



Friday, 1 November 2019

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 11 November 2019

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Pentney (Chairman)

Councillor Barrand

Councillor Brown

Councillor Dart

Councillor Dudley

Councillor Hill

Councillor Barbara Lewis

Councillor Manning

Councillor Jacqueline Thomas

Councillor Bye

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 14 October 2019

3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.

5. **Occombe Farm, Preston Down Road, Paignton (P/2019/0616)** (Pages 6 - 24)
Redevelop main farm site to establish quality farm visitor attraction.

6. **Goodrington Road SW, Paignton (P/2019/0811)** (Pages 25 - 31)
Installation of a 20 metre high street works pole with 9 antennas, 6 equipment cabinets and ancillary development.

7. **Torbay Hospital, Newton Road, Torquay (P/2019/0992)** (Pages 32 - 42)
Alteration & extension to Emergency Department & associated works

8. Public speaking

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

9. Site visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 6 November 2019. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Planning Committee

14 October 2019

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Doggett, Dudley, Hill, Barbara Lewis, Loxton and Jacqueline Thomas

(Also in attendance: Councillors Kennedy, Chris Lewis and David Thomas)

40. Apologies for absence

In accordance with the wishes of the Liberal Democrat Group and Independent Group, the membership of the meeting had been amended for this meeting by including Councillors Doggett and Loxton instead of Councillors Dart and Manning (respectively).

41. Minutes

Subject to the inclusion of Councillor Hill being present in the Minutes, the minutes of the Committee held on 30 September 2019 were confirmed as a correct record and signed by the Chairman.

42. Land South Of Yalberton Road, (Yannon's Farm), Paignton (P/2019/0173)

Consideration of this application was deferred from the meeting at the request of the applicant.

43. Wolverton And Mowbray, Asheldon Road, Torquay (P/2019/0323)

The Committee considered an application for the conversion to seven apartments, minor demolition and alterations, and formation of one dwelling to the rear, together with associated works (revised plans received 09.08.2019).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's Website.

Resolved:

Approved subject to the conditions set out in the submitted report and the final drafting of conditions and resolution of any new material being delegated to the Assistant Director of Planning and Transport.

44. Land To The North Of Totnes Road, Collaton St Mary, Paignton (P/2019/0604)

The Committee considered an outline application for up to 73 dwellings with all matters reserved except access, new access onto Totnes Road.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's Website. At the meeting Mike Parkes addressed the Committee against the application and Colin Danks addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Kennedy addressed the Committee.

Resolved:

That the application be refused on the grounds it is non-compliant with Policy PNP1(iv) of the Paignton Neighbourhood Plan which forms part of Torbay Council's Development documents.

(Note: Prior to consideration of the application Councillor Doggett declared a non-pecuniary interest as a long term member of the RSPB.)

45. Shelley Court Hotel, 29 Croft Road, Torquay (P/2019/0337)

The Committee considered an application for change of use, regeneration, extension and alterations to the former hotel to create 10 one- and two-bedroom apartments and 1 house.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were circulated to members.

