

**Application Number**

P/2011/1383

**Site Address**Vospers  
108 Newton Road  
Torquay  
Devon  
TQ2 7AB**Case Officer**

Mr John Burton

**Ward**

Shiphay With The Willows

**Description**

Alterations and formation of extension of existing car showroom; construction of new car service workshop including parts storage and staff facilities

**Executive Summary/Key Outcomes**

The application seeks the reconfiguration of an existing and long standing garage use site, with the addition of servicing and workshop bays at the rear. The garage is now the Ford main dealer in Torquay, and following the recent loss of the servicing facility in Broomhill Way, needs to expand the service it offers to its customers. The proposal will result in new jobs at this site, although they will in reality probably only be relocated from the Broomhill Way site. This part of Newton Road is characterised by car dealerships, and the proposal would inject a degree of competition without being out of place itself. The road is big enough and of a designation suitable to cater for any increase in commercial activity that might arise from the new servicing facilities. The main difficulty that could arise from the proposal is perceived to be the proximity of residential properties to the south-east, but it is considered that their rights to amenity can be controlled by suitable conditions relating to hours of operation, noise, smell and activity.

**Recommendation**

Subject to a Member site visit, particularly to assess the impact upon the adjacent residential properties, and subject to the views of the Arboricultural Officer, conditional approval.

**Site Details**

Car sales garage and associated customer parking, lying between residential properties on Newton Road and Torquay Fire Station, with the hospital to the rear but at a higher level.

**Detailed Proposals**

Permission is sought to redesign the existing facility to allow for an enlarged sales, reception and office area in the main building at the centre of the site. The proposals include a new suite of servicing and valeting bays at the rear of the site together with a parts shop all at ground floor level, and with toilets and a canteen

above. The proposal also includes the re-marking of vehicle display and customer parking spaces within the site and the cutting back of the existing canopy (making it smaller). The materials shown for both the new workshop and the sales buildings are a mixture of brickwork, metal cladding and curtain wall glazing in various shades of grey, black and blue. It is indicated that signage would be re-located and there would be new signage, although this would need to be the subject of a separate advertisement consent application. Three trees currently at the rear of the site are shown as being removed, but these are not protected.

### **Summary Of Consultation Responses**

*Fire Authority:* Has responded by deferring judgement until the building Regulation stage.

*Highways Authority:* No objections, but recommends that the standard SPD contributions should apply for sustainable transportation.

*Arboricultural Officer:* Observations awaited regarding the 3 trees shown to be lost.

*Environmental Health Officer:* Does not object to the proposal so long as the terms and conditions of the Environmental Report are carried out as suggested in section 10.0 (Conclusions and recommendations).

### **Summary Of Representations**

One received from a neighbouring property, and this is reproduced at page T.201. The main gist of the concern is with the new car servicing and valeting area, where there are concerns over potential noise generation, loss of light, loss of privacy/amenity and potential conflict with increased traffic usage of an access point close to the residential access.

### **Relevant Planning History**

P/2000/1160 Alterations and erection of extension to existing building to provide an 8 bay workshop and extension to provide a 2 bay vehicle preparation building. Approved 2nd November 2000, but not subsequently implemented. A copy of that decision notice is reproduced at page T.201.

### **Key Issues/Material Considerations**

There are 4 main issues arising from the proposed development, namely (1) policy considerations, (2) the relationship and impact of the proposed development to neighbouring properties, (3) the visual impact of the proposed development, and (4) highway implications.

### **Principle, Planning Policy and economy -**

The proposal seeks to consolidate the Ford (automobile) main dealership in Torquay and introduce a new Renault dealership. There are a number of other

car dealerships and garages along this stretch of Newton Road, and this would appear to be the ideal location for such an expansion. The new provision of servicing and valeting would create new jobs, but probably only compensate for those lost at the previous such facility which was located at the Broomhill Way Trading Estate. Nevertheless it is considered to be important to the economy of Torquay that such a facility is encouraged, rather than running the risk of its loss to relocation. This should not however take precedence over other interests of acknowledged importance.

The proposal can therefore be considered to be in accordance with policy E5 (*employment provision on unidentified sites*), because it would maximise the re-use of urban land, provide employment opportunities within easy access of the local workforce, is not considered to adversely affect the built or natural environment, and can be controlled by conditions to prevent adverse impact upon neighbouring residential properties. These issues will be explored in more detail below.

#### **The relationship to neighbouring properties -**

The proposal is not considered to adversely affect the Fire Station, as there would not be any late night operations at the site that could impact upon amenity of any 'night watch accommodation', and there would be no highway conflict with the access required for emergency exit at the station.

