

Friday, 1 October 2021

PLANNING COMMITTEE

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

Monday, 11 October 2021

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 Brown

Councillor Kennedy

Councillor Dart

Councillor Barbara Lewis

Councillor Dudley (Vice-Chair)

Councillor Mills

Councillor Hill

Councillor Jacqueline Thomas

Together Torbay will thrive

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, Town Hall, Castle Circus, Torquay, TQ1 3DR

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**

To confirm as a correct record the Minutes of the meeting of this Committee held on 13 September 2021.

(Pages 4 - 5)

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. **Devon Garden Machinery, Newton Road, Torquay TQ2 7HX
P/2020/1298**

(Pages 6 - 40)

Hybrid application comprising: (1) Demolition of existing buildings and construction of discount supermarket, drive through coffee shop, drive through fast food restaurant, and replacement retail building for Devon Garden Machinery with associated parking, access, and hard/soft landscaping, together with (2) Outline planning application for Class B2/B8 uses (Please see Teignbridge District Council application number 20/02395/MAJ for this outline element).

6. **Elektron Instruments, Woodland Road, Torquay TQ2 7AY
P/2021/0424**

(Pages 41 - 61)

Installation of single industrial unit with access and parking.
Demolition of existing building.

7. **Elektron Instruments, Woodland Road, Torquay TQ2 7AY** (Pages 62 - 83)
P/2021/0425
Installation of two industrial units with access and parking.
Demolition of existing building.

8. **Land At Kingsland, Marldon Road, Torquay, TQ2 7JH** (Pages 84 - 115)
P/2019/0710
Outline application for the demolition of existing structures and redevelopment to provide up to 90 dwellings, up to 1,858 sq.m gross B1 employment, open space, landscaping, associated infrastructure and access. (revised plans received 11.01.21)

9. **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.

10. **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 October 2021. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Meeting Attendance

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

Minutes of the Planning Committee

13 September 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley (Vice-Chair), Hill, Kennedy, Mills, Jacqueline Thomas
and Bye

(Also in attendance: Councillors Amil, Brooks, Long and David Thomas)

66. Apologies for absence

It was reported that in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Bye instead of Councillor Barbara Lewis.

67. Minutes

The Minutes of the meetings of the Committee held on 9 August 2021 were confirmed as a correct record and signed by the Chairman.

68. Ashfield Gables, Ashfield Road, Torquay TQ2 6HE P/2021/0856

The Committee considered an application for a proposed new window; external wall and roof section to existing ensuite shower room; new external door to garage; new external gate to rear terrace.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were on the Council's Website. At the meeting Roger Carter and Suzie Drew addressed the Committee against the application. Dr Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum and Rob Finch addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors Amil and Long also addressed the Committee.

Resolved:

Approved subject to the conditions set out in the submitted report and an additional condition that the existing garage should be retained for the use of the parking of vehicles, with the final drafting of conditions and any further material considerations that may come to light being delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.

