

Ward Trinity

Reference 19/2197/MRES

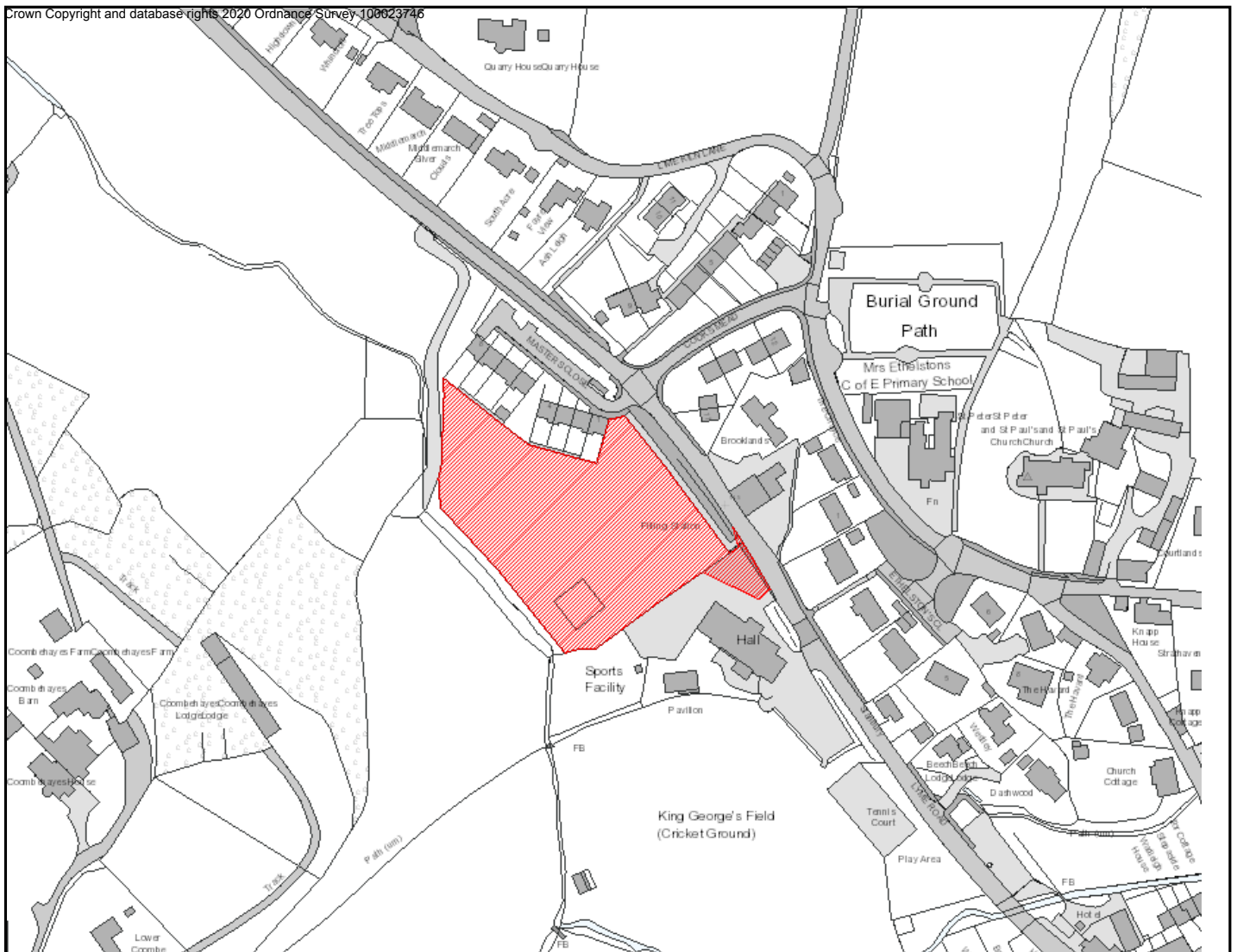
Applicant Bestic Ethelston School Foundation

Location Land Adjacent To Lyme Road (Adjoining Uplyme Village Hall) Uplyme

Proposal Construction of two storey school building; improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (Reserved Matters application seeking approval of access, appearance, landscaping, layout and scale)



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Trinity (Uplyme)	19/2197/MRES	Target Date: 03.01.2020
Applicant:	Bestic Ethelston School Foundation	
Location:	Land Adjacent To Lyme Road (Adjoining Uplyme Village Hall)	
Proposal:	Construction of two storey school building; improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (Reserved Matters application seeking approval of access, appearance, landscaping, layout and scale)	

RECOMMENDATION: Approve subject to conditions

EXECUTIVE SUMMARY

This application is before committee as it represents a major development and the officer recommendation differs from the view of the Parish Council.

The application seeks approval of reserved matters pursuant to outline consent granted for the construction of a primary school on the site. At the time of the grant of outline permission details of layout, scale and access were approved with landscaping and external appearance reserved for future consideration. The current application seeks approval of those matters but also alternative details of access, layout and scale to reflect changes to the design to meet the requirements of the school. The application therefore seeks approval of all matters.

The principle of the development of this site for the provision of a school was established under the outline consent and is supported by the Neighbourhood Plan. In addition, application of the sequential and exceptions tests, with regards to managing flood risk, was undertaken at outline stage with both found to be satisfied. The current application is accompanied by an amended Flood Risk Assessment (FRA) and surface water drainage details which reflect the revised layout but these details are considered to be acceptable by the Environment Agency and Devon County Council, in their capacity as the Local Lead Flood Authority.

In terms of layout and scale the scheme proposes development on broadly the same part of the site as previously approved and whilst the massing of the building has increased the overall height is comparable. The box like form of the

building is somewhat disappointing and lacking in articulation but this has largely been informed by the constraints on layout posed by the small area of the site that lies outside of functional flood plain and the level of accommodation that the school requires. The massing is broken up, to an extent, by the varying roof form and through the use of external cladding materials, which in time will help to 'soften' the appearance of the building. The large area of car parking and perimeter fencing is unfortunately unavoidable, from a visual impact point of view, but significant landscape planting is proposed to the wider site to offset this impact and help to mitigate any wider landscape impact.

The principal objection which has been raised in relation to the scheme relates to the access proposals and the impact of additional traffic movements in this location. The access has moved slightly to the northwest from that approved at outline stage and, as previously approved, provides a single access/egress point. The parish council and operators of the Petrol Filling Station (PFS) opposite both strongly object to the access proposals considering these to conflict with access to and safe operation of the PFS. It is suggested that this could result in the closure of the PFS and associated, post office and store leaving the village devoid of such facilities. It is argued that separate access/egress points serving the school would improve the flow of traffic and provide a more appropriate means of access. It is also suggested that the application is accompanied by insufficient information to fully consider the highway safety impacts of the development. In this respect Devon County Council, as the highways authority, has considered the application in detail and raised no objections to it, considering the single access/egress point to be the most appropriate option to serve the site and that sufficient information has been submitted to consider the traffic impacts. It is also considered that the proposal would be likely to reduce some of the off-site highway issues relating to the current school site which lacks parking provision.

In other respects including amenity impacts the scheme is considered to be acceptable.

Overall and taking into consideration the significant constraints on the development of this site, the submitted scheme is considered to be acceptable. The provision of a purpose built new school building with associated landscaped and formal play areas is likely to provide substantial educational benefits and improved learning opportunities for future users and the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

17.07.20 - The Parish Council Planning Committee do not support the amended application.

Again, the Planning Committee expressed their concerns that the entrance on the new drawing appears to be closer to the garage and vital services, the garage and vital services are not depicted on the new drawing plan to show measured distances, there are concerns of the mentioned (Zebra) pedestrian crossing on the B3165 as stated on the new amended plan, the pedestrian crossing on the new plan will cause health and safety issues close to the proposed single combined in and out system, as suggested and recommended repetitively, the Committee are highly favourable of a separate ingress and egress for health and safety reasons for these predicted surges of a high volume traffic at peak times.

Also, please refer to previous relevant consultation comments applied to this application on Thursday 30th Oct 2019 from the Uplyme Parish Council planning committee.

25.03.20 - The Parish Council Planning Committee do not support the amended application.

