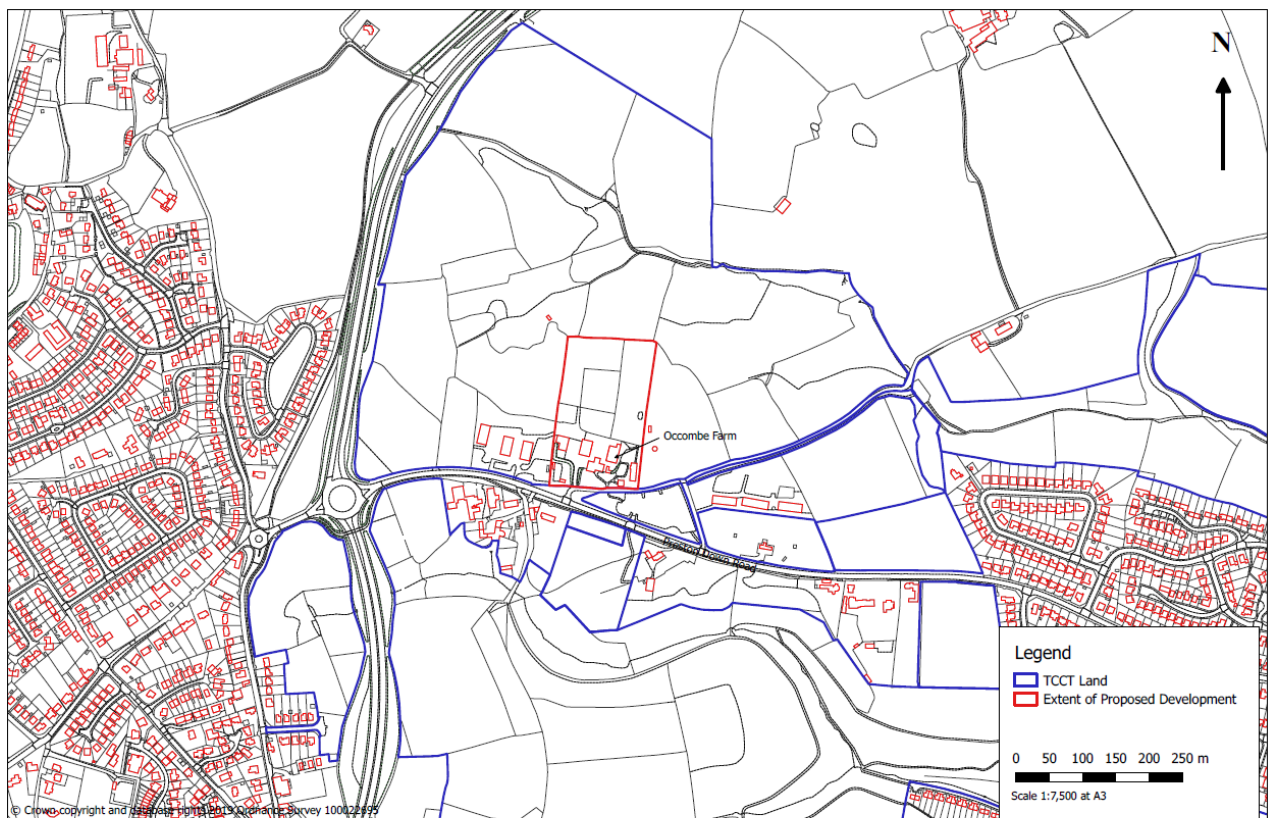


Application Site Address	Occombe Farm, Preston Down Road, Paignton
Proposal	Redevelop main farm site to establish quality farm visitor attraction.
Application Number	P/2019/0616
Applicant	Torbay Coast & Countryside Trust
Agent	
Date Application Valid	26.07.2019
Decision Due date	25.10.2019
Extension of Time Date	
Recommendation	Conditional approval subject to revised plans
Reason for Referral to Planning Committee	Major Planning Application
Planning Case Officer	Mr. Alexis Moran



Torbay Coast & Countryside Trust

Occombe Farm Development

Site Details

Occombe Farm is located on the north side of Preston Down Road adjacent to the junction with Cockington Road. The site comprises agricultural fields and a complex of buildings including barns, farm shop, café and educational facilities.

There are residential properties and an educational facility located to the south-west of Occombe Farm on the south of Preston Down Road. The Suttons Seeds Trial Grounds site is located immediately to the east of the main Occombe Farm car park.