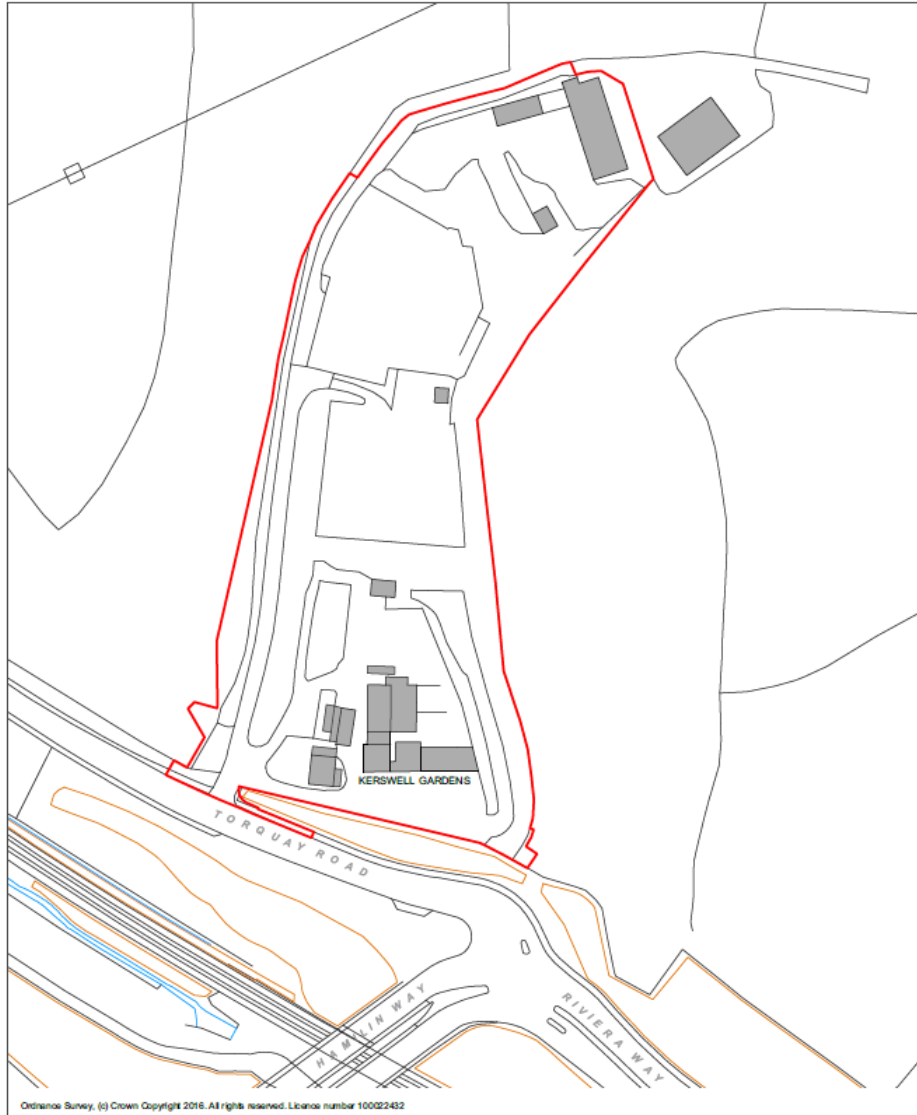
69. 50 Victoria Street, Paignton, TQ4 5EQ P/2021/0410 - Withdrawn

This application was withdrawn from the agenda and not considered.

Chairman

TORBAY COUNCIL

Application Site Address	Devon Garden Machinery Newton Road Torquay TQ2 7HX
Proposal	Hybrid application comprising: (1) Demolition of existing buildings and construction of discount supermarket, drive through coffee shop, drive through fast food restaurant, and replacement retail building for Devon Garden Machinery with associated parking, access, and hard/soft landscaping, together with (2) Outline planning application for Class B2/B8 uses (Please see Teignbridge District Council application number 20/02395/MAJ for this outline element).
Application Number	P/2020/1298
Applicant	Vanessa Brown & Aldi Stores Ltd.
Agent	Planning Potential
Date Application Valid	18.12.2020
Decision Due Date	19.03.2021
Extension of Time Date	29.10.2021
Recommendation	<p>Approval: Subject to;</p> <p>The resolution of highway improvements to pedestrian and cycle infrastructure in the immediate vicinity of the site, to the satisfaction of officers;</p> <p>The resolution of a Surface Water Drainage Strategy for the Outline B2/B8 element, to the satisfaction of Officers;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Development
Planning Case Officer	Scott Jones



Site Details

The site is located on the outskirts of Torquay on the northern side of Torquay Road, west of where Hamelin Way meets Riviera Way.

The site currently holds several buildings and commercial uses, with Devon Garden Machinery being the largest and most publicly visible user due to its scale and location within the southern part of the site adjacent to Torquay Road. The Devon Garden Machinery business contains several relatively low-level buildings of varying forms, together with an area of open storage space to the north. A track along the western edge of the site serves additional uses to the north of Devon Garden Machinery, with further open storage land and undetermined business uses, which are again set in low-level shed-like building forms.

In terms of scale and context the site presents a 'finger' of commercial land that stretches northwards along the floor of a small valley, sitting amongst open fields, and

covers an area of approximately 3 hectares. The site is roughly 100m wide (E-W) by 300m deep (N-S).

