand access and the central access roads, to form a loop in, around and out of the site, creating a one-way traffic flow. The proposed new link road will be tarmacked for approximately 33m and will then connect to the two existing access roads to form a one-way loop.
- 6.21 There is currently parking along the left-hand access road leading to the upper school buildings, which means vehicles cannot enter and leave via this road at the same time, resulting in vehicles waiting for each other. The formation of the new road will mean that vehicles can enter the drop-off area, deliver the pupils to the school and then continue around the loop road and exit the site. It is considered that this would eliminate the existing issues, and the scheme is therefore consistent with Policy S5 (Infrastructure) of the Teignbridge Local Plan.

## Loss of Vegetation and Ecological Impacts

- 6.22 The application proposes the removal of five individual trees, including T10 (Sycamore), T15 (Sweet Chestnut), T16 (Sweet Chestnut) and G20 (a Birch and Cherry Tree). The submitted arboricultural impact assessment has identified these trees as being in a poor or fair condition. The proposal provides for replacement planting, as shown in the submitted landscape proposal plans, including a variety of 23 trees, a hornbeam hedge and ornamental shrubs which will be planted in and around the multi-purpose hall and road.
- 6.23 The retained trees on site will be protected with fences around the trees, and the enclosed areas will be designated as a construction exclusion zone (CEZ), where the following will be prohibited:
- excavations;
  - changes in levels;
  - storage and transit of machinery; and
  - any other activity causing ground damage.
- 6.24 Policy EN12 (Woodlands, Trees and Hedgerows) of the Teignbridge Local Plan requires development to protect and enhance woodlands, trees, and hedgerows in the area, and the proposal is considered acceptable and in accordance with this policy.
- 6.25 Prior to the submission of the planning application, extensive tree felling occurred within the school site in order to facilitate the development. Of the 42 trees identified in the February 2019 Phase One Habitat Survey, approximately 13 individual trees (in +4 groups) remain as of June 2020, and the biodiversity metric calculations that have been provided as part of this

application show a loss of 4.28 habitat biodiversity units. In order to mitigate for the losses of the onsite habitats, a 5% net gain in biodiversity is required through offsite compensation.

- 6.26 The location for the offsite compensation has not yet been determined and, therefore, the biodiversity metric has not yet been fully calculated and completed. However, the applicant has confirmed through a 'Letter of Intent' their commitment to achieving a net gain in biodiversity offsets of 5% once the offsite location has been secured and metric has been calculated.
- 6.27 It is concluded that, with these measures in place, the scheme complies with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan and Paragraph 175 of the National Planning Policy Framework.

### Surface Water Flooding

- 6.28 Although part of the school site is located in an area of Medium/High Risk of Surface Water Flooding, the proposed development is not located within the affected area. As part of the application, a Sustainable Drainage Statement was submitted in order to demonstrate how the proposal would mitigate flood risk from the site through the installation of a Sustainable Drainage System (SuDS). Devon County Council's Flood Risk Team has no objection to the application subject to imposition of suitable pre-commencement conditions.

### Other Matters Raised in Objections

- 6.29 Concerns were raised by local residents regarding the pigs that were living on site and their impact on the vegetation and habitats. These concerns are not a planning matter, and therefore are not relevant in the determination of this application. However, the pigs have since been removed from the school site.

### Other Environmental Considerations (Including Climate Change)

- 6.30 Paragraph 148 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below:
- 6.31 The planning application includes a commitment to a sustainability approach to demonstrate that the scheme will focus on and deliver a sustainable energy strategy. The application proposes to install a photovoltaic panel array and a hybrid ventilation system, which will minimise energy conditions under day-to-day conditions, and any mechanical heating, ventilation and water services will comply with the C.I.B.S.E recommendations for schools.

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6.32 The proposal also addresses climate change through delivering a 5% net gain for biodiversity and habitats.

## 7. Reasons for Recommendation/Alternative 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 the proposed development would provide a significant improvement to the teaching facilities and will allow for an increase in pupil numbers. This will provide a significant benefit to pupils with special educational needs in and around Dawlish. The report has addressed the material planning issues raised by the proposal and it is considered that these benefits outweigh the impacts that have been identified.

