

Application Site Address	Mayfield School Moor Lane Torquay TQ2 8NH
Proposal	Replacement of Air Handling Unit and installation of two new Air Source Heat Pumps on roof and associated works including steel frame support.
Application Number	P/2024/0814
Applicant/Agent	Torbay Council
Date Application Valid	18/12/2024
Decision Due date	12/02/2025
Extension of Time Date	07/03/2025
Recommendation	<p>Approval subject to:</p> <ol style="list-style-type: none"> <li>1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</li> <li>2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</li> </ol>
Reason for Referral to Planning Committee	The application site is land owned by the Council and objections have been received.
Planning Case Officer	Verity Clark

## **Location Plan**



## **Site Details**

The site contains an established school complex that dates from the mid/late 20th Century but features quite large-scale latter-day 21st Century additions. The school buildings are modern in design, with low-lying one and two-storey buildings with flat and pitched roofs and rendered walls. Access to the school is obtained via entrances on Moor Lane and Steps Lane.

The site lies to the north of Moor Lane on the outskirts of Torquay and sits within the Watcombe Park Conservation Area. The site is also located within Flood Zone 1, and a Critical Drainage Area.

## **Description of Development**

This is a full planning application for the replacement of an existing air handling unit with a new air handling unit with heat recovery and the installation of two new air source heat pumps to serve the new air handling unit. The proposal will include a new steel frame support and the removal and replacement of existing ventilation ductwork.

The development is taking place on a flat roof of the school building located fairly centrally within the school complex.

## **Relevant Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless

material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

### **Development Plan**

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan"); and
- The Adopted Torquay Neighbourhood Plan 2012-2030 ("The Neighbourhood Plan")

### **Material Considerations**

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);
- Published Standing Advice;
- Heritage setting, within a Conservation Area (Watcombe Park);
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72; and
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

### **Relevant Planning History**

P/2022/0299: Removal of pedestrian access (over steps) to adjacent level grade position. Existing palisade fence to be removed to extend play area. Existing earth bank to be partially regraded to accommodate new timber planter / play trough, raised for wheelchair access. Replacement of small tree. Revert current window position back to original door on Block D. Approved 13/05/2022.

P/2021/0357: Formation of new staff & teaching block. Approved 23/07/2021.

P/2011/1319: Alterations and formation of four classroom extension and related facilities with plant and stores in undercroft. Approved 20/02/2012.

P/2011/1099: Installation of solar panels on roof(s) of building(s). Approved 14/11/2011.

P/2010/1272: Removal of one timber shed and replace with new timber lodge with pitched roof; installation of 2 gazebos to form a covered area for pupils. Approved 17/12/2010.

P/2009/0167: Single storey extension. Approved 07/04/2009.

P/2005/0559: Formation Of Additional Car Parking; Reposition Entrance. Approved 24/05/2005.

P/2003/1557: Erection Of Additional Classroom (And Minor Amendments To Existing Application Ref App.No P/2001/0255/R3). Approved 03/11/2003.

### **Summary of Representations**

4 letters of objection have been received. Issues raised:

- Visibility
- Visual appearance
- Noise and impact on amenity
- Proximity to residential dwellings
- Sets a precedent
- Pipework and installation are an eyesore
- Discharge of fumes and chlorine
- Disturbance from construction/installation works

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Forum:**

No response received.

### **Torbay Council's Senior Environmental Health Officer (response dated 07/01/2025):**

No objections.

## **Planning Officer Assessment**

### **Key Issues/Material Considerations**

1. Principle of Development
2. Design and Visual Impact (including the impact upon heritage assets)
3. Residential Amenity
4. Ecology
5. Flood Risk and Drainage
6. Low Carbon Development and Climate Change

### **1. Principle of Development**

The proposal seeks permission for the replacement of an Air Handling Unit and the installation of two new Air Source Heat Pumps on the roof of the school with associated works including a steel frame support.

Paragraph 100 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.

Policy SC3 of the Local Plan specifies that the Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. Policy SC5 of the Local Plan states that new development will be assessed for its contribution towards reducing child poverty, proportionate to the scale and nature of the proposal. This includes the need to support investment in existing schools.