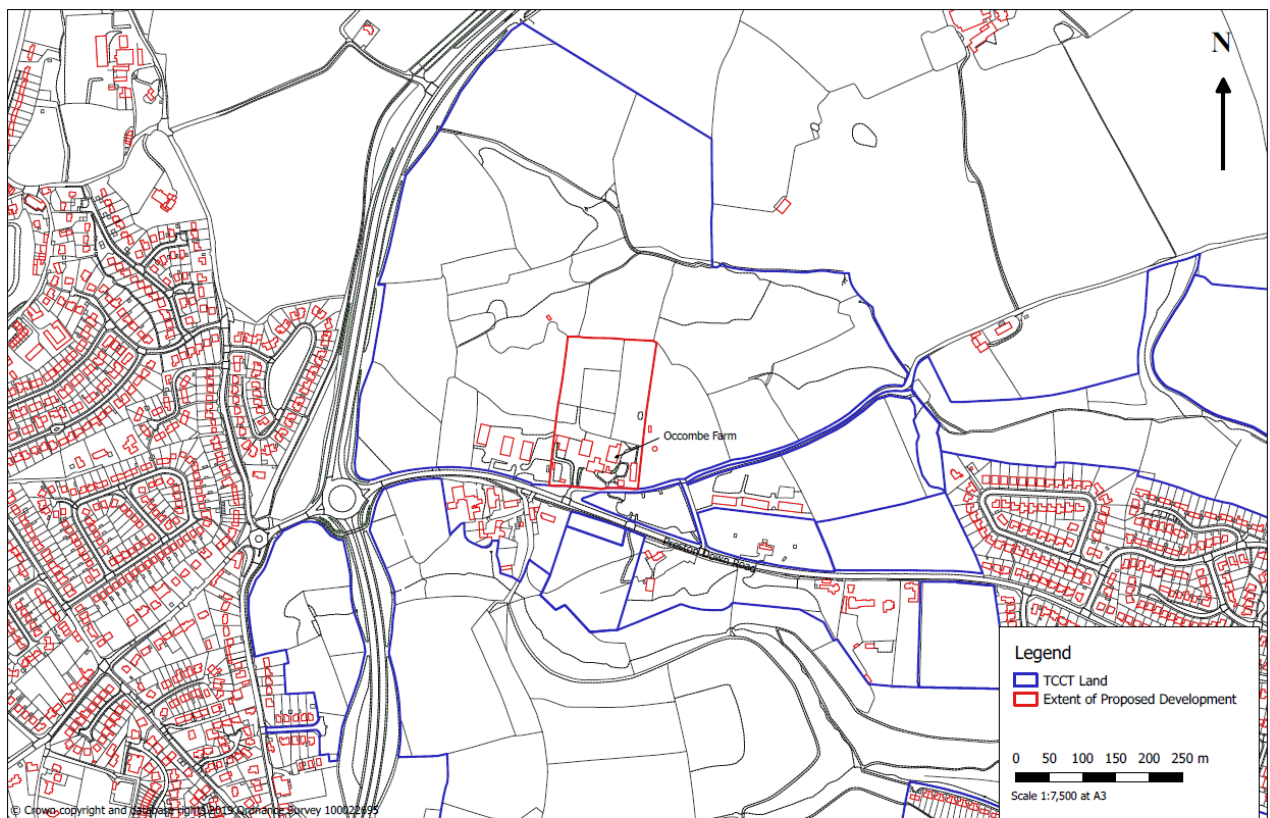
Resolved:

Approved, subject to the conditions set out in the submitted report and an additional condition retaining the pedestrian access to Shedden Hill car park, the completion of a Section 106 Agreement, the final drafting of conditions/106 Agreement, being delegated to the Assistant Director of Planning and Transport.