The site lies within the Countryside Area designation in the Local Plan and a Local Greenspace in the Torquay Neighbourhood Plan.

The site is also designated as a Country Park, a Geopark Access Hub and a Food Hub. The Occombe Site of Special Scientific Interest (SSSI) is located to the north of the application site.

Description of Development

The planning application seeks permission for the redevelopment of the existing facilities provided which includes:

- The replacement of three existing barns located on hardstanding to the north of the existing café and former farm shop building;
- A ground floor extension to the existing farm shop and a larger balcony for the upper floor café, providing an additional 80 covers outdoors;
- A new glazed atrium entrance to the shop to link the new barn to the extended farm shop;
- Outdoor animal enclosures with accessible walking route through the site;
- A new barn to provide an indoor small animal facility for supervised animal contact experiences;
- Improved parking facilities.

The replacement barns will have a larger footprint but will be of the same height as the existing. The two main barns are 23m long by 15m wide and will be replaced with one barn of 34m in length by 24m in width and one 23m long by 20m in width. The third barn, which is located to the north-west of the existing café and farm shop building would be the same length by slightly wider than the existing. The barns are located on, and do not extend beyond, an existing hardstanding area.

The first floor and balcony extension to the farm shop and café would protrude from the existing by 7m to the north.

The indoor small animal barn is located further to the north of the existing hardstanding area and would be 17m in length by 6m in width and set parallel to the existing hedgerow.

The proposal includes alterations to the parking area adjacent to the farm shop, increasing the number of spaces from 32 to 60 and providing a further four disabled spaces making six in total. There will be improvements to toilet facilities, including disabled access toilets and baby changing stations in both the main café and the visitor attraction.

The short stay car park is to be extended over areas currently used by the Farm and Estate Team, to create an additional 30 spaces to give a total of 62 spaces, which will be available for stays of up to 90 minutes. Six of the spaces nearest the atrium entrance will be designated for disabled drivers. Two spaces will be designated for electric vehicles (with charging points).

The main car park adjacent to Preston Down Road is to be refurbished and reconfigured to provide 165 parking spaces.

Pre-Application Enquiry

DE/2019/0010 Replacement of 2 livestock barns and Ranger's Barn with 3 new buildings elsewhere on site; extension to existing farm shop with balcony to cafe over and glazed atrium entrance to short stay car park; landscaping and new barn to provide small animal facility; enlargement of short stay car park; and increase in WC facilities; the proposal was considered to be an improvement to an existing tourism facility and general support was for the scheme was given by officers.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

P/2017/0907 Extension to south elevation of existing cafe building; approved 12.12.2017

P/2009/0436 Formation of 2 new farm buildings; approved 10.07.2009

Summary of Representations

One letter of objection which relates to how the development is to be financed. (The Planning Officer's advice is that this is not considered to be a material planning consideration).

Summary of Consultation Responses

Torbay Council Arboricultural Officer - *The proposed layout seeks to retain as many trees and hedges as possible with the expected loss being a couple of orchard trees. The project is acceptable from an arboricultural perspective. The project is in line with Policy C4 Trees, hedgerows and natural landscape features*

Torbay Council Senior Strategic Planning Officer - *In terms of the development plan the most important issue is likely to be the location of Occombe within a Local Green Space in the Torquay Neighbourhood Plan (TLGS11). The proposal is within to Countryside Area, Policy C1 of the Local Plan, which is a strategic policy.*

Policy C1 of the Local Plan allows “tourist facilities appropriate to the rural area” . This is consistent with paragraph 83 of the NPPF which allows both agricultural diversification sustainable rural tourism, which respects rural character. The area is within a Country park (SS9) and Sustainable Food production “hub” (SC4). Policy TO1 promotes sustainable tourism, which in this context can be reasonably taken as encouraging environmental/ local food and rural heritage. Therefore I consider that the proposal is consistent with the Local Plan.

Policy TE2 of the Adopted Neighbourhood Plan designates the area as a Local Green Space. The LGS covers a significant part of Occombe Valley (around 20 hectares) and washes over the farm. The bulk of buildings are within the existing farm yard area. Some development (including the small animal barn) does extend beyond the current “farm yard I note that the TNF Chair has asked for development to be confined to the currently developed areas. The majority of the LGS would remain undeveloped.