The Planning Committee expressed their concerns that the entrance on the new drawing appears to be closer to the garage and vital services, the garage and vital services are not depicted on the new drawing plan to show measured distances, there is no existing pedestrian crossing on the B3165 as stated on the new amended plan, the pedestrian crossing on the new plan will cause health and safety issues close to the proposed single combined in and out system, as suggested and recommended before the Committee are highly favourable of a separate ingress and egress for health and safety reasons for these predicted surges of a high volume traffic at peak times. Also, please refer to previous relevant consultation comments applied to this application on Thursday 31st Oct 2019 from the Uplyme Parish Council planning committee.

31.10.19 - The Parish Council Planning Committee do not support the application.

The Planning Chairman stated that the committee contacted EDDC Planning and to this date no communication has been made in connection with the deferment and/or amendment to this plan as agreed from a site meeting between the applicant, Parish Council and DCC Highways on 15/10/2019.

The Planning Committee discussed this current application in full and decided that the following details were unacceptable:

' The area marked in red on the location plan is incorrect and needs to be changed to reflect the exact detail. Most of the ground is owned by the Village Hall trustees and needs to be outlined in a different colour/markings as agreed with the applicant (Bestic Ethelston School Foundation).

' Design is out of character with the Village Plan statement ' Flat Roof and Wood Cladding design is unattractive and will deteriorate rapidly and is out of keeping to surrounding buildings and visual amenities (UEN1, UEN2).

' The current single road entrance/exit is unsafe, with an immense risk of Health and Safety to Residents, Public, School Children, Staff, visitors and vehicles.

' As discussed and agreed by the majority at the recent site meeting, this plan would hugely benefit by a one way system entrance and separate exit for safety reasons and to avoid back up on the main Lyme Road and also causing disruption to the post office, shop and garage.

' As agreed by the recent site meeting with DCC highways, this whole area of the B3165 needs to have a safety audit right up to Talbot Arms public house including the village gate narrow.

' Concerns are also raised at peak times of the Woodroffe School with the traffic accessing the village with large buses, coaches and numerous parental vehicles.

' Current plan would be a threat to the sustainability of future Village amenities with possible closure of the shop, post office and garage.

' Some of the planning detail shown has not been agreed with the area owned by the Village Hall Trustees and is not considered under the legal agreement.

Technical Consultations

Natural England

18.03.20 - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 05 November 2019

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

For applications within the East Devon Area of Outstanding Natural Beauty (AONB) we recommend you seek the advice of the East Devon AONB Partnership.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

05.11.19 - Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

For applications within the East Devon Area of Outstanding Natural Beauty (AONB) we recommend you seek the advice of the East Devon AONB Partnership.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Environmental Health

20.07.20 -The amendment to the H,S&EPMS in the attached document meet the concerns.

You may also wish to add in this case (or not: it may not be the issue here), it may be worth adding that in the current circumstances, the following could be added as an informative. If Covid is being cited as a reason for extending working times - extending finish times on weekdays only:-

"Where developers require longer term or more significant changes to working hours due to COVID-19, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way. In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward brief plans to manage concerns, drawing on existing good practice.

We are sympathetic about the issues developers will have as an impact of the COVID-19 pandemic, but we also have concerns about the impact on residents, in allowing greater flexibility for developers, EDDC recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses. Requests to extend working hours should be proportionate and should not involve working on Sundays or bank holidays. There is no reference to early working hours, however there is reference to later working hours of up to 9pm Monday to Friday.

It is suggested that you formally apply to our planning department outlining the changes and measures you will be putting in place to mitigate the impact on

neighbouring residents, for example if you are requiring extended hours of work you need to provide information relating to the change of hours you are requesting, also including how you intend to communicate with residents if the changes to times are approved.

Until you have submitted a request to change the working hours the construction code of practice still applies".

This information is based on recent ministerial guidance, applied to EDDC policy regarding construction times.

18.03.20 - The Barker submission titled "Schedule of items" with footer reference "BA_04-05.02" states the following on page 2 of 5 regarding lighting:

"Necessary information submitted before any construction works are commenced to ensure that lighting proposals are satisfactory"

Furthermore, I have looked through all the additional information submitted and have not seen any information regarding lighting and therefore I am still currently unable to recommend that condition 6 is discharged.

06.11.09 - I have assessed the above application and note that the following (conditions 6, 15 and 16) from the decision notice for application 12/2399/MOUT, date of decision 10 January 2013, are relevant to Environmental Health and I have commented after each condition.

In summary, I can recommend that conditions 15 and 16 are discharged, but I am currently unable to recommend that condition 6 is discharged.

Condition 6:

The development shall not be brought into use until the following details of external and internal lighting have been submitted to and approved in writing by the Local Planning Authority:-

- i) lighting strategy to include details to minimise energy use and lightspill/skyglow; and
- ii) distance from area to be illuminated to adjoining buildings and spaces; and
- iii) full luminaire specification; and
- iv) monitoring position and height of all luminaires; and
- v) details of any architectural, display, signage and way finding lighting.

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

(Reason - In the interests of the appearance of the area, to reduce energy demands and light spill in accordance with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and

AONBs) of the East Devon Local Plan 2013-2031.)

Applicant response - The schedule of items states: "Necessary information submitted before any construction works are commenced to ensure that lighting proposals are satisfactory"

Environmental Health response - The applicant has not provided information to satisfy the condition and therefore we cannot recommend that the reserved matters condition 6 is discharged. I look forward to commenting in the future on the applicants' proposals.

Condition 15:

Prior to the commencement of development a Construction and Environment Management Plan shall be submitted to and approved by the Local Planning Authority, development shall proceed at all times and for the duration of the development in accordance with the agreed details. The CEMP shall include at least the following matters: Air Quality, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.

(Reason: To ensure consideration is given at an early stage to the environmental impacts of the development in order to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.)

Applicant response - The schedule of items states: "The details of this are included within the submitted NetZero Building Health, Safety & Environment Project Method Statement".

Environmental Health response - Page 6 of the NetZero Project Management Statement details noise pollution arrangements. Page 6-7 of the NetZero Project Management Statement details dust control arrangements (including commentary regarding wheel wash and mobile crushers). Page 8 of the NetZero Project Management Statement details ground pollution arrangements. The applicant has provided sufficient information to satisfy the condition and therefore we recommend that the reserved matters condition 15 is discharged.

Condition 16:

Notwithstanding the requirements of the previous condition the following restrictions shall be adhered to for the duration of the development:

- Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays

- There shall be no burning on site.

- There shall be no high frequency audible reversing alarms used on the site.

(Reason: To ensure consideration is given at an early stage to the environmental impacts of the development in order to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance

with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.)

Applicant response - The working restrictions are noted within the cover letter from Barker Associates dated 4 October 2019 their Ref P18-385-RP.

Environmental Health response - The applicant accepts the restrictions as per the condition and therefore we recommend that the reserved matters condition 16 is discharged.

South West Water

10.07.20 - I refer to the above application/amended plans and would advise that South West Water has no objection/comment.

19.03.20 - I refer to the above and would advise that South West Water has no comment on the submitted amendments.

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

Environment Agency

20.07.20 - Thank you for your consultation of 30 June 2020 following submission of additional flood risk information in respect of this planning application.

We have reviewed the various documents submitted for the amended fencing proposal, in particular Drawing no. BA/P19-601-311 (dated 20 December 2019), Drawing no. BA/P19-601-100 Revision E (dated 26 June 2020), P19-601 (dated April 2020), P19-601 Uplyme Fencing Spec Doc 1708621, Drawing no. 0568-PGA-101 (dated 12 May 2020)

We note the amended "Barbican" style fencing in the floodplain which has the appropriate spacings. We also note the addition of the retaining wall and, provided that this has the appropriate openings as advised in our letter dated 31 March 2020, we are satisfied with the fencing proposals.

31.03.20 - Thank you for re-consulting us on this application.

Following review of the additional information submitted with this application, whilst we have no in-principle objection to the proposal, we raise an objection to the proposed fencing design. The reason for this position and advice is provided below.

