

Application No. 16/00352/MFUL

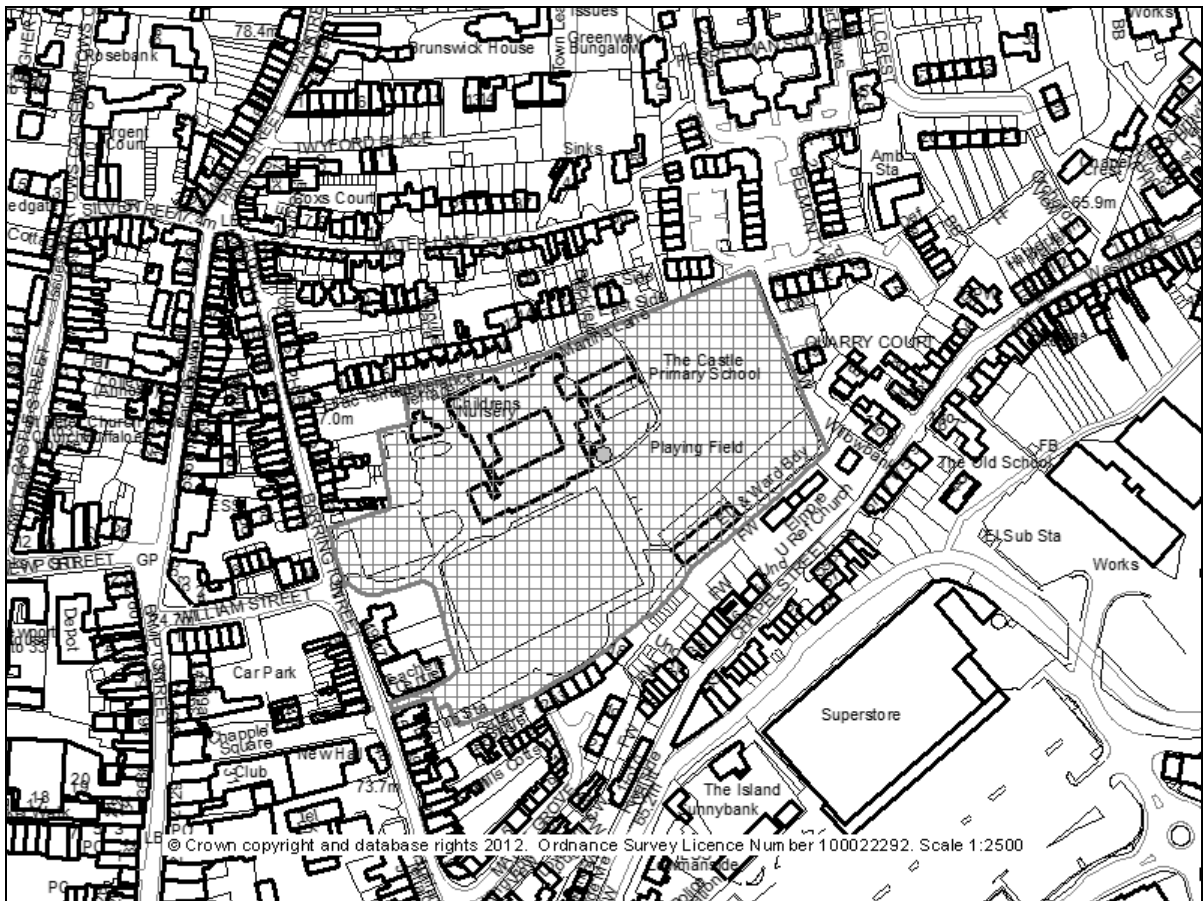
Grid Ref: 295764: 112869

Applicant: Ms D Newman, BAM Construction Ltd

Location: Castle Primary School
Barrington Street
Tiverton
Devon
EX16 6QR

Proposal: Construction of a new two storey school on existing school grounds, with associated landscaping works and demolition of existing school buildings

Date Valid: 09th June 2016



REPORT OF THE HEAD OF PLANNING AND REGENERATION – MRS JENNY CLIFFORD

16/00352/MFUL - CONSTRUCTION OF A NEW TWO STOREY SCHOOL ON EXISTING SCHOOL GROUNDS, WITH ASSOCIATED LANDSCAPING WORKS AND DEMOLITION OF EXISTING SCHOOL BUILDINGS

Reason for Report:

To determine this planning application.

RECOMMENDATION

Grant Permission subject to conditions

Relationship to Corporate Plan:

This application is relevant to the Corporate Plan priorities of community and environment.

Financial Implications:

Education Funding Agency funding for this scheme has been secured under the Priority Schools Building Programme.

Legal Implications:

None identified.

Risk Assessment:

Clarification has been sought from the Education Funding Agency (EFA) on the status of the Priority Schools Building Programmes award associated with this site and the extent to which building retention and refurbishment has been considered as part of the bid process. The upgrading of school facilities is a public benefit resulting from the scheme. Clarification has been sought – the retention and refurbishment of the existing main school building has been considered as an option in the funding assessment and has been rejected. The EFA Funding Manager for the south west has confirmed that in his view funding would not be available or awarded for a retention and refurbishment based scheme. Accordingly it would appear that the only viable option in order to achieve a significant upgrade in the education facilities to achieve a 21st century teaching environment is the demolition of the existing building and the erection of a new school as proposed.

Members need to weight the harm arising from the demolition of the existing school as a non-designated heritage asset and on the Conservation Area against the public benefit in realising upgraded school accommodation. If planning permission is refused, financial support from the EFA under the Priority Schools Building Programme will be lost. In that event, any future bid for EFA funding would still be made on the basis of a demolition and new build scheme.

Consultation carried out with:

1. Tiverton Town Council
2. Highway Authority
3. Devon County Education
4. Mid Devon Council Tree Officer
5. Environment Agency
6. Tiverton Civic Society
7. Historic Environment Service
8. Development Services Manager
9. Devon and Cornwall Police
10. Teignbridge District Council Conservation Team
11. Environmental Health
12. Lead Local Flood Authority
13. Natural England
14. Waste and Transport Manager

1.0 PROPOSED DEVELOPMENT

This application proposes the construction of a new two storey school within the existing school grounds at Castle Primary School, Tiverton, including associated landscaping works and demolition of existing school buildings. The existing school buildings are proposed to be demolished.

The design of the proposed school is shown on drawing number 1090-PL07 REV A. The proposal is a modular design with a functional appearance. The proposal will be constructed from a mixture of concrete blockwork (Steel Grey and Bathstone), aluminium windows and doors (which incorporate blue and green panelling), and a shallow, dual pitched metal profiled roof. The overall size of the proposal measures approximately 76metres x 24metres with a height of 8.6metres to ridge and 7.2metres to eaves. The building includes a mixture of flues and ventilation cowls to support utilities within the building.

The existing main school building is an Edwardian style grammar school, dating from 1909. The building is situated within the Tiverton Conservation area and is noted as a building of importance within the Tiverton Conservation Area Appraisal. In January 2016 Historic England issued details of their assessment to consider whether Castle Primary School should be added to the List of Buildings of Special Architectural or Historic Interest. Historic England's assessment concluded Castle Primary School does not have the requisite level of architectural or historic interest to be included as a 'Listed building' however was clearly of local interest. The southern elevation of the existing school remains somewhat original and has architectural merit, however, it should be noted that post war extensions to the North of the school are of

limited/poor quality. The merits and detriments of demolishing the existing school are discussed within the report below.

Blagdon School House sits within the school grounds is detached from the main school building to the North West. The building is a former dwelling which was later used as a school building. The property is in poor condition and has been condemned as unsafe and is currently boarded up. The building is proposed for demolition as part of this scheme, and the site will be used as part of the proposed play area/open space.

There is a nursery school to the North West of the site. This will be unaltered by the proposals and retained for use as a nursery.

