

PTE/18/36

Development Management Committee
25 July 2018

County Council Development

East Devon District: Construction of a new single storey foundation stage unit building with associated external works, Honiton County Primary School, Clapper Lane, Honiton

Applicant: Devon County Council

Application No: 18/1157/CM

Date application received by Devon County Council: 11 May 2018

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that:

- (a) Subject to the satisfactory resolution of the outstanding issue relating to flood risk, Members resolve to grant planning permission 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); and**
- (b) Prior to the issue of the planning permission confirmation of the resolution to grant permission is reported to the National Planning Casework Unit to afford the Secretary of State for Housing, Communities and Local Government the opportunity to call-in the application for his own determination as required by the Town and Country Planning (Consultation) (England) Direction 2009.**

1. Summary

- 1.1 This report relates to an application to demolish an existing temporary single storey private nursery building and replace this with a permanent single storey building to provide for an expanded foundation stage at Honiton County Primary School.
- 1.2 The main considerations in the determination of this application are the loss of the use of land being used as a playing field, the traffic and transport impacts, and landscape and ecological impacts.
- 1.3 The planning application, representations received, and consultation responses are available to view on the County Council website under reference DCC/4009/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4059/2018>.
- 1.4 As the application has generated an objection by Sport England to the loss of part of the school playing field, a resolution of the Council to grant permission must be referred to the Government's Planning Casework Unit under the provisions of The Town and Country Planning (Consultation) (England) Direction 2009. The Secretary of State will then consider whether to call in the application for his own determination.

2. The Proposal/Background

- 2.1 Honiton Primary School is located between the A30 Honiton Bypass and Honiton High Street approximately 200m north from the latter along Clapper Lane. There is car parking to the south east of the main school building which is accessed from Clapper Lane. Residential properties are located to the south and east of the site, with Honiton Community College to the west.
- 2.2 The application proposes demolition of the current single storey building (currently used as a privately-owned nursery) and construction of a permanent single storey building to provide a foundation stage unit to accommodate up to 39 Foundation Stage 1 (nursery) children and a Foundation Stage unit to accommodate 90 Foundation Stage 2 (reception) children. Some internal remodelling is also proposed to achieve a three-year form entry across all year groups but planning permission is not required for this aspect of the development. Externally, the grounds would also be altered, but it is proposed that the existing on-site car parking provision for visitors and staff will remain.
- 2.3 The existing school campus consists of a mix of single and two-storey brick-built buildings which are bordered to the east by a combination of hard play and parking facilities, and to the north by a grassed playing field and 'forest school'. The proposal seeks to replace an existing single storey temporary building, currently being used as a private nursery, with a single storey, predominantly larch clad building including associated outdoor space. In terms of scale and massing the proposed buildings sit appropriately within the context of the existing site and the proposed mixture of flat, mono-pitched and dual-pitched roofs complement the current campus buildings.
- 2.4 The proposed new classroom blocks and hard play area would encroach upon the southern end of the existing playing field and would equate to a potential loss of playing field space of approximately 21%. Some small newly grassed areas will also be created within the confines of the Foundation Stage Unit secure play area. A 1.2m high fence is proposed along the northern and eastern boundary of the Foundation Stage Unit secure play area with gates on the eastern boundary for emergency vehicle access.
- 2.5 Vehicular access to the school is via Clapper Lane, to the north of Honiton High Street, and a recently agreed pedestrian route utilises an existing pathway within the grounds of the adjacent Honiton Community College. Parking is also available at the Silver Street car park, which is adjacent to Honiton livestock market.

3. Consultation Responses

- 3.1 East Devon District Council (Planning): Objects to the application on the grounds of loss of an area of the playing field. In coming to its conclusion the district council recognises that there is no in principle objection to educational development at the school; considers that the design is acceptable; considers the development would not impact on neighbours amenity; replacement planting could be secured by planning condition; and, recommend that if permission is granted the Highway Authority should consider the need to condition a construction management plan and an updated school travel plan.
- 3.2 East Devon District Council (Environmental Health): No objections subject to a condition being attached to any permission granted which controls the use of machinery, construction processes and deliveries between the hours of 07.30 and

18.00hrs Monday to Friday, or 08.00 and 13.00hrs on Saturdays to protect the amenities of local residents from noise and other construction processes.

