



Meeting: Council

Date: 10 May 2017

Wards Affected: Preston

Report Title: Planning Application P/2017/0121 - Relocation of Torbay School to MyPlace, Parkfield. Alterations to MyPlace, Parkfield and construction of new single storey extensions to rear

Is the decision a key decision? Yes

When does the decision need to be implemented? 10.05.2017

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1. Proposal and Introduction

- 1.1 The Council is asked to determine whether or not to grant planning permission for the relocation of Torbay School to MyPlace, Parkfield, Colin Road Paignton and the construction of new single storey extensions to help accommodate the school pursuant to planning application number P/2017/0121 ('the Application').
- 1.2 The Application was considered by the Development Management Committee ('DMC') on Monday 13 March 2017. The officer recommendation to DMC was for conditional approval. However DMC resolved to refuse the Application on the grounds of overdevelopment of the site and the impact the proposal would have on neighbouring properties by reasons of the proximity to these properties.
- 1.3 The Executive Head – Business Services has referred the Application to Council for decision. This is in accordance with paragraph 4 of the Terms of Reference for the Development Management Committee (Schedule 4 of the Constitution) which provides that:

“The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head of Business Services. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head of Business Services may refer that matter to Council for consideration or determination.”

2. Proposed Decision

- 2.1 It is the opinion of officers that the proposed development offers significant public benefits and has limited impacts on residential amenity. It is therefore proposed that planning application P/2017/0121 is conditionally approved in accordance with the officer recommendation set out in the Development Management Committee report at **Appendix 1**.

3. Background

- 3.1 In February 2015 it was agreed by the Council that Torbay School's existing site on Torquay Road was failing to meet the needs of its pupils. There are additional reasons to relocate Torbay School, as set out in Section 2 of the report attached as **Appendix 2**. The Council made the decision to relocate the school. Thirteen alternative sites were considered, with the Myplace centre at Parkfield identified as the preferred site. These options were considered by Members in February 2016 and informed the Council's decision on 25 February 2016. The report considered by Council in February 2016 is attached as Appendix 2.
- 3.2 The investigation of alternative sites for accommodating a relocated Torbay School very much meets the spirit of the National Planning Policy Framework and Local Plan policies, which seek to secure the high quality development, in the right location at the right time and include the assessment of options for achieving that outcome.
- 3.3 The current site of the Torbay School at Preston is programmed to be developed as a primary school. The need for that new primary school is very clearly set out in paragraphs 1.7 and 1.8 of the Council report attached as Appendix 2 and in the supporting information / impact assessment attached to that report.
- 3.4 The Application seeks planning permission to relocate Torbay School to the MyPlace building. This relocation was envisaged to take place during Summer 2018 in time for the academic year starting September 2018, however this is likely to be delayed now when factoring in the additional decision making time. The new school would provide places for 64 students with statements of need classified as emotional, behavioural disabilities and support predominantly young males between the ages of 11-16. In order to meet the required educational and accommodation standards permission is also sought for the addition of two single storey extensions to the east elevation of the MyPlace building with a courtyard between. The development area is currently in use as a service yard for the Council and includes a number of single storey buildings.
- 3.5 The financial implications of the proposed relocation of Torbay School are relevant, although they carry limited weight in the decision making process. If it does not proceed the £3.3M earmarked from schools capital would not be required to remodel Parkfield although some use of capital funds would be needed at the existing Brookfield site to improve access to Torbay School. It is estimated that improvements to Torbay School on its current site to meet the required educational and accommodation standards would cost around £1M. Any alternative Social, Emotional and Mental Health (SEMH) provision would require land, at a cost to be determined, and a build cost of circa £5 -6M based on costs for similar projects

elsewhere. A further impact would be the potential loss of the inward capital investment of circa £5 M for the new free school planned for the vacated Torbay School site. There are also likely to be costs accrued for the transport of children to other school sites should the new Torbay School not progress.

- 3.6 The Application is a revision to an earlier application for a similar scheme (P/2016/1159), which was also recommended approval by Officers but which did not gain DMC support. The proposals were subsequently amended to address, as far as practicably possible DMC concerns, and it is those amended proposals that now need to be considered by Council.
- 3.7 Seventeen objections to the Application have been received. The issues raised by objectors include; loss of facilities, noise, impact on local area, crime, impact on young people, inappropriate use as a school, loss of privacy and impact on tourism uses. In determining the application consideration has to be given to the impact of the development on the amenity of adjoining residential and business occupiers.
- 3.8 The Application has been assessed in the Officer Report to DMC (Appendix 1) which concluded that the proposals accord with the relevant provisions of the Development Plan.
- 3.9 DMC recommended that the Application is refused due to *“overdevelopment of the site and the impact the proposal would have on neighbouring properties by reason of the proximity to those properties”* Your Officers consider that this means that DMC considered that the proposals do not accord with policy DE3 (Development amenity) of the Development Plan and that the benefit from providing a new school in this location was not sufficient to outweigh the impact that the development would have on neighbouring properties.