Chairman



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

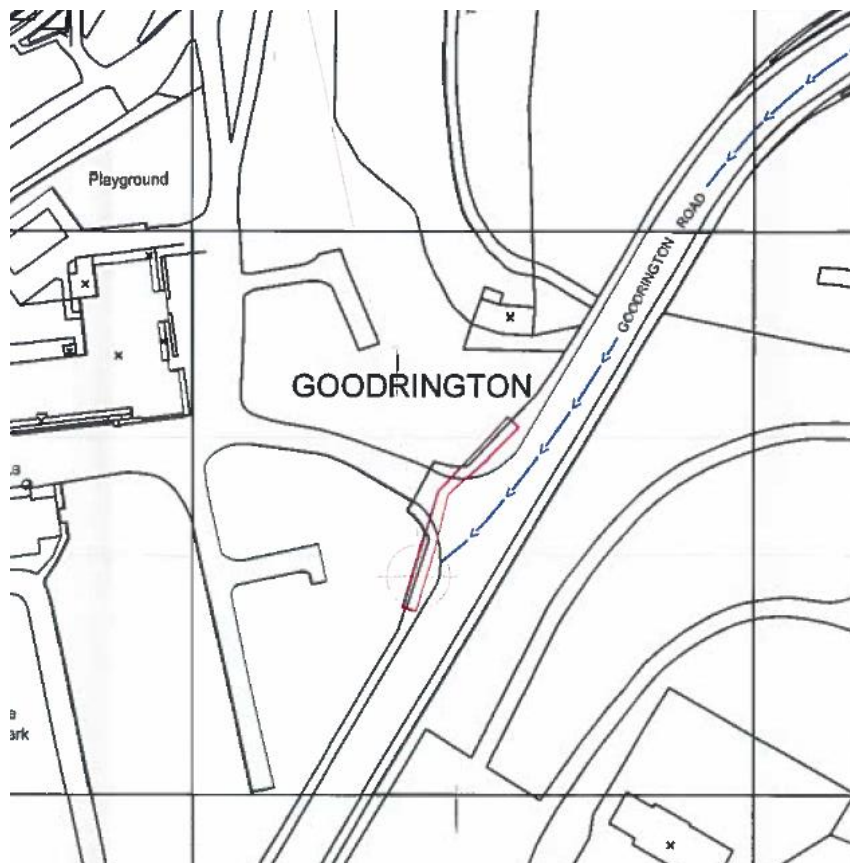
Torquay Neighbourhood Plan

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



Application Site Address	Goodrington Road SW Paignton TQ4 7JY
Proposal	Installation of a 20 metre high street works pole with 9 antennas, 6 equipment cabinets and ancillary development.
Application Number	P/2019/0811
Applicant	EE (UK) Ltd & H3G (UK) Ltd
Agent	Mr Andy Lewis – Maxema Ltd
Date Application Valid	20/08/2019
Decision Due date	15/10/2019
Extension of Time Date	15/11/2019
Recommendation	That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the number of objections that have been received.
Planning Case Officer	Emily Elliott

Location Plan:



Site Details

The site is located on the public footway. The site lies adjacent to Beverly Park and Goodrington Road. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan. The site lies adjacent to Goodrington Road.

Description of Development

This planning application proposes the installation of a 20 metre high Street Works pole with 9 antennas and 6 equipment cabinets and ancillary works. The existing monopole would be replaced to improve connectivity and facilitate new 5G coverage.

Pre-Application Enquiry

None sought.

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 Adopted Paignton Neighbourhood Plan 2012-2030

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/2015/1001: Installation of electronic communication apparatus. Permitted Development 23.11.2015.

P/2014/1029: Upgrade Telecoms Equipment. Permitted Development 24.10.2014.

APP/X1165/A/05/1194383: Appeal against refusal on planning reference P/2005/1579. Appeal allowed 13.03.2006.

P/2005/1579: Telecommunications Apparatus: Erection Of 13.7m Telegraph Pole With Internal Antenna, Equipment Cabinets At Ground Level. Refused 10.10.2005.

Summary of Representations

The application was publicised through a site notice. 29 letters of objection have been received.

A summary of the concerns raised in objection include:

- Not in keeping with local area
- Impact on local area
- Visual impact
- Traffic and access

Summary of Consultation Responses

Torbay Council Drainage Engineer:

As the development is located in Flood Zone 1 and the impermeable area of the development is less than 20m² I have no objections on drainage grounds to planning permission being granted.

Torbay Council Senior Environmental Health Officer:

No objections.

Torbay Council Highways Engineer:

No objections.

Natural England:

Do not wish to comment.

South West Water:

No objections.

Paignton Neighbourhood Forum:

No response received.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Flood Risk and Drainage

1. Principle of Development

Policy IF1 of the Local Plan supports, in principle, the introduction and installation of the most up to date and fastest telecom and other Information and Communications Technology (ICT).

Paragraph 112 of the NPPF states that 'advanced, high quality and reliable

communications infrastructure is essential for economic growth and social well-being', and that 'planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)'. The NPPF states that the use of existing masts and buildings for new electronic communications capability should be encouraged. The proposal seeks to upgrade the existing site to improve connectivity and facilitate 5G technology.

The proposed development is considered acceptable in principle.