3.3 Honiton Town Council: Objects to the application on the following grounds:

- the ecological impact assessment and the proposed site plan provided by the applicant are contradictory with regards to the felling of trees;
- the applicant had not provided a tree plan;
- the proposed development would lead to an increase in traffic in an area where there were existing issues; and
- the proposed development would lead to a loss of sport pitches land and a loss of open space in a town which already suffered from a shortfall in sport pitches and open spaces.

3.4 Sport England: Objects to the application as it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

4. Advertisement/Representations

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice and notification of neighbours by letter. As a result of these procedures two letters of representation were received which raised the following issues: Clapper Lane is unable to cope in terms of access and parking for any additional school traffic; the lack of a detailed school travel plan; methods to ensure children and parents access the site via the Silver Street car park pedestrian route; the lack of a road safety audit; and the lack of detail within the submitted construction management scheme with regards to the public highway.

5. Planning Policy Considerations

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

East Devon Local Plan - 2013-2031 (Adopted January 2016)

Strategy 23 - Development at Honiton; Strategy 6 - Development within Built-Up Area Boundaries; D1 - Design and Local Distinctiveness; D2 - Landscape Requirements; D3 – Trees and Development Sites; RC6 - Local Community Facilities; RC1 - Retention of Land for Sport and Recreation; TC2 - Accessibility of New Development; and TC9 - Parking Provision in New Development; EN14 – Control of Pollution; EN18 – Maintenance of Water Quality and Quantity.

National Planning Policy Framework (March 2012): paragraphs 72 to 74.

Planning Practice Guidance

6. Comments/Issues

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

Retention of Land for Sport and Recreation

6.2 Sport England have objected to the application because they consider it not to accord with any of the exceptions of Sport England's Playing Fields Policy (<https://www.sportengland.org/media/12940/final-playing-fields-policy-and-guidance-document.pdf>) or with Paragraph 74 of the NPPF.

6.3 A summary of these 5 exceptions can be found below but E4 is the most relevant in this case:

- **E1** - An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport.
- **E2** - The development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches.
- **E3** - The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch.
- **E4** - Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility prior to loss.
- **E5** - The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.

6.4 Paragraph 74 of the NPPF states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

6.5 The NPPF includes a glossary of planning terms which defines Open Space as “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*”.

6.6 In terms of planning policy, Policy RC1 of the East Devon Local Plan states that:

“Proposals that would result in the loss of open space currently or previously used for recreation and/or sports uses, play areas or playing fields will not be permitted unless:

1. *Alternative provision of equivalent community benefit is made available and will be appropriately laid out by the applicant as a replacement. Or*

2. *Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site. Or*
3. *Locally There is an excess of public open space, children's play areas or sports pitch provision in the area as the case may be."*

- 6.7 The field at the primary school is described within Appendix 3 – Honiton Specific Analysis of East Devon’s adopted Playing Pitch Strategy (2015) as ‘*a large generic grass field where there is no community use due to access to facilities.*’ It could therefore be argued that this would not constitute loss of open space as referred to by policy RC1 of the current Local Plan nor the NPPF. However, regardless of this strategy, the site is designated in the adopted Local Plan as ‘Recreation Areas, Allotments, Accessible Open Space’.
- 6.8 It is therefore a matter of planning balance, i.e. need against potential harm, by which the Council determine this application. Whilst it is acknowledged that the proposal will impact upon approximately 21% of the overall playing field area, pressures for additional school places, and anticipating the requirements for future primary provision as a result of future housing growth within the town, are also key considerations.

Educational Considerations

- 6.9 Devon County Council’s (DCC’s) ‘East Devon Infrastructure Planning Evidence Base Report’ dated June 2015 and submitted as part of the Council’s consultation comments in response to East Devon’s Local Plan examination and hearing sessions consultation states that:
- “There are 8 primary schools within the area, two of which serve the main town. Due to significant increase in parental preference in the town schools, expansion of primary provision within the town is forecast to be required to mitigate demographic growth, parental preference and, most significantly, housing development.”*
- 6.10 Using the figures from the applicant’s education statement of need, there are currently 1,024 primary school pupils living in the Honiton Town catchment area which is served by Honiton Primary and Littleton Primary Schools. In total 841 pupils attend these two schools and the remainder attend the village schools in the rural locality. The current combined capacity of the town’s two primary schools is 833 places with Honiton Primary School having a capacity of 420 places and Littleton Primary School a capacity of 413 places.
- 6.11 The County Council’s East Devon Infrastructure Planning Evidence Base Report identifies that the key difference between Honiton and Littleton primaries is that Honiton Primary was assessed as having the ability to expand within the current site and Littleton Primary was assessed as having limited ability to expand within the current site boundaries.
- 6.12 Of the remaining five, more rural, primary schools in the Honiton area, two (Farway and Broadhembury) were assessed as having no ability to expand within the current site, and three (Awliscombe, Stockland and Upottery) were assessed as having limited scope for expansion within their current site boundaries. It is also considered that these schools’ more rural location and distance from Honiton town centre does not provide the most sustainable of locations in which to expand school place spaces.