2.0 APPLICANTS SUPPORTING INFORMATION

Heritage Statement

Ecology and Bat survey

Construction Environmental Management Plan

Drainage calculations and drawings

Photomontage

Surface Water Maintenance Schedule

BREEAM statement

Carbon reduction statement

Arboricultural survey

3.0 PLANNING HISTORY

There is no planning history specific to this site which needs to be taken into account as part of the assessment of this application.

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy 2026 (2007)

COR 1 – Sustainable Communities

COR 2 – Local Distinctiveness

COR 7 – Previously Developed Land

COR 9 – Access

COR 11 – Flooding

COR 13 – Tiverton

Allocations and Infrastructure Development Plan Document (2011)

AL/TIV/13 – William Street

Local Plan Part 3 (Development Management Policies) (2013)

DM1 – Presumption in favour of sustainable development

DM2 – High quality design

DM3 – Sustainable design

DM4 – Waste management

DM8 – Parking

DM25 – Community facilities

DM27 – Development affecting heritage assets

DM28 – Green infrastructure in major development

5.0 CONSULTATION RESPONSES

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 7th April 2016

In order to build the new school at Castle Primary there will be some tree removal required. The trees scheduled for removal are shown on drawing number 1090 - PL10.

The majority of the trees are of little amenity value. The row of mature cherry trees running along the frontage of the current school building are good trees but with a limited life expectancy and lacking in wider landscape value.

Of the proposed trees to be felled T19 Horse Chesnut (*Aesulus hippocastanum*) and T38 Lime (*Tilia x europaea*) do merit further consideration. These are large mature trees. Their amenity value is reduced, as they are set quite far back into the site but they would still be worthy of consideration for protection by Tree Preservation Order. As MDDC Tree Officer I can only object to the removal of the trees. Should this application be accepted suitable mitigation planting should be required, which could include planting at least 2 trees which will reach a good future size. The existing proposal for replacement trees consists of 6 Field Maples in a row to the west of the site, this is not adequate.

I have no objection to the proposed removal of other trees as shown on plan 1090-PL10.

Throughout the entire development process, including demolition of the old building, the trees should be protected in accordance with BS 5837:2012 Trees in relation to design demolition and construction - recommendations. A full Tree Protection Plan is still required and if any work is required within or close to the root protection zone of any trees a full method statement would be required.

ENVIRONMENT AGENCY - 15th March 2016

The site lies within Flood Zone 1. We advise that we have no comment to make on this application and recommend that you consult Devon County Council, the Lead Local Flood Authority, on the proposal.

As you will be aware, following revisions to the Development Management Procedure Order (DMPO), from 15 April 2015 the Environment Agency is no longer a Statutory Consultee for matters relating to surface water drainage; we do however remain a statutory consultee for developments within Critical Drainage Areas (CDAs). Further guidance on when to consult

us can be viewed on our Flood Risk Standing Advice via the following link.
<https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

ENVIRONMENT AGENCY - 18th May 2016

We have nothing to add to our comments made on 15/3/16.

HIGHWAY AUTHORITY - 21st March 2016

Observations:

The site is located in a town centre location with existing car parking to remain and the provision of a public car park within 20m of the site. The Highway Authority has no objection to the reconstruction of the school.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

HIGHWAY AUTHORITY - 10th May 2016

No further comments.

HISTORIC ENVIRONMENT SERVICE - 1st April 2016

I refer to the above application. The proposed development will involve the demolition of the Edwardian grammar school, while this building is not a designated heritage asset it is recognised by Historic England as heritage asset of local interest. It also lies within and contributes to the Tiverton Conservation Area. Should consent be granted by your Authority for the demolition and loss of this non-designated heritage asset I would advise, in accordance with paragraph 141 of the National Planning Policy Framework and guidance in the Mid Devon Local Plan, that an appropriate record was made of the school building and its environs prior to any demolition works commencing. This would be undertaken through the application of the following worded condition, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

"No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: 'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of the heritage asset that is affected by the development.'

The results of the historic building recording and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

DEVON & CORNWALL POLICE AUTHORITY - 18th March 2016

The normal areas of concern have been addressed.

The Police have no comments at this time.

ENVIRONMENTAL HEALTH - 22nd March 2016

Contaminated Land - The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted.

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment.

Air Quality - No objection to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal.

Noise & other nuisances - No objections to this proposal.

Housing Standards - Not applicable

Licensing - No Comments

Food Hygiene - No comment other than to ensure any food production on site has sufficient storage, preparation and cooking facilities to cope with any increase in numbers of pupils. Please contact EH department if advice is wanted.

Private Water Supplies - Not applicable

Health and Safety - No objections to this proposal.

Informative: There is a lack of information e.g. structural survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition

Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

LEAD LOCAL FLOOD AUTHORITY - 22nd April 2016

Following my previous correspondence (FRM/2016/492, dated 31st March 2016), the applicant has provided additional information in respect of the surface water drainage aspects of the above planning application, in an e-mail dated 7th April 2016, for which I am grateful.

The e-mail clearly outlines several reasons as to why a variety of above-ground SuDS features cannot be used on this site, which is acceptable. In order to demonstrate that my concerns have been addressed in this regard, the applicant must formalise this e-mail into a document and submit it to the Local Planning Authority so it can be formally registered as part of this application.

Additionally, there are now proposals to utilise filter drains around the perimeter of the hard paved play areas on the site to collect the surface water runoff before conveying it to the attenuation system. The incorporation of these features would provide some water quality benefits, an aspect which was otherwise absent from the original drainage scheme. The applicant must therefore submit a revised surface water drainage management plan to the Local Planning Authority which shows the location of these features across the site.

The applicant has also confirmed that the maintenance of the surface water drainage management system will be undertaken by the school as a part of their normal site management duties. However, we require the applicant to submit an indicative maintenance schedule to demonstrate that all maintenance aspects of the drainage system have been considered, and that those responsible for its maintenance are aware of the work required before it is installed.

The applicant has also confirmed that the maintenance of the surface water drainage management system will be undertaken by the school as a part of their normal site management duties. However, we require the applicant to submit an indicative maintenance schedule to demonstrate that all maintenance aspects of the drainage system have been considered, and that those responsible for its maintenance are aware of the work required before it is installed.

The applicant has also provided a Storm Exceedance Routes drawing (Drawing No. WE03898 2201, Rev. -, dated 12th October 2015), which must be submitted to the Local Planning Authority so it can be formally registered as part of this application.

Consequently, our objection has to remain at this stage until this additional information is formally submitted to the Local Planning Authority, which will demonstrate that all aspects of the surface water drainage management plan have been considered. I trust that this information can be submitted promptly, after which I would be happy to provide an expedited response to withdraw our objection.

10th May 2016

Following my previous correspondence (FRM/2016/492, dated 31st March 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application, via e-mail, for which I am grateful.

The applicant has submitted a School Building Drainage Strategy (Drawing No. WE03898 2200, Rev. C, dated 21st October 2015) which now shows the inclusion of filter drains around the hardstanding areas. This has also been accompanied by a Management and Maintenance Plan (Report Ref. WE03898, dated 24th April 2016) for the proposed surface water drainage management system.

These documents address my previously raised concerns, and I am therefore happy to confirm that our objection is withdrawn.

23rd May 2016 - I am happy to confirm that I have no further comments to add to those made in my recent correspondence (frm/2016/610, dated 10th May 2016).

NATURAL ENGLAND - 15th March 2016

No comments.

16th May 2016 - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 15 March 2016

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.

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.

23rd May 2016 - Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 15th March 2016.

The advice provided in our previous response applies equally to this application 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.

TEIGHNBRIDGE DISTRICT COUNCIL (Heritage Advice on behalf of MDDC) - 19th May 2016

My comments are to be read in conjunction with my letter of 25th April, 2016.