2. Impact on Visual Amenity

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 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'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The site has existing telecommunications infrastructure which would be replaced with the proposed development. Objectors have raised concerns with regards to the visual impact of the proposal, the impact the proposal will have on the local area and that the proposal would not be in keeping with the local area. The existing infrastructure sets a clear precedent for telecommunications development in this location and indicates that the visual impact of such apparatus has previously been assessed and is therefore considered acceptable. The proposed 20 metre high Street Works pole would be some 6.5 metres higher than the existing monopole, however the NPPF outlines that with regard to site selection for telecommunications apparatus consideration should be given to utilising any suitable existing structures. Furthermore, the proposed equipment cabinets would also replace the existing equipment cabinets. This proposal is for an upgrade to the existing site and as the site has existing apparatus on site, the visual impact is not considered to be of any further detriment to the existing street scene and locality.

Given the existing situation on site with the existing telecommunications apparatus, it is considered that given the proposal's siting, scale, and design, that it would not result in unacceptable harm to the character or visual amenities of the locality. Policy IF1 of the Local Plan states that a planning condition will be employed with a planning consent to ensure that any telecommunication apparatus and associated structures that subsequently become redundant will be permanently removed from the site. The proposed development is therefore considered to be in accordance with the NPPF, Policy DE1 of the Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan.

3. Impact on Residential Amenity

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

The application is supported by an ICNIRP (The International Commission of Non-ionizing Radiation Protection) certificate. National Planning guidance advises that: - *'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'*

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, access to light, or in terms of disturbance.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

4. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. The Council's Drainage Engineer raises no objections to the proposed development. As the proposed development would not result in an increase of impermeable footprint of over 20 square metres, it is not considered necessary to condition the surface water flooding.

Given the nature of the proposal, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice, and the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan and Policy PNP1(i) of the Paignton Neighbourhood Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The proposed development would result in the upgrade of an existing telecommunications site, which is favoured by the NPPF and the Development Plan.

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.

Local Finance Considerations

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

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.

HRA:

Not applicable.

Planning Balance

The proposed development is for the installation of a 20 metre high Street Works pole with 9 antennas, 6 equipment cabinets and ancillary development, alongside the removal of the existing telecommunications equipment which would become redundant. The proposed development is intended to upgrade the existing telecommunications technology and to facilitate for 5G coverage. Subject to the planning condition detailed below, no unacceptable material planning harm has been identified and the proposal is in accordance with Development Plan policies.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or local amenity; would provide acceptable arrangement in relation to flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

Conditions

Removal of Redundant Equipment

Any of the approved telecommunications equipment which becomes redundant and ceases to be used for a period in excess of six months shall be permanently removed within a further period of three months.

Reason: In the interests of visual amenity, and in accordance with Policies DE1 and IF1 of the Torbay Local Plan, and Policy PNP1(C) of the Paignton Neighbourhood Plan.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