6.13 Therefore, given the constraints relating to land availability at existing school sites and proximity to current and future populations in Honiton requiring school places, Honiton Primary School is viewed as being the most appropriate and sustainable option. Bearing this in mind, and the number of newly approved and allocated developments in the Honiton area, which is estimated to be around 700 dwellings, it has been calculated that, in the next 4 years (from 2018 – 2022), pupil numbers at Honiton Primary School will reach 530, and by 2025 this figure will increase to 630. This presents increased pressure on primary school places in the area and, if not sufficiently planned for and created, will result in insufficient local provision to cope with demand.

6.14 Paragraph 72 of the NPPF states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

They should:

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

6.15 Devon County Council’s Education Infrastructure Plan 2016-2033 also sets out its core responsibilities as follows:

“i securing sufficient educational provision (including early years and childcare) in our area to meet the needs of our children, parents and communities, retaining responsibility for overall strategic planning and commissioning of school places;

ii championing high standards in all schools and improving standards in early years’ settings so all children can go to a good or outstanding school or early years provider;

iii supporting the most vulnerable children including those in care, at risk of social exclusion and those who have specific educational needs;

iv acting as champions for all parents and families;

For school provision, we also have a wider responsibility to:

v promote sustainable patterns of provision and travel; and

vi continue to maintain and improve our schools estates for effective teaching and in relation to the health and safety of the users.”

6.16 In proposing additional places at Honiton Primary School, the County Council has attempted to balance the need to provide enough places overall with the need to maintain the sustainability of all the schools in the area and to provide opportunity for parental preference/choice.

6.17 In reaching their final decision with regards to location of the newly proposed classrooms, the applicant considered four options and, on balance, the proposal

which is the subject of this application, and is an iteration of the fourth proposal, was the preferred option for the following reasons:

- to create the best possible foundation stage environment and maintain the school's OFSTED 'outstanding' rating;
- to provide a smooth and sequential age progression which would seamlessly integrate with the existing year group dispersal;
- to minimise disruption to the school and avoid pupil's education being adversely affected during construction;
- for cost effectiveness and programme efficiency;
- to segregate the construction site from school activities; and
- for ease of construction (buildability) and ensuring a practical site set up.

Highways/Car Parking/Traffic Issues

- 6.18 Concerns have been raised regarding the impacts on the local highway network, in particular Clapper Lane, as a result of the additional traffic which may worsen the current situation. In highway terms it is considered that the retained existing access to the school will not change. The School Travel Plan and the Pre-Construction Management Scheme (informing a full Construction Environment Management Plan from the Main Contractor when appointed and to be agreed) appear robust and there is no evidence to lead to any conclusion that increased traffic, as a result of future development sites being built and occupied, would be severe.
- 6.19 The applicant has advised that provision has been made for parents to utilise a pedestrian route which will access Honiton Primary School to and from Silver Street long stay car park during school drop-off and pick-up times using existing pathways within community college. In addition, a condition is proposed requiring an updated School Travel Plan and programme of implementation be submitted, should permission be granted, to promote safer, active and sustainable travel to school.

Landscaping and Trees

- 6.20 The proposal looks to remove two category B (of moderate quality and value) trees to the west of the site. These trees are located where the Foundation Stage Unit 1 provision space is proposed and consist of a mature Silver Maple and a mature Birch. In mitigation a total of 6 new trees are proposed to be planted to the north of the new tarmac hard play area. All other existing trees are to be retained.
- 6.21 It is therefore considered that the inclusion of the mitigating planting and with the inclusion of a condition requiring a detailed landscaping scheme and appropriate tree protection measures, prior to and during construction, being implemented, the development is acceptable from a landscaping perspective.

