

**Application Number**

P/2012/0869

**Site Address**

Land To The East Of Occombe Farm Car Park  
Preston Down Road  
Preston  
Paignton  
TQ3 1RN

**Case Officer**

Matt Diamond

**Ward**

Preston

**Description**

Vehicle entry and erection of packing shed, glasshouse and poly-tunnel and horticultural trail ground

**Executive Summary/Key Outcomes**

The application is to form a horticultural trial ground on land to the east of Occombe Farm, Paignton, with development of ancillary buildings, structures, access and parking. The intention is that Suttons Seeds will relocate its existing trial grounds to the site, which has its head office in Paignton. Sutton Seeds is the largest foreign investor in Torbay and supplies flower, vegetable seeds and other horticultural products.

The scheme would generate approximately 10 full-time jobs and compliment the neighbouring use at Occombe Farm. The proposed development is acceptable in land use terms, although it would necessitate the removal of two sections of species-rich hedgerow (one a Devon hedgebank) to create the access points. However, overall biodiversity would be increased, including through the provision of replacement hedgerow. A number of other technical issues can be dealt with via conditions.

There have been no objections to the proposal. 1 day remains of the consultation period, but it is not anticipated there will be any objections in this time.

**Recommendation**

Conditional Approval; with conditions to be delegated to the Executive Head of Spatial Planning (a schedule of condition headings is provided at the end of this report, but more conditions might be required).

**Site Details**

The site is located on the edge of Paignton to the east of Occombe Farm. The area of the application site is 0.5ha, although this only comprises the parts of the site that require planning permission. The whole site is 3.76ha and includes two agricultural fields.

The site is bounded by a public footpath and beyond this Cockington Road to the north, woodland to the east, agricultural fields to the south and an unadopted lane to the west. On the other side of the lane to the west is the car park to Occombe Farm and further to the south the lane connects to Preston Down Road, which links to the ring road. Preston Down Road is also a bus route.

The site is located in the Countryside Zone and in an Area of Great Landscape Value (AGLV), as defined by the Adopted Torbay Local Plan 1995-2011. Since 2005 the site has also been part of Occombe Farm & Scadson Woods Local Nature Reserve (LNR). To the north on the other side of Cockington Road is Occombe Meadows Site of Special Scientific Interest (SSSI). Cockington Road is defined as a cycle route in the Local Plan and connects to Cockington Country Park. Beyond the woodland to the southeast is housing in Templer Road on the edge of Paignton.

There are hedgerows around the edge of the site and another hedgerow separates the two fields. The hedgerows include a variety of trees and there is a linear group of Monterey Pine trees along the southern edge of the west field, which are of mixed age and good quality.

Planning permission was granted in 2002 to construct new farm buildings and a visitor centre at Occombe Farm. Revisions to the scheme were permitted in 2004 to provide a new farm shop, café and educational centre. Further additional development was permitted in 2007, 2008, 2009 and 2011.

### **Detailed Proposals**

The proposal is to form a horticultural trial ground with ancillary buildings, structures, access and parking. The intention is that Suttons Seeds will relocate its existing trial grounds at Ipplepen to the site. Suttons Seeds supplies flower, vegetable seeds and other horticultural products. Their main premises are in Paignton.

The use of the land would remain agricultural. The ancillary elements that require planning permission are to be located to the south of the west field and comprise:

- A storage and packing shed (area: 12m x 36.58m = 439 sq m; height: 5.2m)
- 2 no. polytunnels (total area: 12.8m x 40m = 512 sq m; height: 3.7m)
- Glasshouse (area: 12.8m x 35m = 448 sq m; height: 4.3m)
- Office/WC Portakabin (area: 2.9m x 9.5m = 28 sq m; height: 2.4m)
- Refrigeration unit (area: 2.4m x 14.5m = 35 sq m; height: 2.4m)
- Reservoir/pond – mains and grey water fed (area: 15m x 30m = 450 sq m; height/depth: 3m; volume: 990,000 litres)
- Reservoir/water tank on concrete base – grey water fed from shed (diameter: 5m; volume: 5,000 litres)
- Bunded oil tank (base area: 2.4m x 3.2m)

- Access drive, turning head and parking for 7 cars
- Gated entrance onto lane

The storage and packing shed would be a simple portal frame building with timber cladding. Doors at each gable end would provide access for machinery. The glasshouse would be used for growing and have a permanent foundation base. The polytunnels are a more temporary form of enclosure to protect tender plants. Images of these building types are shown in the Design and Access Statement.