IF1 - Information and Communications Technology

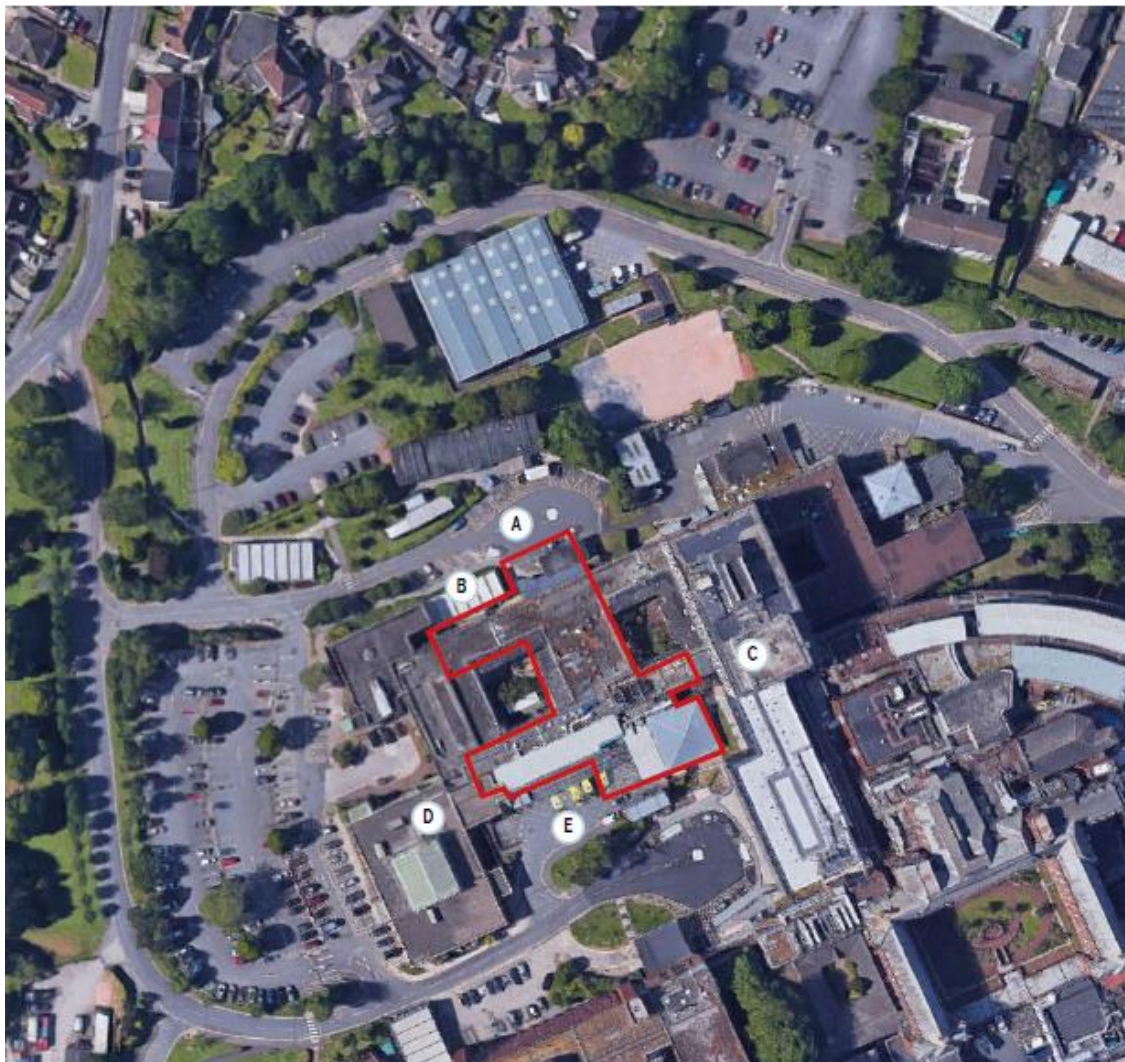
PNP1(c) – Design Principles

PNP1(i) – Surface Water



Application Site Address	Torbay Hospital, Newton Road, Torquay. TQ2 7AA
Proposal	Alteration & extension to Emergency Department & associated works
Application Number	P/2019/0992
Applicant	Torbay And South Devon NHS Foundation Trust
Agent	KTA
Date Application Valid	30.09.2019
Decision Due date	30.12.2019
Extension of Time Date	N/A
Recommendation	Approval
Reason for Referral to Planning Committee	Major development
Planning Case Officer	Scott Jones

Location Plan –



Site Details

The application site is part of the larger Torbay Hospital site on the western outskirts of Torbay near to the residential areas of Shiphay and Edginswell. The site concerns a central area of the hospital complex that currently consists of low level buildings. The southern part of the application site is located north of the main reception entrance and spreads further north to encompass the existing outpatients' entrance. The area of the site is approximately 85m by 64m and covers an irregular footprint as illustrated on the location plan above.

The site area currently includes one and two storey linked buildings that sit relatively close to much taller elements of the hospital, with a number of these buildings being from four to six storeys high. It forms part of the mid/late 20th century grouping of buildings, away from the original brick hospital buildings that date from around the 1920s, and the Grade 2 listed chapel.

In terms of designations the site is within a Critical Drainage Area.