7.3 In this case, it is recommended that the proposed development be approved in accordance with the recommendations of the report.

Mike Deaton  
Chief Planner

### Electoral Division: Dawlish

#### Local Government Act 1972: List of Background Papers

Contact for enquiries: Rowan Quick

Room No: Room 120, County Hall

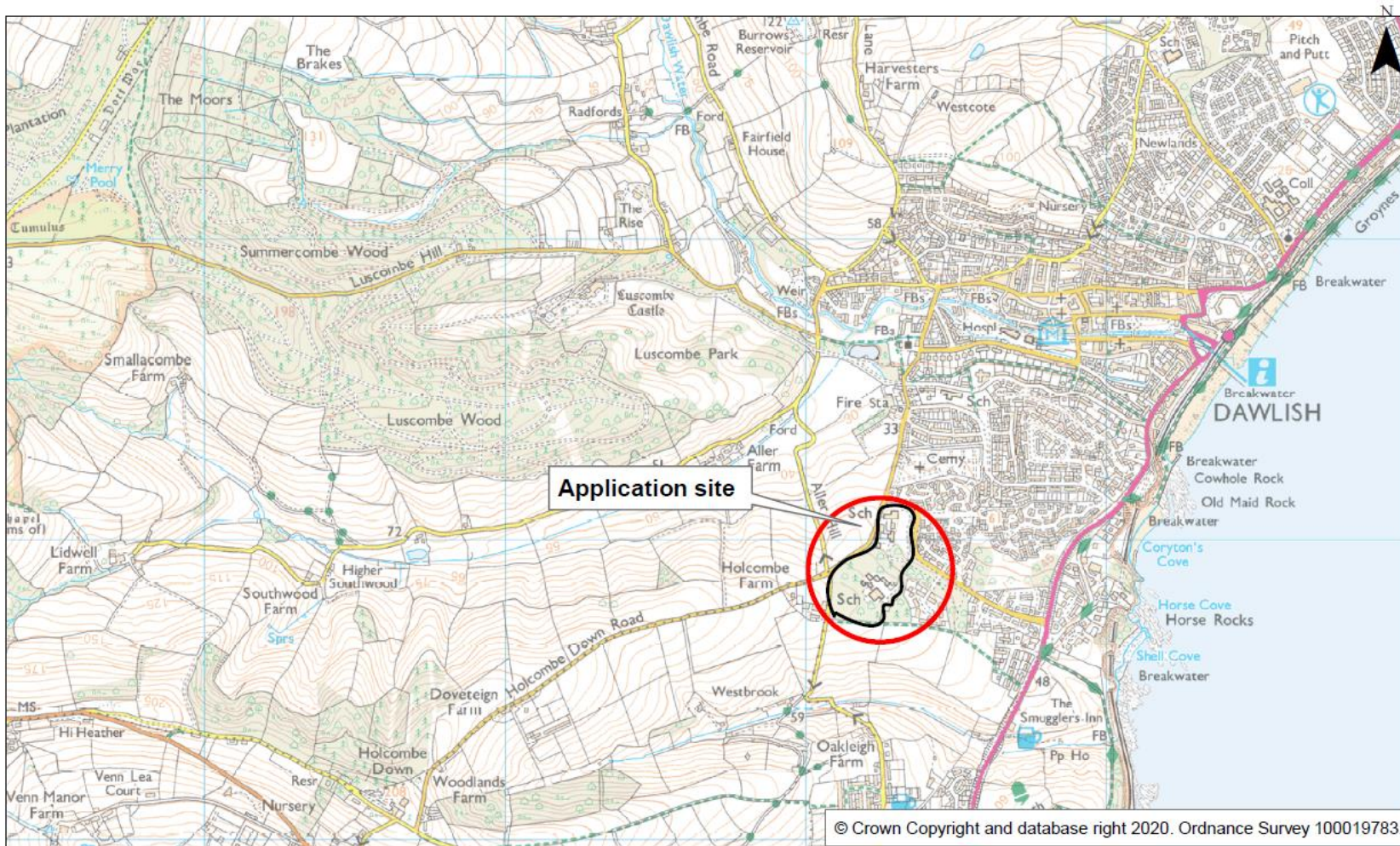
Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	DCC/4180/2020


rq290920dma

sc/cr/Construction of new multi-purpose hall SEN school Orchard Manor John Nash Drive Dawlish 02 121020