The office/WC Portakabin would be brown with a trellis and climbing plants on the more visible north elevation. The refrigeration unit would be galvanised steel painted dark brown. The oil tank would be dark green. These colours help these elements to blend into the landscape.

There would be a narrow (0.7m) concrete track for trolley access adjacent to the storage and packing shed; the access drive, turning head and parking area would be made from permeable hardcore/scalplings. The reservoir/pond would be butyl lined and store rain water. Together with the much smaller reservoir/water tank that would collect surface water runoff from the storage and packing shed, this water would be used to irrigate the trial grounds, as well as plants in the polytunnels and glasshouse. The reservoir/pond would be contained by an earth bund, which would be landscaped to limit its visibility, and surrounded by a 1.2m high post and rail fence. Only in the event of long dry spells would mains water be used from a stand pipe on the site.

The remainder of the west field would be used as stand out beds and a display area. The east field would be used for crop growing. Details on the company website indicate this would be for growing flower and vegetable seed varieties. The trials would be grown semi-organically.

A new 6.65m wide access would be created onto the unadopted lane by removing part of the hedgerow to the west; a 3.5m wide access would also be created between the two fields again by removing part of the hedgerow. There would be limited public access to the site and the only vehicular access would result from staff and deliveries. The majority of hedgerow and trees around the site would be retained. Replacement hedgerow would also be planted.

The oil tank would provide heating and would be bunded to protect the surrounding environment. Foul drainage would be to a septic tank close to the entrance to allow for easy collection.

Balanced cut and fill would be used to alter the ground levels across parts of the site incorporating buildings and the access drive/parking area. This would have the effect of sinking the buildings into the landscape, which would be screened by the hedgerow and trees along the south boundary. The small embankment in

front of the parking area would be landscaped to screen parked vehicles.

A number of ecological enhancements are proposed, including three bat boxes on the rear elevation of the storage and packing shed. A deer proof fence would be erected along the north boundary.

### **Summary Of Consultation Responses**

Re-produced at Page P.200.

*Engineering:* Drainage: A number of points were raised on the lack of detailed information regarding how surface water drainage will be dealt with and the design of the reservoir. Following the submission of further information from the applicant, agreed to a planning condition requiring detailed information prior to commencement on the design of the drainage system and how it caters for the 1 in 100 year critical rainfall event plus an allowance for climate change, the design of the reservoir and how floodwater/overland flow will be dealt with should the reservoir overtop.

*Natural England:* Satisfied that there is not likely to be an adverse effect on Occombe Site of Special Scientific Interest (SSSI). The Council should encourage opportunities to incorporate biodiversity in and around the development in accordance with the NPPF. If the proposal is on or adjacent to a local wildlife site, the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before determining the application.

*Torbay Development Agency:* Supports the proposal and had the following comments:

- The applicant for this planning application, Sutton Seeds, is the largest foreign investor in Torbay. This application and development has come about following an aftercare visit by the TDA to consider how the needs of this company can be better met, in order to strengthen their relationship with Torbay. The company is a major employer for Torbay and it is important for us to keep them in the locality, rather than risk them relocating back to France.
- The development will create an opportunity to strengthen links with Occombe Farm, as a by-product of the vegetable trialling programme, which will take place at the new site, will be large quantities of seasonable vegetables which can be used by Occombe Farm's cooking school.
- There will be marketing opportunities for Torbay as a location and also for Occombe Farm as the applicants make over 20 million positive communications with members of the public during each trading year.
- The development will be an opportunity to retain and improve employment

prospects for the area.

- The proposals will be in keeping with other developments in the area, as Occombe Farm have a similar site which is situated adjacent to the one proposed.
- Sutton Seeds are offering 500 fruit trees which can be used to create a Community orchard which will benefit the local community and they are also offering to provide 2,000 'growing kits' for schools which would also be supported by events which will give children an opportunity to learn about flowers, vegetables, perennials and so on and they would look to continue this type of involvement in the future.
- The application proposes no change of use to the site.
- According to the phase 1 habitat survey report, there are no significant species and or habitats on this site.
- The development has the political support of the Ward Councillors for the area and is consistent with the Council's economic strategy.

*Highways & Engineering:* No objection in principle. The access lane is private, so should be checked that access over it is permitted. The surfacing of the lane is unsuitable for larger vehicles, so request this is upgraded. Require a condition stating that only the access from the lane into Preston Down Road should be used for accessing the public highway as the access onto Cockington Road has poor visibility in both directions.