Regarding land levels Devon Garden Machinery sits on the low part of the site and there is a gradual rise in the land level as you progress north through the site, which present occasional semi-formalised plateaus. The total rise in level through the site is approximately 13m. There are also banked areas around the western and eastern borders due to the valley floor context where fields rise to either side.

In terms of the borders the site is surrounded on its northern, western and eastern boundaries by mature trees, light vegetation and green banking, with fields adjacent.

Regarding policy context the site sits within the Edginswell Future Growth Area, as designated within the Torbay Local Plan, and is within the adopted 'Torquay Gateway (Edginswell)' Masterplan area, which envisages redevelopment for mixed commercial uses on the land. The site is also within the identified Landscape Connectivity Zone associated with the Greater Horseshoe Bats (South Hams SAC).

Regarding Local Authority boundaries the northern tip of the site sits within the border of Teignbridge District Council.

Description of Development

The application seeks planning permission for the demolition of the existing buildings and the construction of a mixed-use development, consisting of retail, food and drink outlets and light-industrial uses.

The application is a 'hybrid' proposal seeking full planning permission for the demolition of existing buildings and construction of supermarket, drive-through coffee shop, drive-through fast food restaurant, and replacement retail building (for Devon Garden Machinery), whilst seeking outline planning permission for industrial uses (Class B2/B8 uses) at the northern tip of the site.

The proposed supermarket and drive-through coffee shop are in the southern part of the site adjacent to Torquay Road. The supermarket covers a rectangular footprint of around 57m by 32m. It is proposed to a commercial single-storey scale under a gently sloping mono-pitched roof. The elevations are finished in grey cladding panels, using two shades of grey, with elements of curtain wall glazing to the southern and eastern elevations. The drive-through coffee shop is located to the east of the supermarket in the south-eastern corner of the site and will provide around 167 sqm of floor area in a single-storey building. The elevations are a mix of timber cladding and white render, with elements of glazing. The main entrance has a plum/burgundy surround feature aligned with the corporate colours of Costa Coffee. Car parking is set between the two buildings with a further row along the southern border of the site. In terms of levels the proposed ground level is raised up to around 3m in places above the low point to present a level approximately aligned with the existing/proposed access point.

To the north of the proposed supermarket and coffee shop there is a step up in level to the proposed fast-food restaurant, which will have a finished floor level 3m above that of the supermarket. The level change is managed via a retained wall and a graded

and landscaped bank. The restaurant is single-storey and seeks a contemporary form under a split mono-pitch roof. The elevations consist of a combination of light and dark grey cladding panels along with vertical timber panelling together with strong elements of glazing. The footprint is approximately 28m by 11m and around the building is parking for 30 cars encircled by landscaping.

To the north of the fast-food restaurant the next tier seeks to deliver a specialist retail use to provide a replacement building for Devon Garden Machinery, which has a finished floor level 1.75m above the restaurant tier. The building is almost square with a footprint of 35m (E-W) by 40m (N-S) with a simple gabled form with elevations finished in composite panels. Amended plans now present a grey-green composite panel finish with an element of blue cladding around the main corner / entrance. The height is two-storey scale. 17 car parking spaces are provided to the west of the building and there is a gravel storage area to the north of the building.

Beyond the gravel hardstand the proposal moves to the outline element of the application with the plans suggesting the delivery of an L-shaped building for B2/B8 proposes, these being general industry or storage or distribution purposes. Detailed plans are not provided for the outline element with all matters reserved for future consideration. Regarding Local Authority boundaries it should be noted that this element sits within the border of Teignbridge District Council, however for the purposes of the development the neighbouring authority has delegated the decision-taking authority to Torbay Council, hence the application is to be considered as a whole.

In regard to general infrastructure the phases of development outlined above are all accessed off a proposed road that runs along the western edge of the site up to the boundary to where the detailed element of the proposal finishes and the outline element of the proposal begins.

In terms of the proposed access into the site this is retained in its current location off Torquay Road, in the southwestern corner of the site, maintaining a designated right-hand turn into the site.