Policy TE2 of the PNP does list “minor improvements” to existing facilities as being acceptable. However, the scope of the current proposal appears to be somewhat beyond this, and the issue arises as to whether there are “very special circumstances” that would justify the proposal. Policy TE2 considers that a new railway station at Edginswell or tourist facilities at Hollicombe are examples where very special circumstances apply. Whilst not a policy, the role of Occombe Farm as a tourism attraction is noted on p50 of the TNP and in the Neighbourhood Plan’s Basic Conditions Statement.

Whilst LGSs are not green belts, paragraph 101 of the NPPF indicates that policies for managing development in LGSs should be consistent with green belts. Paragraph 145 of the NPPF indicates that certain types of development may be acceptable in green belts including agricultural, and recreation so long as the open ness of the green belt is preserved and development does not conflict with the purpose of designation.

Weighing up the above, it seems to me that there is an element of conflict with the Local Green Space designation. However the LGS does allow for developments that improve tourism etc to be allowed under “very special circumstances”. The wider policy context permits appropriate tourism/agricultural development. The proposal improves and enhances the current use and its purpose is not in conflict with the reasons for designating the LGS. Added to this, the economic/tourism and Countryside management benefits are material considerations.

On balance, I consider that the conflict with the LGS is relatively limited in this instance. The conflict is outweighed by the proposal’s benefits, and other parts of the development plan which supports the proposal (e.g. C1, TO1, SS9 and SC4 of the Local Plan). The development may therefore be considered as triggering the “very special circumstances” that the policy permits.

Retail

The proposal is supported by a Retail Impact Assessment (RIA) dated June 2019. The proposal comprises 1200 sq m of “farm shop” retail (912 sq m net as there is 288 sq m existing retail space). There is a small balcony extension to the café (72 sq m) as well as around 1,110 sq m of indoor leisure/recreation space.

Occombe Farm is not within a designated centre in Policy TC2 of the Local Plan, and therefore Policy TC3(D) of the Local Plan applies. This sets out a requirement for a sequential test and impact test for proposals over 500 sq m of retail. Similar tests are set out in Chapter 7 of the NPPF.

In terms of the sequential test, it is a widely accepted principle of retail planning that proposals cannot be disaggregated into their component parts. In this instance the farm shop is integral to the wider range of leisure and farming uses being proposed to make up the visitor experience at Occombe Farm. The RIA carries out a sequential test and finds no suitable in-centre site. Of the sites indicated in the RIA, only St Marychurch Road appears to be of a similar size. I assume that this is the former Waitrose within the Plainmoor Local Centre, and if so this is not understood to be available at October 2019. In any event the Plainmoor Site is not large enough for the range of activities proposed, nor would it achieve linkages with the rural economy.

On this basis I consider that the Sequential test has been met.

In terms of the Impact test, the RIA has listed range of shopping areas, some of which are out-of-centre. In my view the main impacts are likely to be on the three Town Centres (Paignton being the closest); with potential but lesser impacts on Preston, St Marychurch and Willows District Centres. The RIA identifies an impact on these centres as limited. The largest trade draw being Torquay (0.32%) and Paignton (0.24%). No specific figure is given for Brixham, which appears to be part of the “other centres” with a combined impact of 0.19%. There is likely to be a qualitative difference between a farm shop type offer and general convenience shopping which would further reduce this impact. Marldon is not a designated centre in the adopted Plymouth South West Devon Joint Local Plan. There are local centres within Torbay e.g. at Marldon Road and White Rock, but the function of the farm shop is likely to be different from the typically top up nature of local centres, and the RIA identifies a limited impact on these smaller centres.

On this basis, I consider that the Impact test has been addressed and that the requirements of Policy TC3 Retail development are met.

The above takes the retail proposal as submitted, and I would ask that any permission is restricted by condition to the sale of “farm shop” type goods rather than general retail.

I note that the proposal contains a number of other leisure/assembly uses that may be considered as main town centre uses. It is more difficult to assess the quantitative impact of these. However they would support the wider tourism offer of Torbay. This offer is likely to contrast to, but complement other tourism uses in Torbay.

Local Finance Considerations

The retail element of the proposal appear to be CIL liable and the scheme does not appear to be eligible for CIL Relief.

Conclusion

The most significant issue is the location of Occombe Farm within a Local Green Space. There appears to be some conflict with the policy. However, the proposal is not in conflict with the purpose of the LGS and there are a range of tourism and sustainable farming benefits. The proposal appears to meet the requirements which allow “very special circumstances “ to apply. The RIA has satisfied the Sequential and Impact tests in Policy TC3.