Reason - The applicant has submitted detail relating to the proposed fencing in the form of plan P19-601 (Proposed Fencing Specifications, dated 6th March 2020. We have reviewed this, and the revised proposed site plan (BA / P19-601-100 Revision B, Barker Associates). This detail has not been available to us until now and we consider that the type of fencing proposed is inappropriate for this site location considering the flood risks. The proposed fencing is within flood zone 3 and has a 45mm gap. This could have a significant impact on the flow and storage of flood water, especially if it is constructed across a flood flow route. This can lead to higher levels of flood water on the upstream side of the fence or wall which will potentially increase the flood risk to nearby areas.

Fencing such as post and rail is acceptable within the floodplain, however the fencing must be permeable to flood water and allow flows to cross the floodplain when in flood e.g. post and rail/wire fencing with either wire strands or at least 100mm spaced mesh. Alternatives to post and rail fencing are hit and miss fencing (vertical slats fixed alternately on each side of horizontal posts) or hedging. If a solid wall is proposed there must be openings below the 1% annual probability (1 in 100) flood level with an

appropriate allowance for climate change to allow the movement of flood water. The openings should be at least 1 metre wide by the depth of flooding and there should be one opening in every 5-metre length of wall.

Notwithstanding the above, we could consider it appropriate to recommend a condition to agree the details of fencing prior to commencement. Suggested wording for the condition is provided below.

Condition - Fencing Detail Design

The scheme hereby permitted must not be commenced until such time as a scheme to ensure the appropriate fencing design has been submitted to, and approved by writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To ensure that there are no detrimental impacts to flood storage or flood flow routes.

The condition we recommended on our previous letter is still relevant and is reproduced below:

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted Hydraulic Modelling Study Final Report (JBA Consulting, September 2019) and the following mitigation measure detailed within:

- o Provision of compensatory flood storage on the site to a 1 in 1000 year flood event.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Please contact me if you would like to discuss this response further.

05.11.19 - We have no objection to the proposed development subject to the inclusion of a condition regarding flood risk on any permission granted. The suggested wording for this condition and the reason for this position is provided below.

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted Hydraulic Modelling Study Final Report (JBA Consulting, September 2019) and the following mitigation measure detailed within:

- o Provision of compensatory flood storage on the site to a 1 in 1000 year flood event.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The

measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Reason - The site is located partially within flood zone 3, identified by Environment Agency Flood Map as having a high probability of flooding. We have reviewed the "Uplyme Primary School Hydraulic Modelling Study Final Report" Version 4.0 by JBA Consulting dated September 2019. Whilst we consider that evidence is not supplied within this report to show that the applicant has compensated for their built development correctly as Fig. 4.11 on page 26 shows an increase in water flows off-site for the 1 in 1000 year event., we have also reviewed the 1D node points showing the pre and post development flows and are satisfied that the development can take place without increasing flood risk downstream, in line with the requirements set out in the National Planning Policy Framework (NPPF)

Please contact us again if you require any further advice.

DCC Flood Risk Management Team

21.04.20 - Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

Following my previous consultation response 19/2197/MRES dated 3rd April 2020, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 17th April 2020, for which I am grateful.

The applicant has confirmed that the Acorn Multi Academy Trust will be responsible for maintaining the surface water drainage network.

The applicant has confirmed that water butts will be used at the site for irrigating soft landscaping. Green roofs can not be used at the school due to proposed solar PV panels on the roof.

03.04.20 - At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

Observations:

Following my previous consultation response FRM/ED/2197/2019, dated 7th November 2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Preliminary Drainage Layout PDL 101 Rev E

We would require information on which body will be responsible for maintaining the proposed surface water drainage network at the site.

The use of green roof or rainwater harvesting was committed to during the outline application. The applicant should explain why this has been discounted.

We are currently unclear if the proposed access arrangement will preclude maintenance being undertaken at the newly installed flood relief culvert. We are awaiting further information on this.

07.11.19 - At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Although the model outputs submitted indicate the attenuation has been designed to limit flows to the rates as outlined in the approved Flood Risk Assessment (FRA) Uplyme School Report No 11031532 Report Number 01 submitted for the outline application, for a reserved matters application we would require network model indicating all the drainage features such as pipes and drainage channels.

The approved FRA and the subsequent letter from WSP to Devon County Council dated 22nd February 2015 Response to LLFA, submitted as part of the outline application, made reference to rain water harvesting and a green roof forming part of the proposed surface water drainage strategy for this site. It is currently unclear whether these aforementioned features are being proposed for this application. If these features no longer being proposed, robust justification should be put forward as these features formed part of an approved document and provide an element of source control at the site. If these features are being proposed, the green roof should be incorporated within the Micro Drainage model. It should be noted that for the purposes of the calculations we would assume that the rain water harvesting tank is full.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

DCC Flood And Coastal Risk Management Team recently installed a new flood relief culvert, situated immediately adjacent to the proposed access for the school, to reduce the risk of surface water flooding in Uplyme. With the current layout, unfortunately there is not sufficient space adjacent to the culvert to undertake the required maintenance activities. We do not want to jeopardise the functionality of a newly installed flood relief scheme within the village.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed

development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

EDDC Emergency Planning Officer

15.11.19 - I have looked at the Emergency plan which covers all the relevant information set out in the EA Guidance

- o characterise and quantify the flood risk
- o list relevant flood warnings and estimate the likely lead-time available
- o detail who is at risk - including vulnerable people and transient users
- o explain how the EP will be triggered, by who and when
- o define any areas of responsibility for those participating in the EP
- o describe what actions are required by the people in the development
- o set out the type and performance of any flood resistance or resilience measures to be installed prior to a flood
- o establish safe access and escape routes to a safe location
- o outline the evacuation procedure, place of refuge and related equipment needed to serve occupants for the required duration

The safe access and escape routes are within safe parameters, as shown in appendix A sit in an area with no flood risk for pedestrians and vehicular access . The car park at the rear of the development sits at in low hazard as outlined in 1C in appendix B Safe access and escape can be achieved through the provision of appropriate access and escape routes in conjunction with flood warnings. Specific measures include:

- o access routes should allow occupants to safely access and exit the development in design flood conditions for all types of flooding, with an appropriate allowance for climate change
- o vehicular access to allow the emergency services to safely reach the development during design flood conditions(with an appropriate allowance for climate change) will also normally be required
- o wherever possible, access routes should be located above design flood levels (with an appropriate allowance for climate change) and should avoid overland flow and exceedance pathways
- o where routes can't be designed to be dry and access is required through limited flood depths, signage should be provided
- o evacuation triggers should be prior to the development flooding, wherever practical
- o pedestrian routes should not be subject to any combination of depth and velocity that would result in a flood hazard rating¹ of 0.75 ('danger for some') or greater. Flood water can be difficult to walk through and can hide physical hazards like drain covers, open manholes and kerbstones
- o vehicular routes, including for some emergency services vehicles, should not exceed 30cm (12 inches) - less if water is fast flowing - as vehicles can become buoyant and could be swept away in flood conditions. The public should not be expected to drive vehicles through flood waters as part of an EP
- o some emergency services vehicles may be able to cope with slightly greater depths, but site-specific advice from the emergency services should be sought to confirm this

o routes which are subject to a flood hazard rating of more than 2.0 ('danger for all') would be unsuitable for the emergency services

I have not considered NPPF paragraph 163:

163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁰. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Devon County Highway Authority

16.07.20 - The CHA has been re consulted by the LPA to comment on new plans for the new school access and on a letter of objection on behalf of Mr Ostler by Hydrock.

SCHOOL ACCESS:

The position of the school access from the B3165 Lyme Road appears to be approximately 2.5 metres further north than the existing access, i.e. 2.5 meters closer to the Petrol Filling Station and Keep Clear School 'Zig Zag' road markings have been added to the plan.

EXISTING or NEW ACCESS ?

In my opinion, moving the school access by 2.5 metres will, in itself, not be detrimental to highway safety. As the turning parameters of all sizes of vehicles using the school access or those using the PFS access will be unlikely to impede one another.

It will be for the LPA to say whether moving the access point by approximately 2.5 meters to the north constitutes a new access or a widening of an existing access. It is the CHA's policy to require at least a Stage 1 Road Safety Audit for any new accesses onto A, B & C Class roads. Up to now the CHA has believed the access to be existing access. However, if the LPA deem that what is now proposed is a new access, it will need to be accompanied by a Stage 1 Road Safety Audit.