Statement

I refer to the revised heritage statement revision c, May 2016. Grainge Architects state that extensive analysis has demonstrated that refurbishment of the building is not the preferred

or viable option (clause 1.3) and that refurbishment would cause too much disruption but the information provided is brief.

Clause 4.4 recognises the main building is a good example of Edwardian design but refers to it not being unique. If it were unique it would undoubtedly be listed however this is not the basis of demolition of an important locally listed structure. The basis of this would be a presumption for retention with public benefit following greater evidence overriding its retention. As mentioned previously I would expect to see costed feasibility design schemes for a retained building with a new extension. If the public benefit was proven the architectural quality of replacement building should equal the quality of the historic building and currently it does not.

There are no survey drawings of the building as existing and there are references to leaky flat roofs but this could be part of the 1950s extension.

The introduction seems to concentrate on what the new school will provide for the internal environment that is created without considering the importance of an institutional building that captures a sense of civic pride or its visual effect on a site within a core area of Tiverton.

The photomontages are inadequate and do not show street elevations as recommended.

I refer to Historic England's guidance 'Historic School Buildings' produced in conjunction with Mott MacDonald on design awarded schemes which depicts schemes where historic buildings are extended and refurbished to provide good quality educational spaces. 'Refurbishing Historic School Buildings' is also a worthwhile publication.

The schedule of costs

As submitted the schedule loose and questionable.

Remodelling is set at £2,072 per m² but could be £750.

Abnormals are high at £2,404,320.00.

Site access lifts £90,000 this could be £40,000

External parapet wall £50,000 – what qualifies this? Has a survey been done to say so many metres require resetting. The true cost could be minimal. The external facades of buildings of this period are often very good.

Window replacement at £207,000 – for 100 windows is very high. 100 windows may not require replacement.

Roof replacement – is this for the 1950s extension?

Check life span for refurbished works - £187,500 – this isn't qualified and should be explained.

Works to external works £78,180.00 – this presumably would be included in the new building scheme and I would say should not be part of the refurbishment costs.

Page commencing Abnormals demolition ending £2256,080.00 is not titled and I think refers to the new build. The subsequent pages should also be titled.

Covenant

The statement refers to the covenant that the land should be used for educational use. I refer to clause 5 and 8 and my understanding is that they could sell on the existing school with the agreement of the Charity Commission who may choose to use the money gained on the site for educational purposes or perhaps on other educational sites in Tiverton.

I do not consider that the report has provided the information that was recommended. The proposed replacement school is not of an architectural quality to match the original and it is regrettable that a site such as this was not considered for an architectural competition.

TEIGHNBRIDGE DISTRICT COUNCIL (Heritage Advice) on behalf of MDDC - 27th April 2016

Castle Primary School was built in 1902-10 to the designs of William Ashford of Birmingham which has since been extended to the north and east, subsequently remodelled in 2010. The building is red brick with stone dressings with the principal south front in 'Wrenaissance style' described by Historic England as a handsome arrangement with rubbed brick window arches, stone quoins and door cases and carved wreaths in dentilled gables. The building was considered for designated listing by Historic England but did not reach the required criteria, though is considered to be of local interest. The later 1950s extensions are not considered to be of architectural merit.

Tiverton Conservation Area was originally designated in February 1973 and was extended in July 1992. A report was taken to the planning committee on 25 May 2005 and the Conservation Area extended and Conservation Area Appraisal adopted as Supplementary Planning Document on 15 June 2005. The 2005 alterations to the conservation boundary were to include the Castle Primary School site amongst other areas. The School is highlighted as an important unlisted building within the Tiverton Conservation Area Appraisal and the school grounds are considered to be an area of important open space.

Mid Devon District Council operate a Local Heritage Assets register however non designated heritage assets such as Castle School are not individually identified and included within the local list as it is considered they are offered protection through lying within the designated Conservation Area and these buildings are already protected under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Proposed demolition of existing building and new school.

The proposal is to demolish both the Edwardian grammar school and its later extensions which lie within the Conservation Area and to build a new school in the playground outside the conservation area though affecting its setting. The capacity of the school is 360 pupils with future expansion to cater for 420 pupils and it appears the existing and proposed schools will cater for roughly the same numbers of children. The Design and Access statement refers to inadequacies with the school which it deemed not fit for purpose. It sites the need for a lift, threshold and access issues, the main building is said to be in a poor state of repair and there is a requirement for mechanical ventilation within the existing building. It is unclear whether the new building would be mechanically ventilated. It was noted on the site inspection that there were level problems particularly on the first floor and some door widths may need to be considered to better cater for disabled access. A need for mechanical ventilation is agreed. The report commissioned by the Education Funding Agency does not form part of the application however Mid Devon Local Plan DM27 (a) refers to a presumption to retain the most important heritage assets. The Heritage statement states the EFA undertook a feasibility study to retain the Edwardian building but it was not considered value

for money due to the need for temporary accommodation. There are no cost comparisons to inform whether the building is beyond reasonable repair or to gauge the differences and benefits between the options and the costs of a new building. There is no evidence to consider different options on the use of the site and whether the Edwardian building could be re-developed to a separate use with a new owner.

Devon County Council raised concerns over the building being included within the conservation area in 2005 related to the car park and access but not relating to the condition of the building and indeed Devon County Council remodelled the school in 2010.

At this stage I do not consider there is sufficient evidence to support the loss of an important building with considerable architectural merit with the loss that would entail to the conservation area. There are undoubted problems within the existing building that need to be resolved which may be resolved with refurbishment. I would have expected there to be a thorough exploration through a costed sketch scheme to refurbish, retain and extend the grammar school in comparison to building a new school. The level of public benefit could then be better assessed on the benefits of a new school against the loss of a building that is important to the Conservation Area and history of the town. An appraisal of the site should also be undertaken with the Edwardian block redeveloped for a new use.

The proposed school is based on a simple rectangular block plan constructed of split faced concrete block spruce or bathstone, aluminium windows, coloured panels with profiled metal roof. Institutional buildings can constrain design but not necessarily.

The proposed design lacks innovation, appreciation of the character of the area or any reflection of local distinctiveness and use of materials. Local materials in this area are natural slate, red brick, render and two types of natural stone were observed. Should the requirement for a new school providing public benefit be proven I would recommend the design is reconsidered to better respect the setting of the Conservation area so that it preserves or enhances its qualities. Viewpoints and photomontages should be provided from key areas within the town and wider townscape.

The proposed materials would be particularly obtrusive and inappropriate as would the coloured panels and metal profiled roof. The existing building is slightly set back within the Conservation Area but is both striking and respects its neighbours and to preserve the qualities of the conservation area the new building should do the same. I would consider this proposal demonstrate less than substantial harm on the conservation area.

Setting of Designated Heritage Assets.

The District Council has a duty to have special regard under section 66 of the Listed Buildings and Conservation Areas Act to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It was considered that there was no harm to the setting of 85, 87, 89 and 91 Barrington Street, the Bank cafe 33-35 Bampton Street, 37 Bampton Street, 101 and 102 Bampton Street, 42 Gold Street as existing building topography blocks views of the proposed development. It was considered there was likely no harm to the setting of Elmore Congregational Church Chapel Street due to the gradients of the land and tree cover but a photo montage street view from this area is recommended. The west elevation of the current building is viewed from the arch of 57 Bampton Street

however this view may be of open space with the new location of the new building so there is considered to be no harm; a street view from this point is also recommended.

The major effect is considered to be the loss of an important heritage asset, effect on the character and appearance of the area and the effect on the conservation area and its setting. I do not consider the retention of an important heritage building has been properly explored or is available for scrutiny and the design of the proposed replacement building does not respect the character to preserve or enhance the conservation area. I do not recommend approval of this scheme at this stage.

Policy

Listed Buildings and Conservation Areas Act 1990

66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

NPPF In particular para 131. In determining planning applications, local planning authorities should take account of:

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use 135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Mid Devon Local Plan 2013

DM2 High Quality Design - Designs of new development must be of high quality, based upon demonstrating the following principle:

c) Positive contribution to local character including any heritage or biodiversity assets and he setting of heritage assets.

e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:

i) Architecture

iv) materials.