Pre-Application Enquiry

DE/2019/0030: Siting of new supermarket / KFC / Costa: As a summary position the key issue outlined was that the sequential test needs to find that no other suitable in centre or edge of centre site is available or viable, and if this is the case the retail impact upon centres will then be key. However, either way to provide a better fit with the Development Plan it was advised that any proposal should include for the relocation of the current employer to premises to the rear of the retail unit as this concept is floated within the indicative scheme and hence appears a desirable outcome that could be more demonstrably furthered.

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 Plans

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

- The Teignbridge Local Plan 2013 -2033

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Adopted Torquay Gateway (Edginswell) Masterplan
- 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

Non directly relevant.

Summary of Representations

143 representations, 108 in support and 29 in objection, with 5 neutral.

Key issues of concern:

- Traffic and congestion
- Noise
- Poor location out of town
- Potential harm to a key cycle route
- Car based development and location
- Increase traffic through Kingskerswell
- Impact local stores in Kingskerswell
- The masterplan does not envisage a food store in this location and there is inference that bulky goods was to be expected
- The retail impact test is not satisfied, and the current poor trading should be a concern
- The sequential test, as with the retail test, are not so robust such that the authority could reasonably grant planning permission, with the development contrary to the development plan.

Key reasons for support:

- Good location for use by local residents
- Highway concerns will be dealt with by the professionals
- Improve the look / character of the area
- Create jobs
- Helps a local business grow

- Will take pressure off The Willows
- Good location but pedestrian accesses locally should be upgraded to encourage walking
- Good use of the brownfield site
- Will improve choice and reduce travel

Summary of Consultation Responses

Torquay Neighbourhood Forum

Overall the Neighbourhood Forum supports the proposal, reasoning that it provides employment and retail space on a site that is so designated, and is in proximity to the Torquay Gateway (Edginswell) Future Growth Area, subject to the resolution of drainage issues, addressing the concerns of the Police with respect to NP Policy TH2, and the provision of a Waste Audit as required by LP Policy W2. Consider these can be addressed by Planning Conditions.

Highway Authority:

Based upon the information submitted by the applicant within the Transport Assessment, and subsequent Technical Notes 1 and 2, the Highway Authority offers no objection to the proposed development.

It is noted that in the Highway consultation response from Devon County Council regarding the scheme, that a Highway contribution of £20,000 has been requested to increasing gateway features to the reduce vehicle speeds through Kingskerswell, as part of the 20mph zone, which is supported.

Devon County Council Highways

The Highway Authority has no objections in principle to the application for B2/B8 but would need further information at the full application stage regarding the traffic likely to be generated. A Transport Statement would need to accompany any full application.

Although Torbay Borough Council will look at any Highway related issues from the full hybrid application in their area, Devon County Council Highway Authority have the following concerns regarding the impact on Devon's network.

The geometry of the left hand turn from Hamelin Way onto Torquay Road is likely to make it difficult for articulated vehicles to turn effectively and safely without over-running the adjacent lane.

Appendix B shows delivery vehicles entering the site via Kingskerswell rather than using the South Devon Link Road. There is likely to be an increase in traffic using Torquay Road to access the site. From a purely technical point of view there is no issue with this, as the road has capacity, but the idea of the South Devon link road was to take reduce the amount of vehicular traffic travelling through Kingskerswell.

The number of vehicles driving through Kingskerswell has decreased since the South Devon link road opened in December 2015. This however has led to an increase in vehicle speeds. To mitigate the speeding issue, DCC are looking at increasing the "gateway" features into Kingskerswell, particularly in the 20mph zone. If the

application was granted planning permission, then the Highway Authority would look for a Highway contribution of £20,000 towards this scheme.

Retail Advisor (Avison Young)

The application site lies outside of any defined 'town centre' in the Torbay retail hierarchy and is not allocated for the precise nature of the proposed main town centre land uses. Therefore, the development would need to be considered against the sequential test and the retail impact test regarding nearby defined 'town centres'.

With regards to the sequential test it is considered that the main town centre land use elements of this proposal meet the provisions of the sequential test.

With regards to the likely impact of the various retail and leisure elements of the proposal, the same conclusion as the applicants has been found, that there is unlikely to be any significant adverse impact upon defined 'town centres' in the local area.