Flooding and Drainage.

- 6.22 Presently the design for the temporary storage of surface water does not meet the relevant standard. It is understood that the matter is being addressed by the applicant in consultation with DCC as the flood risk authority and it is likely that any change to the design will not be material to the overall scheme. This is reflected in the recommendation to the report whereby permission would not be granted until this issue is resolved.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application (subject to the requirement explained in 1.4 for any resolution for approval to be referred to the Secretary of State).
- 7.2 In conclusion it is considered that there is a demonstrable need for this facility given the lack of alternative sites with the capacity for expansion. The objections from two neighbouring properties are noted and it is acknowledged that there will be an increase in parking and traffic on the surrounding streets, however, these impacts are not considered to be at an unacceptable level and are ultimately associated with new developments coming online. On balance, taking into the objections from the District Council, Town Council and Sport England and considering paragraph 72 of the National Planning Policy Framework, which outlines local planning authorities should give great weight to the need to create schools, it is considered that it is appropriate to grant planning permission in accordance with the recommendation of this report.

Mike Deaton
Chief Planner

Electoral Division: Feniton & Honiton

Local Government Act 1972: List of Background Papers

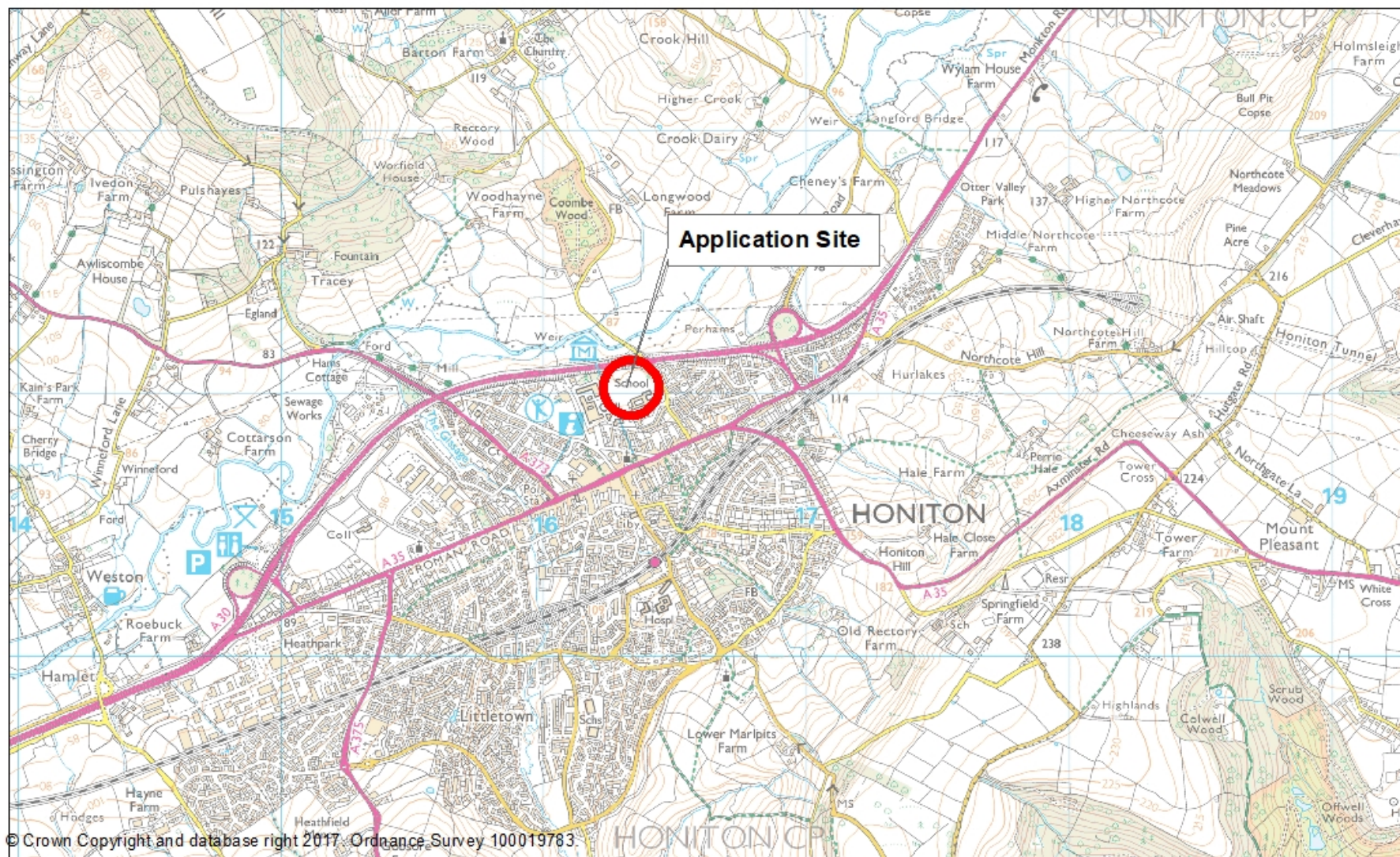
Contact for enquiries: Barnaby Grubb


Room No: AB2, Lucombe House, County Hall

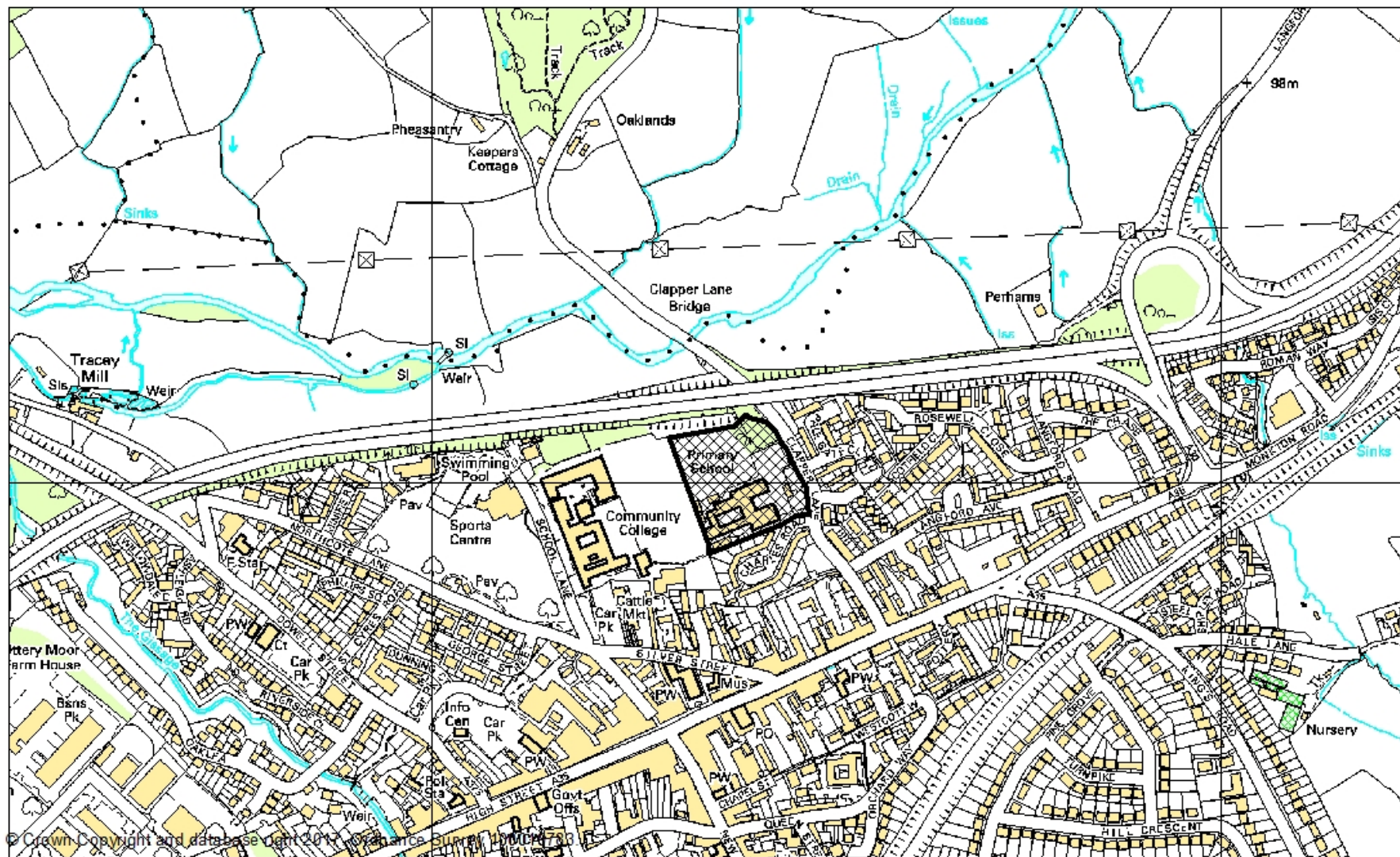
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Background Paper	Date	File Ref.
Casework File		DCC/4059/2018