Torbay Council Strategic Transport Officer - *The Local Highway Authority does not wish to object in principle to the proposal but would seek further amendments to ensure safe pedestrian and cycle access, support of sustainable transport measures and seek amendments to the car park provision towards the main car park. The LHA seeks provision of a Travel Plan, Car Park Management Plan and S106 contributions are requested for sustainable transport measures.*

The accompanying Transport Statement (TS) indicates vehicle trips will almost double. Whilst detailed Trip rates are difficult to calculate from the TS provided it does not appear that this will give rise to the need for any major highway improvements.

Policy TA3 Appendix F would seek a figure of 1 parking space per 20sq m GFA for out of town comparison stores. The TS indicates a target visitors of 110k p.a. with daily vehicle movements estimated to increase to 300 per day with an average dwell time of 1.5 hours; resulting in an average need for 60 vehicles and an overall demand for 220 spaces (40 more than the existing 197 with 8 disabled spaces).The TS seeks comparison with

- Dart’s Farm having 230 annual trips and 450 parking spaces in which Occombe is predicted to achieve half the demand/need. The provision of 220 spaces should theoretically be sufficient. The TS does not indicate how the site would function alongside any of the existing TCCT ‘events’ such as the annual Beer Festival.*
- It is not considered that 300 vehicle movement per day will significantly impact upon the 46k (DfT data) movements on the A380 or 6,790 (2009) trips on PDR. There is a need to demonstrate vehicles waiting to turn right into the development will not increase delays or risk to vehicles on Preston Down Road during peak events.*
- The main car park should be the focus of serving the new facility and providing additional spaces required. Cockington Road entrance should not seek to encourage additional vehicle movements and parking. The LHA seeks additional parking provision is made on the main car park instead. This may give rise to the enhancement of the existing crossing point and safe/accessible pedestrian routes and crossing points should be considered. The internal path and crossing points should also support cyclists and details of ‘improved provision for cyclists, including lockable cycle stands’ (Section 4 of the accompanying TS) provided.*

- *Additional car parking provision next to the Farm Shop area should focus on the provision for accessible spaces: Disabled spaces (10%) EVC points (2%) and parent /child spaces. Spaces should be appropriately placed and signed. Deliveries (internal route and timings) will need to be conditioned to ensure there is no pedestrian /customer conflict. Sufficient space for manoeuvring should be demonstrated. The TS suggests that a similar number and size (7.5t) delivery vehicles but the nature of the retail function would suggest this is likely to increase the demand for the number or deliveries or size of vehicles.*
- *If approved, a condition requiring CEMP would need to be approved prior to commencement that includes safe access of construction vehicles if required.*
- *The site is identified as a Transport hub (Policy SS6.8). The current/previous bus service has not been demonstrated to provide a reliable bus service. It is therefore likely that a sustainable transport contribution is required to support a local bus service. Any proposals should incorporate/maintain the requirement for local bus parking/turning service provision in the main car park.*

Actions/Requirements:

The applicant will need revise the design to deliver the necessary transport measures and will require to submit revised plans to indicate how the following issues can be resolved:

Internal layout, access roads and car parking (see additional notes appended):

- *An appropriate internal layout that provides a suitable and safe pedestrian and cycle links, cycle parking facilities, ECV facilities for staff and visitors. The internal layout needs a clear car parking layout plan.*
- *Emphasis on the provision of additional parking in the main car park with accessible spaces close to the farm shop.*
- *Details of deliveries: delivery vehicles, timings and any necessary swept paths.*
- *Provision of a proportionate Travel Plan setting out provision for 30% modal shift.*
- *Support for Sustainable Transport modes via s106 monies in accordance with Table 4.3: S106 Sustainable Transport Obligations in the Planning Contributions SPD*

Conclusions: The current proposal should be revised to accommodate the above car parking, delivery and sustainable transport measures.

Torbay Development Agency - *This exciting development will provide an all-weather farm attraction including under cover children's play, improved food and drink offer with extended café and retail extension. Most importantly, the development will create an all year round farm visitor attraction.*

The proposals align to ambitions of the English Riviera's Destination Management Plan 2017-2021 to develop the visitor economy including:

- *Attracting investment*
- *Attracting new visitors*
- *Increasing visitor spend*
- *Developing new products*
- *Developing the all year round destination*

The application makes reference to creating 17 new full time jobs and 34 new part time jobs, a welcome investment in supporting the local economy and developing skills. We strongly encourage TCCT to strengthen links with South Devon College to offer accessible apprenticeships and to also attend TDA's recruitment events to employ local talent.