*Arboricultural Officer:* The main arboricultural constraint upon the site is the mixed age linear group of Monterey Pine orientated east west at the south. There is no overlay of the trees root protection area upon the proposed layout plans, restricting detailed consideration of their relationship with the proposed buildings. The buildings will experience a present and increasing reduction in direct sunlight from the trees. Monterey Pine trees shed large masses of heavy cones which may affect the buildings. A pruning regime has been suggested in the application – minimal works are acceptable, but extensive tree surgery works would be negative to visual amenity. The buildings should be resited slightly to the north with minor tree works to allow an acceptable relationship between the trees and the buildings. Agreement is found with all other arboricultural aspects of the scheme; a tree protection plan will be necessary prior to commencement of development.

The following condition is recommended:

*The plans and methodologies in the arboricultural report are enacted in their entirety throughout construction, subject to the inclusion of a Tree Protection*

*Plan.*

*Strategic Transportation:* No response.

*Torbay Coast & Countryside Trust:* Supportive of the proposals stating they are in keeping with the range of agricultural and horticultural activity at Occombe Farm.

*Torbay Local Access Forum:* Stated it has no objection.

*Community Safety Team (Environmental Protection):* Notes the refrigeration unit might emit noise, therefore recommends the following condition:

The applicant shall submit a noise impact assessment carried out by a suitably qualified person of the existing noise climate within the area likely to be affected by noise produced by the proposed development. The assessment shall identify all residential and commercial properties likely to be affected by such noise and provide predictions of the noise impact of the proposed development on these properties.

Also recommends the following condition in relation to vehicle movement:

*Delivery and collection vehicle movements should be restricted to between 0730 and 1800.*

No comments on the oil tank or 'semi-organic' growing.

*Building Control:* Reviewed the application with reference to: contaminated land; geotechnical issues; fire requirements; radon gas/methane areas; drainage/solid waste storage; and disabled provisions. There were no comments or requirements except the following: B5 fire fighting access is available; the site is within an affected radon gas/methane area, but local levels are normally below actionable; and rainwater drainage should be to soakaway. The following additional comments were made: Buildings 2 and 3 (the polytunnels and glasshouse) appear exempt from building regulations.

### **Summary Of Representations**

At the time of writing no public representations have been received. 1 day remains of the 21 day consultation period and any representations received during this time will be reported at Committee.

### **Relevant Planning History**

P/1991/1685: Use As Part Of Occombe Golf Course: Approved 21.12.1992  
P/1982/1626: Golf Course And Clubhouse Etc: Refused 9.10.1984

## **Key Issues/Material Considerations**

The key issues are:

1. The principle of the development
2. Impact on Area of Great Landscape Value
3. Impact on Biodiversity
4. Impact on highways
5. Surface water drainage
6. Trees
7. Noise

1. The principle of the development is acceptable. The land is currently used for agricultural purposes and the proposed use for horticulture would keep the land as agricultural. The definition of agriculture in Section 336 of the Town and Country Planning Act 1990 includes horticulture and seed growing. The majority of the site would be directly used for this purpose and does not fall within the definition of development in the 1990 Act requiring planning permission. The development (subject to the application) that does require planning permission is also acceptable in principle, as it is ancillary to the horticultural use. However, these elements need to be assessed against the other key issues below. The development would provide employment and generate economic growth in accordance with the NPPF. About 10 full-time staff would be employed.

2. The site is located in an Area of Great Landscape Value (AGLV). Policy L2 only permits development that is likely to affect AGLV where it will maintain or enhance the special landscape character of the AGLV. The explanation for this policy in the Local Plan describes AGLVs as either areas of high land or parts of valley systems which have distinctive local character. They contain historic and traditional buildings complimentary to the natural landscape. In this case, the site is on the side of a hillside and it is important that the buildings and other development are sited and designed to complement the natural landscape.

The development subject to the application has been sited to the south of the west field, close to the hedgerow in order to limit its visual impact on the AGLV. Consequently the development would not be seen from the south, as it would be hidden behind the hedgerow, and would be seen against the backdrop of the hedgerow and hillside when viewed from the north. Hedgerows would also screen the development to the east and west. In addition, the buildings have been designed to complement the natural landscape through the use of materials and colour, and they would appear agricultural in nature to fit in with the countryside setting. Soft landscape would be used around the parking area and reservoir to soften the appearance of these elements. Therefore, it is considered that the development would not have a detrimental impact on the AGLV.