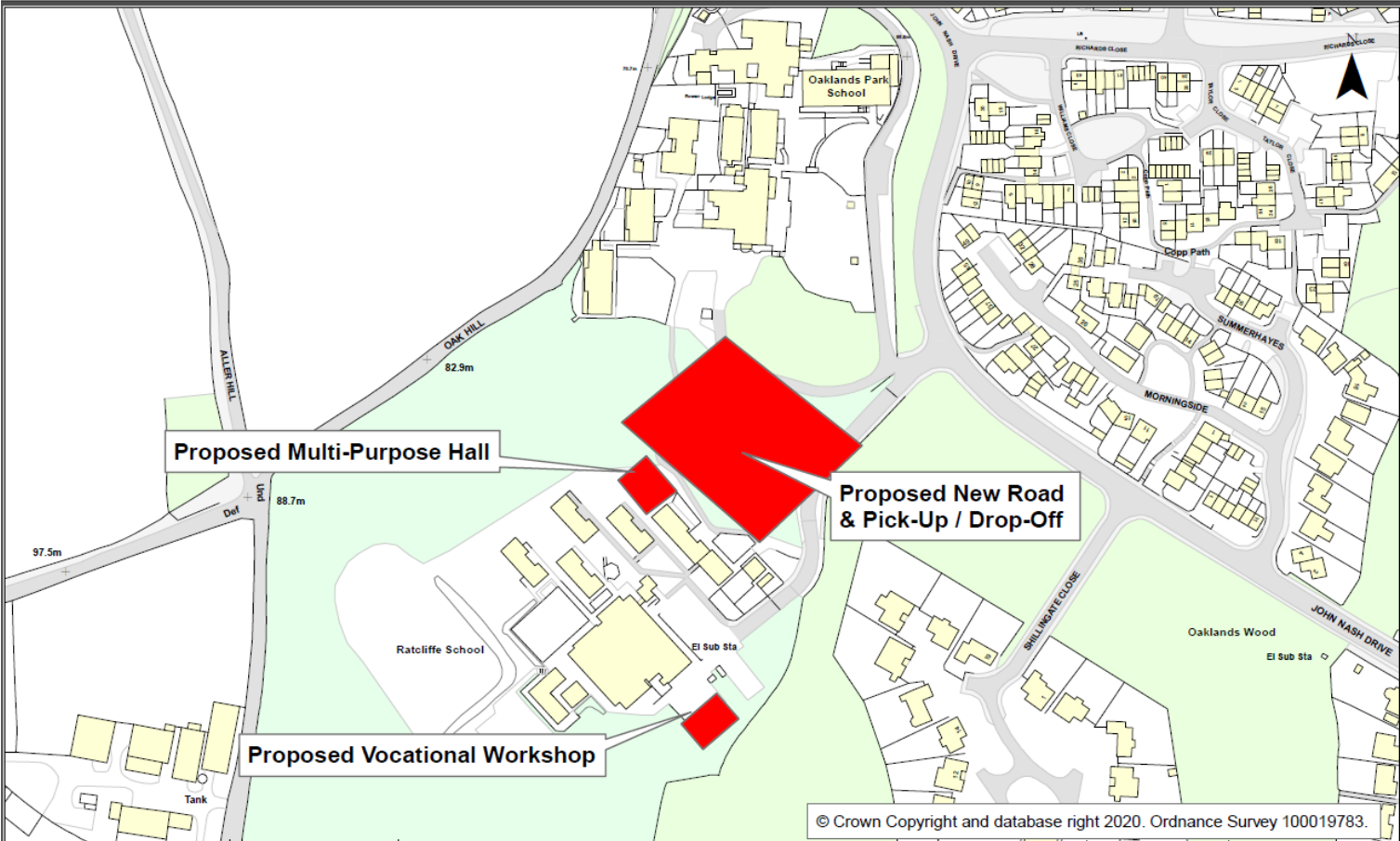
**Location Plan**




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	Head of Planning, Transportation and Environment	Development Management Committee County Council Development Teignbridge District Council: Construction of a new multi-purpose hall, vocational teaching workshop and ancillary roads, parking and pavements to serve an existing SEN school at Orchard Manor, John Nash Drive, Dawlish, EX7 9SF	date October 2020	scale 1:16,166
			Application No: 20/00785/DCR3	