4. Guidance

- 4.1 Planning decisions must be made in accordance with the up-to-date development plan (the Torbay Local Plan 2012-2030), unless material planning considerations indicate otherwise.
- 4.2 The opinion of your Officers and of DMC may be taken into account when making the decision, however it is for members of Council to determine the Application on its merits as they see fit.
- 4.3 If members of Council determine on the facts that the Application accords with the provisions of the Development Plan, planning permission should be granted, subject to any planning conditions that are deemed necessary.
- 4.4 If members of Council determine on the facts that the Application does not accord with one or more provisions of the Development Plan, they must then consider whether any material planning considerations outweigh the relevant provision(s) of the Development Plan and indicate that permission should nonetheless be granted.

5. Does the Application accord with the provisions of the Development Plan?

- 5.1 The professional assessment of the proposals against the Development Plan is contained in the Officer Report to DMC at Appendix 1. That report indicates that

the proposals do accord with the provisions of the Development Plan and recommended approval.

- 5.2 DMC disagreed with the Officer Report in that the Committee considered that the proposals were an overdevelopment of the site and would have a detrimental impact on neighbours (if accepted, this is contrary to Policy DE3)
- 5.3 The revised plans reduce the impact of the proposal on adjoining occupiers. However it should be noted that the northern extension would be moved 1.2 closer to the site boundary in order to accommodate the revisions.
- 5.4 Policy DE1 (Design) of the Torbay Local Plan was not originally discussed in detail in the Officer report for this application but design concerns were raised by Members at the committee meeting of 13.03.2017. The original building was designed as part of a consultation/engagement project with the end users of the building, and this is an important aspect of its design. The key elevation of the MyPlace building is the main (west) entrance elevation. The proposed extensions to the original building are to the rear elevation and therefore will have limited visual impact on the west elevation and on the original building design. The design of the extensions fits the purpose for which they are proposed and, although not of significant architectural merit, they are sited in a location which would not be highly visible in the wider area. Overall the design of the extensions is deemed to be acceptable, any deficiencies in terms of the facing materials could be dealt with by condition if Members were minded to approve the application.
- 5.5 Objections to the proposal have raised concerns regarding the impact the development would have on business uses (tourism) in the immediate area. These concerns relate to the effect that the addition of the extensions in close proximity to businesses on the site boundary would have on their prosperity. Policy SS4 (The economy and employment) supports existing businesses and seeks to achieve a step change in economic prosperity. Local residents are of the opinion that the proposed development will result in the generation of additional noise and disturbance, which would be contrary to this policy. The impact of the proposed development on local businesses is a material consideration. It is noted in the officer report at Appendix 1 that the school is only in operation at certain times of the day and during term time.
- 5.6 Your officers remain of the opinion that the proposals would not have an overbearing or overdominant impact on the character of the original property or adjoining properties, that they accord with the provisions of the development plan and should be approved.

6. Other Material Considerations

- 6.1 If Members disagree with the Officer assessment of the Application and conclude that the proposals do not accord with one or more provisions of the development plan, they must then consider whether grant of planning permission is justified by other material considerations.
- 6.2 Relevant material considerations include:

6.2.1 Paragraph 72 of the National Planning Policy Framework (NPPF) which states:

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

6.2.2 The wider public benefits of the provision of new and improved facilities for the Torbay School at Parkfield which will enable the school to offer an enriched curriculum and improved outcomes to pupils.

6.2.3 The availability/suitability of alternative sites for the Torbay School.

6.2.4 The fact that that conversion of the existing Parkfield building to a school (without the extensions) could be undertaken as permitted development.

6.2.5 The retention of existing Youth Service facilities at Parkfield.

6.2.6 To a lesser extent, the public benefits of the provision of a new primary school to be built on the existing Torbay School site and which will meet an objectively assessed need.

6.2.7 To a limited extent, the financial implications of the proposals.

6.3 It is for Members to determine what weight to put on the issues raised when making the decision, however your Officers are of the opinion that the limited detrimental effect on the residential amenity of neighbouring properties and on business uses in the immediate vicinity is outweighed by the greater public benefit of providing improvements to Parkfield to accommodate Torbay School and the provision of another primary school on the former Torbay School site.

7. Fair Decision Making

7.1 The Application has been subject to the public consultation required by planning law, which has included the posting of a site notice, letters to the neighbouring occupiers and advertisement in the Herald Express. In addition the applicants have been given good opportunity to revise the proposals to help ensure the development meets policy requirements. The application was heard at and considered by the Development Management Committee on 13 March 2017.

7.2 The Council's proposed relocation of Torbay School has been the subject of significant public consultation and advertisement prior to submission of the planning application. This has included a dedicated web page, circulation of newsletters, discussions with the Community Partnership and an open event.

8. Risks

8.1 There are risks attached to the decision in this case, as with every planning application. Challenges to the way in which the decision was reached could be

raised through the Council's complaints procedure and onto the Local Government Ombudsman. Furthermore, a Judicial Review into the Council's decision could be raised. However, so long as the decision follows due process, the decision is made in accordance with policy and having had regard to all material considerations it is very unlikely that the Council will be found guilty of maladministration or be found to have made an unlawful decision. It is imperative that only matters related to planning are considered and that the decision is dealt with on its own individual merits.

Appendices

- 1. Development Management Committee Report – 13.03.2017**
- 2. Review of School Places in Torbay, report to Council 26 February 2016**
- 3. (Impact assessment)**

Additional Information

[Torbay Local Plan 2012-2030](#)
[National Planning Policy Framework](#)