DM27 Development affecting heritage assets.

Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will

a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets.

b) Require development proposals likely to affect heritage assets and their setting, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.

c) Where a development proposal would lead to less than substantial harm, that harm will be weighed against public benefit..'

Tiverton Conservation Area Appraisal planning guidance Supplementary Planning Document.

Report to Planning Committee 25th May 2015

2.6 Tiverton Town Council welcomed the document as a means of continuing and strengthening protection of the town's heritage. Possible extension of the boundary is welcomed provided account is taken of likely economic impact of the changes for example on Heathcoats and on Castle Primary School.

Identification of important unlisted buildings, structures and trees is approved

2.14 Castle Primary School through Devon County Education raised concerns about inclusion although this related to the car park and access both of which are in the current Conservation Area

3.3 The review of Conservation Area boundaries fulfils the Authority's duty under Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to "review ... and to determine whether any parts or further parts of their area should be designated as Conservation Areas; and if they so determine they shall designate those parts accordingly". The additional areas proposed for inclusion are considered to be of architectural or historic interest and their character or appearance worth preserving or enhancing.

HISTORIC ENGLAND - 26th May 2016 - Historic England Advice

Further to our previous planning response, we have been provided with an amended Heritage Statement for the proposed demolition and rebuilding of Castle Primary School. This provides additional context to the project, assesses the benefits of the new school building and includes information on legal restrictions to the use of the site and on the feasibility assessment of the reuse of the existing building for school purposes. The two

latter documents have only become available to us today, and our opportunity to fully analyse them has therefore been limited, which somewhat hampers our ability to make a comprehensive response.

However, we have undertaken an initial high level assessment of the financial feasibility study of three options: refurbishment of the existing school buildings, refurbishment of the historic school building with demolition of the mid twentieth century additions and construction of some new build classrooms, and demolition of all existing buildings (excluding the nursery range) with construction of a new school. The overall relative costings shown are: £5.1 million for refurbishment alone, £5.6 million for refurbishment and limited new build and £4.56 million for the new school which is proposed. Within those costings, we note that in both refurbishment options the cost is significantly increased by the expense of providing temporary accommodation, which is approximately £1 million. We find it slightly surprising that this cost is the same for both refurbishment alone and for refurbishment with new build, since we would expect that the latter option had a lesser requirement for temporary accommodation, as the new build construction and refurbishment of existing buildings could be phased, thereby reducing the overall cost. We wonder, therefore, whether the overall cost of this option is necessarily as high as is shown and the discrepancy with the costs of the total new build scheme is as great as it appears. Also, external repair items such as the identified need for the total replacement of windows within the existing school could be reviewed in line with guidance we have produced relating to the refurbishment of historic windows in ways which also improve their insulation properties and reduce potential costs.

We are aware that the government funding stream for this project is one which is targeted at building new schools rather than the refurbishment of existing schools, and would question how this affects the weighting that is afforded to the new build option over the refurbishment options? Our publication *Refurbishing Historic School Buildings*, published by English Heritage in 2010, sets out the principles of our approach to the refurbishment of historic school buildings, the reasons why we consider that the retention and adaptation of such buildings is both desirable and beneficial, and provides guidelines for this process, as well as successful case studies.

The document can be found through this internet link:
<https://historicengland.org.uk/advice/planning/local-heritage/historic-school-buildings/>.

Whilst acknowledging that school buildings need to be adaptable and remain functional, the document advises that "there is no reason why a skilled design team cannot adapt existing buildings to achieve this, even if such transformation may occasionally need to be radical and innovative". A number of case studies are provided of a variety of schools where such schemes have occurred. Since the assessment for listing clearly identified what is most significant about the building, we believe there could be considerable flexibility in how it could be adapted for continuing school use, whilst retaining the architectural shell of the original building. It would be interesting to know on what level of adaptation the feasibility costings were based in both of the refurbishment options.

In terms of an alternative use for the historic Castle school building, we have seen the legal document which restricts the use of the site to a county school. It is unclear whether this clause duplicates one from an earlier document, and what is its origin, since the document in which it occurs appears to be quite recent. However, even if the building is ultimately considered to be incompatible with fulfilling its current purpose, there may still be scope for putting it to other educational purposes which could still comply with that clause, as is shown by the existence of the adjacent nursery school.

In relation to the public benefits considered to be offered by the new school building, many of those benefits could also be provided by an option which combined refurbishment and new build. We would question some of the assumptions being made about energy efficiency and environmental gains since the existing building has considerable embodied energy value and could be made considerably more efficient. As is stated in our previously quoted guidance on school buildings, "demolition and replacement of existing school buildings involves a high carbon impact...as well as the material impact of the replacement new build and the loss of the embodied energy within the buildings demolished...Energy efficiency in existing school buildings can be very good, and certainly upgrading work can ensure they meet modern guidelines". An example is cited of a former grammar school built in 1912 of a not dissimilar style to Castle School, which has achieved a BREEAM rating of "very good".

Recommendation

Overall, the new information provided does not significantly change our view of the desirability, and potential feasibility, of retaining the historic Castle School building, albeit with some adaptation and extension to improve its functionality for its existing use or a related one. As both an undesignated heritage asset, and a building of value within a designated heritage asset (the conservation area) its loss could be considered harmful under policies 134 and 135 of the NPPF. We believe that the necessity for demolishing the historic building could be called into serious question even if it is decided that the school requires a new building. It merits considerable effort being made to retain it alongside seeking to provide for the needs of the existing school users, and those objectives need not be mutually exclusive, as our guidance on the subject demonstrates.

HISTORIC ENGLAND - 27th April 2016

This application proposes the demolition of an early twentieth century school building, located within Tiverton conservation area, and its replacement by a new primary school on the site immediately adjacent to it, which is set just outside the conservation area. The construction and design of the new school building is a matter which we will leave others to comment on, and this letter will focus on the demolition of the historic school.

Castle School dates from between 1902-10, with a handsome main block constructed in brick with stone dressings, designed in the 'Wrenaissance' style, the central section of which terminates in projecting pedimented gables with arched-headed windows. The outer wings are of simplified design and detailing, although the western elevation facing the street has greater formality. Later twentieth century additions to the rear, and internal alterations, together with the relatively late date of the school for its type, resulted in it being rejected for listing when a request for its designation was recently made. However, the listing assessment acknowledged that the building does display architectural quality and decorative detailing, and is "clearly of local interest". This, combined with its inclusion as an important unlisted building in the Council's Conservation Area Appraisal, means that it can be regarded as a non-designated heritage asset, under the criteria set out in the NPPF, whose policies 129, 131 and 135 are applicable in this case.

We have been given a tour of the school by the headmistress, during which its shortcomings for the teaching of primary age pupils were pointed out, as were a number of building defects. We understand that a condition survey has been undertaken, which included costings of the repair and upgrading of the building to meet modern standards, although its details have not been made available in the current application. However, the findings of that document, taken together with the building standards currently recommended for primary schools, have led to the school being given priority status for central government funding from its Priority Schools Building Programme, for the rebuilding of schools deemed to be

inadequate for their purpose. From three possibilities that were considered in an options appraisal for upgrading the school, the demolition of the building has been selected in preference to its refurbishment - either as a stand-alone school or in addition to new build elements. We would advise that the evidence is made available which led to the selection of that option, to make the justification for the building's demolition, as opposed to its adaptation, publicly transparent and available for scrutiny.

Whilst others are better qualified to comment on the school's architectural suitability for the provision of primary school education, we do have considerable experience in the refurbishment of traditional buildings and their adaptation for alternative uses. Nothing that we have so far seen in the school makes us believe that it has reached the end of its economic life or is altogether incapable of beneficial use, even though it may no longer be ideally suited to its current form of educational use. Whilst it clearly has some building defects, these appear to derive more from lack of ongoing and adequate maintenance than from inherently poor design. The original range is a building of generally solid construction and robust, good quality materials, which contribute considerably to its local distinctiveness.