The above conclusions are directly related to the form and scale of the proposed development and the assumptions which have been made in relation to the trading style of each element. Hence it is recommended that conditions and controls are imposed upon any grant of planning permission, as follows;

The food store to have a maximum net sales area of 1,315sq m, with no more than 20% of this area being used for the sale of comparison goods, with no sub-division of the food store unit into more than one separate retail unit, and control over the use of the food store unit to Class E(a).

Regarding the two food and beverage units given that both units are intended to sell food and beverage items for consumption on and off the premises, identification of these uses as either sui generis or a mixture of sui generis and Class E(b) is recommended.

Regarding the replacement DGM unit there should be a control over the net sales area of this unit, control over the range of goods to be sold from the replacement unit, this should be controlled to garden/agricultural machinery/tools, gardening/agricultural (and related) goods and related services. We would recommend that a draft list of goods and services is sought from the applicant for consideration by the Council.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Devon County Council Ecologist

Regarding statutory sites whilst impacts on the SAC Greater Horseshoe Bat population have been screened out the mitigation proposed will benefit GHBs through increasing connectivity to the wider landscape. Regarding wider ecology issues, including impact upon locally designated sites, other habitats and protected species conditions to secure approval and implementation of a CEMP and LEMP, lighting detail, protection of bird nesting, and updated badger surveys, and a net gain in biodiversity, the proposal is suitable for approval on ecology grounds.

Devon County Council Archaeologist

The application area has archaeological potential relating to historic medieval landscape character and potential for settlement of prehistoric, Romano-British and medieval date. This potential has not been assessed or evaluated prior to the planning application being submitted, however it is likely that archaeological impacts can be satisfactorily mitigated by condition. Recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of any heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team. If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise that any consent the Authority may be minded to issue should carry WSI condition

Torbay Council Strategic Planning / Transport:

Support further discussion to resolve relatively minor, but still very important, connectivity solutions for pedestrians and cyclists on this key route.

Torbay Development Agency Drainage Engineer:

Following the submission of further information, including a site specific flood risk assessment and dual-option surface water drainage design for the above planning application, the proposal are considered acceptable as they follow the hierarchy and demonstrate that flood risk is unlikely to increase. Due to the need to await further soil testing following the removal of buildings that currently active businesses, further information will be necessary via a planning condition. It is accepted that in this particular circumstance that a final detail can only be established after the grant of planning permission.

Torbay Development Agency Investment Development Manager

Object to this application as would like to see greater levels of light industrial space delivered within the scheme.

To enable us to meet the agreed aims of the Council's economic plan to support local growth and encourage inward investment, we need an increased delivery of relevant employment space. Currently there is over 280,000 sq ft demand (tested Nov/Dec 2020), the majority of which is for light industrial space. Many remaining sites across Torbay are multi constrained, are not financially viable and have significant funding gaps.

Torbay is ranked the 48th most deprived in England. If we are to improve our economic performance and output it is imperative that we support the needs of our growing businesses and inward investors to create higher value, better paid jobs for local residents to increase our GVA per head and reduce deprivation across our three towns.

Torbay Council's Senior Tree and Landscape Officer:

The site is considered sustainable from an arboricultural perspective. Prior to consent being granted the following documents and information should be submitted and approved : 1) A detailed AMS including (but not exclusive to) sequence of site

operations, pre-commencement site meeting for tree protection measures, initial sign of on tree protections, monthly visits to ensure the TPF is in place and fit for purpose, timing of fence removal, protection of RPAs during landscaping 2) Underground structured planting pits to provide sufficient soil volume for the trees within the car parking areas. In addition a compliance condition for all the plans and tree measure as laid out in the Arboricultural Impact Assessment and Tree Protection Plan for trees at Kerswell Gardens, Torquay, should be attached to any consent.

Torbay Council's Community Safety Officer

No objections subject to the inclusion of a condition requiring a construction management plan.