3. Ocombe Meadows Site of Special Scientific Interest (SSSI) lies to the north of

the site and is a nationally important site protected by Policy NC2. Natural England has reviewed the application and concluded that the proposed development is unlikely have an adverse effect on this site provided the application is carried out in strict accordance with the details of the application as submitted. As the SSSI is some distance away from the proposed developed parts of the site, it is considered that the proposal is unlikely to harm the nature conservation interests of the SSSI and is acceptable in the context of Policy NC2.

The site is also located in Occombe Farm & Scadson Woods Local Nature Reserve (LNR). This is a locally important site protected by Policy NC3. The policy restricts development proposals likely to harm LNRs unless:

- (1) there are no reasonable, less damaging, alternative sites;
- (2) the reasons for the development can be shown to outweigh the damage to nature conservation interests;
- (3) every effort has been made to minimise any damage to nature conservation interests; and
- (4) mitigation measures can be provided to manage remaining wildlife features and secure habitat creation or enhancement elsewhere within the site or locally.

The LNR is managed by Torbay Coast and Countryside Trust who are supportive of the application. In addition, the Phase 1 Habitat Survey Report confirms no significant evidence was found of protected species that would be affected and the proposals would increase biodiversity, e.g. biodiversity improvement area to the east and the use of bat and bird boxes. However, there would be an impact on the hedgerows to create the access points to the two fields. Both hedgerows are species-rich and the hedgerow along the west boundary is a Devon hedgebank. Species-rich hedgerows are important habitats that are recognised in Devon by having a Biodiversity Action Plan (BAP). The species-rich Devon hedgebank also contains Primrose, a Devon BAP species. The report recommends both hedgerows should be retained, along with the standard trees within them, but also provides management advice on the removal of sections of hedgerow to protect breeding birds. In the Abstract the tone of the report changes slightly by recommending that aside from the small area to be removed, the species-rich hedges should be retained. The report also recommends the retention of the semi-improved grassland areas in the form of the field margins and increasing them if possible. Site specific advice is provided to increase biodiversity, including retaining hedgerows as far as possible and planting up the hedge to the south in the longer term. Overall the report concludes there are no significant species and habitats on the site and therefore there is no reason to refuse planning permission.

The report is slightly contradictory over its advice concerning the hedgerows. It is clear that they should be retained in their entirety if possible, but as this is not possible the impact is presented as acceptable as the sections are regarded as small and mitigation can be carried out to enhance biodiversity in the longer term.



The report also refers to the replacement of a large proportion of the hedgebank to minimise the loss in the development proposals, as one of the methods to increase biodiversity on the site. This replacement hedgerow is shown on the plans forming the visibility splay to the main access from the lane, together with a landscape schedule. Whilst roughly the same amount of hedgerow would be replaced, the linear nature of the hedgebank would be disrupted, which is a positive feature of the hedgebank for biodiversity. In addition, no replacement hedgerow is shown on the plans for the loss of hedgerow between the two fields, although this is a smaller access.

On balance, given the lack of options for providing alternative access to the site, the overall enhancement of biodiversity as a result of the proposals and other benefits of the scheme, the efforts taken to minimise damage to nature conservation interests, and mitigation measures put forward in the Phase 1 Habitat Survey Report, it is considered that the proposal is acceptable in the context of Policy NC3. Conditions are required to ensure the mitigation measures in the report are carried out and to show the detailed design of the replacement hedgebank.

4. The Highways department has no objection to the proposed development in principle. Whilst the access lane to the west is private, there appear to be no restrictions to its use by the public and it would be up to the applicant to ensure they had access rights over it, which is not a material planning consideration. The lane surface is a little potted and the Highways department has requested that it is upgraded, as it is considered unsuitable for larger vehicles. This is partly to encourage access to the site along the lane from Preston Down Road instead of Cockington Road, as the lane junction with Cockington Road has poor visibility. The Highways department has recommended a condition to ensure access is from Preston Down Road, which has been agreed by the applicant and could be supported by a sign at the entrance to the site making this clear. It is not considered necessary for the applicant to upgrade the lane to make the development acceptable in planning terms, nor does it seem fairly and reasonably related in scale and kind to the development, as larger delivery vehicles would only access the site on a weekly basis. Therefore, it should not be included as an additional planning condition, as it would not comply with the tests set out in the NPPF.

