



## Public Document Pack

North Devon Council  
Brynsworthy Environment Centre  
Barnstaple  
North Devon EX31 3NP

M. Mansell, BSc (Hons),  
F.C.P.F.A.  
Chief Executive.

### PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on **WEDNESDAY, 12TH JUNE, 2019 at 10.00 am.**

**(NOTE: A location plan for the Rugby Club is attached to the agenda front pages)**

**NOTE:** Please note that copies of letters of representation have been placed on North Devon Council's website and are also available in the Planning Department.

**ALSO:** A break at lunchtime may be taken at the discretion of the Committee dependent upon the speed of progress of determining the planning applications on the agenda.

**PARKING:** Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Mill Road Car Park (adjacent to the Rugby Club – 40p per hour, maximum stay 3 hours), Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).

Members of the Planning Committee                      Councillor Ley (Chairman)

Councillors Chesters, Crabb, Davies, Fowler, Gubb, Knight, Lane, Leaver, Mackie, Prowse, D. Spear, E. Spear, Tucker and Yabsley

### AGENDA

1. Apologies for absence
2. To approve as correct records the minutes of the meetings held on 13th March and the 17th April 2019 (Pages 9 - 20)
3. Items brought forward which in the opinion of the Chairman should be considered by the meeting as a matter of urgency
4. Declaration of Interests

(Please complete the form provided at the meeting or telephone the Corporate and Community Services Team to prepare a form for your signature before the meeting. Items must be re-declared when the item is called, and Councillors must leave the room if necessary)

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

### **PART A**

6. **66450: Reserved Matters Application for Primary School (Outline Planning Permission 53881), land West of Tews Lane, Bickington, EX31 3WJ** (Pages 21 - 40)

### **PART B (CONFIDENTIAL RESTRICTED INFORMATION)**

Nil.

**If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253**

**NOTE: Pursuant to Part 3, Annexe 1, paragraph 1 of the Constitution, Members should note that:**

*"A Member appointed to a Committee or Sub-Committee who:*

- (a) Arrives at a meeting during the consideration of an item; or*
- (b) Leaves a meeting at any time during the consideration of an item;*

*Shall not:*

- (i) propose or second any motion or amendment; or*
- (ii) cast a vote*

*in relation to that item if the Committee or Sub-Committee (as the case may be):*

- (c) Is sitting in a quasi-judicial capacity in relation to that item; or*
- (d) The item is an application submitted pursuant to the Planning Acts and, in such a case, the Member shall also leave the room if at any time the public and press are excluded in respect of that item."*

### **REGISTERING TO SPEAK**

- If you wish to address the Planning Committee you should contact the Committee Administrator in advance of the Committee on 01271 388253 or speak to them just before the meeting commences.

### **WHAT HAPPENS AT COMMITTEE?**

- The Chairman will introduce himself/herself
- The Planning Officer will present his/her report
- The Chairman will call out the names of individuals who have registered to speak

- Speakers will be **restricted to 3 minutes each** (which is timed and bleeped). **A maximum of six supporters and six objectors of the application may speak at committee.** The applicant or agent and representative of the parish council may also speak at committee.
- ***Once public participation has finished, the Planning Officer will be given the opportunity to respond or to clarify any points that have arisen from the public participation exercise***
- The Members of the Committee shall then debate the application (**at this point the public shall take no further part in the debate**)

#### **WHEN SPEAKING**

- State clearly your name, who you are representing and whether you are supporting or objecting to the application
- Speak slowly, clearly and loud enough for everyone to hear you, and direct your comments to the Chairman and the Committee
- Try to be brief, avoid being repetitive, and try to prepare what you want to say beforehand.

#### **WHAT HAPPENS NEXT?**

- ***A record of the decisions taken at the meeting is produced (known as the “minutes of the meeting”)***
- The minutes of the meeting are published on the Council’s Website:  
[www.northdevon.gov.uk](http://www.northdevon.gov.uk)



**APPOINTMENT OF SUBSTITUTE MEMBERS  
AT MEETINGS OF THE PLANNING COMMITTEE**

In accordance with the North Devon Council Constitution, a Member or Leader or Deputy Leader of a Political Group, appointing a substitute shall notify the Proper Officer of the name of his/her substitute.  
**Notification by a Member purporting to be a substitute Member will not be accepted.**

In the case of a substitution to the Planning Committee, the substitute Member shall sign and lodge this certificate with the Corporate and Community Support Manager confirming the acceptance of the appointment and that they have completed all Planning training modules provided to Members.

**DATE OF PLANNING COMMITTEE: ..... [Insert date]**

For completion by Member of the Planning Committee requiring a substitute

I, Councillor..... [print name], hereby declare that I appoint  
Councillor ..... [insert name of substitute Member] to substitute for  
me at the above mentioned meeting of the Planning Committee:

[signature]..... [date].....  
**OR**

For completion by Leader/Deputy Leader of a political group nominating a substitute

I, Councillor..... [print name of group Leader/Deputy Leader],  
hereby declare that I appoint Councillor ..... [insert name of  
substitute Member of same political Group] to substitute for Councillor  
.....[insert name] at the above mentioned meeting of the Planning  
Committee.

[signature]..... [date].....  
**AND**

For completion by substitute Member accepting appointment of substitute

I, Councillor ..... [print name], hereby confirm that I  
accept the appointment of Substitute for the above mentioned Planning Committee and  
hereby confirm that I have undertaken all appropriate Planning training modules in  
relation to the same.

[signature]..... [date].....

**NOTE: FORM TO BE COMPLETED AND RECEIVED BY CORPORATE AND COMMUNITY SUPPORT  
PRIOR TO THE COMMENCEMENT OF THE MEETING**

## **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email [memberservices@northdevon.gov.uk](mailto:memberservices@northdevon.gov.uk) or the Communications Team on **01271 388278**, email [communications@northdevon.gov.uk](mailto:communications@northdevon.gov.uk).

The Barnstaple Rugby Club full address is: Barnstaple RFC, Pottington Road, Barnstaple, EX31 1JH.

At the traffic lights at the end of Rolle Street on the B3149 turn either left or right onto Mill Road according to the direction that you are travelling from. Follow the road along and turn right onto Pottington Road.

The Rugby Club is located on your left. Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).



4.06.19





**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 13th March, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Chesters, Croft, Flynn, Fowler, Gubb, Lane, Leaver, Mackie, Prowse, Spear, Tucker, Worden and Yabsley

Officers:

Head of Place, Solicitor, Senior Planning Officer and Senior Planning Officer

Also Present:

Councillors Barker

**82. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bonds and Councillor Edmunds. Councillor Mackie was appointed as a substitute for Councillor Edmunds.

**83. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH FEBRUARY 2019**

RESOLVED that the minutes of the meeting held on 13<sup>th</sup> February 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

**84. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIRMAN SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

(a) Special Planning Committee: 17<sup>th</sup> April 2019

The Chairman advised that following the decision by the Committee at its meeting on 13<sup>th</sup> February 2019, a special meeting of the Committee had been arranged on Wednesday 17<sup>th</sup> April 2019 at 10.00 a.m. to consider planning application 63167 Lee Bay Hotel, Lee.

**85. DECLARATION OF INTERESTS**

The following declaration of interest was announced:

Councillor Worden      Planning applications 64059 to 64063 – personal interest as he knew some of the objectors.

**86.                    64059 TO 64063: OAKLANDS POULTRY FARM, EAST ANSTEY, EX36 3PH**

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Senior Planning Officer reminded the Committee of the decision of deferral and the reasons made at its meeting on 14<sup>th</sup> November 2018. A full copy of the minutes was tabled. In relation to the site being located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone, the agent had submitted an air quality report and this had been forwarded to Natural England for comment. Since publication of the report, Natural England had confirmed that it would trigger the 4% threshold as it could impact on the Culm Grassland Special Area of Conservation (SAC)/Exmoor Heaths SAC. Therefore, the Planning Authority would be required to carry out a Habitats Regulation Assessment. If the Committee was minded to approve the application, it would be recommended that the approval be subject to the Head of Place being delegated authority to carry out a Habitats Regulation Assessment to the satisfaction of Natural England.

Councillor Barber (East Anstey Parish Council), Helen Pierce (objector), Iain Bew (objector), Lucy Moore (objector), Heather Warne (objector), Reg Howe (objector) and Kevin Bateman (agent) addressed the Committee.