Police Designing Out Crime Officer

From a designing out crime, fear of crime and disorder perspective it is advised that the police raise no objections to the proposal but make the following comments and recommendations, including the consideration of the following condition should the application progress:

Condition: The installation of a vehicle barrier that can be utilised to prevent unauthorised access to car parks if necessary. Reason: to help prevent crime, disorder and anti-social behaviour.

It is noted that there is reference to Secured by Design guidance within the Design and Access Statement and welcome that such principles have been considered in the design of the scheme.

Recommendation: Schemes such as this with large car parks and extended opening hours, can attract anti-social behaviour, unwanted congregation and illegal encampments. Therefore, measures should be in place to mitigate such risks.

Environment Agency

No objections to this planning application provided that a planning condition is included within any permission granted regarding unsuspected contamination.

South West Water

No objection.

Teignbridge District Council

Whilst Teignbridge District Council has devolved its planning control functions in respect of the cross-boundary application submitted, an assessment of relevant national and local planning policy has been undertaken to provide a recommendation to Torbay Council. The principle of the proposed (outline) business uses is in line with the criteria set out under Policy S22 and is therefore considered acceptable.

The information submitted with the planning application satisfy that the proposals within the outline element of the site, will not cause an adverse highway impact or have a likely significant effect on the South Hams SAC. However, it is considered that further information is required in relation to the provision of green infrastructure and flood risk before the application can be determined. Whilst it is acknowledged that these elements can only be considered in outline, matters such as green infrastructure

and flood risk should be considered comprehensively to ensure that the scheme meets the requirement of the Local Plan and the delivery of one element of the site does not prejudice against the future delivery of another. As a minimum, a feasible surface water drainage strategy should be agreed to ensure that the proposed units do not impact on the surface water strategy for the entire application site. It is also recommended that a Green Infrastructure Plan is agreed for the site as a whole and secured by condition as part of any outline permission.

In addition it is advised in regard to the outline to include a green travel plan to accompany a Reserved Matters application, a Transport Statement would need to accompany any full application, however, the impact on the local highway network from the B2/B8 uses is considered acceptable at this outline stage, further survey work if demolition of northern buildings is undertaken after 2022, only restricted external lighting, reptile translocation and ecology measures for reptiles and bats will be required across the site, and a LEMP.

In regard to the full application within Torbay similar biodiversity comments are relevant, it is essential that this scheme enhances and does not degrade the provision for both cyclists and pedestrians, and Devon County Council Highway Authority have raised concern that the geometry of the left hand turn from Hamlin Way onto Torquay Road is likely to make it difficult for articulated vehicles to turn effectively and safely without overrunning the adjacent lane, and DCC are looking at increasing the “gateway” features into Kingskerswell, particularly in the 20mph zone. If the application was granted planning permission, then the Highway Authority would look for a Highway contribution of £20,000 towards this scheme. Finally it is noted that the proposed redevelopment will result in some positive improvements to the appearance and cohesiveness of the green infrastructure of the area over the existing. However, there are landscape concerns that permitting the development will undermine the urban centre land uses of Torquay and introduce urbanising characteristics to the edge of the town where they will have an erosive effect on the character of the town, erode the setting of the gateway and erode the desire for the maintenance of separation between the settlements. The first two affect Torbay but the latter will influence the character of landscape setting of Newton Abbot, Kingskerswell, Abbotskerswell and therefore, there is a landscape objection. If the planning officer is minded to approve the proposed development, it is recommended that the planting shown on the boundary of the Torquay Road is replaced with a simple, bold beech hedge along the boundary.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Highways, Movement and Parking
4. Ecology, Biodiversity and Trees
5. Flood Risk and Drainage
6. The Economy
7. Low Carbon Development, Climate Change and Waste Reduction
8. Other matters

1. Principle of Development

The site has an employment land allocation as identified within the Torquay Neighbourhood Plan under Policy TJ1. The policy cites that new development should help contribute to the strategic needs for employment land for Torquay, as set out in the Local Plan, that the provision of new employment space will be supported across Torquay (consistent with policies for managing development contained within the Torquay Neighbourhood Plan and the Torbay Local Plan), and that the loss of employment uses at allocated employment sites will be resisted, and that support will be given to the retention and improvement of employment space on identified sites. Regarding further strategic advice Policy TS4 (Support for Brownfield and Greenfield development) cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan. Broader assessment of impact will be discussed within this report however the policy inference is one of broad support for brownfield development.