A question which we feel needs to be posed, therefore, is whether it is necessary for this building to be demolished in order for a new school to be constructed? The retention of the historic school building in a different use, and physically separated from a new school on the adjacent site, is not an option that appears to have been considered. The school site is an extensive one, which will provide a generous amount of external space once the new building is completed to a more compact footprint than the existing building. There is also ample provision of parking on the site. These factors, together with the adequate vehicle access to the site, could permit the possibility of two uses on the site, with adequate segregation between them. The historic school building could be adaptable to a number of new uses ranging from community, through commercial to potential residential. The possibility of retention of the former school house in a new use could also be investigated.

Recommendation

In summary, in our view the case for demolition being the only viable option for Castle School has not been convincingly made in this application. Whilst not necessarily objecting to the construction of a purpose-built primary school on the Castle School site, we are not persuaded that the demolition of the historic school building is necessary to achieve that outcome, since the site appears generous enough to accommodate both buildings in different uses. There is no evidence within the application of such an option having been pursued. As a non-designated heritage asset, the significance of the school justifies considerable efforts being made to secure its retention, repair and reuse; which, according to paragraph 129 of the NPPF, should be taken account of by the local planning authority in order to "avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal".

Only if such efforts to avoid or minimise harm to the heritage asset prove unachievable, does the planning balance set out in paragraph 135 of the NPPF need to be carefully applied, in which case it is also the local authority's statutory responsibility to pay special attention to "the desirability of preserving or enhancing the character or appearance" of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

6.0 REPRESENTATIONS

12 letters of support have been received and 2 letters of objection. These are summarised below:

Support (Including from the Tiverton Civic Society)

- The existing school building is not fit-for-purpose
- The old school is not energy efficient. The new school will be eco friendly
- The old school is a relic from a bygone age
- The school will be more inclusive for non-able students
- The existing school is beautiful but impractical
- In an ideal world the school would have the money for a more attractive new build, however they have to do the best with the money they have
- It's great that investment is being made into the next generation in Tiverton providing them with an inspiring place
- I think that having a new school would make it nicer environment for all, including those that use it for after school clubs and in school holidays
- There is no money to refurbish the old building
- The costings were not available to review, however, the EFAs conclusion can be supported that the building is beyond its useful life
- The surrounding area is deprived in terms of education, skills and training. The existing school have attempted to drive up standards, however, real improvements can only be made by a new purpose built school
- Alternative uses on the site are likely to be unrealistic.

Objection (Including Peter Child on behalf of Devon Buildings Group)

- Castle School is an integral part of the Edwardian period, and the schools demolition will be a loss to this heritage
- The area is a Conservation Area. Any development should be in favour of conservation rather than demolition
- It is normally economically preferable to rehabilitate a building rather than to demolish and rebuild.
- It would be suitable to make this building suitable for primary school pupils
- The existing building has significant architectural merit
- The demolition of the building is contrary to Mid Devon's Policies
- The building makes a significant contribution to the Tiverton Conservation Area and Tiverton's History
- The sustainability aspects associated with demolishing and rebuilding have not been considered
- The economic case for the buildings demolition has not been made
- The proposed building is of inadequate architectural quality

7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

The existing site contains a range of buildings and extensions of varying architectural quality and size. The site is visible from William Street and Barrington Street to the West, Martins Lane to the North of the site, and from various elevated positions within/surrounding the town including Canal Hill. Residential properties surrounding the site will have views of the proposal. The existing site benefits from some tree

screening, particularly to the East, South and West. Some of the existing tree screening has been outlined for replacement. The existing site contains parking to the west and an alternative car park to the south. As part of the proposal, the parking to the South will be removed. The Tiverton Conservation Area dissects the site, and there are listed buildings to the North West and South East. The site is within Flood Zone One.

The main issues to be considered at this stage are:

- 1. Policy context**
- 2. Impacts on the historic environment**
- 3. Social Impacts (including impacts on neighbours)**
- 4. Environment Impacts**
- 5. Economic Benefit**
- 6. Design and Visual Impact**
- 7. Highways and transport**
- 8. Conclusions/planning balance**
- 9. Conditions**

1. Policy context

Mid Devon District Council's Local Development Framework (LDF) consists of the Core Strategy (2007), Allocations and Infrastructure Development Plan Document (2011), and the Local Plan Part 3 (Development Management Policies) (2013). The central strategy for development within the district is set out within the Core Strategy, the Allocations and Infrastructure Development Plan Document contains specific proposal allocations for development, and the Local Plan Part 3 (Development Management Policies) provides a range of policies for the consideration of planning applications.

This application is within the centre of Tiverton, and therefore policy COR13 'Tiverton' should be considered. COR 13 encourages high quality development and investment to Tiverton Town Centre, and notes development should reduce the risk of flooding and enhance walking and cycling opportunities within the town.

More specifically policy AL/TIV/13 of the Allocations and Infrastructure Development Plan Document details development criterion for a site in William Street which includes the western end of the Castle School site. This policy promotes the use of the site for residential accommodation. This application does not propose residential accommodation on the site. Policy AL/TIV/13 notes Sustainable Urban Drainage Schemes (SUDS) and archaeological investigations are required to mitigate against any potential impacts new development on the site may cause. Policy AL/TIV/13 is not being taken forward as a proposed site for residential development within the emerging local plan, and therefore the re-development of the school without new residential accommodation will not impact on the delivery of the emerging local plan.

Policy DM25 of the Local Plan Part 3 (Development Management Policies) deals more specifically with the development of community facilities, where it is noted:

"The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by

the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.”

As this proposal impacts upon an important unlisted building within the Tiverton Conservation Area, policy DM27 of the Local Plan Part 3 (Development Management Policies) needs to be considered. Policy DM27 and part 12 of the National Planning Policy Framework deal with development affecting heritage assets. Policy DM27 notes the council will apply a presumption in favour of preservation in situ in respect of the most important heritage assets. DM27 proceeds to note that heritage assets and their settings are irreplaceable resources and therefore proposals should aim to conserve or enhance them. Where proposals are likely to cause harm to a heritage asset or its setting, the harm should be well justified and weighed against any public benefit. This will be discussed later within this report.

The National Planning Policy Framework notes that a presumption in favour of sustainable development should be seen as a golden thread running through decision making, taking into account economic, environmental and social considerations. This is reflected within policy DM1 of the Local Plan Part 3 (Development Management Policies), which notes the Council will take a positive approach in favour of sustainable development. The sustainable credentials of this scheme are discussed within the report below.

Policy COR2 of the Core Strategy 2007 and policy DM2 of the Local Plan Part 3 (Development Management Policies) require development proposals to be well designed, have a positive contribution to the surrounding area, a clear understanding of the site, use the site effectively and efficiently and encourage sustainable design including the use of SUDs.

Policy COR5 (Climate Change) of the Core Strategy 2007 seeks measures to minimise the impact of development on climate change in order to contribute towards national and regional targets for the reduction of greenhouse gas emissions. Such measures should include the development of renewable energy capacity where there is an acceptable local impact including visual, and on nearby residents and wildlife.

Policy COR7 (Previously Developed Land) of the Core Strategy 2007 notes development will be guided towards the most sustainable locations available, which maximise the social and economic benefits, minimise the loss of greenfield site to build development, and reduce the need to travel and make the best use of land and other resources.

Policy COR9 (Access) of the Core Strategy 2007 seeks to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans. Policy DM8 of the Local Plan Part 3 (Development Management Policies) notes new development must provide appropriate levels of parking.

Policy COR11 (Flooding) aims to guide development to sustainable, low flood risk areas, whilst ensuring development does not increase the risk of flooding elsewhere.