In responses to questions, the Senior Planning Officer confirmed that the planning applications had been registered on 6<sup>th</sup> November 2017. They were retrospective applications and that the concrete pads, poultry houses and feed silos had been located on the site since before that date. As the applications had been submitted to regularise the works, enforcement action had not been pursued.

In response to questions, Lionel Shelly, Development Viability Lead from Plymouth City Council who had been appointed to provide an independent viability review on the impact of the siting of the poultry units on the potential ability of the four open market dwellings to be delivered and sold on the open market (the profits from which would go towards subsidising the 8 affordable units on the site) addressed the Committee. He advised the Committee of his background and that he had grown up and lived in the countryside and therefore had an understanding of the countryside. He had undertaken the role for 40 years. He was required to provide a review and not a full evaluation. He referred to the valuation reports that had been provided by Webbers estate agents and advised that the impact was minimal. Consideration needed to be given to whether four open market dwellings could be sold. The impact on profit made upon the sale of the open market dwellings was minimal, therefore money would be available for the provision of affordable housing. As an ex Vice-Chairman of a Parish Council, he understood the issue of providing affordable

housing. He worked for Plymouth City Council and not on behalf of developers. Part of his role was to press for the provision of affordable housing. His opinion had been based on the ability for the developer to make a profit on the four open market dwellings which could then be transferred to the provision of affordable housing.

In response to a question, the Senior Planning Officer advised that as she had not been the original case officer, she was unable to comment on the considerations that had been taken into account by the previous case officer. However, the Blackerton site had been taken into consideration. The viability assessment had been undertaken to assess whether the applications would have an impact on the provision of affordable housing (planning application 55662).

In response to a question, the Solicitor advised that the Senior Planning Officer had sought advice regarding whether the five planning applications could be considered within one report. He had advised that the applications could be considered as one report, however there were five separate applications, and decisions would be required for each application.

In response to a question, the Senior Planning Officer read the statement provided by the Environmental Health Officer dated 29<sup>th</sup> October 2018 regarding the prevailing wind direction.

RESOLVED (11 for, 2 against, 0 abstained) that applications 64059, 64060, 64061, 64062 and 64063 be REFUSED for the following reasons and that the Head of Place be delegated authority in consultation with the Chair of the Committee to formulate the precise wording for the reasons:

- (a) Visual impact on the Exmoor National Park;
- (b) Highways Authority objections;
- (c) Impact on the viability of planning application 55662;
- (d) The prevailing winds would not take odours away;
- (e) Contrary to policy DM14 paragraphs (a), (b), (d), (e) and (f);
- (f) Lack of information provided on the Habitats Regulation Assessment.

**87.            ADJOURNMENT OF MEETING**

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

**88.                    64769: THE WATERGATE, 7 THE STRAND, BARNSTAPLE, EX31 1EU**

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Senior Planning Officer reported the receipt of an amended plan since the publication of the report. The amended plan omitted the fencing, reduced the number of tables from 84 to 81 and removed the sails, bandstand and lighting. Following the receipt of the amended plans, it was now recommended that reason 2 in relation to lighting only be removed. The proposal was on Council land and it was his understanding that the applicant would lease the land from the Council for a period of 15 years.

Vanessa Harrison (on behalf of Economic Development, North Devon Council), Kirsty Bowie (Sharing One Language - objector), Christopher Punt (objector), Catherine Marlow (Historic England - objector), John White (Chair of Barnstaple Carnival Committee – objector) and Graham Townsend (Barnstaple Bridge Trust – objector) addressed the Committee.

Councillor Barker (Portfolio Holder for Regeneration) addressed the Committee.

Councillor Chesters advised that as well as requiring planning permission the proposed beer garden would also require a premises licence. She confirmed that she was Chair of the Licensing Committee. However, she had attended this meeting in her capacity as Member of the Planning Committee and had not previously considered the proposal in her role as Chair of the Licensing Committee.

Councillors Lane and Yabsley declared personal interests as Members of the Executive.

RESOLVED (10 for, 3 against and 0 abstained) that the application be DEFERRED pending further negotiations to be undertaken with the applicant to seek a reduction in the scale of the scheme and to take into account the needs of the users of buildings located around the site.

**89.                    66037: 2 BUTCHERS ROW, BARNSTAPLE, EX31 1BW**

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Senior Planning Officer reported that since the publication of the report, Barnstaple Town Council had recommended approval of the application.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

Chairman  
The meeting ended at 12.36 pm

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**NORTH DEVON COUNCIL**

Minutes of a special meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 17th April, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Bonds, Chesters, Crabb, Croft, Edmunds, Flynn, Fowler, Gubb, Lane, Leaver, Prowse, Spear, Tucker, Worden and Yabsley

Officers:

Head of Place, Solicitor, Lead Planning Officer (North) and Lead Planning Officer (South)

Also Present:

Councillor Meadlarkin

**90. COUNCILLOR WALTER WHITE - ONE MINUTE'S SILENCE**

The Committee stood in silence in memory of Councillor Walter White who had been a long standing Councillor and had passed away on 15<sup>th</sup> April 2019.

**91. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**92. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH MARCH 2019**

The Chairman advised the Committee that as it was a special meeting, the Committee was unable to consider the approval of the minutes from the last meeting in accordance with paragraph 3.2 of the Council Procedure Rules of the Constitution. Therefore, consideration of the minutes would need to be deferred until the next ordinary meeting of the Committee.

The Solicitor confirmed that this was also a requirement within the Local Government Act 1972.

**93. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Leaver      Planning application 65813: Personal interest as her husband's firm had submitted the planning

application and he was also standing against the applicant at the upcoming District Council Elections.

Councillor Worden      Planning application 63167: Personal interest as he knew some of the objectors.

**94.                    63167: LEE BAY HOTEL, ILFRACOMBE. DEMOLITION OF EXISTING HOTEL, ERECTION OF 23 DWELLINGS, FORMATION OF NEW PUBLIC OPEN SPACE, EXTENSION TO EXISTING CAR PARK, ERECTION OF CAFÉ AND WC BLOCK AND ASSOCIATED LANDSCAPING, DRAINAGE AND HIGHWAY WORKS (AMENDED PLANS AND DOCUMENTS) (REVISED INFORMATION) (ADDITIONAL INFORMATION), LEE BAY HOTEL, LEE, ILFRACOMBE, EX34 8LR.**

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Lead Planning Officer (North) reported the receipt of a late letter from the agent Planningsphere on 15<sup>th</sup> April 2019 suggesting that the applicant would accept a committee resolution to grant permission for an alternative 17 unit scheme which removed the upper building. The agent had also submitted a revised site plan. A copy of the letter had been circulated to the Committee via email and tabled. He read paragraph 3 headed “application determination considerations” of the letter to the Committee. He reported the receipt of additional letters received since the publication of the agenda, however these did not raise any additional issues.

Paul Scarrott (objector), Martha Scarrott (objector), David Biggerstaff (objector), Alan Bannister (objector), Pat Coates (objector), Trevor Greaves (objector), Daniel Lugsden (applicant’s architect) and Chris Beaver (agent) addressed the Committee.

Councillor Meadlarkin (Ward Member) addressed the Committee.

In response to a question, the Lead Planning Officer advised that the Committee would be unable to make a decision on the suggested revised scheme reducing the number of units to 17, as the applicant would be required to submit revised plans and documents which would then be subject to consultation with statutory consultees and the public.

In response to a question, the Conservation Officer outlined her concerns about the impact of the proposal on heritage assets as detailed within the consultation response in the report.

In response to questions, Lionel Shelley, Development Viability Lead from Plymouth City Council advised that he had been appointed to provide an independent viability review of the applicant’s scheme. The applicant had since decided to undertake a review of his review. It had been concluded that a scheme for 21 units was viable. There had been a difference of opinion with the applicant in relation to the suggested reduction in the scheme to 17 units, as he considered that the sales evidence



provided by the applicant was incorrect and that the construction costs were more expensive than expected. However, based on these figures he was of the opinion that a 17 unit scheme would also be viable and would produce a profit. The provision of affordable housing on the site would result in the scheme becoming less viable particularly if included within a 17 unit scheme.