Description of Development

The proposal seeks to reconfigure and extend the existing Emergency Department to provide a facility for improved rapid and comprehensive assessment, diagnostic and early treatment service in a co-located area. The proposed development will be over 4 levels and provide 1678sqm of new build, 465sqm of refurbishment and 262sqm of existing accommodation being demolished.

In terms of new structures the proposal principally seeks upper floor extensions at the northern and southern sections of the development area, with more limited reconfiguration generally linked to the centre core in-between. The northern extension will have 3 floors with an additional roof storey which will be slightly recessed, housing plant. The ground floor will be brick finished with the upper floors finished in bronze aluminium cladding. The recessed roof floor will be finished in light grey aluminium louvres. The extension will be 26.3m wide with 3 storeys rising to 14m, rising to 17m with the plant storey. The southern extension close to the main reception is to a lesser scale with one storey finished in grey aluminium cladding with a recessed roof storey, again for plant, finished in grey aluminium louvres. This extension is 34.2m wide and 8.5m to the top of the plant storey. The accommodation will provide the following:

Level 2

- New ambulatory entrance and enlarged cafe area

Level 3

- New majors department providing 12 no. trolley bays, 1 no. isolation room and a fit to sit area with 6 no. reclining patient chairs
- A remodelled and extended resus area providing 6 no. resus bays
- New paediatrics department providing 6 no. trolley bays
- New minors reception and waiting area
- New minors department providing 3 no. assessment rooms and 7 no. trolley bays

Level 4

- New male and female staff accommodation
- New office accommodation serving the clinical spaces at level 3
- New plant over the extension to the south

Level 5

- New plant over the north extension

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 ("The 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

Pre-Application: None directly related to this application.

Applications: The hospital has been subject to numerous applications to extend and improve its facilities over the years.

Summary of Representations

None.

Summary of Consultation Responses

Torquay Neighbourhood Forum: No comment.

Highway Authority: No comment.

Torbay Council Drainage Engineer: Standing advice applies as there is limited new footprint. Comments awaited on proposed controlled discharge solution.

Torbay Council Community Safety Team: No objection.

Torbay Council Arboricultural Officer: The submitted arboricultural information provides all the necessary information to enable the development to proceed. Recommend conditions for 1) tree protection as per the submitted tree protection statement ref TH/A394/0719 and, 2) Any further arboricultural method statements to be submitted and approved prior to the works taking place.

South West Water: No comment.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle
2. Design and Visual Impact
3. Residential Amenity.
4. Transport and Highway Safety.
5. Ecology and Biodiversity
6. Drainage and Flood Risk

1. Principle

With regard to the Development Plan Policy SC1 of The Local Plan outlines the importance for development to contribute to improving the health and well-being of the community. The improvement of hospital services is considered aligned with this policy aspiration. The Neighbourhood Plan is silent on the development of health facilities within its health and well-being policies. With regard to other material considerations the NPPF guides that the purpose of the planning system is to contribute to the achievement of sustainable development and relative to this the planning system has three overarching objectives, one being the social objective. The provision and enhancement of health facilities is considered aligned with the social objective of sustainable development, as supported within the NPPF.

For the reasons above the enhancement of the health facilities provided within this established hospital site is considered to be supported in principle through planning policy.

The principle of the development in the context of it being brownfield development should also be considered. Policy TS4 of The Neighbourhood Plan states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. In the absence of significant adverse impacts the policy indicates that the development should be supported.

2. Design and Visual Impact

With regard to the Development Plan Policy DE1 of The Local Plan, this outlines that development should be well-designed, respecting and enhancing Torbay's special qualities. The Neighbourhood Plan, through Policy TH8, cites 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. With regard to other material considerations the NPPF guides that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development (Para 124). It also guides 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 (Para 130).

The scale and design of the development is considered acceptable given the context. The scale of the building will sit comfortably aside the existing large buildings that form part of the immediate visual context. Although the development is significant it will be

lower than adjacent elements of the wider hospital building group that will more widely frame the proposed development. This context (of larger buildings) provides an arrangement where the building will sit comfortably within the locality and where its scale does not raise concern.

