

TORBAY COUNCIL

Report No: **Env/48/04**

Title: Long Road South Business Park

To: Executive on 14 September 2004

1. Purpose

- 1.1 The report summarises the response to the Consultation Draft Planning Brief on Long Road South and recommends changes for inclusion in the final Brief

2. Relationship to Corporate Priorities

- 2.1 The report primarily relates to Corporate Priority 2 [Jobs and Industry] but is also touches on Priority 3 [Road Safety and Congestion] and Priority 7 [Community]

3. Recommendation(s)

- 3.1 That the Planning Brief for Long Road South, Paignton be approved subject to the recommended changes set out in paragraph 7.3 of Report Env/48/04.

4. Reason for Recommendation(s)

- 4.1 Changes to the Brief are recommended so as to improve the quality of the Brief in the light of comments received during the consultation period.
- 4.2 It is considered that the changes recommended will provide a more sustainable basis for the determination of planning applications for a major development. In particular, the amended Brief will provide a detailed planning framework for ensuring that the environmental and traffic impacts of the Long Road South development are mitigated to a satisfactory level.

5. Key Risks associated with the Recommendation(s)

- 5.1 **Provision of service** – Likelihood Risk: Level 3 & Impact Risk: Level 1 – score of 3.
- 5.2 **Legal** – Likelihood Risk: Level 1 & Impact Risk: Level 1 – score of 1
- 5.3 **Reputation** – Likelihood Risk: Level 1 & Impact Risk: Level 1 [Lack of a sustainable Brief could result in adverse impact, up to Level 3] – score of 1
- 5.4 **Financial** - Likelihood Risk: Level 1 & Impact Risk: Level 1 – score of 1
- 5.5 **Strategic** - Likelihood Risk: Level 1 & Impact Risk: Level 1 – score of 1
- 5.6 **Environmental** - Likelihood Risk: Level 1 & Impact Risk: Level 2 [short-term harm to the natural environment during construction, which should be mitigated with on and off-site tree planting and landscaping – score of 2
- 5.7 **Final Risk Score** – 9. In summary, there is a low risk that the Brief may hold back some forms of employment - generating development as a result of the high environmental and design standards, coupled with the more exacting sustainable transport requirements. However, opening up the Long Road South site everyone and anyone, regardless of the sustainable planning and transport considerations as set out in the Brief, could deter major inward investment from coming to Torbay in the first place. In addition to the loss of high

quality job opportunities, developing the site without reference to the Brief could cause a range of other problems, including environmental damage to the Dart Valley AONB, strong adverse publicity from affected communities, and potential increased problems of congestion on the Ring Road.

- 5.8 The matrix below summarises the scatter of risk in relation to the six criteria listed in paragraphs 5.1 – 5.5 above.

| | | | | | |
|------------|---|--------|----|----|----|
| Likelihood | 6 | 6 | 12 | 18 | 24 |
| | 5 | 5 | 10 | 15 | 20 |
| | 4 | 4 | 8 | 12 | 16 |
| | 3 | 3X | 6 | 9 | 12 |
| | 2 | 2 | 4 | 6 | 8 |
| | 1 | 1 XXXX | 2X | 3 | 4 |
| | | 1 | 2 | 3 | 4 |
| | | Impact | | | |

 Low risk
  Intermediate risk
  High risk

The "x"s in the above matrix denotes where the author has assessed the level of final risk to fall

6. Alternative Options (if any)

- 6.1 There is no realistic option, given the inclusion of the Long Road South business park proposal in the adopted Local Plan, together with the requirement to prepare a planning brief

7. Background

- 7.1 The Consultation Draft Planning Brief for Long Road South went out for public consultation in June 2004 and 16 responses were received; these are summarised in Appendix 2, together with the Council's comments.
- 7.2 The key areas of comment can be briefly summarised under the following groups:
- ☐ Broad support in principle [or no comments] from the statutory agencies, eg English Nature, Countryside Agency, Environment Agency, RDA
 - ☐ Opposition from the White Rock Combined Action Group, plus the residents who responded and local parish councils/residents' organisations, both in principle to the development and also in relation to a wide range of issues, foremost of which are landscape and traffic impact
 - ☐ Concern from the developers' agents [Stride Treglown] and one of the developers [Glen Simmons] that the environmental policies, height restrictions and design parameters are too prescriptive and do not allow for a fully innovative development.
- 7.3 The detailed recommended changes are contained in the Council's comments column in Appendix 2. They can be summarised under the following headings:
- i) **Environmental impact - Control of height of buildings:** Para 8.33 should be amended as follows:
- A) Across the site as a whole, no building at any point should exceed a height of 8 metres above existing ground level, prior to the commencement of any engineering operations to reshape the contours.
 - B) Within the Waddeton Close 'gateway' land, where it is at or below the 65-metre contour, building heights are permitted up to 12 metres above existing ground level.
 - C) On the western side of Waddeton Road, in addition to policy requirement A),