Torbay Council's Drainage Engineer - *The submitted surface water drainage design has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change.*

Within the submitted hydraulic design for the attenuation pond and the complete surface water system have different flow control devices identified. Within the attenuation pond modelling a hydroslide flow control has been identified whereas within the complete system modelling a hydrobrake flow control has been identified. Please confirm which is to be used.

Based on the above comments and following confirmation of which flow control device is to be used I have no objections on drainage grounds to planning permission being granted for this development.

The applicant has since confirmed that a hydrobrake is to be used.

Natural England – No objection

South West Water – No objection

RSPB - *The additional information, including about the orchard, is very helpful and, combined with the commitments to provide additional biodiversity enhancement measures including a seed feeding station suitable for cirl buntings, means we do not wish to comment further on the specifics of the planning application as we anticipate those measures will be secured via conditions etc.*

RSPB is keen to see enhanced wildlife delivery across the TCCT landholding and are interested to see how this development, if approved, will support this.

Council's interim ecological advice - *The site lies within the South Hams SAC Landscape Connectivity Zone. This SAC has been designated under the EU Habitats Directive to ensure the favourable conservation status of the South Hams population of greater horseshoe bats (GHS). This legislation requires Local Planning Authorities (LPAs) to assess plans or projects which may have a likely significant effect on a European Site, alone or in-combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced they will*

not have an adverse effect on the integrity of a European Site. This assessment is known as Habitat Regulations Assessment (HRA).

HRA requirements for LPAs include screening followed, if necessary, by an appropriate assessment. Where it is clear that there is no likelihood of significant effect there is no need for further screening. Where screening cannot rule out a likely significant effect then appropriate assessment must be carried out.

HRA Screening: An assessment of whether the proposal will, on its own or in combination with other plans or projects, have a likely significant effect on the SAC's population of greater horseshoe bats before avoidance or reduction measures have been taken into account.

In order to screen the proposal, I will use the new South Hams SAC HRA guidance (specifically, the flow chart in section 3).

The proposal does not include any works which would result in the loss, damage or disturbance, at a landscape scale, to a network of potential GHS commuting routes. The proposal will not cause loss, damage or disturbance to any existing mitigation features or pinch points. Therefore, there is unlikely to be a likely significant effect on the South Hams SAC and a detailed HRA is not required.

Torquay Neighbourhood Plan Forum –

Concern is raised about the lack of appropriate assessment on protected species. European protected species of bats are known to have flyways in the area and possibly use the existing buildings as roosts. (6th October 2019)

The Torquay Neighbourhood Plan has designated this site as a Local Green Space that has special protection status and therefore the development must be within the existing developed areas (non green space areas) of Ocombe Farm as otherwise it will not conform to the TNP. There is currently insufficient evidence that this is the case and therefore I request that this is made clear on the application documents. (13th August 2019)

The development of such a significant tourism attraction will have a major demand for visitor access. Currently the site is poorly connected to the local bus routes and has poor sustainability prospects. To reduce the dependence on vehicular access our Community Partnership expects the site to be served by a sustainable bus service linked to the main tourism areas of Torquay and Paignton. In addition the vehicular use of the single track road with passing places known as Old Totnes Road (to/from Cockington) should be restricted by signage to deter its use in favour of the major road network in addition to a weight/width/length limit and/or other restrictions so that its use is limited to occasional cars and to prevent traffic increase in Cockington Village cross roads. This may require intervention on SatNav mapping as the route is the recommended route to/from Cockington Village (13th August 2019)

Key Issues/Material Considerations

Planning Officer Assessment

Principle of development

The matters for consideration are:

1. Principle of Development
2. Economic Benefits
3. Design and Visual Impact
4. Impact on Amenity
5. Trees and Ecology
6. Flooding and Drainage
7. Highways Impact
8. S106
9. Other Considerations

1. Principle of Development

Policy TO1 of the Local Plan promotes the improvement, modernisation and the addition of new tourism facilities in order to attract new visitors and to support the local economy. This will be achieved by supporting the principle of improvements to existing tourism facilities which focus, amongst other things, on biodiversity.