Policy DM3 of the Local Plan Part 3 (Development Management Policies) requires proposals to demonstrate how sustainable design and construction methods will be used to achieve energy and water efficiency and resilience to climate change. New major commercial development will be required to achieve a BREEAM 'Excellent' standard.

In summary the site is situated within Tiverton and the proposal is considered to be a redevelopment of an existing community facility. The site itself is not without constraint; in particular the proposal is for the demolition of a heritage asset identified as an important unlisted building within the Tiverton Conservation Area Appraisal. Notwithstanding this, there is some 'in principle' policy support for the sites redevelopment. The material planning considerations are discussed below.

2. Impacts on the historic environment

Castle School was built in 1902-1910 to the designs of William Ashford of Birmingham. The existing building is red brick with stone dressings, with the principal front elevation (south elevation in 'Wrenaissance style' described by Historic England as a handsome arrangement with rubbed brick window arches, stone quoins and door cases and carved wreaths in dentilled gables. The building was considered for designated listing by Historic England but did not reach the required criteria, though is considered to be of local interest. The later 1950s extensions are not considered to be of architectural merit.

The Tiverton Conservation Area was originally designated in February 1973. Various amendments have been made to the conservation area since its designation, including an extension to the conservation area in 2005 to include Castle Primary School amongst other areas. Castle Primary School is identified within the Tiverton Conservation Area Appraisal as an important unlisted building.

Due to a potential conflict of interest between the Mid Devon District Council Conservation Team and the proposed development and in the interests of transparency, it was considered appropriate to employ a 3rd party heritage adviser to provide a response to the application on behalf of the Council. Teignbridge District Council was appointed to provide a conservation response and a report has been produced by Teignbridge District Council's Design and Heritage Team Leader.

As previously noted, policy DM27 of the Local Plan Part 3 (Development Management Policies) notes, heritage assets and their setting are an irreplaceable resource. Accordingly the council will apply a presumption in favour of preservation in situ in respect of the most important heritage assets. Castle School is a non-designated heritage asset and is therefore not considered to fall within the category of one of the 'most important' heritage assets whereas the Tiverton Conservation Area (that includes the Castle School site) is a designated heritage asset and as such it is considered to be one of the 'most important' heritage assets.

The report produced by Teignbridge District Council concludes that the proposed replacement school building and loss of the existing Castle School is likely to result

in less than substantial harm to the conservation area but that this harm should be outweighed by an appropriate level of public benefit in accordance with criterion (d) of policy DM27.

Criterion (b) of policy DM27 requires development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. This is supported by paragraph 131 of the National Planning Policy Framework which notes:

131. In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

The applicant submitted a heritage statement in support of the application. The original heritage statement was evaluated by Teignbridge District Council's Conservation Advisor, Historic England and the Devon Buildings Group who have all objected to the proposal and insufficiencies within the heritage statement. These objections focus on the limited content of the heritage statement in terms of considering the existing buildings significance, the public benefits the scheme could achieve, and noted insufficient evidence was provided to demonstrate the existing building was no longer suitable (or could be made suitable) for education, or be reused for an altogether different use thus avoiding the buildings demolition. To counter these objections the applicant provided revisions to the heritage statement, which included some information on the public benefits of the scheme, financial information relating to the improvement of the existing building, and a covenant which details the building must remain in an educational use.

During officer discussions with the Education Funding Agency and applicant it was apparent that the preferred option and funding pool for this project was for a replacement building rather than the redevelopment of the existing building. The revised heritage statement supports this, and it is noted "given that the new build option was selected as the preferred option, we did not develop detailed costs for refurbishment". Regardless of this statement, some costings have been provided by the applicant and were included as confidential information to support the revised heritage statement. The applicant agreed these figures could be provided to both Historic England and Teignbridge District Council Conservation team for consideration.

Objections to the scheme from Historic England and Teignbridge District Councils Conservation Adviser remain despite the additional information discussed above. The outstanding issues from the perspective of these consultees still associated with the application are considered to be:

- Limited information on why refurbishment of the existing building is unviable;

- The provided schedule of costs lacks detail and questions remain regarding the accuracy of estimated costs;
- Limited information relating to the public benefit of a new school;
- Lack of exploration of alternative uses on the site in order to retain the existing building.

Having regard to the last point; the applicant submitted a covenant attached to the land which states the land should be retained for an educational use. This has been challenged by Teignbridge District Council's Conservation Adviser and Historic England who notes the school site could be sold on with the agreement of the Charity Commission who may choose to use the money gained on the site for educational purposes or perhaps on other educational sites in Tiverton. Regardless of this point, the Local Planning Authority does not consider it necessary to promote the re-use of Castle School for an alternative use. This is because the loss in playground facilities and open space caused by having the existing school building and a new school on the site is likely to be harmful to the schools amenities, and the position of a proposed school on the site adjacent to the redeveloped school building is likely to be impractical. The Local Planning Authority also considers the town centre site for a primary school is a good and sustainable location, and would not want to promote its relocation.

The Local Planning Authority has given consideration to the comments made by Historic England and Teignbridge District Council's Conservation Adviser. An assessment is required of the impact of the loss of the non-designated heritage asset (an important unlisted building in the Conservation Area) against the public benefit arising from modern education facilities. The condition and suitability of the existing school facilities have been judged to be among the worse, hence priority school support for the erection of a new purpose built facility has been obtained. The existing school buildings and condition have been judged to be defective for primary education purposes. A new purpose built school has been designed to address these deficiencies and provide a modern, 21st century standard education environment.

Further clarification has also been sought from the applicant and Education Funding Agency (EFA) over the education benefit of the scheme and the likelihood of funding being gained a retention and renovation based alternative scheme. It has been made clear to the Local Planning Authority that public money via priority School Building Programmes will not be likely to be made available for renovation and reuse of the existing building. This option has been assessed the rejected by the EFA as part of due diligence associated with the existing Priority Schools Building Programme 1 award. The Local Planning Authority understands that refusal of the application will jeopardise this opportunity to provide upgraded facilities. Funding will not be made available for a retention and refurbishment lead scheme as this option has already been assessed and rejected by the EFA. The public benefits associated with the scheme would therefore not be realised.

In support of the applicant, it is noted within the application material that the cost of temporary accommodation for school students (which is not needed with a new school) prevents the existing building being retained and that an extensive analysis of the site and existing buildings demonstrates that refurbishing the existing school

buildings is not a preferred nor viable option. The Local Planning Authority would have wished for more detail on the 'extensive analyses' undertaken by the applicant.

The District Council has a duty to have special regard under section 66 of the Listed Buildings and Conservation Areas Act to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. Castle School is significant to the local area, although it is not prominent within the Conservation Area.

Criteria (c) of policy DM27 notes the Council will only approve proposals that would be likely to substantially harm heritage assets and their setting if substantial public benefit outweighs that harm or the requirements of paragraph 133 of the National Planning Policy Framework are met.

Paragraph 133 of the National Planning Policy Framework relates to the harm and loss of designated heritage assets and is inapplicable to this application as Castle School is a non-designated heritage asset. Paragraph 135 of the National Planning Policy Framework notes:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale or any harm or loss and the significance of the heritage asset."

The relevant paragraphs in the National Planning Policy Framework are paragraph 134, which states less than substantial harm caused to a designated heritage asset (the conservation area) should be mitigated with public benefit, and paragraph 135, as shown above. In this case the harm the proposal causes to the Conservation Area and to Castle School itself should be weighed against the public benefits of the proposal. To ascertain the public benefit of the scheme it is important to also consider the social, environmental and economic impacts of the proposal. These are discussed below.

This proposal is not considered to cause harm to the setting of any listed building in accordance with section 66 of the Listed Buildings and Conservation Areas Act and policy DM27 of the LP3.