The proposal could however impact upon the residential amenity of those residential properties located on the south-eastern boundary of the site, namely nos. 102, 104 and 106 Newton Road. The question is whether or not this would be an unacceptably adverse impact. It is noted that the bays closest to the houses are valeting bays and notservice workshops, which would tend to create less noise. All of the units are shown at right angles to the dwellings so that the doors and openings do not face towards the properties. The existing and proposed new retaining wall will therefore provide a degree of screening from noise. It is a material consideration that this issue was also considered at the time of the 2000 application for a similar proposal, and the perceived noise nuisance at that time was overcome by restricting hours of operation. On balance it is considered that similar time restrictions would overcome potential disturbance from noise with the current application, as it prevents use of the premises between 7:00 pm and 8:00 am (and restricts use at the weekend) which are the most noise sensitive times. The Environmental Health Officer has not raised any objection nor seeks any additional restrictions or controls in respect of noise. On this basis and subject to the same condition as with the previous consent, it is concluded that there should not be any objection on noise grounds.

In terms of potential residential impact from visual amenity, loss of light or loss of privacy, this is not considered to be over-riding as the application site is to the north-east of the residential properties (sunlight comes mainly from the south)

and is at a slightly lower level than the dwellings. The new workshops would protrude some 5 metres above the existing retaining wall, and this could cause some concern, so Members are requested to make this judgement at their site visit. However it should be noted that the proposal site faces the side of no. 106 and is aligned facing the rear garden rather than the dwelling itself. The stairs shown on the boundary are designated as a fire escape and can be controlled as such.

### **Visual impact -**

Although the proposal comprises significant extensions and new build to that currently existing, the new development is located to the centre and rear of the site and it is not felt that it would have any adverse visual impact when viewed from the road, particularly given the significant commercial/service feel that exists along this stretch of Newton Road. The new building in the centre of the site would be beneath the centre of the existing canopy and so would not increase the visible height of the buildings on site. The plans also include for a significant reduction in the length of the canopy, which is perceived to be a visual improvement to the appearance of the forecourt. The use of materials and colour scheme proposed is in keeping with the commercial nature of Newton Road, and is of darker shades which would limit the impact. The loss of the trees as indicated would not adversely impact upon visual amenity as they are currently located to the rear of the site and not readily visible from Newton Road.

### **Highways considerations -**

The Highways Authority is not raising an objection. Newton Road is wide enough and has enough capacity to take any increase in traffic that might be generated by the proposal. The garage has its own currently existing access and so there is not considered to be any conflict with the accesses to the residential properties or the Fire Station. Any delivery arrangements would be as currently exist.

### **S106/CIL -**

The only justifiable contribution that could be apportioned to this site would be Sustainable Transportation. Waste Management would be dealt with privately. However, it is not clear that the provision of service bays and valeting are genuinely new facilities because Vospers used to conduct these facilities at their Broomhill Way site, now ceased. It is also reasonable to consider whether any mitigation should be applied because of the provision of new employment opportunities, but likewise this could be seen as a transfer of jobs from the previous site. Newton Road is extremely well provided for by buses and currently has a designated cycle route, so it is understood that any money raised could not be spent locally, as required by the Regulations. Given all of these circumstances, it is not felt appropriate to levy a s106 contribution in this case.

### **Conclusions**

The proposal seeks to expand existing facilities at the site of vehicle main dealership. It therefore involves development on an urban brownfield site. The

proposal is consistent with many similar car dealerships and garages that exist along this stretch of Newton Road. There are some concerns in relation to the adjoining residential properties, particularly no. 106 Newton Road, and Members are asked to assess this at a site visit. Officers are of the opinion that any perceived loss of amenity could be satisfactorily controlled by conditions. There are no objections from the Highway Authority. A similar proposal was approved in 2000 but never implemented. This is a material consideration.

### **Condition(s)/Reason(s)**

01. All lighting at the property (except security lighting) shall be switched off between the hours of 10.00 pm and 7.00 a.m. daily.

Reason: To protect the amenities of adjacent residential occupiers in accordance with policy EP5 of the Saved Adopted Torbay Local Plan.

02. The development shall not be used/occupied until all of the vehicle parking areas shown on the approved plans have been provided and made available for use. The parking areas shall only be for the use specified on the approved drawings and shall be kept permanently available for parking purposes to serve the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate parking is provided and maintained on site for all the proposed uses, to avoid parking on the highway in the interest of highway safety, and to assure accordance with policy T25 of the Saved Adopted Torbay Local Plan.

03. The workshops, service bays and valeting areas hereby approved shall only be used between the hours of 8.00 am to 7.00 pm on Mondays to Fridays, and 8.00 am to 1.00 pm on Saturday mornings. No work (other than car sales) shall be carried out on the site on any Sunday or other public holiday.

Reason: To ensure that the proposed development does not prejudice the amenity currently enjoyed by occupiers of the adjacent residential properties in accordance with policy EP4 of the Saved Adopted Torbay Local Plan.

04. In implementing the scheme hereby approved, the applicant shall have regard to the conclusions and recommendations given in section 10.0 of the Phase I desk study/phase II geotechnical and geo-environmental investigation report dated September 2011. The recommendations of this report shall be carried out in full and any risks identified shall be remediated in full to the satisfaction of the Local Planning Authority before the new use is first used or implemented.

Reason: To insure that the new use is implemented and then managed in an environmentally safe manner as prescribed by the technical report, in the interests of human and environmental safety, and to ensure accordance with policies EP3 and EP7 of the Saved Adopted Torbay Local Plan.

**Relevant Policies**

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