ZIG ZAG ROAD MARKING - PARKING RESTRICTIONS:

The addition of Zig Zag - Keep Clear School road markings requires a Traffic Regulation Order and whilst it is on the plans and will be required by the CHA, is not something that can be conditioned under planning regulations and will need to be progressed via HATOC (Highway and Traffic Orders Committee).

For clarity, zig zag road marking are a warning regulation that also enforces no parking and no overtaking of vehicles on the section of highway it covers.

HSE REQUIREMENT FOR SAFE EVACUATION:

I am not a petrochemical engineer, but I do not think that the HSE requirement for keeping PFS accesses clear as referred to in the Hydrock recent letter, and previous letter, does not pertain to the highway and therefore vehicles upon it. However, I have consulted with the Devon & Somerset Fire and Emergency Service for their opinion on this matter:

"Thank you for your email asking for our comments on the objections received via Mr Ostler. I write to confirm the following:

The amount of traffic (whether it queuing/stationary or moving) on the main road in front of the PFS should not affect the existing fire evacuation procedure of the PFS. People on site would leave by foot in an emergency and move away from the site via the public footpath.

There shouldn't be an expectation that customers in the PFS leave in an emergency via their cars. Cars queuing would make little difference to people leaving the site on foot. The plans of the school do show that fire appliance (B5) access has been provided via the car park to the front entrance of the building. To ensure access is available at all times, appropriate road markings would be a advisable at the car park entrance to control parking.

If there is an expectation that kerbside will be used as parking on the main road during drop off/pick up times, consideration should be made to what effect this would have on fire appliance access along this main road. We do however appreciate that this would be limited to specific times of day.

We note the contents of email dated 17 November 2019 by Phil Monger, detailing upgrade works that would be needed to the PFS should the school be built."

OTHER PFS SITES and QUEUING TRAFFIC:

There are many PFS's in Devon and the Southwest that are located next to or in traffic junctions where the prevalence of queuing vehicles is ever-present at their accesses and exits throughout the day. I can think of the Shell PFS at Countess Weir Roundabout, Topsham Road, Exeter, and the Sainsbury's PFS at Billet Street in the centre of Taunton, where traffic constantly queues at their accesses and exits due to traffic signals and priority flows systems at highway junctions. These and many other PFS's remain viable concerns which will be conforming within all HSE safety regulations, recommendations and restrictions at apparently no detriment to there wellbeing.

Based on the response from the Fire Safety Officer and other locations where PFS's have traffic queuing on their adjacent highways, I do not agree the argument put forward in the letters of objection from Hydrock or their clients reasoning for closing the Uplyme PFS should this application before them succeed.

NPPF or NPPG and Transport Assessments:

The Hydrock letter suggests that a fuller Transport Assessment should have been requested for a school access with the development GFA of over 1,000 under the former NPPG, rather than "large development" as in the current NPPF.

The scope of the Transport Assessment submitted for the outline application (15/2424/MOUT) was agreed with the CHA and I disagree with Hydrock's suggestion for fuller Transport Assessment. The new school in this case is a replacement school for the one that currently exists in Uplyme and therefore the habits of pupils, guardians and staff travelling to the new school including from which direction they will emanate is largely already known. The Transport Assessment put forward the knowledge that the current 50/50 split between pupils having to cross from the Village Hall Carpark to walk to the existing school and those that can access the existing school from the east side of the B3165 Lyme Road would be mirrored in the other direction for the new school. This is deemed as perfectly logical and appropriate and therefore a fuller Transport Assessment is unwarranted.

ALTERNATIVE SCHOOL ACCESS as put forward by Hydrock letter

The latest letter of objection by Hydrock on behalf of Mr Ostler suggests a solution that the existing southern access to the Village Hall should be utilised as the access to the school.

This prospect has not been put forward by the applicant or by the Village Hall Committee and therefore it is not something that I have considered.

As I understand it, it has always been the intention of the applicant to keep the school access and school parking separate from that of the Village Hall. This makes sense as the operation of the school and of the Village Hall are separate entities and also security for each of the premises will be different and varied. For these reasons I have discounted the solution put forward by Hydrock.

VISIBILITY SPLAYS:

It is not the remit of the CHA to look into the ownership of land of visibility splays and/or the impact on any hedgerows, this is a matter for the LPA.

The CHA only comments whether the proposed visibility splays are commensurate with the signed speed limit or known 85th percentile traffic speed.

PARKING on and off street

Condition 14 of the outline consent (15/2424/MOUT) requires:

"Before the proposed development is brought into its intended use a School Travel Plan to include the details for the carrying out of a crossing study and implementation of any identified mitigation, details relating to mode of travel to school, pupils preferred method of travel to school, measures and targets and proposed control of onsite parking shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation identified as necessary and approved by the Local Planning Authority shall be provided and retained.- (Reason: To ensure consideration is given to the safe and sustainable travel to

Uplyme School in the interests of highway safety and in accordance with policy TC7(Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 -2031.)"

The proposed onsite parking is an improvement from that of the existing school and this condition is specifically there so that the onsite parking can be controlled. The Zig

Zag Road Marking Parking Restrictions will control on-street parking outside of the school entrance. If the School Travel Plan identifies that further measures to control on-street parking are required, the CHA will be happy to consider these.

Note for Applicant:

The provision of the Zig-Zag Keep Clear School road markings Diagram 1027.1 will require authorisation via the Highway and Traffic Order Committee (HATOC) prior to any installation.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1) Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram PGA - 101 Rev G where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level.

REASON: To provide adequate visibility from and of emerging vehicles.

25.03.20 - Observations:

This application seeks to amend the previous access and layout of the car park to that which was granted permission for 15/2424/MOUT.

The LPA will be aware that there has been some conjecture between the applicant, the Parish Council, the Town Hall Committee and the Petrol Filling Station Proprietor (Mr Ostler) who is also a Parish Councillor, regarding the proposed access, extent of land ownership and the possibility of an "In Out" access maybe using an access from the existing four-armed mini roundabout on Lyme Road.

At the request of County Councillor Ian Hall I attended a site meeting with all representatives and all relevant matters of access was discussed. My preference at the meeting was for a single point of access as I could not see how an access from the existing mini roundabout could be for made to work safely, as the arm serving the small housing estate on the same side of the road was only built to cater for those small number of houses. I did say however, that if a suitable Stage 1 & 2 Road Safety Audit was submitted with an application for an "In Out" access, I would be happy to consider it. The submission of this application without the "In Out" access leads me to think that designs using the mini roundabout would not pass a Road Safety Audit as suspected.

It would appear that the proposed access onto Lyme Road, as shown on drawing PGA-102 Rev.D accompanying this application, is in approximately the same position as that shown on drawing 11/023/03 Rev.B which accompanied the outline permission. The angle of the access road to the car park may have changed, but the centre-line of the access point onto Lyme Road appears the same to me.

Considering the highway issues raised by this application, I am of the same opinion as with application 15/2424/MOUT and recommend that the same planning conditions apply.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

EDDC Landscape Architect - Chris Hariades

20.03.20 -

1 INTRODUCTION

This report forms the EDDC's landscape response to the Reserved Matters application for the above site seeking full/ partial discharge of the following landscape and green infrastructure related conditions attached to the decision notice of the outline consent reference 15/2424/MOUT.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 SCHEME PROPOSALS AND RELEVANT PLANNING POLICY AND GUIDANCE

2.1 Relevant conditions

2. Approval of the details of the appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and layout details

Generally the submitted details are acceptable in terms of hard and soft landscape design but the following changes should be made:

The planting beds to the east of parking bays 40 and 41 is too narrow to support sustainable plant growth and is vulnerable to trampling and vehicle overrun and should be omitted. The space gained should be used to gain an equivalent width to the planting bed opposite, thereby maintaining the width of the access road between them. Refer figure 1, Appendix A.

The triangular beds to the north of parking bays 19 and 50 are similarly problematic. The bed to the north of plot 19 should be omitted and bay 50 relocated to the north of bay 51 and the area where bay 50 is currently shown should become planting. Refer figure 1, Appendix A.

The extent of any required visibility splays and associated vegetation removal should

be plotted on the site layout plans.