With regard to design the development form and detail is considered to harmonise well with the fairly utilitarian feel of the wider building group. These display an evolving character of development spread through many decades. The proposed elevational designs are considered to offer sufficient visual interest to ensure that the structure will appear as a focal point for the site and its users.

In terms of the proposal as a whole it is considered that the scheme is well conceived and accords with the policy aspirations cited above. As such the proposal is considered to be in accordance with design policies contained within the Development Plan and guidance contained within the NPPF.

The conclusion above has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority pay special regard to the desirability of preserving or enhancing the setting of listed buildings. In this respect the development would have no impact upon the setting of the listed chapel due to the visual disconnect and existing character of the wider hospital setting.

3. Residential Amenity

Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Neighbourhood Plan is largely silent on the matter of amenity. With regard to other material considerations, the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (Para 127).

The proposal is set centrally within the hospital site some distance from its borders and adjacent residential occupiers. Considering the location and building arrangement the proposal will not affect the amenity of occupiers of nearby properties/occupiers.

For the above reasons the proposed development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policy DE3 of the Torbay Local Plan and guidance contained within the NPPF.

4. Transport and Highway Safety

Policy TA1 of the Torbay Local Plan in-part seeks to promote development in locations that are easily accessible and safely reached by foot, cycle, public transport, other sustainable transport or car. Policy TA2 of the Local Plan seeks that major developments should provide a good standard of access for walking, cycling, public and private transport. Policy TA3 of the Local Plan requires all new development to make appropriate provisions for car, commercial vehicle and cycle parking. Policy THW5 of the Torquay Neighbourhood Plan states that to encourage use of sustainable forms of transport, new development proposals will be supported where they are

located on or near to public transport routes wherever possible and appropriate. With development in sustainable locations and promoting accessibility and sustainable travel options, but caveats that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 109).

The Design and Access Statement submitted as part of the application does not cite an increase in the employment numbers via the development, but rather that it will improve facilities currently provided by the hospital. Because of this and as the proposal does not impact on the current parking facilities of the hospital, the movement and highway considerations focus on the construction impacts and the (assumed) increased patient capacity. Both of these matters are not expected to present any demonstrable harmful impact in terms of highways and movement patterns when considering the much larger scale of the hospital. As there is a functioning bus route that serves the main reception to the south of the development it is considered expedient to seek information on the construction requirements, compound needs, location, etc, in order to ensure any impacts upon the bus route, general movement and parking facilities, are limited.

The proposal is therefore considered acceptable on highway and movements grounds, and in accordance with the Policies TA1, TA2 and TA3 of the Local Plan, Policy THW5 of the Neighbourhood Plan, and guidance contained within the NPPF.

5. Ecology & Biodiversity

With regard to Policy NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. In regard to other material considerations the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 170).

The application is accompanied by an ecological assessment that concludes that as the development site is principally limited to buildings and hardstanding there is little opportunity for wildlife other than potentially nesting birds and a low potential for bats. In order to ensure that there are no impacts on nesting birds it is considered reasonable to attach a planning condition to ensure that all works impacting roofs should be undertaken outside of the bird nesting season unless previously checked for the absence of nests by a suitably qualified ecologist (March-September inclusive). There is an advisory note on a precautionary approach regarding the low potential for bats and an informative note on any forthcoming decision notice is considered proportionate.

With regard to the policy aspirations towards securing a net gain in biodiversity the accompanying ecology report discusses this matter but does not progress to a detailed proposal. It is suggested that a planning condition to secure proposals to

achieve a net gain in biodiversity, to be secured prior to the first use of the development, would be an appropriate response to the policy position.

With regard to trees on the site there is a submitted assessment that concludes that the proposals are considered to be sustainable from an arboricultural point of view subject to the provision of the tree protection measures detailed within the Tree Protection Plans and that all works being undertaken in accordance with the Arboricultural Method Statement. This conclusion is supported by the Council's Arboricultural Officer.