In terms of the Local Plan the site is part of the Edginswell Future Growth Area (identified within Policy SS2) and is identified as an employment site within Policy SS5 (Employment space). Policy SS5 cites that the provision of new, or improvement of existing, employment space will be supported in identified area, which includes the 'Torquay Gateway' area where this site sits. There is also an adopted Masterplan relevant to the site and wider area (Torquay Gateway - Edginswell) and this identifies the site as part of 'Kerswell Gardens'. The Masterplan indicatively outlines retail, light industry and storage/distribution uses. In terms of further strategic policy guidance the Torbay Local Plan Policy SS4 cites that the Council will, in principle, support proposals that deliver employment space and high value jobs. Considering these policies broad goals the proposal is considered to be suitably aligned with the strategic policies to encourage and support employment growth in key areas of Torbay.

Regarding the principle of 'out of town' retail uses on the site Policies TC1 (Town centres), TC2 (Torbay retail hierarchy) and TC3 (Retail development) of the Torbay Local Plan provides the key policy guidance. In summary the combined policy guidance is principally that retail uses should follow a town centre first approach and that out-of-town retail should be resisted where it would harm the vitality and viability of town centres. Development hence needs to pass the sequential test and retail impact test to be aligned with the policy guidance. The application is supported by retail assessment which has been reviewed by an external retail specialist. The specialist advice is that the proposal passes the sequential and retail impact tests, subject to planning conditions restricting the uses to the bespoke uses that have informed the retail assessment. Considering the specialist advice received the proposal is considered aligned with the policy guidance contained within Policies TC1, TC2 and TC3 in terms of accepting the principle of the retail uses in an out of centre location. Linked to this conclusion it is also relevant to note that the adopted Masterplan for the area depicts a mixed use across the site including a demonstrable level of retail. This pseudo allocation within the adopted masterplan supports the broad notion of some form of retail on the site. The commentary is non-specific as it does not define what type of retail is envisaged and hence limited weight should be given to public concerns that the form of retail is non-compliant with the adopted masterplan for the area.

In-line with the guiding policies outlined above, the principle of the mixed-use development is considered in accordance with the strategic goals of the Development Plan. The application is hence considered suitably aligned with the strategic and employment policies contained within the Development Plan, notably Policies TS2 and TJ1 of the Torquay Neighbourhood Plan, Policies SS2, SS4, SS5, TC1, TC2 and TC3 of the Torbay Local Plan, and advice contained within the NPPF. The B2/B8 uses are considered in accordance with Policy S22 of the Teignbridge Local Plan.

2. Design and Visual Impact

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Paragraph 126). Policy TH8 (Established architecture) is the key policy tool within the Torquay Neighbourhood Plan and 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. In terms of further advice within the Development Plan Policy DE1 of the Torbay Local Plan outlines the importance of good design and is also a key policy tool in design terms and Policy DE4, which principally seeks development to be built to the prevailing height within the local area.

In terms of context the visual character of the site is currently considered relatively poor, with ad-hoc development sprawling through the site up to the northern extent. There appears little architectural merit to the buildings individually or collectively, and the landscaping quality appears organic and of relatively low value. These conclusions appear supported within the adopted Masterplan that cites that the character and quality of the site is poor and does little to create a 'gateway' character to Torquay.

In terms of context due to the topography of the area the key considerations are how the development would be experienced when using the site, and how comfortably it would sit from immediate public views along the southern border with Torquay Road and how it would sit in terms of medium and longer views from further to the south around the Torbay Link Road and Hamelin Way.

In terms of its general character the development is considered to present relatively well-spaced generally low-lying commercial building complex, to a largely single-storey (commercial) scale. These attributes are deemed to present a basic format for the development that acknowledges the local (established) character with an urban grain and generally massing, and heights, that relate to the surroundings. This presents broad conceptual accordance with guidance contained within the design-based policies of the Development Plan.