Policy TE1 of the Torquay Neighbourhood Plan states that new tourism developments will be supported where, in particular, they make use of brownfield land. Policy TS4 (Support for Brownfield and Greenfield Development) confirms that:-

Development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan.

The proposed development would provide a larger and improved tourist facility in an area on brownfield land. Furthermore, the Torquay Neighbourhood Plan specifically addresses tourism and highlights Torquay as a 'destination in transition'.

The Occombe Farm site is located within the Local Green Space (LGS) as allocated by Policy TE2 of the Torquay Neighbourhood Plan, this policy states that development within a LGS is 'ruled out', other than in 'very special circumstances.' The vast majority of the proposed development is on the existing hardstanding which makes up the farm yard area, the small animal barn would however be located beyond this.

The Council's Senior Strategic Planning Officer has advised that paragraph 101 of the NPPF indicates policies for managing development in LGSs should be consistent with green belts and that Paragraph 145 of the NPPF indicates that certain types of development may be acceptable in green belts including agricultural, and recreation. This is provided that the openness of the green belt is preserved and development does not conflict with the purpose of designation.

As previously noted improvements to tourism are allowed within the LGS under 'very special circumstances.' As the proposal improves and enhances the current use, which does not conflict with the reasons for designating the LGS and provides economic/tourism and Countryside management benefits, any conflict with the LGS policy is outweighed.

Policy C1 relates to development in the countryside, this policy states that tourist facilities appropriate to the rural area, such as that proposed in this application, can

be acceptable provided that the rural and landscape character of the area is not adversely affected.

Policy SS9 existing and proposed green infrastructure, including country parks, will be protected and managed to safeguard them, the development is considered to be in accordance with this policy.

Policy SC4 states that the enhancement of existing and provision of new sustainable local food production facilities will be supported, including food hubs, orchards and allotments, subject to other Policies.

The proposals are considered to be acceptable in principle.

2. Economic benefits

Policy SS1 (Growth strategy for a prosperous Torbay) of the Local Plan states that development should reinforce Torbay's role as a main urban centre and premier resort. Policy SS4 (The economy and employment) supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses; it encourages new businesses and investment into the area in order to create new jobs; and it promotes the expansion and diversification of the economy of the Bay. The Local Plan seeks to promote growth in sectors that are particularly important in Torbay, namely tourism and catering.

Policy SS11 (Sustainable communities) explains that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

The applicant advises that the development would create 17 new full time jobs and 34 new part time jobs.

The Torbay Development Agency supports the application, noting that:

This exciting development will provide an all-weather farm attraction including under cover children's play, improved food and drink offer with extended café and retail extension. Most importantly, the development will create an all year round farm visitor attraction.

The proposals align to ambitions of the English Riviera's Destination Management Plan 2017-2021 to develop the visitor economy including:

- *Attracting investment*
- *Attracting new visitors*
- *Increasing visitor spend*
- *Developing new products*
- *Developing the all year round destination*

Given that the proposal would modernise and enhance the tourism facilities available at the site and create new jobs it is considered that it corresponds with the aspirations of Policies SS1, SS4 and SS11 of the Local Plan, and would bring economic benefits to the Bay compared to the existing situation.

3. Design and Visual Impact

The National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. New development should be sympathetic to local character and history, including surrounding built environment and landscape setting.

Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high-quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Criterion 3 refers to development that helps to develop a sense of place and local identity and criterion 10 refers to delivering development of an appropriate type, scale, quality, mix and density in relation to its location.

Following on from this, Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

Policy TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character in terms of height, scale, and bulk; and reflect the identity of its surroundings.

The three proposed replacement barns and the new indoor animal barn are to be of a modern steel portal construction and will retain the agricultural appearance of the present barns with treated softwood timber planking to the exterior walls and slate coloured square section plastic coated metal roofing. The replacement barns and the extension to the existing café and farm shop would result in a larger footprint that currently exists but the height of the buildings would not be higher than the existing.

The existing farm shop building will be extended to the north by a single storey extension which will be glazed on its northern elevation. The existing balcony at the rear of the café is to be replaced with a terrace of similar overall size over the farm shop extension, creating a more attractive and functional design.

The extended farm shop building will be linked to the new farm shop barn by a new two storey atrium which will have a full height glazed façade.

The photovoltaic solar system on the existing barn roofs will be reinstalled onto the roofs of the new barns.