The proposed gabion wall to the north of the vehicle turning area should be changed to a straight, stone faced retaining wall. This will create additional planting space behind which should be planted with a suitable native hedge mix to reflect the species mix in the extant hedge beyond the northeast boundary with trailing plants such as Vinca minor along the top of the wall. Refer figure 2, Appendix A. This will provide a more appropriate field edge treatment to the northern road approach consistent with the existing field boundary treatment and surrounding rural character.

A construction detail for the proposed retaining wall should be provided showing its relationship with the proposed security fence together with a sample of the proposed facing stone.

Planting plans to Landscaping areas 1 and 8 should be amended accordingly. This should include a small tree to the planting bed to the north of parking bay 50 possibly the Prunus c. Pissardii currently shown in the bed adjacent to bays 40 and 41.

3.2 Planting specification

Not provided. A planting specification should be submitted to the LPA for approval. This should provide summary soil specification, cultivation, grass sowing, planting and mulching details and details of tree staking and plant protection together with a plant schedule identifying species, form, size, number and planting density.

3.2 Maintenance specification

Not provided. A five year maintenance specification should be provided to the LPA for approval to cover grass cutting, weeding, watering, firming, adjustment of tree ties, pruning/ hedge-cutting, topping up mulches and removal of tree stakes following establishment.

3.3 Green Infrastructure provision

There does not appear to be any consideration for cycle parking provision. A covered cycle store should be provided for use by staff and pupils with additional open Sheffield stands for visitors conveniently sited.

Arrangements should be made for the collection of roof rainwater for watering planting particularly the allotment area.

A soil protection plan should be provided as part of a CEMP. This should include a plan showing the extent, location and specification for protective fencing to prevent construction access to proposed planting areas around the perimeter of the site in order to preserve soil structure within these areas.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals

For the reasons noted above further additional/ amended information is required prior before the pre-commencement elements of condition 2 can be discharged.

Other Representations

A total of 77 no. representations have been received in relation to the application (including from the local MP) of these the majority are in support but there are 4 no. objections (including from the directors of the Petro Filling Station (PFS) opposite and the Village Hall Committee). The reasons for support and objection are summarised as follows:

Reasons for support

- Beneficial in terms of more space for the children and better car parking provision
- Better and safer access to the school for parents and children
- Provision of sports and play facilities on site is of general and, in particular, safety benefit
- The new building would provide a modern, comfortable and spacious learning environment
- The building would improve access and better cater for pupils with physical disabilities
- Current school and facilities inadequate to provide 21st century education
- Existing sports and communal worship needs to take place off-site this would all be provided for at the proposed site.
- Improved sports facilities, dining and outdoor learning opportunities
- Improved office and meeting room facilities
- Benefits to the wider community and appeal of the village to young families
- Benefits to residents of properties in the vicinity of the existing school through the removal of parking on local roads
- The new school would have improved green credentials

Objections/Concerns

- The existing site has the benefit of being housed in an historic building and being located close to the parish church. The move will affect the character of the school and the relationship of it with the village.
- The new site requires children to cross the busy main road.
- Future generations of pupils will lose the benefits of being taught in a historic building of architectural interest.
- Concerns in relation to the potential for queuing to occur outside the PFS and the impact of this on health and safety and the ability to operate the PFS. It is suggested that if the concerns are not resolved the PFS will need to close.
- Concerns over the timing of traffic survey carried out in winter.
- The health and safety requirements related to the increased off-site risk of a primary school opposite the PFS including the potential need to upgrade dispensing pumps and risk from tanker spillage or fire.
- The application incorrectly defines land in village hall ownership
- There are concerns over the use of the existing access for shared access and egress
- The control of the visibility splays at the site access are unclear

- The proposal represents the creation of a new access, as opposed to alterations to an existing one and therefore a Road Safety Audit and new application for this access should be required.
- The application lacks details of pedestrian access across the village hall site.
- Impact of groundworks and level changes in relation to the access way to the village hall car park and on below ground springs which already cause flooding issues
- The flooding data appears to be outdated and does not reflect the flood risks on the site.
- 'Keep Clear' Road Markings should be required outside the school entrance and that of the PFS.
- The car parking provision is considered to be inadequate and the traffic control measures to be introduced are of concern.
- Unclear whether parking and other school facilities (hall) would be made available to the wider community.

PLANNING HISTORY

Reference	Description	Decision	Date
17/1067/FUL	Retention of timber shelter as outside learning environment used in connection with school	Approval with conditions	10.08.2017
15/2424/MOUT	Construction of two storey school building : improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (outline application with matters of appearance and landscaping reserved)	Approval with conditions	05.10.2016
12/2399/MOUT	Two storey school building, improvements to existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure.	Approval with conditions	10.01.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

RC5 (Community Buildings)

RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Uplyme Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site relates to a parcel of land located to the south west side of Lyme Road between the village hall and the recent Guinness Trust Housing Development. On the opposite side of the road is a petrol filling station and residential development.

The site extends to 0.8 ha and is pasture land, there is a gentle slope from north to south across the site. The site boundaries are generally formed by post and wire fencing, although the stone boundary walls of the residential properties to the north form the boundary at that point. To the northwest side of the site and outside of it a footpath runs inside the roadside hedge from Master's Close to the north to a crossing point opposite the petrol filling station. To the southeast side of the site an open stream forms the south/southwest boundary of the field. The boundary with the village hall overspill car park, to the south east of the site, is currently marked by post and wire fencing.

The site is low lying in the valley bottom and falls within a designated high risk flood zone.

The site lies outside of but adjacent to the designated built-up area boundary of the village and within a designated Area of Outstanding Natural Beauty.

Proposed development

The current reserved matters application follows on from the approval of outline planning permission granted under application 15/2424/MOUT for the development of the site for a new 2 storey primary school, associated access, parking recreation/play facilities and landscaping works.

The application for approval of reserved matters has been submitted within the time period, as set out under condition 1 of the outline permission, it is therefore valid and that permission remains extant and capable of implementation subject to approval of the stated reserved matters.

The matters reserved for subsequent approval on the outline permission were: appearance and landscaping with approval being granted at the time in relation to matters of scale, layout and means of access.

This reserved matters application however seeks to revisit matters of scale and layout and means of access, as well as appearance and landscaping. It is not considered that there is any reason why these matters cannot be revisited, and approval of alternative details sought as part of the current reserved matters application, provided the details otherwise remain compliant with the outline permission and relate to the same site area and description of development.

There are a number of conditions on the outline permission (9 and 17 in particular) which as originally worded require development to proceed in accordance with specific details/reports submitted as part of that application. The proposed development would not be in conformity with those conditions in their original form, for example condition 9 of the outline permission required development to proceed in accordance with a named Flood Risk Assessment (FRA) submitted with the outline permission. This is even though an updated and revised FRA has been submitted with the reserved matters approval and found to be acceptable by the Environment Agency. Given this situation it was considered reasonable to permit amendment to the relevant outline conditions to allow consideration of alternative technical details, such amendment has been dealt with by means of an application for a non-material amendment (NMA) to

allow minor variation to the wording of the relevant conditions. The NMA also makes clear that consideration of alternative plans through a subsequent reserved matters approval is acceptable.

The submitted details indicate a 2 storey building of square plan form sited in the same northeast part of the site as previously approved, albeit with an enlarged footprint. The building would provide for 7 classrooms, a double height school hall and associated office, storage and reception facilities. The building would feature a central shallow mono-pitched roof over the internal double height hall with higher mono-pitch roof sections wrapping around this to the northwest, southwest and southeast sides. Solar PV panels would be sited on the southeast roof slope. An external balcony would wrap around the southeastern and southwestern sides of the building with an open canopy across the front (northeast) elevation. The materials proposed are profiled metal cladding to the roofs over vertical timber cladding/composite red coloured panels to the elevations.

The parking area is sited to the immediate southeast of the building, with the access shown in the same location adjacent to the existing village hall. The parking area indicates the provision of 51 no. spaces, cycle parking is shown under the canopy to the front of the building. A bus drop off area is also shown with turning space in the northeast corner of the site.

The Multi-use Games Area (MUGA) is located to the southwest side of the school and again generally reflects the previously approved layout. The remainder of the site is given over to open play areas/landscaped areas. The whole of the site would be enclosed with secure perimeter fencing.