Site Plan  
To PTE/20/33



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	Head of Planning, Transportation and Environment	Development Management Committee County Council Development Teignbridge District Council: Construction of a new multi-purpose hall, vocational teaching workshop and ancillary roads, parking and pavements to serve an existing SEN school at Orchard Manor, John Nash Drive, Dawlish, EX7 9SF	date October 2020	scale 1:2,021
			Application No: 20/00785/DCR3	

## 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 Location Plan NPS-DR-A-(00)-001 Rev P2, Utilities Plan, Roof Plan –(02)040 Rev P2, Drop Off and Parking –(90)100 Rev P7, Plan FFE –(02)023 Rev P2, Sections Location –(03)010 Rev P2, Sections Location –(03)011 Rev P0, Elevations –(04)101 Rev P0, Elevations –(04)102 Rev P0, Topographical Survey Sheet 1 of 1 – NPS S\_D\_113 Rev 6, Topographical Survey Sheet 3 of 3 – NPS S\_D\_113 Rev 3, Roof Plan – NPS-DR-A-(02)140 Rev P2, New Workshop Site Layout – NPS-DR-A(00)-202 Rev P8, Workshop Elevations – North & East – NPS-DR-A-(04)201 Rev P2, Workshop Elevations – South & West – NPS-DR-A-(04)202 Rev P2, Workshop FFE WIP-NPS-DR-A(02)123, Rev P2, Drainage Layout – Proposed New Sports Hall & Access Road – HBS-DR-C(00)-060 Rev P3, Drainage Layout – Proposed New Workshop – HBS-DR-C(00)-061 Rev P3, Exploratory Hole & Testing Location Plan – HBS-DR-G-(00)-001 Rev P1 Updated Proposed Landscape Plan – Phase 2 Part 1 – NPS-00-00-DR-L-(90)-800 Rev P5, Updated Proposed Landscape Plan Phase 2 Workshop Area Part 2 – NPS-00-00-DR-L-(90)-801 Rev P4, Distance to Boundaries -NPS-DR-A-(00)-203 Rev P1, Proposed Sports Hall Surfacing & Kerbing Plan – HBS-DR-C-(00)-070 Rev P2, Proposed Workshop Surfacing & Kerbing Plan & Typical Standard Details – HBS-DR-C-(00)-071 Rev P2 Luminaire Schedule – HBS-DR-E-63-802, Lighting Layout HBS-DR-E-63-101, Lighting Layout HBS-DR-E-63-001, External Lighting Layout HBS-DR-E-(60)-301, Planning Statement, Sustainable Drainage Statement, Transport Statement, Wildlife & Geology Trigger Table, Updated Arboricultural Impact Assessment, Updated Tree & Lighting Impact Assessment, Ecological Appraisal Phase 1, School Travel Plan, Soakaway Results, Hydraulic Calculation – SW Complex Parking Attenuation, Hydraulic Calculations – SW Lower Attenuation, Email Correspondence SW Water, Sustainability Approach, Preliminary Ecological Appraisal, Biodiversity Metric Calculation and Offsite Compensation – Signed Letter of Intent.

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

## PRE-COMMENCEMENT CONDITIONS

3. 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 County Planning Authority. The details submitted shall include:
  - a cross-section of the permeable paving, to demonstrate that there is sufficient depth for the formation of the permeable paving (including impermeable geotextile) and, if a depth of soil between the base of the permeable paving and the top of the attenuation tank is necessary, that there is a sufficient space for this;
  - a cross-section of the filter drain confirming the depth and formation of the filter drain, with annotation of any geotextiles and surface finishes; and
  - details of the expected loads for the attenuation tank beneath the car park and confirmation that the attenuation tank will resist these loads.