In response to a question regarding Vacant Building Credit, the Lead Planning Officer referred the Committee to the comments detailed on pages 54 to 55 of the report. There was a clear intention by the owner to redevelop the site as planning applications had been submitted. Legal advice had been sought in 2016 in relation to whether the building was an “abandoned building”. It was considered that the building had not been abandoned. Supplementary Planning Guidance had not been produced for the site. The application included the demolition of the building, therefore a vacant credit would be received.

The Head of Place advised that the production of Supplementary Planning Guidance would take approximately 12-18 months before adoption. It would be subject to a robust and rigorous process in consultation with the owner, agent and interested parties. He suggested that a Development Brief may be more appropriate as it would achieve the same outcomes as it would capture joint aspirations for the site, however would be produced in a shorter timescale.

RESOLVED (unanimous) that the application be REFUSED as recommended by the Head of Place and that Supplementary Planning Guidance or a Development Brief be produced for the site to enable the Council to lead the process.

**95.            ADJOURNMENT OF MEETING**

Councillor Leaver left the meeting.

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

- 96.            65813: THE BARN, LANDKEY. VARIATION OF CONDITION 3 (SUBMISSION OF LANDSCAPING AS A RESERVED MATTER PRIOR TO COMMENCEMENT), CONDITION 5 (SUBMISSION OF BOUNDARY TREATMENT AT THE SAME TIME AS THE RESERVED MATTERS LANDSCAPING), CONDITION 7 (SUBMISSION OF SITE CONTAMINATION REPORT PRIOR TO COMMENCEMENT) AND CONDITION 8 (SUBMISSION OF CONSTRUCTION MANAGEMENT PLAN PRIOR TO COMMENCEMENT) ATTACHED TO OUTLINE APPLICATION 55288 FOR ERECTION OF ONE DWELLING (AMENDED PLANS AND DESCRIPTION, ONLY MATTER RESERVED IS LANDSCAPING), THE BARN, WHIDDON PARK, LANDKEY**

**ROAD, BARNSTAPLE, EX32 9LA.**

The Committee considered a report by the Head of Place (circulated previously – now appended).

RESOLVED (13 for, 0 against, 1 abstained) that the application be APPROVED as recommended by the Head of Place.

97. **65926: 4-6 WILDER ROAD, ILFRACOMBE. REMOVAL OF CONDITIONS 3 AND 4 ATTACHED TO PLANNING PERMISSIONS 15310 (CONVERSION OF EXISTING DWELLINGS TO FORM HOSTEL FOR YOUNG PEOPLE WITH ASSOCIATED SKILL TRAINING ROOMS AND WARDENS FLAT). REMOVAL OF CONDITIONS 3 AND 4 (USE RESTRICTIONS) ATTACHED TO PLANNING PERMISSION 22076 (CONVERSION OF DISUSED BUILDING TO FORM 9 NO. FLATLETS AND ANCILLARY COFFEE BAR AND SEMINAR ROOM FOR USE BY WILDER PARK COTTAGE PROJECT) (AMENDED DESCRIPTION AND LOCATION PLAN), 4 - 6-WILDER ROAD, ILFRACOMBE, EX34 8BN.**

Councillor Lane declared a personal interest in the above application as a Member of the Executive.

The Committee considered a report by the Head of Place (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

98. **66290: ILFRACOMBE YOUTH CANOE CLUB, ILFRACOMBE. VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 63082 (ERECTION OF ONE STORAGE BUILDING), ILFRACOMBE YOUTH CANOE CLUB, LARKSTONE LANE, ILFRACOMBE, EX34 9NU.**

The Committee considered a report by the Head of Place (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED subject to conditions as recommended by the Head of Place.

99. **66445: TARKA TENNIS CENTRE, BARNSTAPLE. APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 FOR APPROVAL OF DETAILS IN RESPECT OF RESERVED MATTERS APPLICATION FOR ARTIFICIAL GRASS PITCH (LAYOUT/SCALE/APPEARANCE AND LANDSCAPING) ALONG WITH LEVELS AND MEANS OF**

**ENCLOSURE (OUTLINE APPLICATION 63351)**

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Lead Planning Officer (South) advised the Committee that an email providing an update on this application had been circulated to the Committee via email on 15<sup>th</sup> April 2019 and tabled which advised that the description of the application had been amended and consultation responses had been received from Barnstaple Town Council, the Highways Authority, Sustainability Officer and the Landscape and Countryside Officer. It was now recommended that the application be approved with conditions as recommended by the Head of Place subject to delegated authority being given to agree the final contours of the bunding and to ensure all plans were updated with the smooth path alignment.

In response to a question, the Lead Planning Officer advised that the realignment and routing of roads would be considered as part of the traffic assessment for the wider Seven Brethren development project.

RESOLVED (unanimous) that the application be APPROVED with conditions as recommended by the Head of Place subject to delegated authority being given to the Head of Place to agree the final contours of the bunding and to ensure all plans were updated with the smooth path alignment.

**100.           66400: TARKA TENNIS CENTRE, BARNSTAPLE. APPROVAL OF DETAILS IN RESPECT OF DISCHARGE OF CONDITION 11 (CONTAMINATION), 13 (PILING RE FLOODLIGHTS), 14/15 (SURFACE WATER MANAGEMENT), 16 (CONSTRUCTION MANAGEMENT), 18 (LIGHTING), 19 (LEMP), 20 (TREE PROTECTION), ATTACHED TO PLANNING PERMISSION 63351 (OUTLINE PLANNING PERMISSION) IN RESPECT OF THE AGP WORKS (AMENDED DESCRIPTION), TARKA TENNIS CENTRE, SEVEN BRETHREN BANK, BARNSTAPLE, EX31 2AS.**

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Lead Planning Officer (South) advised the Committee that an email providing an update on this application had been circulated to the Committee via email on 15<sup>th</sup> April 2019 and tabled which advised that an amended Landscape and Ecological Management Plan (LEMP) and Construction Management Plan had been received. It also detailed updated consultee responses from Environmental Health, the Environment Agency, Sustainability Officer and Landscape and Countryside Officer. A consultee response from Devon County Council Lead Flood Authority had not yet been received. It was now recommended that the application be approved as recommended by the Head of Place subject to delegated authority being given to ensure that the LEMP and Landscape Plan align, to agree a Tree Protection Plan and associated method statement, to agree final contours of the bunding, to ensure

all plans were updated with the smooth plan alignment and to address comments of the Environment Agency.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place subject to the Head of Place being delegated authority to:

- (a) ensure that the Landscape and Ecological Management Plan and Landscape Plan align;
- (b) agree a Tree Protection Plan and associated method statement;
- (c) agree final contours of the bunding;
- (d) ensure all plans were updated with the smooth plan alignment;
- (e) to address comments of the Environment Agency.

Chairman

The meeting ended at 11.57 am

App. No.: **66450** Reg. : **18/03/2019**  
L. Bldg. : Expired: **17/06/2019**  
Parish : **FREMINGTON**  
Case Officer : **Ms J Watkins**

Applicant: **MS EMILY KING**  
Agent : **RENEW PLANNING LIMITED**

Proposal: **RESERVED MATTERS APPLICATION FOR PRIMARY SCHOOL (OUTLINE PLANNING PERMISSION 53881)**

Location: **LAND WEST OF TEWS LANE, BICKINGTON EX31 3WJ**

## **PROPOSAL**

Outline planning permission 53881 grants permission for the erection of the school as part of the Tews Lane development. The means of access was also agreed as part of 53881.

The application was approved by the Planning Committee on the 15th May 2013.

This application is a reserved matters submission. The matters being dealt with are:

- Appearance
- Landscaping
- Layout
- Scale

**These are the only matters reserved for consideration.**

The principle of the development and the point of access have been agreed. The design of the access road extension from the residential estate was agreed as part of application 64697 approved in May 2018.

The conditions relating to the outline permission still apply.

The school will be known as the Roundswell Community Academy and will comprise a two storey 420 place Free School providing classrooms, library, SEN facilities, a multi-use hall, kitchen and dining facilities. The new school will also provide a 39 place nursery. The northern parts of the site are laid out as open space/forest school, the details of which will be agreed as a separate reserved matters application. To the west and north of the school building will be play facilities.