ANALYSIS

The outline permission established the principle of a new 2 storey primary school on the site together with car parking and associated works. The consideration at the time included an assessment of the appropriateness of the site in flood risk terms and application of the sequential test to site selection. In both respects the proposal was found to be acceptable and the principle of development was found to be supported by policy RC6 of the East Devon Local Plan (EDLP), these matters do not need to be revisited. However, it should be noted that since the granting of outline permission the Uplyme Neighbourhood Plan 2017-2031 (UNP) has been adopted. This policy document allocates the application site for the provision of a primary school and therefore adds further support to the principle of development. This being the case it is considered that the main issues in the determination of this application are as follows:

- Design and Impact on the character and appearance of the area
- Landscape Impact
- Access and Highways Issues
- Flood Risk/Drainage
- Ecological Impact
- Landscaping of site
- Amenity Impacts
- Health and Safety considerations

- Other Issues
- Discharge of outline conditions

Design and Impact on the character and appearance of the area

The current layout largely reflects that approved at outline stage but the changes are significant enough to require the matter to be reassessed. The school building remains positioned at the northern end of the site adjacent to the Masters Close development. This location is largely informed by the flood risk constraints of the site making it the only acceptable location in flood risk terms. However, this location is also well related to existing built form in terms of the Masters Close development and to the south the village Hall. The car parking area provides a visual separation from the village hall allowing views between the buildings and over this area to the countryside beyond.

Policies D1 of the EDLP and UEN3 of the UNP require consideration of the scale of development in relation to the surrounding context with the aim of ensuring this is appropriate and does not result in a visually dominant form of development or significantly change the character of the village. As with the layout, the scale of the building and its two storey square plan form are largely a result of the limited area of the site considered to be acceptable to build on in flood risk terms. A two storey building is required in order to provide sufficient classroom, communal, office and associated floor space to meet the school's requirements. As a result, the building has a relatively bulky form and there is no denying it will have a strong visual presence. Some efforts have been made to reduce this impact and to provide some articulation to the building. The roof, rather than being shallow pitched as envisaged at outline stage now proposes a series of shallow mono-pitched roofs designed to keep the overall height of the building down and to maximise the potential for the use of solar PV equipment. Overall the scale of the building is considered to be acceptable in relation to surrounding development with the higher development to the north and open area to the south of the building helping to reduce its impact in this regard.

In terms of external appearance the upper part of the elevations would be clad predominantly in vertical timber cladding (Western Red Cedar) with coloured composite cladding panels to the lower elevations and feature panels at first floor level. On the south and east elevations the roof overhangs to provide cover to first floor balconies that wrap around the building, a lower entrance canopy is proposed across the front (North) elevation. The elevations are punctuated with regular window/door openings with these being smaller and higher level on the west elevation and with more of a vertical emphasis on the principal elevation.

Policy D1 of the Local Plan requires design aspects including scale, massing and materials to relate well to their context but also to contribute to low embodied energy use and CO2 reduction. UEN2 of the Neighbourhood Plan seeks to ensure that good quality materials which, '*...complement the existing palette of materials within the parish*' are used but also that design is '*...innovative to achieve low carbon sustainable design*'.

The submitted design statement refers to the lack of an identifiable local vernacular to draw inspiration from and evidence of a broad palette of materials in use. Whilst it is accepted that, with the exception of the village hall, there are few non-residential

buildings of a similar scale in the village to which design cues could be taken, neither of the proposed materials are considered to be particularly locally distinct. The submitted design statement sets out how the material palette has been selected following a review of the local area including reference to the red clay of the soil/cliffs. It is also advised that the design has been influenced by the desire to achieve a 'net zero' carbon footprint for the building.

There are some concerns with the bulky appearance of the building and the use of materials proposed, which despite the justification put forward are considered to have limited local relevance. However it is also recognised that the particular constraints of the site severely restrict the form and layout any building could take – effectively requiring a largely square plan building on this part of the site. The series of mono-pitched roofs proposed would also reduce the overall height compared with a single span pitched roof. Despite questioning the relevance of the materials proposed these are recognised to be high quality and through their arrangement would go some way to breaking up the bulk of the building. The use of timber cladding would also soften the appearance of the building as it naturally weathers over time. The building has been designed and incorporates renewable technologies which aim to achieve a 'net zero' development, in terms of carbon emissions, and this weighs strongly in favour of the proposal. Overall, given the constraints in terms of the developable area of the site, the space requirements for the school and the desire to minimise the visual impact of the building the design is, on balance, considered acceptable.

Landscape Impact

The site lies within the East Devon Area of Outstanding Natural Beauty where local and national planning policy seeks to protect AONBs from inappropriate development and where development will only be permitted where it would support the conservation or enhancement of the AONB or would foster its social or economic well-being. Para. 172 of the NPPF states that within AONBs 'great weight should be given to conserving their landscape and scenic beauty...' Major development in an AONB also needs to demonstrate exceptional circumstances, in order to be considered appropriate. At the time of the outline application it was determined that it did not represent 'major development' in an AONB and this remains the case. Nevertheless consideration of the special justification and public benefit issues that would need to be demonstrated, were this to be the case, were considered at that time where it was found that the principle of the development of the site for a school was found to be acceptable and compliant with policies RC6 and Strategy 46 of the East Devon Local Plan and therefore also Strategy 7.

Although matters of scale and layout are now revisited, as the footprint has altered and the massing of the building has increased, the overall height is no higher than previously approved and the building is still located in the same part of the site. The building would be located in the Northeast corner of the site, close to the main road where it would be read in conjunction with existing road fronting development including the village hall to the southeast as and the residential development at Masters Close to the northwest.

The proposal would clearly have some localised visual and character impacts but through the use of recessive materials and partially cutting the building into the site

this impact would be reduced. The retention of the (majority of) roadside hedge – which lies outside the site area - would help to further mitigate the impact, particularly of car parking areas, from the primary public view. The building would provide a transition in height from Masters Close to the village hall representing an infill of the gap between these existing developments rather than extending development and the built form of the village, on this side of the road, further to the north. On this basis and given its low lying location it is considered that whilst there would be landscape impact this would be reduced to an acceptable degree.

In terms of the landscaping proposals put forward, policy D2 of the Local Plan sets out a number of criteria to be met with the overall aim of assimilating the development into its setting. Detailed landscaping proposals have been submitted for the site which includes providing a number of different themed areas to the site providing opportunities for imaginative play and outdoor learning. The proposals also provide for significant areas of new planting including extensive native hedge planting to the northeast and west boundaries. A number of areas where specific additional information was required to address issues raised by the Council's Landscape Architect have now been addressed and overall the submitted landscaping proposals are now considered to be acceptable.

In relation to the treatment of the site boundaries this is proposed to be in the form of secure vertical pale 'Barbican' fencing, which is a requirement to ensure the safety of pupils. The fencing details differ slightly in terms of height to different boundaries but would be in a dark green finish to minimise their visual impact. Across the front boundary of the site the 'public' areas of the car park would be separated from the existing footpath by lower timber post and rail fencing. The MUGA area to the rear of the school building would be enclosed in higher steel mesh fencing.

Access and Highways Issues

The proposed means of access to the site remains similar to that approved under the outline permission. However, the revised details indicate that the centre point of the access has been moved approximately 2.5 metres to the northwest. The proposal also indicates the provision of an upgraded junction with the main road. The current access serves the overflow car park associated with the village hall. Pedestrian access to the site would be both across the village hall site and via the existing footpath that runs parallel to the northwest site boundary and between it and Lyme Road. This path currently provides a link from Masters Close to the north to a crossing point opposite the Petrol Filling Station.

The impacts of the access were considered as part of the outline application. At the time there were concerns expressed by the Parish Council and the operators of the petrol filling station (PFS) opposite with regards to the safety of the proposed single access point. The Parish Council indicated that they would favour a separate access off the no through road (Masters Close) to the northwest of the site whereas the owner of the petrol filling station suggested sharing the main access to the village hall and carrying out other measures to limit potential conflict with traffic associated with the use of the petrol filling station. Similar objections have again been raised in relation to the reserved matters proposals where the Parish Council remain strongly in favour of

separate access and egress points to avoid potential conflict with and impact on the operation of the PFS and shop/post office opposite.