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sc/cr/Construction of new single storey foundation stage unit Honiton County Primary School Clapper Lane
Honiton
02 170718



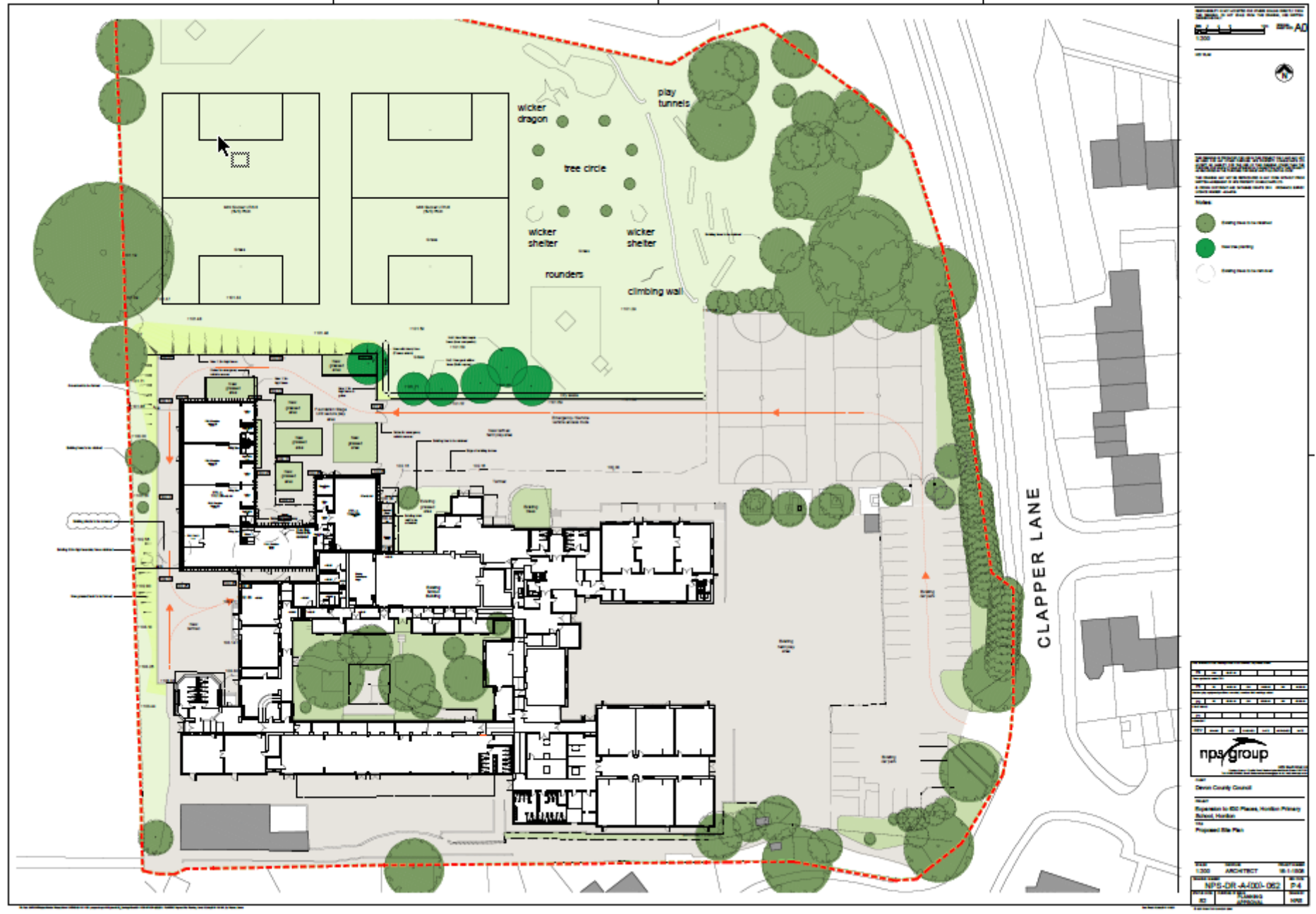
	Head of Planning, Transportation and Environment	Development Management Committee County Council Development	date July 2018	scale 1:18,544
	Construction of a new single storey foundation stage unit building with associated external works.		Application No: 18/1157/CM	



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	Head of Planning, Transportation and Environment	Development Management Committee	date July 2018	scale 1:6,175
		County Council Development	Application No: 18/1157/CM	
Construction of a new single storey foundation stage unit building with associated external works.				