The school will be operated by the Tarka Learning Trust and is expected to have an initial (September 2020) intake of 60 reception year children, including a 30 place reception class being accommodated temporarily at the Newport Community School Primary Academy from the 2019/20 academic year. The September 2020 roll is also expected to have a full (39 place) nursery provision. Thereafter, the school is anticipated to grow incrementally at a maximum projected intake of 60 children per year.

## **RECOMMENDATION**

APPROVE

## **SITE AND SURROUNDINGS**

The land allocated as part of BAR03 comprises former agricultural land extending to 16.78 ha located to the west of Tews Lane. It is a relatively flat, greenfield site. To the south is the Old Bideford Road, to the north the Muddlebrook and Shieling Road and to the west Fremington Claypit coverts and the associated SSSI.

The allocation comprises two distinct parcels of land linked by Tews Lane which sit north and south of the Tews Lane playing field. The residential parcels are under construction (Linden Homes and Cavanna Homes). There are residential properties to the north and east of the site.

This site is to the north of the residential scheme being developed by Linden Homes. It amounts to 1.79ha. The eastern boundary is defined by Tews Lane and a stream runs along the northern boundary. Site levels rise from north to south and parts of the northern boundary site within the Muddlebrook flood plain. It will be accessed from Tews Lane and the residential estate road known as the Mountbray development.

## **REASON FOR REPORT TO MEMBERS**

Called in by Councillor Rodney Cann on 29/03/19 for the following reasons:

- The application is premature in advance of the construction of the Bickington Bypass proposal put forward by DCC.
- The size and scale of the school on this site would have an adverse impact on the amenity and quality of life in this residential area.
- Inadequate provision has been made for onsite parking and parent's vehicular access to drop off children.
- The site is part of a flood plain and there is insufficient information to indicate what measures will be in place to ensure children's safety.
- To consider further representations from local residents and organisations.

## **POLICY CONTEXT**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that 'if regard is to be had to the development plan for the purposes of any determination under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise'.

The statutory development plan for the area now comprises the North Devon and Torridge Local Plan (2011-2031) adopted on 29 October 2018 and which has superseded the North Devon Local Plan (1995-2011), against which provisions the original outline planning permission was granted.

The provisions of the revised National Planning Policy Framework (NPPF), published on 19 February 2019 in updated form and setting out the Government's planning policies for England, will also be material to decision-making.

### North Devon and Torridge Local Plan (2011 – 2031)

Policy ST01: Principles of Sustainable Development

Policy ST02: Mitigating Climate Change

Policy ST03: Adapting to Climate Change and Strengthening Resilience

Policy ST04: Improving the Quality of Development  
Policy ST05: Sustainable Construction and Buildings  
Policy ST06: Spatial Development Strategy for Northern Devon's Sub-regional, Strategic and Main Centres  
Policy ST08: Scale and Distribution of New Development in Northern Devon  
Policy ST10: Transport Strategy  
Policy ST14: Enhancing Environmental Assets  
Policy ST22: Community Services and Facilities  
Policy ST23: Infrastructure  
Policy DM01: Amenity Considerations  
Policy DM02: Environmental Protection  
Policy DM03: Construction and Environmental Management  
Policy DM04: Design Principles  
Policy DM05: Highways  
Policy DM06: Parking Provision  
Policy DM08: Biodiversity and Geodiversity  
Policy BAR03: Tews Lane, Roundswell (for ease of reference BAR03 is set out in full below)  
Policy BAR08: Former School Site, Roundswell *(4) The development will not be commenced until an alternative primary school within the Roundswell / Bickington area has been started.*

Para 10.46 of the NDTLP states '*Land east of Sainsburys and Roundswell community centre has been safeguarded for many years to provide a new primary school to serve Roundswell, although it has not yet been delivered. A new 420 place primary school is proposed as part of the Larkbear urban extension (Policy BAR02: Larkbear Strategic Extension) and the proposal west of Tews Lane (BAR03: Tews Lane, Roundswell). Either of these sites could accommodate future educational needs in this area of town. Once a new primary school has been started elsewhere within the locality, the site at Roundswell will no longer be required for a new primary school.*

Policy BAR03: Tews Lane, Roundswell

(1) Land west of Tews Lane, (about 10 hectares) as identified on Policies Map 1, is allocated for a sustainable, high quality development that includes:

(a) approximately 350 dwellings, the size and tenure of which will be reflective of local needs; and

(b) provision within the site for physical infrastructure, community facilities, and green infrastructure required by the development.

(2) The site will be developed to deliver the following site specific development principles:

(a) create a distinctive, safe, sustainable, high quality urban extension and new neighbourhood for Barnstaple;

(b) enhance and make connections to the existing network of local and strategic green infrastructure through and around the site, including a green buffer along the northern boundary and provision of this stretch of the cross-town cycle route;

I provide a mix of house types, tenures and sizes of open market and affordable homes contributing towards the identified local needs;

(d) avoid or mitigate any impact on the adjacent county wildlife site and Site of Special Scientific Interest; and

I provide a sustainable water strategy that reduces water usage, manages surface water runoff through water storage areas and sustainable drainage systems to reduce the risk of flooding along Muddlebrook and elsewhere in Barnstaple.

(3) The transport and connectivity strategy for the site will:

- (a) facilitate delivery of a future road link through the site between Old Bideford Road and Bickington Road; and
- (b) improve public transport and cycle links between Bickington, Roundswell and the Town Centre.

## **CONSULTEE RESPONSES**

**Fremington Parish Council:** This application was discussed by the Parish Council on the 8<sup>th</sup> April 2019. It was resolved that Cllr Mrs J Cann is asked to call in the application.

**DCC Highways:** Taking into account the existing Outline Planning Permission, and detailed Transport Statement, I find application 66450 to be acceptable subject to the recommended conditions (see below)

**DCC Education:** The proposal aligns directly with Devon's Education Infrastructure Plan 2016 – 2033, specifically page 46 that highlights the need for a 420 primary school (2-11 years) in the period 2017 – 2021. In addition, the North Devon & Torridge Local Plan 2011 – 2031, identifies the need for new primary provision to serve west Barnstaple housing development.

Devon County Council has forward funded the new serviced school site Tews Lane which will be delivered under Department for Education's Free School Programme. As such, Devon County Council continues to work closely with the Department for Education and the Tarka Learning Partnership to ensure the delivery and opening of the new school.

Devon County Council fully support this planning application.

**DCC Archaeologist:** The archaeological work has been completed and the results will be published in the county archaeological journal – so no further mitigation is required.

**Sustainability Officer:** The submitted Lighting Strategy and Landscape Lighting Plan and Schedule is in accordance with the Environmental Management Plan (EMP) and Principles of Ecological Management Plan submitted in support of 60291 and provides sufficient information to satisfy Condition 31 of the original outline permission (53881). I understand any remaining biodiversity provision is subject to the 60291 EMP and specifically the proposals for the forest school will be required to discharge Condition 16 and 44 of the outline.

**Environmental Health :** I have reviewed this reserved matters application in relation to Environmental Protection matters and comment as follows:

### 1 Land Contamination

No information has yet been provided in relation to potential land contamination affecting the site. I note the Planning Statement states this will be submitted separately under the requirements of Condition 21 of permission 53881. Please let me know when the relevant report is available.

### 2 External Plant Noise

I note the proposals include an internal plant room. Should there be an intention to install any potentially noisy external plant (for example related to HVAC systems), I recommend the prior approval of the Local Planning Authority be required. This would provide an



opportunity to ensure that any such plant is located and of a type such that it is unlikely to significantly impact nearby residential neighbours.

### 3 Construction Management Plan

No Construction Management Plan (CMP) has yet been provided. I note Condition 23 of permission 53881 requires submission of a CMP. I would wish to be consulted on the plan when it is submitted so I can check that it adequately covers the relevant areas. NDC Environmental Health has received a lot of noise complaints relating to construction of the residential phase of this development so I will pay particular attention to the noise control plan within the document.

**Designing Out Crime Officer:** Police have no objections in principle to the proposal. From a crime and disorder perspective schools can be vulnerable to burglary, theft and unwanted trespass, therefore life should be made as difficult as possible to prevent unauthorised access and activity. It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime, fear of crime, and anti-social behaviour. A sensible and practical level of security, which will not adversely affect the efficient running of the school, is essential to a successful teaching and learning environment.