The operators of the PFS have also reiterated objections made at outline stage, considering the reserved matters details a retrograde step by moving the access closer to the southern entrance to the PFS and thereby creating an operational and safety hazard. They suggest that the proposals represent a new access, as opposed to alterations to the existing, and that as such this should be the subject of a fresh planning application and road safety audit. They also consider that a Transport Assessment should be required given the scale and nature of the development. It has also been suggested that the proposal has not taken account of the requirements of the Health and Safety Executive (HSE); has not appropriately assessed the impacts of queuing on the highway to enter the site, or; confirmed land ownership relating to, or impact of, hedge removal/cutting back at the site entrance to provide adequate visibility.

The PFS operator has produced an email from the Petrol Retailer's Association setting out the potential implications for the operation of the PFS in terms of the need to review health and safety procedures and potentially to upgrade equipment on site. It also raises concerns in relation to fuel deliveries to the site were these to coincide with school pick up/drop off times. The PFS operator has suggested that as a result of the onerous requirements and safety risk they would be left with no choice but to shut the business with the resulting loss to the community of both the PFS and the associated shop/post office.

Devon County Council, in their role as the Local Highways Authority (LHA) has considered the suggested alternatives mean of access/egress from the site but found them to be unfeasible, or unacceptable in other respects and at outline stage supported the principle of a single access subject to conditions. Those conditions required: further details of access visibility splays, road marking, parking facilities and turning areas etc. to be agreed prior to commencement; Submission of a Method of Construction Statement, and; submission of a School Travel Plan. Such matters remain to be complied with either through the submission of details as part of the current reserved matters approval, or separately as condition discharge applications.

In relation to the proposed access arrangements, the LHA has considered the access details now proposed and taken into account the objections raised in relation to this, Whilst they raise the question as to whether the access now proposed is a new access or the widening of an existing access (with the former requiring a road safety audit and the latter not), ultimately they raise no objection to the proposal, stating that, the proposal would not be detrimental to highway safety and that vehicles entering/existing either site would be unlikely to impede one another. On this point, officer view is that the proposed access is in broadly the same location as and incorporates part of the existing access and as such is viewed as a widening of this. This being the case there is no requirement for a road safety audit to be undertaken. The LHA further advice that the Zig-Zag road markings proposed at the access would require a separate Traffic Regulation Order, as this is not something that can be controlled via the planning application. A condition though is recommended to ensure the provision and maintenance of visibility splays at the site access and where the applicant has confirmed that the visibility splays are in their ownership or over Highways land. The

parking arrangements proposed are referred to as an improvement on those relating to the existing school and that a combination of the proposed road markings and requirements of the School Travel Plan (to be agreed) provide sufficient means of managing on-street parking. On the matter of the need for a fuller Transport Assessment, they advise that given the particular circumstances of this case (where the proposal is for a replacement of an existing school on a nearby site where the habits of pupils, staff and guardians are already understood) means that a fuller Transport Assessment is not warranted in this instance.

The County Highway Authority has also responded directly to safety concerns raised by the owner of the Petrol Filling Station opposite, these matters are addressed under 'Other Issues' below.

Flood Risk/Drainage

The whole of the site lies within a designated high risk flood zone (FZ3). As such and as part of the earlier outline application it was necessary to carry out the sequential test for site selection to ensure that there were no alternative sites at lower risk of flooding that could meet the needs of the development. The sequential test was found to be met and similarly the exceptions test was passed with the applicant demonstrating that the proposal would be safe for the lifetime of the development and would bring wider sustainability benefits to the community. It is not necessary to revisit these tests in considering the reserved matters application, however, as the proposed layout of the development has been amended and matters of scale and layout are being revisited a new flood risk assessment (FRA) has been submitted which takes into account these changes.

The Environment Agency has considered the revised Flood Risk Assessment and advised that they have no objection to the development as now proposed subject to suggested conditions. They have also advised that they are content with the alternative style of fencing now proposed to ensure the free flow of water at times of flooding.

Devon County Council (as the Local Lead Flood Authority) have also considered the proposals and originally objected to the scheme on the basis of insufficient information to confirm that all aspects of the proposed surface water drainage management system would remain operational throughout the lifetime of the development. Following the submission of further drainage modelling data and of where the responsibilities lie for the ongoing management of the drainage system this objection has been withdrawn.

The development is therefore considered to be acceptable in relation to flood risk and surface water management subject to compliance with necessary conditions.

Ecological Impact

The outline application was accompanied by an Ecological Appraisal report that considered the ecological and biodiversity value of the site. The report found the site to be dominated by species-poor semi-improved grassland and surveys found no habitat suitable for protected species. Policy EN5 of the Local Plan however

encourages habitat creation where the potential arises and the recommendations of the Ecological Appraisal Report include the planting of additional lengths of native hedgerow and bat/bird box provision. The submitted landscaping details indicate compliance with the hedge planting requirements and the other mitigation measures are secured by condition 11 on the outline report which remains to be complied with.

Amenity Impacts

The use of the site for the purposes of providing a primary school has already been granted under the outline consent and the position of the building now proposed is on broadly the same area of the site as previously approved. The general amenity impacts related to a school use, relating to noise and general activity has therefore already been considered at outline stage. In this respect regard was had to the position (of the school building) next to a main road and existing community activity associated with the village hall and recreation fields. In general the amenity impacts were found to be acceptable and would in any case represent a displacement of similar impacts from the existing school site in Pound Lane.

At the time of the outline application whilst layout and scale were known there was a lack of detail in relation to the external appearance of the proposal and therefore any specific amenity impacts which could arise.

The current scheme indicates that the building is positioned sufficiently distant from properties on the opposite side of Lyme Road such that there would be no direct impacts from the building i.e. overlooking or overbearing impact.

The properties which have the potential to be most directly impacted are those to the northwest in Master's Close, particularly those closest to the proposed building. The school grounds would immediately adjoin the rear garden areas of the properties in the Close and the proposed building would be positioned, at its closest point, approximately 12 metres from the south-eastern corner of No. 1 Masters Close, similar to the layout approved at outline stage. At that time whilst there were some concerns with the proximity of the building, particularly given the scale of the school building but it was considered that the fact that the terrace of properties (of which No.1 forms part) was angled away from the building, coupled with the difference in site levels, made for an acceptable relationship. The building now indicated at reserved matters stage is set a similar distance from the properties to the north and the overall height is also comparable. The proposal is for a bulkier building with a higher eaves height and which being set back further from Lyme Road extends deeper into the site. Nevertheless, whilst the outlook and views from the rear of Masters Close properties would be altered, with the school building a prominent feature in the foreground, the view remains that the relationship would remain acceptable and that any harm would not be significant enough to warrant objection on the grounds of loss of outlook or overbearing impact.

In other respects first floor windows on the west elevation of the school building are shown as high level to reduce the potential for overlooking/loss of privacy. The rear gardens of the Masters Close properties are also set at a higher level and enclosed by stone boundary walls preventing views into these spaces from the school grounds. The proposed landscaping of the site boundaries would provide further separation

from activity associated with the site and the perimeter fencing proposed would be set at the lower site level such that it would not appear overbearing. In the northeastern corner of the site is an area shown for (large) vehicle turning, whilst this is very close to the garden of no.1 the frequency of use, likely to be no more than a couple of times at the start and again at the end of the school day reduce the potential for harm to arise to an acceptable degree.

Health and Safety Considerations

In terms of the continuing safe operation of the PFS, it is apparent from the submitted communication from the Petrol Retailer's Association that the PFS operator would need to carry out their own site risk assessment taking into account any increased risk caused by the opening of the school. Such an assessment it is advised would need to consider emissions from dispensing and the potential for oil spill/fire. The communication from the Petrol Retailer's Association appears to be generic, as opposed to site specific, as it is not apparent that any review of the plans or site visit has been undertaken and relies on the PFS operator's own assessment of risk. It is not clear the extent to which such an assessment has been carried out or what the implications of this are. However, certain of the concerns raised, such as the potential for conflict between bulk fuel deliveries and busy times of the school day appear to be resolvable by scheduling fuel deliveries outside of school pick up/drop off times. It may well be that such deliveries already occur outside such times given the proximity of the existing school site to the PFS. Indeed, in terms of traffic generation parents picking up and dropping off children from the current school site utilise the village hall car park, as well as the surrounding road network.