Having considered the submitted assessments, subject to conditions to secure enhancement features and tree protection measures, as suggested, the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Torbay Local Plan, the Torquay Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

Policies ER1 and ER2 of the Torbay Local Plan seeks that development maintains or enhances the prevailing water flow regime on-site and further guides on a hierarchy for the management of surface water with sustainable drainage systems being prioritised. The Torquay Neighbourhood Plan is silent on the matter. In regard to other material considerations the NPPF provides guidance aligned with the Torbay Local Plan, including that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Para 165).

The site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within a Critical Drainage Area as designated by the Environment Agency. A Flood Risk Assessment has been submitted that states that as the accompanying geotechnical report suggests that constraints remove the opportunity for soakaways or similar and suggest a controlled discharge to the public surface water sewer or drain. As the Council's standing advice is to secure a sustainable model advice has been sought from the Council's engineers to corroborate this conclusion. If agreed a controlled discharge would be considered acceptable in accordance with the hierarchy outlined within The Local Plan. Members will be updated.

If agreed a planning condition should be attached to secure this method of drainage unless otherwise agreed by the Local Planning Authority.

The proposal is, subject to comments awaited from the Council engineer, for the reasons above considered in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the NPPF.

Sustainability

Policy SS3 of the Torbay Local Plan establishes the presumption in favour of sustainable development. The site provides enhanced health care facilities at an established health care site that sits in a well-located and sustainable location.

Policy TS4 of the Torquay Neighbourhood Plan states that Development proposals for brownfield sites will be supported, providing there are no significant adverse impacts,

having regard to other policies in the plan. As expressed within previous sections of this report there are not identified 'significant adverse impacts'.

Local Finance Considerations

S106: N/A.

CIL: N/A.

EIA/HRA

EIA:

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.

HRA:

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC and does not require a formal HRA.

Planning Balance

The proposed works will provide a number of additional jobs through the construction of the building itself. Furthermore, the provision of the new building will ensure that existing staff can remain in their current positions and contribute to local household income and household expenditure. These matters weigh in favour of the development.

Housing Supply: N/A.

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.

Proactive Working

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has considered the need to work positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Conclusions and Reasons for Decision

For the reasons stated within this report the development is considered to be in accordance with the Development Plan when considered as a whole and in accordance with the NPPF when considered as a whole.

The NPPF guides on the presumption in favour of sustainable development and this means for decision making approving development proposals that accord with an up-to-date development plan without delay

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations that indicate otherwise in this instance.

The application is, for the reasons stated above and contained within this report, recommended for approval.

The above conclusion is also guided by advice contained within the NPPF (Para 38) that outlines that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. It also furthers that decision-makers at every level should seek to approve applications for sustainable development where possible. There are, for the reasons within this report, no substantive reasons to not grant planning permission.

Officer Recommendation

Approval: Subject to;

1. Final drafting of conditions delegated to the Assistant Director of Planning and Transport, to include those listed within this report.

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.

Conditions

1. Construction method statement

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) Where necessary the identification of further additional tree protection measures

e) Construction working hours

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policies C4 and DE3 of the Torbay Local Plan 2012-2030.

2. Tree Protection

Prior to the commencement of development tree protection as per the submitted tree protection statement ref TH/A394/0719 shall be implemented in full and maintained at all times during the construction phase. Any further tree protection measures and arboricultural method statements submitted pursuant to Condition 1 shall also be implemented and maintained in full at all times during the construction phase.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030.

3. Drainage

Prior to the first use of the development surface water drainage shall be provided in accordance with the submitted flood risk assessment, and shall be maintained at all times thereafter.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

4. Nesting season - birds

All demolition and/or the removal of any vegetation shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

5. Biodiversity measures

Prior to first use of the development measures to enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the first occupation of the development and maintained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

Development Plan Relevant Policies

- SS1 - Growth Strategy for a prosperous Torbay
- SS3 - Presumption in favour of sustainable dev
- SS8 - Natural Environment

SS9 - Green Infrastructure
SS11 - Sustainable Communities Strategy
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
NC1 - Biodiversity and geodiversity
TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture
TE5 - Protected species habitats and biodiversity
TH2 - Designing out crime
TTR2 - Sustainable Communities
THW5 - Access to sustainable transport