3. Social Impacts (including impacts on neighbours)

The existing site is a primary school and therefore neighbouring dwellings are subject to existing noise and localised highways impacts. The proposed school building will be relocated toward to the southern boundary of the site. This is unlikely to cause significant impacts to the neighbouring dwellings, and the addition of modern insulation and sound proofing are likely to reduce the noise associated with the use of the building. The proposed building is a reasonable distance from any neighbouring dwellings, and is unlikely to create any impacts in terms of overbearing effects or a loss of light.

The applicant's heritage statement notes the proposed building will create positive social benefits in the form of increased classroom capacity, improved classroom facilities and an enhanced teaching environment. The existing building is cold, leaky and has poor facilities for non-mobile and disabled students. The new building will improve this. More open space will be provided from the proposal, as the overall massing of the proposed building is reduced. The proposal may also improve the sites community benefits in terms of improved facilities available for use by the wider community. The Local Planning Authority considers these benefits to be reasonable, and concludes the proposed school is unlikely to cause any impacts to the amenity of the neighbouring dwellings, and will create significant social benefits in terms of improvements to the schools inclusiveness and facilities. Having regard to social impacts, the Local Planning Authority considers the proposal is in accordance with policies DM2 and DM25 of the Local Plan Part 3 (Development Management Policies).

4. Environmental impacts

The site is within Flood Zone 1 and the Environment Agency raise no objection to the proposal in terms of flood risk. The applicant has submitted details of the surface water drainage arrangements which indicate the scheme does not utilise a surface water drainage scheme, instead an underground attenuation tank has been included. The applicant has submitted micro drainage calculations which detail how the surface water will discharge from the attenuation tank. An assessment of this has been considered by the County Councils Flooding Engineers, (The Lead Local Flood Authority), and no objection has been raised. There are not considered to be any significantly adverse flooding risks related to this development. A condition is recommended to ensure the proposed surface water flood measures are appropriately managed.

It is acknowledged within the application documents and by Mid Devon District Councils Environmental Health Officers that the demolition of the existing premises may contain potentially hazardous materials. Environmental Health has requested a condition to minimise the risk of hazardous materials creating contamination to the surrounding area. Subject to condition, the Local Planning Authority does not consider the site to have significant contamination issues.

The applicant has submitted a preliminary ecological appraisal produced by Thomson Ecology, dated November 2014. The findings of this survey note that the majority of the site has limited ecological value, however, the existing woodland on site would be suitable for nesting birds and two buildings on site have features suitable for roosting bats. In response to these findings the Local Planning Authority requested additional bat surveys to be undertaken. Seasons Ecology submitted bat surveys on behalf of the applicant, dated April and May 2015. This bat survey found evidence of roosting bats and nesting birds, and recommends the following mitigation:

- The installation of one traditional wooden bat box one Schwegler 2f bat box and one Schwegler 1FD bat box at various points within the site.
- Two Schwegler 1FR bat tubes integrated into the new building.

- An ecologist will be required to undertake a pre-demolition bird survey and if nesting birds are found (including if nests are in the process of being built), works will be postponed until the ecologist confirms the nests are no longer active.

An arboricultural survey has been submitted in support of the application, which should be read in conjunction with the submitted landscaping and planting plan, drawing number 1090 – PL10 Rev A. Mid Devon District Councils Tree Officer has commented on the application, and notes tree T19 (Horse Chestnut) and T38 (Common Lime) are worthy of protection. No objection is raised regarding the removal of other trees on the site. Unfortunately, due to the location of the proposed school, trees T19 and T38 are required to be removed. Two new specimen trees have been proposed to mitigate against the loss of the two category A specimen trees T19 and T38. The replacement trees will be a Horse chestnut and Common Lime. As the provision of these replacement trees could be secured via a planning condition, the Local Planning Authority do not consider there to be any significant arboricultural harm within the application scheme.

Environmental Health raises no objection to the proposal in relation to noise, light and air pollution. Considering this application is for a replacement building, the Local Planning Authority does not deem the proposed building will have significant environmental impacts in terms of pollution. The applicant has submitted a Construction Environmental Management Plan (CEMP). If this application were to be approved, the CEMP should be conditioned, which will ensure the construction stage of this proposal will not create any significant impacts on the surrounding environment.

The applicants note the proposed building will have improved energy efficiency, ventilation and lighting. This will help achieve positive environmental benefits in the form of reduced carbon emissions and meets with sustainable development principles. As noted within the objections, it could be argued the carbon emissions created by the demolition of the existing building and rebuilding of a new building will outweigh/limit the benefits of the new building. A carbon reduction statement has been submitted, however unfortunately this does not detail the lifetime benefits of the scheme in terms of carbon reduction.

An independent assessment commissioned by the Department for Education has identified the appropriate BREEAM rating for the construction of new schools based on whole life cost analysis. The Treasury require Whole Life Costing to justify investment decisions. DFE policy is to achieve BREEAM 'very good' for new schools. To ensure sustainable design and construction methods are incorporated into this proposal, a condition is recommended requiring the proposal to achieve a 'very good' BREEAM rating. Mid Devon Councils policy DM3 requires a BREEAM rating of excellent, however, in the opinion of the Local Planning Authority a refusal could not be justified on this basis.

The proposal has been screened to ascertain if it is development which constitutes the need for an Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be Schedule 1 development, and the

reconstruction of a school is not explicitly mentioned within Schedule 2. Notwithstanding this, the development is not in an environmentally sensitive location as defined by the EIA regulations and the size, characteristics, location and potential impacts of the scheme are not considered to constitute the need for an EIA.

Bearing in mind the above information, the Local Planning Authority considers this application is unlikely to have any significant environmental impacts, and is likely to produce some minor environmental public benefits in the form of reduced carbon emissions and energy efficiency in accordance with policies DM2 and DM25 of the Local Plan Part 3 (Development Management Policies).

5. Economic Benefit

Some information regarding the economic benefits of the proposal are included within the revised heritage statement. These include reduced maintenance costs due to modern construction methods, reduced energy costs as a result of energy efficient lighting and heating, and reduced operations costs. These costs should have been included in the analysis of weighing up the cost of constructing a new building versus the costs of maintaining the existing building. The submitted information regarding the economic benefits of the proposal is limited and insufficient to enable the economic benefits of the proposal to be thoroughly understood. While the Local Planning Authority considers the scheme is likely to have some economic benefits, these benefits have not been clearly identified. The proposal is therefore only partly in accordance with policies DM2, DM25 and DM27 of the Local Plan Part 3 (Development Management Policies).

6. Design and Visual Impact

The design of the proposed building has a modern, slightly industrial appearance. It is not an inspirational design, a view which is reflected in comments from Teignbridge District Council Conservation Advisor and objection letters, which suggest the design does not relate well with the surrounding buildings in terms or style, materials and character, and lacks innovation.

The Local Planning Authority considers the design lacks coherency, however, it is appreciated that the applicant has a limited budget and are constrained by the primary and secondary school design guidance produced by the Education Funding Agency. This guidance promotes good practice principles to be achieved within the set cost and area allowances. These principles relate to classroom sizes, accessibility, acoustic performance etc.

Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires new development to positively contribute to the local character of the area including the conservation area, have a clear understanding of the site and create well integrated, visually attractive places. In this case it is concluded that the proposal causes some harm to the surrounding area, including the Tiverton Conservation Area, however, this harm is considered to be less than substantial. Any harm is reduced due to the site being reasonably well screened and the confined nature of the site. The most prominent views of the proposal would be from Canal Hill and the surrounding neighbours, including oblique views from Barrington Street.

As noted in policy DM27, where the design of a proposal is likely to cause harm to a heritage asset, this harm should be weighed against the public benefits of the scheme. In this case less than substantial harm has been identified to the setting of the conservation area, which is considered to be offset by the public benefits of the scheme as discussed above. It is suggested that if the application is approved then a condition regarding details of the materials to be used should be imposed. The applicants have provided block samples to the Local Planning Authority, however, these are not considered to be acceptable.