5. Surface water drainage would be to an open reservoir and storage tank next to the storage and packing shed. These would be water retaining structures and the water would be used to irrigate the trial grounds and plants in the polytunnels and glasshouse. The Engineering - Drainage department has recommended a condition to provide further details of the design of the surface water drainage system and the reservoir, and how they cater for the 1 in 100 year critical rainfall event plus an allowance for climate change, as well as modelling of how flood water would be dealt with should the reservoir overtop. The applicant has agreed to this.

There might be a concern about the safety of the reservoir from the public gaining access to the site without permission. Whilst a 1.2m high fence is proposed around the reservoir, should the application be approved, a condition is recommended requiring details of how the site and reservoir will be made secure during out of hours and at weekends.

6. The Council's Arboricultural Officer has a number of concerns regarding the close relationship of the proposed buildings to the group of Monterey Pine trees along the south boundary. This stems from concerns that the trees might have a negative impact on the use of the buildings over time due to overshadowing and shedding material which could damage the buildings. This might lead to works to the trees, which would be acceptable if minor, but unacceptable if they were extensive as it would harm the visual amenity of the trees. Whilst the Arboricultural Officer has suggested the buildings should be moved a minimum of 2m to the north to limit any potential conflict, this has been rejected by the applicant due to the effect it would have on other elements of the scheme and their belief it is unnecessary. To help demonstrate this, the applicant has submitted a plan showing the tree root protection areas overlaid onto the proposed site plan. This shows the buildings are outside the tree root protection areas and are generally a few metres away. As the proposed development would not have a direct effect on the trees and any works to them can be controlled by the Council via condition or Tree Preservation Order, the proposal is considered acceptable in regard to this issue.

7. A concern has been raised by the Community Safety department about potential noise from the refrigeration unit affecting local residents. Therefore, a condition is recommended requiring a Noise Impact Assessment to be submitted. In addition, a condition is recommended limiting delivery and collection vehicle times to prevent nuisance to local residents.

#### **S106/CIL -**

A contribution of £8,000.00 was estimated towards sustainable transport. However, this is mitigated by the number of jobs generated by the proposed development, which equates to £20,600.00 (10 full time jobs) following the methodology in the SPD Update 3. Therefore a S106 Agreement is not required.

#### **Conclusions**

The scheme would support economic growth in a rural area in accordance with the NPPF and would provide approximately 10 new jobs in Torbay. The use of the land would remain agricultural as a horticultural trial ground and the ancillary buildings and development have been designed to maintain the special landscape character of the AGLV. Whilst sections of two species-rich hedgerows (one is a Devon hedgebank) would be removed, this is mitigated by biodiversity enhancements overall including: creating a biodiversity improvement area to the east, replacement hedgebank and the use of bat and bird boxes. In addition,

further mitigation is suggested in the Phase 1 Habitat Survey Report to increase biodiversity, such as planting up the hedge to the south using the same mix of species found in the adjacent species-rich hedgerows, which should be conditioned if planning permission is granted. There are no highways issues, although a condition is recommended to ensure access/egress is from Preston Down Road only. Further drainage information is required, but this can also be conditioned, and the proposals would have no impact on trees provided the plans and methodologies in the arboricultural report are enacted throughout construction, subject to the inclusion of a Tree Protection Plan.

#### Schedule of Condition Headings:

- 1 Time limit for implementation
- 2 Approved drawings
- 3 Materials
- 4 Construction Method Statement
- 5 Biodiversity mitigation/management in Phase 1 Habitat Survey Report
- 6 Detailed design replacement hedgebank
- 7 Access/egress via Preston Down Road only
- 8 Drainage/reservoir/floodwater details
- 9 Security
- 10 Arboricultural Report/Tree Protection Plan
- 11 Noise Impact Assessment
- 12 Waste/Recycling

#### **Relevant Policies**

- E5 Employment provision on unidentified site
- E9 Layout, design and sustainability
- IN1 Water, drainage and sewerage infrastructure
- W7 Development and waste recycling facilities
- LS Landscape strategy
- L2 Areas of Great Landscape Value
- L4 Countryside Zones
- L8 Protection of hedgerows, woodlands
- L9 Planting and retention of trees
- L10 Major development and landscaping
- NCS Nature conservation strategy
- NC2 Protected sites - nationally important site
- NC3 Protected sites - locally important site
- NC5 Protected species
- EP4 Noise
- BE1 Design of new development
- BE2 Landscaping and design
- T1 Development accessibility
- T2 Transport hierarchy

T26 Access from development on to the highway