

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**

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Steven Western, NPS South West Ltd, Venture House, One Capital Court, Sowton Industrial Estate, Exeter, EX2 7FW**

Agent for: **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 **10 August 2016**, and the plans and drawings attached thereto numbered: 1567/1/3/TCP Rev B (Tree Constraints Plan); 1567/1/TPP REV B (Tree Protection Plan); NPS-00-00-DR-L-(90)-800 REV P2 (Proposed Landscape Plan); NPS-00-00-DR-L-(90)-801 REV P3 (Planting Plan); NPS-DR-A-(00)-060 REV P2 (Location Plan); NPS-DR-A-(00)-062 REV P2 (Proposed Site Layout Plan); NPS-DR-A-(00)-064 REV P2 (Proposed Ground Floor Plan); NPS-DR-A-(00)-065 REV P2 (Proposed First Floor Plan); NPS-DR-A-(00)-067 REV P2 (Proposed Roof Plan); NPS-DR-A-(00)-069 REV P2 (Proposed North and East Elevation); NPS-DR-A-(00)-070 REV P2 (Proposed South and West Elevation); RLL-DR-C-(00)-060 REV P3 (Proposed Drainage Design); RLL-DR-C-(00)-061 REV P1 (Proposed New MUGA Drainage Design); RLL-DR-C-(00)-260 REV P1 (Typical Drainage Construction Details Sheet 1 of 2); RLL-DR-C-(00)-261 REV P1 (Typical Drainage Construction Details Sheet 2 of 2); W15415_SXA (Topographical Survey); the Construction Traffic Management Plan Revision B dated 07/07/2016.

brief particulars of which are as follows:

Demolition of existing single temporary classroom and construction of new permanent two storey building, hall and staff room extension including provision of new raised deck and MUGA at St. Johns C Of E Primary School, Pathfields, TOTNES, TQ9 5TZ

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

Date: 24 November 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.

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 and documents numbered 1567/1/3/TCP Rev B (Tree Constraints Plan); 1567/1/TPP REV B (Tree Protection Plan); NPS-00-00-DR-L-(90)-800 REV P2 (Proposed Landscape Plan); NPS-00-00-DR-L-(90)-801 REV P3 (Planting Plan); NPS-DR-A-(00)-060 REV P2 (Location Plan); NPS-DR-A-(00)-062 REV P2 (Proposed Site Layout Plan); NPS-DR-A-(00)-064 REV P2 (Proposed Ground Floor Plan); NPS-DR-A-(00)-065 REV P2 (Proposed First Floor Plan); NPS-DR-A-(00)-067 REV P2 (Proposed Roof Plan); NPS-DR-A-(00)-069 REV P2 (Proposed North and East Elevation); NPS-DR-A-(00)-070 REV P2 (Proposed South and West Elevation); RLL-DR-C-(00)-060 REV P3 (Proposed Drainage Design); RLL-DR-C-(00)-061 REV P1 (Proposed New MUGA Drainage Design); RLL-DR-C-(00)-260 REV P1 (Typical Drainage Construction Details Sheet 1 of 2); RLL-DR-C-(00)-261 REV P1 (Typical Drainage Construction Details Sheet 2 of 2); W15415_SXA (Topographical Survey); the Construction Traffic Management Plan Revision B dated 07/07/2016, except as varied by the conditions below.

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

HOURS OF USE

3. The Mixed Use Games Area (MUGA) shall only be used between the hours of 0930 and 1830 Mondays to Fridays, and not on weekends and Public Holidays.

REASON: To protect the living conditions of nearby residents in accordance with policy DP3 of the South Hams Local Development Framework Development Policies Development Plan Document (Adopted July 2010) and Policy CS7 of the South Hams Local Development Framework Core Strategy (Adopted December 2006).

ECOLOGY

4. Development and tree removal shall be carried out in accordance with the actions set out in: Bat and Protected Species Survey report (EcoLogic, February 2016), Bat Roost Feature: Tree Inspection Letter (EcoLogic September 2016) and Ecological Impact Assessment (Sunflower International November 2015).

REASON: To minimise the impacts on protected species in accordance with policy DP5 of the South Hams Local Development Framework Development Policies Development Plan Document (Adopted July 2010). (Adopted July 2010) and Policy CS7 of the South Hams Local Development Framework Core Strategy (Adopted December 2006).

5. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the applicant/ contractor has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds, and a record of this kept.

REASON: To minimise impacts on breeding birds in accordance with policy DP5 of the South Hams Local Development Framework Development Policies Development Plan Document (Adopted July 2010).

LANDSCAPING/TREES

6. Tree protection measures shall be established and implemented during construction works in accordance with the Arboricultural Assessment Survey recommendations (dated 13 July 2016 & 20 April 2016 and Drawing Numbers: 567/1/3/TCP Rev B and 1567/1/TPP REV B).

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 nature conservation in accordance with policies DP2 and DP5 of the South Hams Local Development Framework Development Policies Development Plan Document (Adopted July 2010).

7. Within five years of planting, any tree, shrub or other plant that dies, becomes diseased or is removed or damaged, shall be replaced in the first available planting season with others of a similar size and species unless the Local Planning Authority gives written approval to any variation.

REASON: To protect the character and appearance of the local landscape in the interests of visual amenity and nature conservation in accordance with policies DP2 and DP5 of the South Hams Local Development Framework Development Policies Development Plan Document (Adopted July 2010).

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.