It is considered that the form and layout of the new barns and extensions to the existing café building result in an enhancement of a site which includes dated and tired structures and retains the existing agricultural character of the site and the wider area.

The new barns would not be higher than the existing and are finished in similar materials. The submitted Landscape Visual Impact Assessment suggests that the new barns will maintain the agricultural character of Occombe Farm.

The increased built form of the development will be most visible when viewed from the south however there will be minimal visual impact on the landscape setting.

Given the proposal's siting, layout, scale, and overall design, it is considered that they would not result in any unacceptable harm to the character of the area. Subject to the use of conditions to secure appropriate external lighting, bicycle and refuse storage arrangements, it is considered that the proposal is in accordance with Policies DE1, and SS11 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

4. Impact on Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposed barn and farm shop developments would be a minimum of 70m from the nearest residential property and, due to the topography of the area, would be set at a lower level. The distance between the developments and the nearest residential properties is considered to be sufficient enough to result in minimal impacts in terms of amenity including noise and disturbance and there would be no overbearing impacts or intervisibility issues.

The proposal is deemed to comply with Policy DE3 of the Local Plan.

5. Trees and Ecology

Policy NC1 seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of terrestrial and marine environments, and fauna and flora, commensurate to their importance. Policy TE5 of the Torquay Neighbourhood Plan states that, where appropriate, an assessment of impacts upon any existing protected species or habitats should be undertaken, and the use of necessary mitigating arrangements, in order to protect and enhance species and habitats, should be provided.

The development includes a new wildlife pond and hide with bird feeding station, new species rich hedgerows and a nectar zone for insects which provide an ecological net gain.

The submitted environmental assessment states that no bats or signs of bats were found in any of the barns, and no potential roost locations or access features were identified around the outside of the buildings.

No signs of the presence of or use by barn owls were found in the barns, evidence of nesting birds was recorded in one of the barns, including pigeon / stock dove nests inside and outside the barn and several bird boxes on the rear wall of the barn.

The assessment includes mitigation and enhancement measures which include the addition of bat and bird boxes and the creation/management of habitats/features for reptiles. The enhancement measures proposed will be conditioned.

Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features. The site is currently very limited in terms of its landscape features.

The proposed development at Ocombe will have minimal impact on the green infrastructure that surrounds it and the Council's arboricultural officer has confirmed that it complies with Policy C4 of the Local Plan. It is considered that the development will not create any adverse impact on the neighbouring SSSI woodland. The proposal is deemed to comply with Policy SS9 of the Local Plan.

HRA

The proposal does not include any works which would result in the loss, damage or disturbance, at a landscape scale, to a network of potential GHS commuting routes. The proposal will not cause loss, damage or disturbance to any existing mitigation features or pinch points. Therefore, there is unlikely to be a likely significant effect on the South Hams SAC and a detailed HRA is not required.

E IA

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

6. Flooding and Drainage

The Council's drainage engineer has confirmed that the submitted surface water drainage design has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. The proposal is therefore deemed to comply with Policies ER1 and ER2 of the Local Plan.

7. Highways Impact

Policies TA2 (Development Access) states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 (Parking Requirements) states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Greater flexibility on levels of provision has been provided in town centres, where there is more opportunity to make journeys through walking and cycling. Appendix F provides figures on car parking requirements

Strategic Transport advice states that subject to a revised parking layout plan and the submission of additional information, there would be no objection to the proposal on highways grounds.

8. S106

The sustainable transport SPD states that the Council will not take sustainable transport contributions where a development is CIL liable as in this case.

9. Other Considerations

Retail impact

The submitted retail impact assessment (RIA) has carried out a sequential test which finds that there is no suitable in-centre site for the development.

In terms of the Impact test, the main impacts are likely to be on the three Town Centres with potential but lesser impacts on Preston, St Marychurch and Willows District Centres. However, the RIA identifies an impact on these centres as limited and there is likely to be a qualitative difference between a farm shop offer and general convenience shopping which would further reduce this impact. It is considered that the Impact test addressed the requirements of Policy TC3 and that the proposal would not have an unacceptable impact on the viability of existing or planned centres.

Sustainability

The site benefits from a photovoltaic solar array located on five agricultural barns. Three of these barns will be replaced as part of the proposal and it is intended that the photovoltaic array will be re-installed on the roofs of the new buildings.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide improved tourism facilities while maintain the landscape and rural character of the area. The proposal would have an acceptable impact on the ecology of the area and provide an ecological gain. The development of the retail aspect of the farm would not have a significant impact on the viability of town or local centres.