In terms of Health and Safety issues raised it is acknowledged that the PFS operator will have their own guidelines and regulations to adhere to in order to ensure the safe operation of the facility. The HSE provide a web based consultation response service on applications which determines whether or not further involvement is required. In relation to the current application it advises that the application site is not in a hazard zone and that the establishment is not covered by the Control of Major Accident Hazards (COMAH) Regulations 2015, on this basis it advises that the HSE does not have an interest in the development. The LHA has also contacted Devon & Somerset Fire and Emergency service (D&SFES) in relation to concerns over the impact traffic queuing of the highway to enter the school site might have on the safe operation of the PFS. In this respect D&SFES has advised that any queuing traffic would not impact on the fire evacuation procedures related to the PFS with customers/members of the public evacuating on foot and using existing footpaths. The appointed consultants operating on behalf of the PFS owners have suggested that the D&SFES response relates only to fire and not other types of emergencies where advice is to keep all accesses free from obstruction. This concern is acknowledged but it would also be the case in other emergencies that any evacuation of the site is likely to be on foot. The proximity of the PFS to the school is acknowledged but has already been permitted and indeed is specifically supported through the Neighbourhood Plan.

Other Issues

A number of other matters have been raised through the public consultation process and which have not been specifically addressed above, these are considered below:

Parking - The proposal would provide for 53 parking spaces in total, which, survey information from the time of the outline consent, suggests is adequate. It is also envisaged that the school parking will be available for users of the village hall outside of school hours/events, providing a knock on benefit to the wider community. It has also been suggested that the provision would also remove on-street parking.

Improved learning environment – A large number of representations are in support of the proposals citing improved facilities, more indoor and outdoor space, better access and facilities to cater for pupils with disabilities; provision of all learning and recreational facilities on one site.

Sustainability – The new school building is designed to be 'net zero' in terms of carbon emissions incorporating a number of measures to improve its sustainability credentials and would certainly represent a significant improvement in this regard compared with the current school building.

Loss of old school site – It has been suggested that future pupils would be disadvantaged by losing the benefit of being educated from the historic school and its close relationship with the parish church. Whilst it is acknowledged that there would be a change in character, overall the improvements in the learning environment are considered to outweigh any concerns.

Land ownership – It is clear that the application includes land in the ownership of the adjoining village hall. The village hall committee were served notice in relation to the application at the outline stage and it has not been suggested that the application includes any additional land in their ownership. Although it is apparent that the village hall committee maintain strong objection to the proposals as submitted the land ownership issue is separate from the planning considerations relating to the proposal.

Discharge of conditions on outline permission

The current application seeks to provide information sufficient to discharge the pre-commencement requirements of a number of conditions imposed on the outline application. In this regard conditions 5 (materials), 6 (external lighting), 7 (hard surfacing materials), 9 (surface water drainage details), 10 (boundary details), 13 (Method of Construction Statement), 14 (Travel Plan), 15 (Construction and Environment Management Plan), 19 (Earthworks) are, in addition to the requirement to provide reserved matters details, considered to be 'pre-commencement' conditions requiring approval of further details prior to commencement of development. Added to these condition 18 (Flood Warning and Evacuation Plan) requires approval of details prior to the initial occupation of the building. The submitted information is considered to be satisfactory to meet some but not all of these conditions as set out in the recommendations below.

CONCLUSION

The application provides reserved matters details in respect of outline permission granted in 2016, for the construction of a new primary school on the site. In relation to

access, layout and scale the proposal seeks consideration of alternative details to those approved at the time of the granting of outline permission.

The provision of a new primary school to serve the village has been a long held ambition of the school trust and is included in the proposals map for the Neighbourhood Plan. The principle of the development of this site for the provision of a primary school is established. The site however has a number of technical constraints that pose a challenge to providing a building and associated development to meet the requirements of the school and be acceptable in terms of amongst other matters flood risk and highway safety.

The site of the building is determined by a requirement to site it outside of flood zone 3B and this has also informed the scale and massing of the building, to enable all of the school's requirements to be met. The result is a building which has a rather bulky appearance and which lacks articulation in the elevations. Having said this, efforts have been made to reduce the apparent bulk through the use of materials and fenestration and as a result the appearance is considered acceptable. In terms of landscaping the site would be contained by perimeter fencing which would be a necessity for pupil safety and significant additional native species planting is to be provided together with outdoor zones to provide learning and play opportunities.

On the whole there is considerable local support for the proposal but there has been concern raised specifically in relation to the access to the site and the proximity of the access point to the Petrol Filling Station opposite, as well as how traffic movements related to the site could raise health and safety issues that would affect the ongoing ability of this business to operate. These matters have been carefully considered and despite some amendment to the access details approved at outline stage the highways authority has raised no objection to the current access proposals. They continue to view the provision of a single access/egress point as the most appropriate way of managing traffic related to the site.

Overall, the scheme is considered to provide significant community benefits and is recommended for approval.

RECOMMENDATION

APPROVE Subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto

relating to:-

- a) appearance
- b) landscaping
- c) layout
- d) scale
- e) access

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 15/2424/MOUT) granted on 5th October 2016.

The reserved matters details hereby permitted also satisfy the requirements of the following conditions as attached to the Outline Planning Consent (ref. no. 15/2424/MOUT):

2, 8, 10, 13, 19

The following conditions attached to the Outline Planning Permission referred to above must be adhered to but do not require submission of any further details:

1, 3, 4, 9, 11, 15, 16, 17, 18

The following conditions attached to the Outline Planning Permission referred to above require the submission of further details:

5, 6, 7, 12, 14, 17,

The following additional conditions are attached to this reserved matters approval:

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram PGA - 101 Rev G where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level.

(Reason - To provide adequate visibility from and of emerging vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

3. The development shall be carried out in accordance with the submitted Hydraulic Modelling Study Final Report (JBA Consulting, September 2019) and the following mitigation measure detailed within:

o Provision of compensatory flood storage on the site to a 1 in 1000 year flood event.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

(Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and guidance on managing flood risk in the National Planning Policy Framework and accompanying Planning Practice Guidance.)

Plans relating to this application:

Flood warning & evacuation plan Flood Risk Assessment 04.10.19

P19-601-901 A	Other Plans	01.09.20
P19-601-312: Proposed Landscaping proposed perimeter section 6-6	Additional Information	21.07.20
P19-601-311 Rev A: Proposed landscaping perimeter sections (Amended)	Landscaping	21.07.20
BET1-NZB-01- ZZ-DR-A-0106- S4-P-27 (amended)	Proposed Elevation	24.03.20
BET1-NZB-01- GF-DR-A-0103- S4-P27 : ground (amended)	Proposed Floor Plans	06.03.20
BET1-NZB-01- 01-DR-A-0104- S4-P27 : first (amended)	Proposed Floor Plans	06.03.20
BET1-NZB-01- RF-DR-A-0105- S4-P27 (amended)	Proposed roof plans	06.03.20
BET1-NZB-01- ZZ-DR-A-0110- S4-P27 : (amended)	Sections	06.03.20
BET1-NZB-01- ZZ-DR-A-0111- S4-P27 : (additional info)	Sections	06.03.20
BA/P19-601-300 (additional info)	Sections	06.03.20

PDL-101 rev E : prelim drainage (amended)	Layout	06.03.20
SD-101 rev A : parking bay/carriageway (additional info)	Other Plans	06.03.20
0568-PGA-101-G	Other Plans	26.06.20
0568-PGA-102-G	Other Plans	26.06.20
0568-SK-105 (Access Overlay)	Layout	26.06.20
2398 01 Detailed Planting Plans - Areas 1 and 8	Landscaping	26.06.20
2398 02 A Landscape Specification & Schedule	Landscaping	26.06.20
2398 03 A Maintenance Schedule	Other Plans	26.06.20
2398 04 Combined Planting Schedule	Landscaping	26.06.20
Jenny Short Landscape Proposals - Areas 2-7	Landscaping	26.06.20
P19-601_Uplyme Fencing	Other Plans	26.06.20
P19-601-100- Proposed Landscaping Plan_Rev.E	Landscaping	26.06.20
P19-601-311- Proposed	Sections	26.06.20

Perimeter
Sections

BA/19-601-100 Proposed Site Plan 19.08.20
Rev. G

List of Background Papers

Application file, consultations and policy documents referred to in the report.