Proposed Site Plan



Planning Conditions

STANDARD COMMENCEMENT

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

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

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered NPS-DR-A-(01)-010 Rev P2 (Location Plan); NPS-DR-A-(00)-062 Rev P4 (Proposed Site Plan); NPS-DR-A-(00)-063 Rev P3 (Proposed Contextual Site Plan); NPS-DR-A(01) 067 Rev P1 (Proposed Elevations 1,2,3 & 4) and NPS-DR-A(01) 068 Rev P1 (Proposed Elevations 5,6 & 7); W15414-SX (Topographical Survey & Underground Utilities); NPS-00-00-DR-A-(00)-012 Rev B (Proposed External Areas Analysis Diagram); HBS-DR-C-(00)-060 Rev P5 (Proposed Drainage Layout); 23-20-18-1-1113 D01 (Exploratory Hole Location Plan); 17-1-1508 SuDS/MW (Sustainable Drainage Statement); BS5837:2012 Tree Survey Data (Ref: 1567/2.TCP Dated October 2015); 1567/2/TCP (Tree Constraints Plan); 08-20-16-1-1508 (Pre-Construction Information Summary); Ecological Impact Assessment (Reference HonitonECIA.doc, dated November 2015, Includes Digital Images); and Validation Checklist & Planning Statement - Revision B: 03.07.18 except as varied by the conditions below.

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

CONDITIONS (PRE-COMMENCEMENT)

CONSTRUCTION MANAGEMENT

3. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement 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;
 - 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) Dust control; and
 - i) Recycling during construction.

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

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 D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.

LANDSCAPING/TREES

4. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The LEMP shall include:
- a) Method statements for planting methods, maintenance and management where required, along with a timetable/schedule
 - b) An annotated map(s) illustrating the measures to mitigate and enhance ecology and landscape on the site.

The development shall be implemented in accordance with the approved LEMP. All planting and landscaping shall be implemented in the first planting and seeding season after commencement. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To ensure that protected species/habitats/local landscape are conserved and enhanced in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.

DRAINAGE

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, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

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

SCHOOL TRAVEL PLAN

6. The buildings subject of this permission shall not be occupied until a School Travel Plan including a programme of implementation has been 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 ensure safe and sustainable travel to Honiton Primary School in accordance with strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013-2031.

CYCLE PARKING

7. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel to Honiton Primary School in accordance with strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013-2031.

CONDITIONS (DURING CONSTRUCTION)

CONSTRUCTION TRAFFIC

8. Notwithstanding the requirements of condition 3 above, deliveries to the site related to the construction of the approved development shall only take place at the following times:
 - During school term time on Mondays to Fridays from 07:30 to 08:30 hours, 09:30 to 15:00 hours and 16:00 to 17:30 hours;
 - Outside of school term times on Mondays to Fridays from 07:30 to 17:30; and
 - Saturdays from 08:00 to 13:00.

No deliveries shall take place on Sundays or Public Holidays.

REASON: To ensure adequate access and associated facilities are available for construction traffic and to minimise impact on the local highway network and on local amenity in accordance with D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.

LANDSCAPING/TREES

9. All trees and shrubs identified for retention on approved drawing NPS-DR-A-(00)-062 Rev P4 shall be retained and protected during construction in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and the recommendations in the submitted and approved Tree Survey ref. 1567/2.TCP, dated October 2015.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, in the interests of visual amenity and in accordance with policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.

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

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

DRAINAGE

11. All surface water run-off shall be kept separate from foul drainage, and foul drainage shall be appropriately connected to the public sewerage system.

REASON: To protect water quality and minimise flood risk in accordance with Policies EN14 and EN18 of the East Devon Local Plan 2013-2031.