In conclusion, while the Local Planning Authority considers the design of the proposal is not ideal and results in less than substantial harm to the surrounding area including the Conservation Area.

7. Highways and Transport

The application site is an existing school situated on Barrington Street. The site has good access to the town centre, public transport and surrounding residential housing. An informal car park to the south of the existing building is being removed, and the remaining car parking provision on the site will be 33 parking spaces, 3 disabled spaces and two minibus spaces.

An area to the East of the existing building will provide cycle storage for 32 bikes, and existing pedestrian access to the North and Western edges of the site will be retained. The Highways Authority was consulted as part of the application process and raises no objections to the proposal.

In the opinion of the Local Planning Authority, the demolition and reconstruction of this school will not result in any significant impacts on the local highways network, and a reasonable amount of parking is retained. The proposal is therefore in accordance with policy COR9 of the Mid Devon Core Strategy and policies DM2 and DM8 of the Local Plan Part 3 (Development Management Policies).

8. Conclusions/ the planning balance

This application is for the replacement of a school within the centre of Tiverton. The redevelopment of the school site is considered to enable the school to modernise, remain viable and continue to be retained for the benefit of the community. The proposal is therefore in accordance with policy DM25 of the Local Plan Part 3.

As the proposal relates to the demolition of an important although unlisted building within the Tiverton Conservation Area, the Local Planning Authority would expect the submission of robust justification to support the of the building's loss, including evidence relating to public benefit. In this case some evidence has been submitted in favour of the buildings demolition however, Historic England, an independent conservation advisor (Teignbridge District Council) and the Devon Buildings Group recommend refusal on this basis that the case to demolish the building has not been sufficiently justified.

The application is likely to produce positive social benefits with some environmental and economic benefits. In this case the harm produced to the conservation area is

'less than substantial' although includes the loss of Castle School (an un-designated heritage asset). The public benefits the new school will provide are finely balanced against the harm the application would produce.

The design of the proposed new building does not equal the quality of the appearance of the existing building, however, the proposed design is not considered to be unacceptable.

If this application were approved then a new purpose built primary school building would be delivered for children within the local area whilst causing limited harm to the conservation area. If refused then a new school on this site is unlikely to be built in the near future. Advice from the Education Funding Agency has been sought with the response as follows:

- Decisions around funding and project allocation are made at a high level within Government/The Education Funding Agency
- This project is on Priority Schools Building Programme 1 (for the building of a new school)
- Current funding is predicated on the basis of a new building as this most viable solution on technical, cost and other grounds.
- Fundamentally on Priority Schools Building Programme 1, the provision of the new school accommodation must be completed by the end of 2017. Associated completion works such as demolition, landscaping etc. can run beyond this date.
- The applicants are currently able to hit this date assuming planning permission is granted.
- If Castle School and other schemes cannot hit this programme date they will have their funding withdrawn.
- All Priority Schools Building Programme 2 schemes (For the refurbishment of existing schools) have been identified and the programme commenced, running to 2022.
- Projects not completed under Priority Schools Building Programme 1 would not automatically be funded under Priority Schools Building Programme 2.
- Outstanding Priority Schools Building Programme 1 schemes potentially would be considered on their merits together with unsuccessful scheme applications on Priority Schools Building Programme 2 – for funding. This would be on the basis that should funding become available, (by for example other schemes dropping out of the Priority Schools Building Programme 2 programmes), and these substitute schemes then could take their place –ranked on their comparative merits.
- As part of this process or reviewing the merits of the scheme vs. other schemes to get funding - the EFA would need to carefully reconsider in the first instance if funding would be made available at The Castle for previously discounted options that have been deemed not to be the best or most viable options especially when viewed over the longer term.

The conclusions of Heritage England and the Council's Heritage adviser indicate a belief that there is still the potential for the retention and renovation of the existing building. Clarification over this has been sought. Renovation of the existing building

has been rejected by the Education Funding Agency. Funding for the provision of upgraded education facilities at the school are likely to only be available in connection with a new build project. In the absence of this EFA support, there will not be sufficient means to fund a scheme. The Local Planning Authority has clearly been advised by the applicant and Education Funding Agency that retention and renovation is not an option.

It is clear that the scheme results in the unfortunate loss of an important non designated heritage asset, for which statutory consultees consider there to be insufficient justification and accordingly recommend refusal. Your officers consider that this must be weighed against the public benefits of the scheme and have received clarification that the educational benefits will not be realised by retaining the building as this is not an option that will attract the required funding support. Whilst recognising that harm to the non-designated heritage asset, your officers consider on balance that the application should be approved.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Management Plan, titled 'Construction Environmental Management Plan (CEMP) for Castle Primary School'. The Construction Environmental Management Plan shall be adhered to at all times during the construction phase of the development.
4. The development hereby permitted shall be carried out in accordance with the submitted surface water drainage strategy, detailed on plan references 'School Building Drainage Strategy' and 'Storm Exceedance Routes'. Once installed, the surface water drainage scheme will be permanently managed and maintained in accordance with the submitted Proposed Surface Water Drainage Scheme Management and Maintenance Plan.
5. The development shall be carried out in accordance with the recommendations set out within the submitted bat survey, produced by Seasons Ecology dated April and May 2015. Mitigation measures including the installation of one traditional wooden bat box, one Schwegler 2f bat box, one Schwegler 1FD bat box, and two Schwegler 1FR bat tubes will be installed on site prior to the demolition of the existing Castle School buildings and so retained.
6. The landscaping scheme detailed on drawing number '1090 – PL10 REV A' shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from

the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

7. Prior to their use on site, samples and details of the materials to be used for all the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
8. Prior to demolition of the existing buildings on site commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
9. The approved building shall be constructed to achieve a Building Research Establishment Environmental Assessment (BREEAM) 'Very Good'

Reasons for Conditions

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the development will not result in unacceptable harm to the environmental amenities of the area, in accordance with DM2, DM7 and DM25 of the Local Plan Part 3 (Development Management Policies).
4. To ensure appropriate measures are taken to manage surface water in accordance with policies DM2, DM7 and DM25 of the Local Plan Part 3 (Development Management Policies) and COR11 of the Mid Devon Core Strategy 2026.
5. To ensure any nature conservation interests are preserved in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies)
6. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).
7. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area, and character and appearance of the adjacent conservation area in accordance with policy DM2 and DM27 of the Local Plan Part 3.

8. To ensure the development will not result in unacceptable harm to the environmental amenities of the area, in accordance with DM2, DM7 and DM25 of the Local Plan Part 3 (Development Management Policies).
9. To ensure the development remains within the sustainable design principles set out within Policy DM3 of the Local Plan Part 3 (Development Management Policies).

Reason for approval

Although the loss of the existing historic school building is harmful due to it being an important undesignated heritage asset and a building of value within the Conservation Area; in the opinion of the Local Planning Authority there is no realistic prospect of delivering the public benefits that would arise from the scheme (particularly in relation to the upgrading of the facilities and associated modern education environment) if the building were to be retained and renovated. On balance the proposal is therefore considered acceptable despite being contrary in part to policy DM27 of the Local Plan Part 3 (Development Management Policies) and paragraph 135 of the National Planning Policy Framework. The proposed development is considered to have an acceptable impact in terms of the Conservation Area, highways, residential amenity, ecology, design and appearance and to comply with Mid Devon Core Strategy (2007) policies COR 1, COR 2, COR 7, COR 9, COR 11 and COR 13; Local Plan Part 3 (Development Management Policies) (2013) policies DM1, DM3, DM4, DM8, DM25 and DM28.

Contact for any more information	Mr Kristian Evely, Assistant Planning Officer 01884 234267
Background Papers	None relevant
File Reference	16/00352/MFUL
Circulation of the Report	Cllrs Richard Chesterton Members of Planning Committee

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.