Mayfield School is a Council maintained Special Educational Needs School; the proposed installation is for the hydrotherapy pool. It is generally used for hydrotherapy purposes for the school's own pupils, but they do on occasion let it out to members of the local community to hold swimming lessons for young children. There are three main reasons why these works are proposed, listed as follows:

- The existing system is in a poor condition and requires replacement, before a serious failure occurs which would severely impact the pupil's use of the facility.
- The proposed air handling unit allows for better control of the humidity and climatic controls in the pool hall, therefore enhancing pupil experience of the facility.
- The proposal uses an air handling unit that incorporates heat recovery technology that means 'waste' heat can be recaptured and put back into the pool hall, rather than throwing it away. Combined with air source heat pumps, this should help to reduce the energy consumption of the school. In addition to this, the proposed system will help with reducing

the Carbon emissions of Torbay Council, in line with the Environment and Net Zero Carbon Policy.

The proposed development would improve and upgrade the existing facilities at the school. As such, it is considered that the principle of the development would accord with Policies SC3 and SC5 of the Local Plan.

In the context of the proposed development it is within the built up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Design and Visual Impact (including Heritage Impacts)**

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA when making a decision on the application to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The application site is located within the Watcombe Park Conservation Area. The Conservation Area Appraisal notes the site as being located in character area 3 – later development. The Appraisal states that *most of the later development in the conservation area dates from the latter half of the 20th century, and its inclusion can only be justified in terms of the important landscape setting and the few surviving landscape features. This is especially true of the so-called 'Tea Field', in which the Steps Cross Special School is located.*

Policy SS10 of the Local Plan states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas.

The proposal relates to development on a flat roof of the school building. The proposal seeks to replace an existing air handling unit, which in this case describes the system upon the roof which comprises the fans, heater battery/exchanger and connecting ductwork. This will be replaced with a new air handling unit with heat recovery (which includes fans and heat exchangers within the unit). This unit will be laid horizontally and mounted on a steel frame system. The proposal also seeks consent for the installation of two new air source heat pumps to serve the new air handling unit. The proposal will include the removal and replacement of existing ventilation ductwork to connect to the new units.

The location of the development is not visible from public vantage points due to topography, intervening features including pitched roofs on the school and its central location. Concerns over the visual appearance of the development has been raised in objections however the roof currently contains ductwork and it is considered that the location of the development is discreet and is an acceptable form of development for the roof of a school building with limited visibility. The only likely point of visibility is from the private dwellings at The Conifers. These are bungalows with rear gardens facing towards the school and the location of the proposed development. These bungalows are sited at a higher level however they feature boundary screening limiting views of the proposed development. Overall, whilst these dwelling may achieve a view of the development beyond the pitched roof of the school located in closer proximity, the resultant visual appearance is not considered to be harmful or detrimental to the appearance of the existing school building in this context.

It is considered that the proposed development in terms of visual amenity is acceptable and will conserve the character and quality of the Conservation Area thereby according with Policies DE1 and SS10 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

### **3. Residential Amenity**

Policy DE3 of the Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

Objections have been raised in respect of the potential noise and impacts on nearby residential amenity and the discharge of fumes and chlorine.

The proposed development is located approximately 26.65m from the rear elevation of the nearest residential dwelling; 12 The Conifers.

The supporting information has confirmed that as per the heat pump specification provided with the application, each heat pump has a sound pressure level of 45 dB(A), therefore the two combined should have a sound pressure level of approximately 48 dB(A) from a distance of 1 metre away. Given that the fence of nearest property (12 The Conifers) is a distance of approximately 30 metres away from the location of the proposed heat pumps, it has been calculated that, assuming a sound pressure level of 48 dB(A), the sound detectable at the neighbour's fence shall be approximately 18.5 dB(A), roughly equivalent to having a whispered conversation. In addition to this, it should be noted that it is intended that the fans of the heat pumps (where most of the noise comes from) shall face south, away from the neighbouring properties. There is no intention that the heat pumps will be continuously operational.

The supporting statement also noted that there is minimal change as to how the proposed air handling unit will operate; the proposed unit works in exactly the same way as the existing, the only difference is that this unit incorporates heat recovery technology, so it will recapture heat and put it back into the fresh air that is supplied into the pool hall, rather than exhausting it out into the atmosphere. The existing system will emit some chlorine as do all swimming/hydrotherapy pools, although given the small size of the pool this will be at a very low level and does not cause harm or a nuisance to neighbouring properties, the proposed system works in the same way as the existing in this regard.