the maximum height of any building shall not exceed a height of 81 metres OD
D) On the high [75 metres OD and above] area near to White Rock Knoll, within the immediate vicinity of the farm buildings in Phase1, buildings could be developed to the same elevation as the existing farm buildings.

E) On the land to the east of Waddeton Road above the 70-metre contour, no building should exceed 81 metres OD.

F) Platforms can be cut to a maximum of 2 metres, so as to enable the height of buildings to be extended by up to 2 metres, where this is environmentally acceptable.

- ii) **Gateway area:** Amend para 1.5 to refer to the enhanced economic potential of the gateway area.
- iii) **Ancillary uses:** Amend para 8.19 to allow for uses ancillary to B1 uses to be located outside the gateway area, although the predominant use within the rest of the site will be for B1 uses.
- iv) **Central square:** Amend para 8.2 to refer to the possibility of a serpentine feature.
- v) **Recreation:** A new sub-section on tourism should be included in Section 8, to explain the recreational element of the footpaths and woodlands.
- vi) **Waste:** A commitment to reduce waste should be included in Section 10 and para 11.5.
- vii) **Archaeology:** A reference to archaeology needs to be included in the S 106 Heads of Terms.
- viii) **Infrastructure:** Para 10.16 should be amended to incorporate the requirement to underground all telephone and electricity cables.
- ix) **Phasing:** A new sub-section on phasing should be included within Section 11, to define development phases and link them to on-site and off-site landscaping and on-site and off-site transport improvements. A table should illustrate this.
- x) **Outline planning application:** Delete penultimate sentence in para 8.51, i.e. to support the requirement elsewhere in the Brief for an initial outline application [para 11.2].
- xi) **Planning Conditions:** Amend para 11.6 to state that on-site works can be covered by planning condition and not necessarily by S 106.

7.4 It is planned to prepare the final Planning Brief in the immediate future, following Executive approval.

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IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources and Property Divisions.

| Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i> | | Name of responsible officer |
|--|--|-----------------------------|
| Legal | Yes – Section 106 Agreement | Bill Norman |
| Financial – Revenue | No | |
| Financial – Capital Plan | No | |
| Human resources | No | |
| Property | Yes – The TIS site is within the extended Brief area, although it will be up to the developers to deal directly with TIS if they wish to acquire the site; the Brief can be implemented without this site being acquired | Sam Partridge |

Part 2

The author of the report must complete these sections.

| Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i> | | |
|--|--|----|
| (i) | promote environmental sustainability? | No |
| (ii) | reduce crime and disorder? | No |
| (iii) | promote good community relations? | No |
| (iv) | promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief? | No |
| (v) | reduce (or eliminate) unlawful discrimination (including indirect discrimination)? | No |

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

| | <i>delete as appropriate</i> | If "Yes", give details |
|---|------------------------------|--------------------------------------|
| Does the proposal have implications for any other Directorates? | Yes | Torbay Development Agency, Corporate |

Part 4

| | |
|--|---|
| Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework? | <i>delete as appropriate</i> |
| | Yes |
| 1. | If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body. |
| 2. | If "Yes" - details and outcome of consultation, if appropriate. In accordance with adopted Local Plan; both the Local Plan and the Planning Brief have undergone extensive public consultation |

Part 5

| | | |
|--|------------------------------|----------------------------------|
| Is the proposal a Key Decision in relation to an Executive function? (i.e. would generate expenditure or savings in excess of £100,000 or 20% of an approved budget OR affect more than 2,000 residents of the Borough.) | <i>delete as appropriate</i> | If "Yes" - give Reference Number |
| | No | |

Part 6

Wards: Blatchcombe

Appendices

Appendix 1 Long Road South Consultation Planning Brief: June 2004 – Response Analysis

Documents available in Members' Room

Long Road South Consultation Planning Brief: June 2004

Background Papers:

The following documents/files were used to compile this report: Long Road South Consultation Planning Brief: June 2004