The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Sustainable Drainage Statement (Ref. 100535SUDs/MW; dated 8th November 2019), Drainage Layout Proposed New Sports Hall and Access Road (drawing No. HBS-DR-C- (00)-060; Rev. P3; dated 23rd June 2020), Drainage Layout Proposed New Workshop (HBS-DR-C-(00)-061; Rev. P3; dated 17th July 2020).

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

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

4. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the County Planning Authority.

REASON: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

5. 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 County Planning 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.

6. No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall provide details of:
  - (a) timetable/programme of works;
  - (b) measures for traffic management (including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles);
  - (c) days and hours of building operations and construction;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 0800 and 1800 Mondays to Fridays (avoiding school pick up and drop off times); 0900 to 1300 Saturdays, and no such vehicular movements taking place on Sunday and Bank/Public Holidays, unless agreed by the Planning Authority in advance;
  - (e) location of loading, unloading and storage of plant and materials;
  - (f) location of contractor compound and facilities;
  - (g) provision of boundary fencing/hoarding;
  - (h) parking of vehicles of site personnel, operatives and visitors;
  - (i) recycling during construction;
  - (j) proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (k) the amount and location of construction worker parking,
  - (l) environmental protection throughout the construction phase; and
  - (m) mitigation measures, including:
    - (i) wheel washing facilities;
    - (ii) ensuring no mud is deposited on the public highway; and
    - (iii) minimising dust during construction.

The development shall be implemented in accordance with the approved plan.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and the local highway network in accordance with Policy S11 (Pollution) and Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033.

7. Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the County Planning Authority.

REASON: To minimise impacts on badgers and ensure that appropriate measures are put in place for their protection in accordance with Policy EN8

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(Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

8. Prior to the commencement of any excavation or construction works, all trees to be retained shall be protected in accordance with BS5837:2012 and the Tree Protection Plan in section 6 of the Arboricultural Impact Assessment (ref. 19.019.AIA Rev B dated 11<sup>th</sup> September 2020). These measures shall be maintained until completion of the proposed development.

REASON: To protect and enhance the area's landscape, and to ensure it is in accordance with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

9. Prior to commencement of the proposed development, details of the method of 'no dig' construction of footpaths within the canopy spreads of retained trees shall be submitted to and approved in writing by the County Planning Authority. These footpaths shall subsequently be constructed in accordance with the approved details.

REASON: To protect and enhance the area's landscape, and to ensure it is in accordance with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

10. No construction shall take place until samples of all external materials for the buildings hereby approved have been submitted to and approved in writing by the County Planning Authority. The buildings shall subsequently be constructed with the approved materials.

REASON: To ensure that the proposed development is of a standard appropriate to its surroundings in accordance with Policy S2 (Quality development) of the Teignbridge Local Plan 2013-2033.

## POST-COMMENCEMENT CONDITIONS

11. The development shall be carried out in accordance with the ecological mitigation and enhancement measures proposed in Chapter 6 of the Preliminary Ecological Appraisal (August 2020).

REASON: To ensure the protection and enhancement of the ecological value of the site in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

12. Prior to occupation of the proposed buildings, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved by the County Planning Authority. The LEMP shall include measures for the management of existing woodland and other vegetation within the site and all new planting, and shall be implemented following its approval in accordance with timescales to be detailed in the Plan.

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REASON: To protect and enhance the areas landscape, and to ensure its successfully established and maintained in accordance with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

13. 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 the clearance will not disturb nesting birds and a record of this kept.

REASON: To avoid adverse impacts on nesting birds in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

14. The proposed buildings shall not be brought into use until the additional car parking spaces and alterations to the site roads hereby approved have been constructed and made available for use by staff and visitors.

REASON: To ensure the availability of adequate parking facilities within the site and avoid the use of nearby roads for parking by staff and visitors.



# Agenda Item 7

PTE/20/34

Development Management Committee  
21 October 2020

## Delegated Schedule – 21 October 2020 – Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
Exeter City Council	County Hall, Devon County Council, Topsham Road, Exeter, EX2 4QD	DCC/4152/2019	Demolition of existing 'Devon Lady' & associated ramp and steps, with restoration of the area to grass	St David's & Haven Banks	Conditional Approval

