Site Details
The application site relates to an existing yard situated on the east side of Higher Yalberton Road. There is a portacabin and a metal building on the site. It is currently used by haulage contractors. The site slope upwards from road level. There are a number of trees on the northern boundary and a tall hedge bank along part of the boundary to the road.

There is no specific allocation relating to the site in the Torbay Local Plan 1995-2011. The northern boundary of the site is adjacent to the refuse transfer station. To the west on the opposite side of the road there are three detached dwelling houses.

Relevant Planning History
93/1560/PA Use of land as depot for haulage vehicles and JCBs and erection of portacabin as office (renewal of 88/1988/PA). Approved 10/1/94.
88/1988 Use of land as depot for haulage vehicles and JCBs and erection of portacabin as office. Approved 2/12/88.

Relevant Policies
In the Torbay Local Plan 1995-2011 the following policies are relevant;
E5 Identifies criteria where new employment sites will be permitted.
E9 Sets out criteria for layout, design and sustainability for commercial and industrial development.
BES Requires new development to conserve or enhance the built environment.
BE1 Requires design of new development to take account of the wider context.
L8 Protection of hedgerows, woodlands and other natural landscape features.
L9 Development will only be permitted where trees will not be harmed.

Proposals
The agent advises that the application is to form small workshop/office units to provide business opportunities for small companies/organisations and to generally improve site conditions.

The submitted plan shows the removal of the existing buildings on the site and the erection of two industrial units and an office. The industrial building would be sited adjacent to the northern boundary with the waste transfer station. It would measure 28.5m in length by 8.7m in depth to a height of 9.8 metres. It would be constructed from metal sheet (green coloured). There would be three roller shutter doors.

The proposed office would be single storey. A revised plan has been received that shows six parking spaces and cycle parking. The existing hedgerow to Higher Yalberton Road would be enhanced with additional planting.

Consultations
Strategic Highways: No transport contribution required. Two cycle parking spaces should be provided.
Highways: Highways cannot support the proposal if there is to be an increase in vehicular trips as a result of the development.
Landscape Officer: Requests further information.

Representations
Three letters of objection that raise the following issues:
- no trees should be removed
- no additional parking spaces should be provided
- proposal would be visible in the street scene
- would be detrimental to nearby dwelling houses
- proposed buildings would be larger than the existing ones
- loss of trees would increase noise and smell in the area
- would be detrimental to the rural character of the area.

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**Key Issues/Material Considerations**
The main issues are the principle of the proposed development, the impact of the proposal on the appearance and character of the area, the impact on the amenity of adjoining occupiers and highway issues.

The site has planning permission for use as a depot for haulage vehicles and JCBs, and it is currently in this use. Therefore the principle of commercial use is already established. The key issue to address is whether the proposed use would harm the amenity of the area. Policies E5 and E9 set out the Council's criteria for assessing the proposal.

There is a need for employment provision in Torbay and this is a central element of the Council's policy objectives. The proposed units would be small and therefore would be likely to be attractive to small businesses. The proposal would make effective use of an existing site in commercial use. The site is well related to the Yalberton Industrial Estate and would be accessible by public transport. This is a major industrial area within Torbay that attracts large volumes of commercial traffic. It is noted that the land to the south at Yalberton Quarry is currently on the market, which could potentially be used for waste disposal or an industrial use (subject to the necessary planning permission). In the light of this potential use on an adjoining site, robust reasons would be needed to object to this proposal.

The agent has advised that the owners of the site have a licence to use eight commercial vehicles from the premises. It is not envisaged that there would be material increase in traffic above that which currently exists.

Along the boundary of the site with Higher Yalberton Road there is an important hedge and bank that screen the site from view in the street scene. In addition with the planting along the northern boundary to the refuse transfer station this mature landscaping makes an important contribution to assimilating the site into the rural character of the area. There was concern about the impact of the proposal on the existing landscape features and the agent was requested to address this. A revised plan has been received which includes providing additional planting to the hedgerow along Higher Yalberton Road. The car parking layout has been revised in order to maintain and enhance the existing planting. The landscape officer’s comments on the revised proposal are awaited and will be reported to Members at the meeting.

The proposed industrial units on the site would be significantly larger in size than the existing buildings on the site. It is noted that they would be sited adjacent to the boundary with the refuse transfer station, where there are larger buildings. The proposed building would be screened from the road by the existing hedgerow. The building would be of a straightforward design and finished in materials that would be similar to other buildings in the area. The proposed office would be more modest in scale. Providing the existing hedgerow would be retained the scale of the proposed buildings would be appropriate in this location and they would not harm the visual amenity of the area.

The application site is located across the road from three dwelling houses in Woodland Glade. The occupiers of these properties have objected to the proposal. One of their key concerns is the maintenance of the hedgerow to screen the site in the street scene. This has been addressed on the revised plan. As the proposal would be to provide two industrial units and an office it would be unlikely that it would generate a significant increase in activity associated with the premises. A condition
controlling the hours of use could be imposed.

The highway engineer has raised concerns about the access to the site. The agent has provided additional information in respect of the existing and proposed uses. The engineers response to this is awaited and will be reported to Members at their meeting.

**Sustainability** - The proposal is located adjacent to a major industrial estate, and would make use of an existing site in commercial use.

**Crime and Disorder** - The proposal would not increase the risk of crime in the area, subject to incorporating crime prevention methods such as fencing, lockable gates.

**Disability Issues** - The proposal could be designed to be accessible for disabled persons.

**Conclusions**
Further advice is awaited from the landscape officer and highways engineer on the revised plan and information that has been submitted in support of the proposal. Subject to this being satisfactory the proposal would provide new small employment units on an existing commercial site, and therefore would be consistent with the Council's policy to encourage employment opportunities.

**Recommendations:**
Subject to the receive of satisfactory further information; Conditional Approval.

**Condition(s):**

01. Before any development is commenced details of the existing and proposed levels of all buildings or structures and the levels of the site and any changes proposed to the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be constructed in accordance with the approved level details unless otherwise agreed in writing by the Local Planning Authority.

   **Reason:** In the interests of visual and residential amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

   **Reason:** In the interests of visual amenity in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

03. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This scheme shall include details of the size, species and positions or density of all trees and shrubs to be planted, and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

   **Reason:** In the interest of the amenities of the area, in accordance with Policy BE3 of the Torbay Local Plan 1995-2011.

04. Notwithstanding the provisions of Schedule 2, part 8, Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995 (or and Order revoking or re-enacting that Order with or without modification), shall not be allowed without the granting of a specific planning permission.
Reason: To safeguard the character of the area, in accordance with Policy BE5 of the Torbay Local Plan 1995-2011.

05. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery or materials are brought on to the site for the purposes of development or any other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

06. No display or storage of goods shall take place outside any building on the site.

Reason: In the interests of the visual amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

07. The premises shall not be used outside the hours of 6.30 am to 8 pm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area, in accordance with Policy E5 of the Torbay Local Plan 1995-2011.

08. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development (whichever is the sooner), or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area.