Crime within schools generally falls into the following categories:

- Theft by insiders (pupils, staff);
- Vandalism by insiders (mainly pupils);
- Theft & vandalism by outsiders connected to the school (pupils relatives, former pupils);
- Theft & vandalism by other outsiders (local groups);
- Arson;

Based on the area in question, neighbouring sites, evidence of previous criminal and anti-social activity in the locale' please note the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and community conflict perspective;

1. The one main entrance is a good design feature, which can be enhanced with the prominent display of directional signs indicating the location of and the route visitors should follow to the school reception /office. The main vehicular and pedestrian approaches should ideally be overlooked by the school office/reception. Separate secondary entrances around the perimeter for pedestrians are commonplace, but to increase security they should be opened only at peak arrival and departure times if required.
2. It is essential that good vehicular access, egress, drop off and collection areas are factored in to the overall design of the development due to the limited parking spaces. The volume of traffic at the start and end of a school day cannot be underestimated, not just from a conflict point of view but also for the safety of the children. If the space is not provided for the vehicles they will be parked on nearby roads and paths etc. Local neighbourhood Police teams can spend a lot of time dealing with conflict between residents and parents over issues related to parking in and around schools.
3. A clearly defined and secure boundary of the school is a pre requisite for a secure site. It will help staff manage the school site by limiting trespass and by channelling visitors through the site to the appropriate entrances. The proposed 2m secure boundary is a noted and welcome inclusion in the plans. Ideally this will be colour coated to soften appearance. Dark colours reduce the reflection of light and

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therefore make it easier for passers-by to observe activity through the fencing. This will frustrate any intruder's intent on breaking into the school out of hours and will limit the quantity or type of goods that can be stolen. However, secure boundaries are not just important for combating unauthorised access they also provide security and safety for students and staff, keeping them in and the 'uninvited' out. The design, height and construction of any gates should match that of the adjoining perimeter/boundary treatment and not compromise the overall security of the boundary.

4. All ground floor and easily accessible glazing must incorporate glass successfully tested to BS EN 356:2000 *Glass in building. Security glazing—resistance to manual attack* to category P1A. All external doors/windows should be independently tested/certified to an appropriate nationally recognised security standard such as PAS 24:2016.
5. The main function of the reception area, the effective and appropriate management of visitors, is critical to the school's security. Reception staff should have a clear view of the approaches to the school entrance. The one main entrance which leads into the lobby is a good design feature. Good access control is the matrix to the security for any school during the school day. Procedures should be in place to ensure as far as is reasonably practicable, that no one is able to access the school buildings unacknowledged and that once in the building, systems are in place to protect or help pupils and staff, should support become necessary. It is recommended that all visitors, including school governors etc. should initially report to the school office / reception, where the purpose of their visit can be established prior to them signing in and being issued with a visitor's badge, valid only on the day of issue.
6. Nearly all schools are vulnerable in some degree or other to youths climbing. Much damage is caused to the fabric of the roof by this unauthorised access. The damage frequently goes unnoticed until it rains and the roof starts to leak or other ancillary damage is caused to pipes or wiring. The proposed design incorporates flat roofed single stories with attached access ladders. These should be made inaccessible to prevent climbing, which can not only lead to damage and anti-social behaviour, but also result in accidents and injuries to those persons climbing. Suitable worded warning signs regarding trespass, the danger of climbing on roofs should be clearly displayed around the school site.
7. Hard play surfaces/courts can attract trespass out of normal school hours and unfortunately can become a target for misuse and vandalism. If the intention is to make this area and the sports pitches available for 'community use' out of school hours, it is recommended the area is securely enclosed to prevent unauthorised access to the main school site when school is closed. I note the secure storage for play and sports equipment is provided within the main building. Initial generous storage provision should help prevent damage to equipment which otherwise has to be left outside and hopefully avoid future need for additional outbuildings which are more vulnerable to attack.
8. It is noted that the bin store is located within a compound away from the main school building. This must be kept locked and wheelie bins must still be secured in place as they can be used as climbing aids and the contents used to start fires.
9. Ideally bicycle/scooter parking should be within view of offices or classrooms. Is the proposed cycle/scooter storage roofed? Consideration should also be given to installation of appropriate lighting of this area .
10. Trees should allow, when mature, crown lift with clear stem to a 2 metre height. Similarly, shrubbery should be selected so that, when mature, the height does not

- exceed 1 metre, thereby ensuring a 1 metre window of surveillance upon approach whether on foot or using a vehicle.
11. Roof lights are advised to be an independently security tested to an appropriate standard such as LPS 1175 or STS 202 to an appropriate security level.
  12. In the prevention and detection of crime and anti-social behaviour, consideration should be given to the installation of an appropriate monitored CCTV and intruder alarm system, with compatible lighting. With this in mind I would request that this be a 'planning condition'
  13. Due to the risk of arson and where there are design constraints that prevent a letter plate with a security cowl being installed within a door e.g. narrow corridor or where it is undesirable to install a surface mounted secure mail box, it may be preferable to provide 'through-the-wall' mail delivery into a secure internal letter box. There are increasing crime problems associated with letter plate apertures, such as arson, hate crime, lock manipulation and 'fishing'. In order to address such problems SBD strongly recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building. It is recommended products meeting DHF TS008 & TS009 are installed as part of any mail delivery system.

**Environmental Agency:** We have no objections to this reserved matters proposal for the primary school application as submitted. However, we recommend that more information should be submitted before we would be able to recommend that condition 16 of outline application 53881 can be fully discharged. The reason for this position and advice is provided below.

**Reason** – Part of the site is located within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. The submitted details indicate that the proposed development (all land raising and buildings) and the secure perimeter fence are outside the flood risk area, ensuring that flood risk is not increased elsewhere, in line with the National Planning Policy Framework (NPPF).

We highlight that some of the submitted drawings refer to a proposed 'forest school' but there are no further details included in the application. This element will require further information to be submitted to satisfy Condition 16 on outline application 53881. Condition 16 states that land levels in this location [flood risk area at the north of the site] shall not be raised and no obstructions will be built within it, including fencing or any temporary buildings/construction compounds and no materials stored. These additional details are required to demonstrate that the design and operation of the proposed forest school will not increase flood risk in this location, in line with the NPPF.

#### Advice – Fencing

In relation to the flood plain boundary fence (location indicated on Proposed Site Layout Plan 2 of 2), condition 7 of outline application 53881 states that reserved matters submission for each sub-phase of the site shall include details of the siting, design and materials of the walls and/or fences and approved in writing by the Local Planning Authority. Whilst the Proposed Site layout Plan 2 of 2 indicates the size of minimum 100mm mesh, the submitted Design and Access Statement dated March 2019, section 4.5 states that fencing within the flood plain will be in accordance with the Environment Agency requirements. We recommend that this drawing (Proposed Site Layout Plan 2 of 2 reference: 1634\_SEL\_00\_00\_DR\_L\_003) is included in the list of approved documents to ensure this detail is implemented.

***The applicant has responded:***

*On the matter of the proposed forest school, and as previously advised, our intention is to submit the further details of this element of the scheme pursuant to Condition 16 of the original outline planning application. The further comment on the floodplain fencing is noted.*

**DCC Lead Flood Risk Authority:** Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

1. It is understood that the surface water drainage proposals submitted for the outline planning application (53881) accounted for a 'potential' area from the primary school. However, this specific area was unknown at the time of designing the surface water drainage system. Therefore, if the positively drained area from the school is now larger than the area proposed at outline stage, then the surface water drainage system for the school will need to be updated (possibly by providing further attenuation, it will need to be demonstrated that there shall be no negative impacts on the existing surface water drainage system). The applicant should clarify the positively drained area from the school, if this area is larger than the outline then the applicant should provide further details.
2. Although the site appears to have been accounted for within the site wide surface water drainage system, further mitigation could be provided. The applicant should clarify the feasibility of rainwater harvesting as well as the feasibility of Sustainable Drainage features to further 'slow the flow' and enhance the treatment of surface water (particularly from the car park which could receive high levels of pollution).
3. The applicant should clarify the exceedance flow routes for this site. Exceedance flows may occur due to blockage within the system or due to an occurrence of a higher rainfall event than designed for.
4. The applicant should clarify who shall maintain the surface water drainage within their site.

