

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

To: **Mr Jamie Knode, The Octagon, Pynes Hill, Rydon Lane, Exeter, EX2 5AZ**

Agent for: **Mr Neil Pateman, Devon County Council, County Hall, Topsham Road, Exeter, EX2 4QD**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **22 July 2016**, and the plans and drawings attached thereto numbered: 5119691A-ATK-01-DR-AL(22)01 Rev A, 511916A-ATK-01-DR-AL(22)03 Rev B, 5119691A-ATK-01-DR-AL (22)04 Rev B, 5119691A-ATK-01-DR-AL(22)07 Rev A, 5119691A-L L 98 03 Rev B, 5119691A-L L 98 04 Rev C, 5119691A-L L 98 05 Rev A, 5119691A-L L 98 01 Rev B, 5119691A/C/L/90/03/4.03 and 5119691A-E100 (including the External Luminaire Schedule for Planning) and documents entitled 'Planning and Design & Access Statement' (dated July 2016), 'Noise Impact Statement' (dated June 2016), 'Arboricultural Impact Assessment' (dated 12th July 2016), 'Ecological Survey Report' (dated July 2016), 'Green Infrastructure Statement' (dated July 2016) and 'Flood Risk Assessment and Drainage Strategy' (dated June 2016).

brief particulars of which are as follows:

Construction of a new 315 place primary and 30 place nursery school with associated facilities and external landscaping on the footprint of the existing primary school at Dartington Primary School, Shinnars Bridge, DARTINGTON, TQ9 6JU

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

Date: 19 October 2016

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - South Hams District Council Application No. 2334/16/DCC
Devon County Council Ref. DCC/3889/2016**

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings 5119691A-ATK-01-DR-AL(22)01 Rev A, 511916A-ATK-01-DR-AL(22)03 Rev B, 5119691A-ATK-01-DR-AL (22)04 Rev B, 5119691A-ATK-01-DR-AL(22)07 Rev A, 5119691A-L L 98 03 Rev B, 5119691A-L L 98 04 Rev C, 5119691A-L L 98 05 Rev A, 5119691A-L L 98 01 Rev B, 5119691A/C/L/90/03/4.03 and 5119691A-E100 (including the External Luminaire Schedule for Planning) except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

CONSTRUCTION MANAGEMENT

3. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:
 - (a) the timetable/programme of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works;
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (k) details of wheel washing facilities and obligations;
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
 - (m) Details of the amount and location of construction worker parking;
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and the local highway network in accordance with Policy DP3 Residential Amenity and Policy DP7

WASTE MANAGEMENT

4. No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the County Planning Authority. The statement shall include:
 - (a) methods to reduce the amount of waste material
 - (b) methods to re-use the waste within the development
 - (c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
 - (d) estimated quantities of excavated/demolition materials arising from the site
 - (e) evidence that all alternative methods of waste disposal have been considered
 - (f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

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

REASON: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan (2014).

SCHOOL TRAVEL PLAN

5. Prior to occupation of the school building, a School Travel Plan including a programme of implementation shall be submitted to and approved in writing by the County Planning Authority. The travel plan shall be implemented in accordance with the approved implementation programme.

REASON: To ensure safe and sustainable travel to Dartington Primary School in accordance with Policy CS11 Climate Change of the South Hams Core Strategy (2006), Policy DP7 Transport, Access and Parking of the South Hams Development Policies Development Plan Document (2010).

CONDITIONS (DURING CONSTRUCTION)

LANDSCAPING/TREES

6. The landscaping scheme shown on drawing 5119691A-L L 98 03 Rev B shall be carried out in the first planting and seeding seasons following completion of the development. The approved scheme shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local landscape in accordance with Policy DP2 Landscape Character of the South Hams Development Policies Development Plan Document (2010).

7. All trees and shrubs identified on approved drawing DTS15.15.2.TPP shall be retained and protected during construction in accordance with the recommendations in Section 7 Tree Protection Measures of the Arboricultural Impact Assessment and on drawing DTS15.15.2.TPP.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, in the interests of visual amenity and in accordance with Policy DP2 Landscape Character of the South Hams Development Policies Development Plan Document (2010).

ECOLOGY

8. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 109 of the NPPF and the wildlife and Countryside Act 1981 (as amended).

9. Development shall be carried out in accordance with the actions set out in Appendix 4 Conservation Action Statement of the Ecological Survey Report dated July 2016.

REASON: To ensure that protected species are conserved in accordance with Policy DP5 Biodiversity and Geological Conservation of the South Hams Development Policies Development Plan Document (2010) and Policy CS10 Nature Conservation of the South Hams Core Strategy (2006).

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Individuals working on the site must be advised that, if at any time a protected species is found during activities or works, all work must stop immediately and a suitably qualified ecologist contacted (licensed where indicated).