The Council's Senior Environmental Health Officer has reviewed the application and has confirmed they have no objection to the proposal from an amenity standpoint.

Given the clarification provided in respect of the likely noise generated, the distance from the nearest residential properties to the proposed equipment and the clarification on emissions, it is considered that the proposal will retain an adequate level of amenity for nearby residential properties. The proposal is therefore considered to accord with Policy DE3 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained within the NPPF.

#### **4. Ecology**

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

The application has been accompanied by a bat survey report. The report states that there was no evidence of bats and no evidence of nesting birds although it is possible that the flat roof areas of the buildings on and surrounding the site could be used by breeding Gull species. It is therefore recommended that any impacts to features with the potential to support nesting birds should be timed to avoid bird nesting period. The report confirmed that no further surveys are required. The report suggests biodiversity enhancement in the form of 1 bat box. The recommendations and enhancement measure are recommended to be secured by condition. With the addition of the recommended condition the proposal is considered to accord with Policy NC1 of the Local Plan.

#### **5. Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The application site sits within Flood Zone 1 and the wider Torbay Critical Drainage Area as designated by the Environment Agency.

The proposed development would not result in an increase of impermeable footprint of over 20 square metres and results in development on the roof of the building which is not considered to impact on the existing flood risk and drainage of the building.

#### **6. Low Carbon Development and Climate Change**

Paragraph 161 of the NPPF guides that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help: to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy SS14 of the Local Plan supports national guidance and states that development should be designed to be appropriately resilient to the local climate, including extreme weather events, commensurate with the anticipated lifetime and use of the proposal. Policy ES1 of the Local Plan seeks to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited.

The supporting statement confirms that the proposal uses an air handling unit that incorporates heat recovery technology that means 'waste' heat is recovered and put it back into the pool hall, rather than being discarded. Combined with air source heat pumps, this

should help to reduce the energy consumption of the school. In addition to this, the proposed system will help with reducing the Carbon emissions of Torbay Council, in line with the Environment and Net Zero Carbon Policy.

The proposal is considered to accord with Policies ES1 and SS14 of the Local Plan, and the guidance contained within the NPPF.

### **Sustainability**

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

#### **The Economic Role**

Minor development with limited impact on economic benefits. In respect of the economic element of sustainable development the balance is considered to in favour of the development.

#### **The Social Role**

The principal social benefit of the proposed development would be the improvement of the existing facilities. On balance, the social impacts of the development weigh in favour of the development.

#### **The Environmental role**

With respect to the environmental role of sustainable development, the elements that are considered to be relevant to the proposed development are impacts on the streetscene and Conservation Area, ecology, drainage and low carbon development. These matters have been considered above. The proposed development is considered in terms of the environmental element of sustainable development to weigh in favour of the development.

### **Sustainability Conclusion**

Having regard to the above assessment, the proposed development is considered to represent sustainable development when considered in the round.

### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.



## **Local Finance Considerations**

CIL – Not applicable.

S106 - Not applicable.

## **EIA/HRA**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development. The development does not meet the thresholds for screening and is not in a sensitive area.

## **BNG**

The application is not liable for Biodiversity Net Gain (BNG) due to the de minimis exemption.

## **Proactive Working**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

## **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area; will conserve the Conservation Area; will have an acceptable impact on neighbour amenity; would provide acceptable arrangements in relation to flood risk and ecological constraints and is acceptable from a low carbon development perspective. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

## **Officer Recommendation**

Approval: subject to;

1. The conditions outlined below, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.
2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

## **Planning Conditions**

### 1. Ecology

The recommendations and mitigation given in the Bat Survey Report dated November 2024, shall be followed, including precautions to prevent threat of harm during construction works, timings of works, and the installation of one integrated and/or standalone bat box. The bat box shall be installed prior to first use of the development hereby approved and shall be retained thereafter.

Reason: To safeguard protected and/or priority species, and to ensure biodiversity net gain in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

### **Relevant Policies**

#### **Development Plan Relevant Policies**

SS10 - Conservation and the Historic Environment  
SS14 - Low Carbon Development and Adaption to Climate Change  
DE1 - Design  
DE3 - Development Amenity  
ER1 - Flood Risk  
ES1 - Energy  
NC1 - Biodiversity and Geodiversity  
SC3 - Education, skills and local labour  
SC5 - Child poverty  
TH8 - Established Architecture