***The applicant has responded:***

*Our drainage engineer has reviewed the LLFA's consultation response (dated 17 April and as attached) and has commented as follows:*

*Paragraph 1: PBA are the originator of the site wide assessment and therefore only they will be able to undertake a comparison.*

*Paragraph 2: This isn't required since the site wide assessment accounts for the school's discharge into the respective attenuation ponds. Therefore, the attenuation ponds satisfy this 'slow flow' statement.*

*Paragraph 3: This will be addressed as part of the detailed design, which can presumably be secured under condition.*

*Paragraph 4: Ditto in terms of a condition requiring a management/maintenance plan.*

**South West Water:** I refer to the above application and would advise that South West Water has no objection.

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## **REPRESENTATIONS**

The applicant held a community engagement exercise on the 28<sup>th</sup> February 2019 involving local residents and stakeholders. Issues raised at that time include traffic and parking.

At the time of preparing this report 24 letters of objection have been received relating to the application. These raise the following issues:

- Impacts on traffic
- Location of school
- Safety of public
- No pavements
- Drainage issues
- Loss of green space
- SSSI site
- Noise pollution
- No parking
- Rat runs
- Privacy impacts
- Surface water
- Pollution from additional vehicles

See attached list for representation names and addresses.

(Copies of all the letters have been made available prior to the Planning Committee meeting in accordance with agreed procedures).

## **PLANNING HISTORY**

Reference	Proposal	Decision	Date
25458	Outline residential development, roads, sewers and landscaping	Withdrawn	July 1998
26259	Proposed repositioning of overhead lines	Approved	November 1999
27392	Outline residential development, roads, sewers and landscaping	Withdrawn	February 2000
42198	County application for the provision of a cycleway linking Sheiling Road and Tews Lane	Indicate Approval	June 2006
53881	Outline application for residential development comprising 350 dwellings, a primary school & associated public open space & infrastructure	Approved	October 2014
60291	Reserved matters application for erection of 264 dwellings (outline planning permission 53881) (amended plans identifying revised layout & design together with additional drainage, landscape & engineering information)	Approved – under construction	30 June 2016
64697	Formation of new access road to land allocated for new primary school	Approved	23 May 18

## **SUMMARY OF ISSUES**

1. Principal of development
2. Access
3. Reserved matters inc. Ecology
4. Drainage
5. Conditions from the Outline application

## **PLANNING CONSIDERATIONS**

1. Principal of development

Para 10.46 of the NDTLP states 'A new 420 place primary school is proposed as part of the Larkbear urban extension (Policy BAR02: Larkbear Strategic Extension) and the proposal west of Tews Lane (BAR03: Tews Lane, Roundswell). Either of these sites could accommodate future educational needs in this area of town'. Outline planning permission 53881 grants permission for the erection of the school as part of the Tews Lane development. The application was approved by the Planning Committee on the 15th May 2013. The principal of development has therefore been agreed and planning permission granted.

2. Access

The means of access was also agreed as part of 53881. The application is supported by a Transport Statement which has been prepared to demonstrate that the overall traffic, parking and pedestrian safety impacts of the proposed development remain acceptable, such that there would be no unacceptable or severe impacts arising.

The statement indicates that there have been no significant changes to the local transport networks in the period that has elapsed since the outline application was approved. The conclusions reached from a transport perspective remain valid; namely, the site is readily accessible by a variety of modes of transport that has the potential to reduce reliance upon the private car.

The statement sets out that there has been no significant increase in the number of accidents on the road network serving the site. The overall accident rate for the local highway network continues to be at a level that does not suggest that there are any inherent defects in the network that results in an abnormally high accident rate.

The report concludes that, due to the lack of an existing primary school within the Roundswell area, that this results in a number of outbound education-based trips to other schools within Barnstaple. Due to the distances involved, these typically involve a car based trip that contributes towards the delays that are currently associated with the local highway network.

DCC Highways have advised that they are *'aware, of course, of local opposition'*, but that they *'cannot consider a more sustainable location that can accommodate children primarily by walking and cycling from the established, and new, residential catchment areas, than the site proposed'*.

## 3. Reserved Matters

This application is a reserved matters submission. The following are the only matters reserved for consideration:

- Layout

The proposed school site was identified on the Site Development Masterplan drawing (0405-2002C) approved as part of the outline application. These reserved matters accord with the Masterplan.

The proposed school building is located to the centre part of the site with vehicular and pedestrian access to the south west off Mountbray. There is to be one main entrance to the school building for visitors and staff with students entering from their respective Key stage entrances.

The internal floor layout enables the control of access to different parts of the school with the control of unauthorised access to vulnerable areas a priority. The layout is simple and has been designed to avoid hidden spaces and concentrations in circulation, especially in areas of high use at critical times of the day. The corridors and placement of staff offices have been sited to offer maximum passive supervision

The multi-use hall has been positioned towards the rear of the building to reduce the overall mass of the building facing the new residential development. The single story kitchen block has been positioned to the west to provide a more domestic scale to the building approach. The separation distance to the nearest residential property is shown as 26m.

The orientation of the building has been informed by the position of the site and what would be most beneficial to achieve maximum efficiency in regards to glare and lighting

The main playing field (comprising U7 mini pitch and U9/U10 football pitch, both sized to Sport England specification) would be laid out to the west of the school building with an area of hard play to the north. Again the hard play area is away from residential properties.

Condition 7 of the outline permission requires details of all fencing. This is shown on the layout plans and provides the school with a secure perimeter at 2.4m.

Condition 9 requires a refuse storage area. This is shown with the car parking area.

Condition 10 requires details of car parking. The layout incorporates a total of 40 car parking spaces (incl. two blue badge spaces and 1 x minibus parking bay), 16 cycle parking spaces; and, an area designated for scooter parking (with capacity for 38 scooters). The Academy advise that there will be residual space on-site to accommodate visitors throughout the course of the day, and also an element of drop—off and pick-up activity at the start and end of the school day. This activity is further catered for with the inclusion of a layby located adjacent to the site egress, which has capacity for six vehicles using an in/out system.

Condition 16 of the outline planning permission requires the flood risk area to the north of the site to be only used as school playing fields or public open space (as shown on the illustrative masterplan). This 'flood risk area at the north of the site' will not be developed

but will be used as a forest school to provide a 'further enriched educational resource'. The precise details of how this land would be protected and configured will be submitted separately for approval pursuant to Condition 16 of the outline planning permission, which relates specifically to this area of the site. The secure line fencing to the rear of the school will be aligned outside of the flood zone area. The EA are satisfied with this approach.

The layout provides adequate on site space for parking and servicing and does not adversely impact on third part amenity in line with policies DM01/02/05 and 06.

- Scale and Appearance

Good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities (NPPF: Paragraph 124). The new two story school will be delivered in a modular format and takes a modern and contemporary form and will be articulated with elements of a timber style cladding to provide both horizontal and vertical interest. The floor area would 2291 square metres (GIA) and is designed as a rectangular form measuring 74.8m long x 25m wide (maximum) and reducing to 18.2m wide x 7.95m high.

A contemporary mixture of neutral coloured finishes with a mix of white and mushroom coloured panels with the sports hall distinguished through the use of a darker coloured (anthracite) panels aim to replicate the wide use of render in the adjoining area. The principal (north and south) elevations would also be embellished with sections of wood-effect feature cladding to provide both vertical and horizontal interest (all of which materials would be sustainable and fire-resistant). The use of a buff coloured plinth has also been introduced to provide a visual connection between the building and the ground. The building would be 'modern, functional and enduring'.

It would also be sustainable, meeting the BREEAM 'very good' level of sustainability. Policies ST01, ST02, ST03 and ST05 of the Local Plan all require development to be sustainable and energy efficient.

Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles) seek to ensure that all new development is well designed, functional, flexible and adaptable as well as achieving a high standard of inclusive and sustainable design. The submission is considered to accord with these principals.

- Landscaping including Ecology

The proposed site layout arrangement does not encroach onto the 'eastern stream corridor' identified on the approved 'green infrastructure masterplan' (drawing no. 0405-2003B). A significant part of BAR03 will be laid out as open space.