Community Infrastructure Levy

CIL is liable on out-of-town centre retail and food and drink development of more than 300 sq m, at £120 per sq m. An informative can be imposed, should consent be granted, to explain the applicant's/developer's/landowner's obligations under the CIL Regulations

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusions and Reasons for Decision

The proposal would result in the improvement of the tourism offer currently available on the site and provide additional jobs with minimal impact on the character of the area.

The proposal is considered to be acceptable, having regard to the Local Plan, Torquay Neighbourhood Plan, and all other material considerations, subject to the use of planning conditions.

Officer Recommendation

Approval: Subject to the conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning and Transport, including the addition of any necessary further planning conditions or obligations.

Conditions

Ecological Mitigation and Enhancement

The development shall be undertaken in accordance with the Ecological Mitigation and Enhancement Strategy within the submitted Ecological Assessment (reference P2019-0616-3, received 10.06.2019).

Reason: To secure a satisfactory form of development in accordance with PolicyNC1 of the Torbay Local Plan 2012-2030.

Drainage

The development shall be undertaken in full accordance with the approved drainage details.

Reason: In the interests of managing flood risk to occupiers in accordance with the National Planning Policy Framework, and to comply with Policies ER1 and ER2 of the Torbay Local Plan.

Bat and bird box details and details of bird feeding stations

Prior to the first use or occupation of the development hereby approved, details of bat and bird boxes and bird feeding stations shall be submitted to the Local Planning Authority for approval. The approved bat and bird boxes and bird feeding stations shall be installed in accordance with the approved details prior to the first use of the development hereby approved.

Reason: To ensure that the development duly considers biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Parking

Prior to the first use of the development hereby approved, the parking facilities and electric charging points shall be provided and thereafter permanently retained for the parking of vehicles.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with policy TA2 and TA3 (and associated appendix F) of the Torbay Local Plan 2012-2030.

CEMP

The development shall be carried out in accordance with the approved Construction Environment Management Plan (CEMP) within the submitted Ecological Assessment (reference P2019-0616-3, received 10.06.2019).

Reason: To secure a satisfactory form of development in accordance with PolicyNC1 of the Torbay Local Plan 2012-2030.

Bird breeding season

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030

Bin storage

Prior to the first use of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030

CMS

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.

- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030

Opening hours

The use hereby permitted shall only be open to customers during the followings times - 9am to 17:30pm on Monday to Saturday and 10am to 16:30pm on Sundays.

Reason - In the interests of the amenity of the area in accordance with Policy DE3 of the Torbay Local Plan.

Use

The use of shall only be carried out in conjunction with the existing farm shop and shall not be operated, sold or leased separately to the farm shop unless otherwise agreed in writing by the Local Planning Authority.

Reason - The proposal is requested to be run in conjunction with the existing farm shop use, but a separate business would need to be considered on its merit taking into account the policy in force at the time. A separate business has not been justified and therefore would be contrary to Policies SS8, C1 and TC3 of the Local Plan.

Outdoor lighting

Prior to the erection or installation of any outdoor lighting on site a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of amenity/biodiversity and in accordance with Policies DE3 and NC1 of the Adopted Torbay Local Plan 2012-2030

Outside storage of goods

No outside storage of goods, materials or waste shall take place except within a designated compound the details of which shall be submitted to and approved in writing by the Local Planning Authority.

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

Relevant Policies

Torbay Local Plan

DE1 – Design

ER1 – Flood Risk

ER2 – Water Management

ES1 - Energy
NC1 - Protected sites - internationally import
TO1 - Tourism, events and culture
TA2 - Development access
TA3 - Parking requirements
TC3 – Retail Development
DE3 - Development Amenity
C4 - Trees, hedgerows and natural landscape
SC4 – Sustainable food production
SS1 - Growth Strategy for a prosperous Torbay
SS8 – Natural Environment
SS9 – Green Infrastructure
SS4 - The economy and employment
SS11 – Sustainable Communities

Torquay Neighbourhood Plan

TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture
TH9 - Parking facilities
TE1 - Tourism accommodation on brownfield sites
TE5 - Protected species habitats and biodiversity
THW1 - Travel Plans
THW5 - Access to sustainable transport
THW6 - Cycle storage and changing facilities
TTR2 - Sustainable Communities