The reserved school land was identified as having 'species poor semi-improved grassland' with 'important hedgerow' beyond its eastern site boundary and a 'borderline – defunct hedge' bisecting the site. The proposed school development would not directly impact on any of the surrounding trees, which were identified in this ecological assessment as having moderate or high bat roosting potential, while the important hedgerows would be retained with managed buffers.

An Ecological Management Plan (EMP) (Tyler Grange. April 2016. 10078\_R01b) was



undertaken to discharge Condition 43 of the outline permission and this EMP included a lighting strategy to ensure continuous dark corridors for commuting and foraging bats were retained (refer to Plan 12254/P01). Condition 31 states:

‘A lighting plan shall be submitted for each sub-phase with the relevant reserved matters application for all proposed lighting within that phase, which shall include an ecological assessment identifying its impact on natural habitats and species and the development shall then be carried out in accordance with this plan.’

The proposed lighting for the site has been designed in conformity with the measures agreed as part of the EMP, with no lighting to impact natural habitats and species, including those located in the *Category 1: No lighting* areas. Lighting is only proposed where it is required around the buildings and car parking areas. Where lighting is needed, it is to be directed away from the areas identified as *Category 1: No lightning*, to ensure these remain dark, and the majority of lighting within the site is also located away from any *Category 2 areas: Lower level*. All external lighting within the car parking areas will be mounted on the horizontal to prevent any upward tilt and impacts to nocturnal species and the habitats that could be in use by them.

Policy DM08 (Biodiversity and Geodiversity) seeks to ensure that all new development conserves, protects and, where possible, enhances biodiversity and geodiversity interests. The scheme has been designed to ensure that there is no resultant harm arising in respect of lighting and the detailed landscape details show that hedgerows will be protected during the course of the development and that site planting can ensure ecology enhancement in accordance with Local Plan Policy DM08

#### 4. Drainage

Condition 5 of the outline planning permission requires details of the proposed foul and surface water drainage strategy to be approved for each defined sub-area. The detailed design of the surface water systems (Condition 14) should also accord with the originally approved Flood Risk Assessment (dated April 2012 as updated by the Critical Drainage Area requirements dated 13 May 2013).

The approved drainage strategy for the adjoining housing site (phase one Linden Homes) was approved under the reserved matters application 60291 and is predicated on the provision of a new surface water sewer network discharging into attenuation basins formed to the northwest and west of the proposed school site. The plans also show a proposed foul water sewer requisition across the school site (which would not be compromised by the setting out of the school development) connecting into a wider proposed foul sewer network. The school would connect into this wider drainage network, which has been designed with the necessary capacity to accommodate the development.

The foul water system has been sized suitably to accommodate the building waste waters loads, are self cleansing, and discharged under gravity to an existing combined manhole situated within the confines of the site.

The stormwater system has been sized suitably to accommodate the surface water from impermeable surfaces. Water collected from the impermeable car parking surfacing will be collected and directly discharged into the separate surface water system, outside the boundary and to the west of site, which has been provided as part of the wider SUDs drainage network.

## 5. Conditions from the Outline application

The conditions relating to the outline permission still apply and will be the subject of a separate discharge of condition application. These are listed at the end of this report

### **CONCLUSION**

Planning policies and decisions should plan positively for the provision of community facilities and other local services that would enhance the sustainability of communities and residential environments (Paragraph 92 of the NPPF). The proposed primary school forms part of the essential supporting infrastructure needed to meet the projected need for additional school places arising from the significant amount of new house building either already committed or proposed in the surrounding area.

The land has been specifically reserved for this purpose under the original outline planning permission for the wider Tews Lane housing development and so the principle of the proposed development has already been established in policy terms. The point of access has also been agreed.

The main purpose of this application is to address the more detailed (reserved) matters under the outline planning permission relating to appearance, landscaping, layout and scale, all of which will need to be assessed in the context of the current material planning policy, while having regard also to the various site development parameters established under the approved masterplan.

As set out above the design, layout and appearance of the development are all considered to be acceptable in respect of the policies of the NDTLP. The layout shows adequate on site car parking and servicing for the school collection and drop off. The relationship to existing properties is acceptable and the landscaping works will result in biodiversity gains as well as softening the form of development. The scheme has been designed with regard to local infrastructure (drainage) and ecology (lighting, hedge and tree protection) and as such there are no issues of material planning concern which would indicate that this Reserved Matters application should not be granted.

### **HUMAN RIGHTS ACT 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

### **DETAILS OF RECOMMENDATION**

With the following draft conditions and any recommended by the Lead Drainage Authority to address their consultation response.

(1) The development to which this permission relates must be begun not later than whichever is the later of the following dates:

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- (i) the expiration of three years from the date on which the outline permission was granted  
: or  
(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

## Reason:

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following plans and details submitted as part of the application:

Design & Access Statement March 2019

Planning Statement March 2019

Transport Statement March 2019 incorporating Interim Travel Plan, prepared by Vectos;

Lighting Strategy Ecological Assessment 12254\_R01a

Proposed (Lighting) Luminaire Schedule dated 12/03/19

Drainage Statement, prepared by Acute Civil Engineering;

- Drawing No. 1634\_SEL\_00\_00\_DR\_L\_000 S3 Rev 00 Site Location Plan  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_001 S3 Rev 05 Proposed Site Plan (Site Wide)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_002 S3 Rev 06 Proposed Site Plan (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_003 S3 Rev 00 Proposed Site Plan (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_004 S3 Rev 01 Landscape GA (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_005 S3 Rev 00 Proposed Landscape GA (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_006 S3 Rev 01 Landscape Levels (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_007 S3 Rev 00 Landscape Levels Plan (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_008 S3 Rev 01 Landscape Hardworks Plan (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_009 S3 Rev 00 Landscape Hardworks Plan (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_010 S3 Rev 01 Landscape Softworks Plan (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_011 S3 Rev 00 Landscape Softworks Plan (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_012 S3 Rev 01 Landscape Topsoil Plan (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_013 S3 Rev 00 Landscape Topsoil Plan (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_014 S3 Rev 01 Landscape Tree Protection Plan (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_015 S3 Rev 00 Tree Protection Plan (2/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_016 S3 Rev 00 Proposed Site Sections (1/2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_017 S3 Rev 00 Illustrative Sections (2of 2)  
Drawing No. 1634\_SEL\_00\_00\_DR\_L\_018 S3 Rev 00 Landscape Lighting Plan  
Drawing No. 11963/18 Topographical Survey  
Drawing No. PTK-00-GF-DR-A-(10)-001 P09 Ground Floor Plan  
Drawing No. PTK-00-FF-DR-A-(10)-002 P09 First Floor Plan  
Drawing No. PTK-00-RF-DR-A-(10)-003 P03 Roof Plan  
Drawing No. PTK-00-XX-DR-A-(20)-001 P06 Elevations  
Drawing No. PTK-00-XX-DR-A-(21)-001 P01 Proposed 3d Visuals  
Drawing No. PTK-00-XX-DR-A-(21)-002 P01 Proposed 3d Visuals  
Drawing No. PTK-00-XX-DR-A-(30)-001 P03 Sections  
Drawing No. 10459-S-GA-XX-00-1000 P1 Foundation Layout/Sections  
Drawing No. 10459-S-DR-XX-00-6000 P1 Drainage Layout  
Drawing No. 10459-S-DR-XX-00-6001 P1 Drainage Layout  
Drawing No. 10459-S-DR-XX-00-6002 P1 Drainage Details (1)

Drawing No. 10459-S-DR-XX-00-6003 P1 Drainage Details (2)

Drawing No. 10459-S-DR-XX-00-6004 P1 Drainage Details (3)

Drawing No. 10459-S-DR-XX-00-6005 P1 Drainage Details (4)

Reason:

The Local Planning Authority is satisfied on balance that the approved drawings and reports propose a form of development which addresses design, amenity, landscape, drainage, highway and infrastructure issues in a manner which is visually appropriate and sustainable and that variation from these could result in a less satisfactory scheme which does not address material planning issues.

(3) Implementation and maintenance of approved landscape proposals

All planting, seeding or turfing comprised in the approved landscaping drawings listed in condition 2 above shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to a suitable alternative.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area.

(4) Implementation of approved 'Tree Protection Plan'

In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans and particulars and paragraphs [b] and [c] below shall have effect until the expiration of 5 years from [the date of the occupation of the building for its permitted use].

A. No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

B. If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C. The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area.

# Agenda Item 6

(5) The access and associated dropping-off and picking-up facilities shall be available for all users of the school for a minimum period of time between the hours of 8-9am and 3-4pm on the days Monday-Friday.

Reason

To limit short term parking upon the public highway and in the interest of highway safety and convenience.

(6) Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason

In the interest of highway safety and to limit any adverse consequences to the amenities of local residential

Occupiers

(7) Provision shall be made within the site for the disposal of surface water so that none discharges onto the public highway.

Reason

In the interest of public safety and to prevent damage to the highway.

(8) Prior to the installation of any external mechanical ventilation or extraction systems (for example related to HVAC systems) details of their position and noise emission levels shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out as approved.

Reason:

To ensure that any such plant is appropriately located and is of a type such that it is unlikely to significantly impact nearby residential neighbours.

## **Any drainage conditions advised by DCC as Lead Flood Authority**

### NOTES

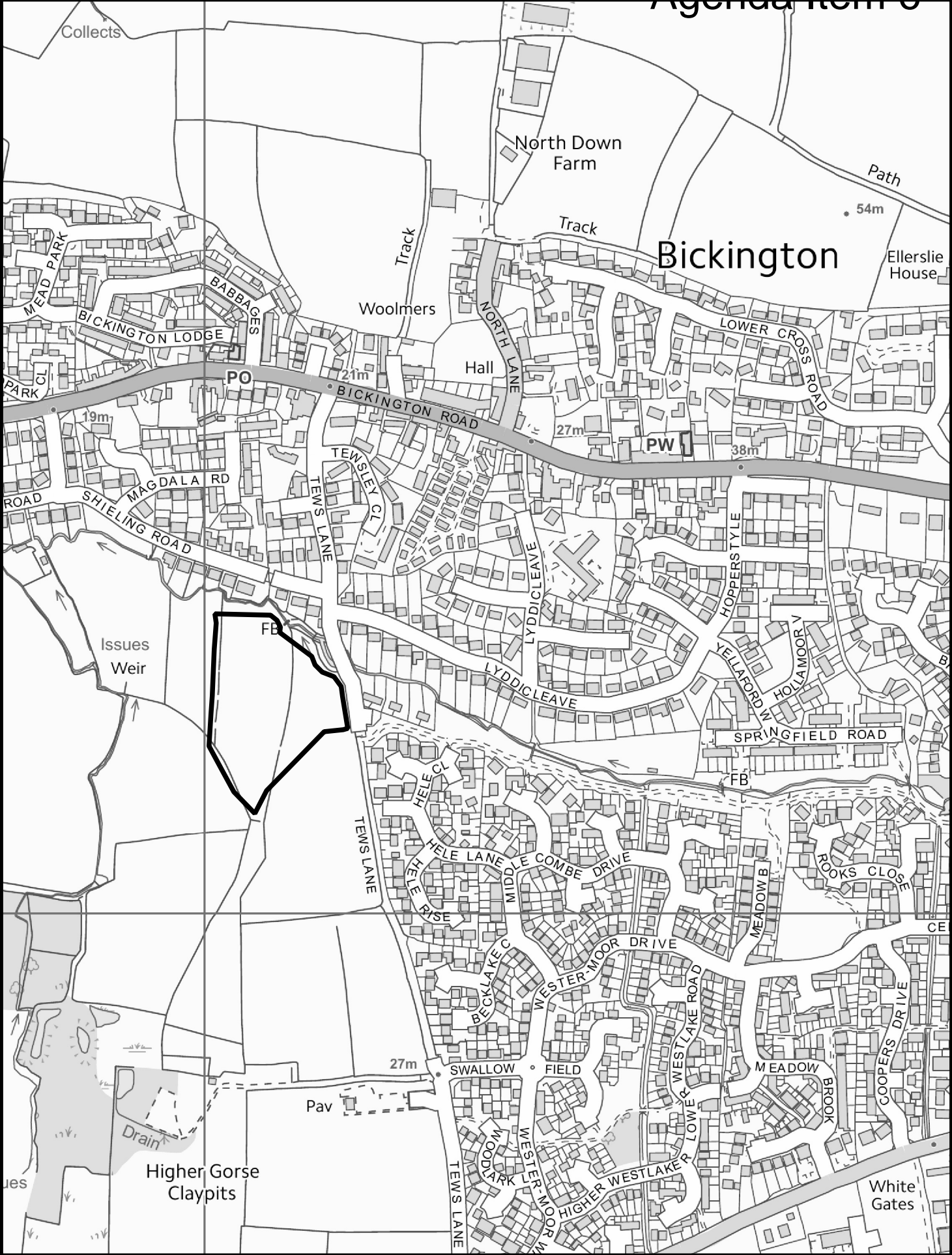
The conditions on the outline permission relating to

- Flood risk area details (16)
- Contamination (21)
- Unexpected Contamination (22)
- Construction Management Plan (23)
- Construction Times (24)
- Ecological Site Management (31)
- Biodiversity (41)
- Construction method Statement (42)
- Ecological Mitigation Management Plan (43)
- Landscape Management Plan (44)

Remain applicable

### INSERT(S) TO FOLLOW OVERLEAF

1. OS Location Plan
2. List of representations names and addresses



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

**66450 - Land west of Tews Lane, Bickington**  
Page 38

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Committee Report

Scale: 1:5000  
Date: 12/06/19

# Agenda Item 6

## Neighbour Representations List for Application No 66450

### 24 LETTER(S) OF OBJECTION

CHRIS BARSTOW	6 BROOKSIDE TEWS LANE	<i>Date Received:</i> 26-Mar-19
MR & MRS CARTER	1 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 23-Apr-19
NICHOLAS & TRINE ANDERSON	BYERLEY TEWS LANE	<i>Date Received:</i> 23-Apr-19
R LESTER	3 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 10-Apr-19
MR & MRS BRAIN	4 HELE CLOSE ROUNDSWELL	<i>Date Received:</i> 17-Apr-19
MR & MRS DOWDLE	18 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 17-Apr-19
FAMILY BELCHER	11 HELE CLOSE ROUNDSWELL	<i>Date Received:</i> 17-Apr-19
MISS DAWN BENNETT	3 SWALLOW FIELD ROUNDSWELL	<i>Date Received:</i> 15-Apr-19
LOUISA THOMAS	23 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 15-Apr-19
MRS M BUTCHER	1 SWALLOW FIELD ROUNDSWELL	<i>Date Received:</i> 15-Apr-19
BRYAN & LINDA WEATHERILL	14 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 15-Apr-19
MRS ELIZABETH SYMONS	7 HELE CLOSE ROUNDSWELL	<i>Date Received:</i> 16-Apr-19
PHILIPPA WEST	35 CLAYPITS ROAD BARNSTAPLE	<i>Date Received:</i> 17-Apr-19
DEBBIE WILDE	SENT BY EMAIL	<i>Date Received:</i> 17-Apr-19
MRS AVERIL COX	16 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 18-Apr-19
IAN CAPON	OBO ROUNDSWELL RESIDENTS ASSOCIATION	<i>Date Received:</i> 16-Apr-19
MR N BRIDEN	3 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 23-Apr-19
MRS S BANCROFT	59 LYDDICLEAVE BICKINGTON	<i>Date Received:</i> 23-Apr-19
LYNSEY BURTON-CHAMBERS	31 CLAYPITS ROAD ROUNDSWELL	<i>Date Received:</i> 23-Apr-19
JASON BURTON-CHAMBERS	31 CLAYPITS ROAD ROUNDSWELL	<i>Date Received:</i> 23-Apr-19

## Neighbour Representations List for Application No 66450

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IAN CRAWFORD

RECEIVED BY EMAIL

*Date Received:* 22-Apr-19

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NIGEL BRUGUIER

10 LYDDICLEAVE  
BICKINGTON

*Date Received:* 22-Apr-19

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ROD CAPNER

38 CHAMBERCOMBE ROAD  
ILFRACOMBE

*Date Received:* 15-Apr-19

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SUE BALLS

2 WHEEL CLOSE  
ROUNDSWELL

*Date Received:* 07-May-19