Regarding the developments more detailed architectural form and use of materials the supermarket, drive-through coffee pod and drive-through restaurant will naturally sit as the most prominent elements of the development, and almost as a group of retail uses. The architectural form of these elements varies slightly but they are aligned in that they present low-pitched contemporary buildings within a relatively restricted palette of materials based on cladding panels, timber panelling and elements of glazing. Individually and as a pseudo-group of buildings the detailed design of the

three buildings is considered duly positive. In terms of the space around these buildings tree planting and landscaping within the car park adjacent to the supermarket and to the rear of the supermarket has been strengthened following officer discussions with the applicant, and the access route to the rear of the supermarket has been softened through amendments to present a softer planted retaining option along the western side. Moving deeper within the site the replacement retail building for Devon Garden Machinery takes a more industrial form with a simple composite panelled building with limited glazing away from the feature corner entrance. The change in form is considered acceptable in the context of the site's urban fringe location and current form and, following some further negotiation, the originally presented blue finish has been amended to a more muted base colour of grey/green. This will help limit the buildings visual prominence from mid to long views where the landscape backdrop is more noticeable. Away from the building again landscaping around the building is considered to suitably soften the development.

Regarding the outline element of the scheme at the northern tip the proposals present an L-shaped building with parking and areas of landscaping. Shed-like buildings currently occupy this area of the site and sit quietly due to the relatively secluded location at the northern end of the plot. Officers are confident that a future Reserved Matters application could resolve an acceptable form of development within the context, with layout, scale, appearance, landscaping open for future consideration. Teignbridge District Council do not object to the outline proposals on design and visual impact grounds, citing that the baseline of existing character is a material consideration and future development is likely to have a negligible impact.

All matters considered the proposal is considered acceptable in design terms as it is in broad accordance with the aspirations of Development Plan Policies TH8, DE1 and DE4, and advice contained within the NPPF, for the reasons stated above. The Outline element of the proposal is considered in accordance with the Teignbridge Local Plan.

3. Highways, Movement and Parking

The NPPF guides that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110).

The Development Plan, largely through Policies TA1, TA2 and TA3 of the Torbay Local Plan, outlines similar policies goals as the NPPF, but also guides on parking levels and sustainable transport facilities within new development.

The proposal is for an enhanced junction with the adopted highway network within the current junction's location at the western edge of the frontage, maintaining a right-hand turn facility into the site.

Access and Highway Safety

Regarding the access arrangements the Highway Authority have considered the accompanying detail, including the submission of 2 'technical notes' that seek to respond to points raised with the initial submission detail. The proposed access detail is now considered acceptable by the Highway Authority.

In terms of highway network capacity based upon the junction capacity assessments, it can be determined that the resultant trip generation due to the proposed development will not result in an adverse impact upon the operation of the local highway network. The Highway Authority do not raise any objection or concern regarding the network capacity and possible impact upon the nearby light-controlled junction to the east with Hamelin Way and Riviera Way.

In terms of internal movement within the site layout the proposal is considered acceptable in terms of commercial servicing and in terms of the environment it presents to users of the various elements within the site.

Based on the information submitted the Highway Authority offers no objection to the redevelopment proposals in terms of access, servicing and broad highway capacity.

Parking and sustainable travel

The detailed layout presents parking facilities for each element of the development. The ALDI and Costa will have a combined 114 car parking spaces (and 2 waiting bays), of which there are 6 disabled spaces and 4 four electric vehicle charging points, two of which are also disabled. There is also an identified potential for more future electric charging, assumingly based on proximity to pre-installed infrastructure. In terms of general parking the split between the provision for ALDI and Costa is unclear as it appears arranged as an open car park. To the north the drive-through restaurant will be supported by 30 car parking spaces (including two disabled bays) but there is no apparent electric charging spaces demarked within the restaurant element. The replacement DGM building provides for 17 car parking spaces along with a linear pull-in area for vehicles with trailers. Like the restaurant element there is no demarked electric charging spaces within the replacement DGM proposal. The outline B2/B8 phase shows a suggested layout that could provide 26 car parking spaces, although as an outline proposal it simply sits as a potential proposition. In terms of assessment of the proposed parking the level of parking for the supermarket is below the guidance contained within the Local Plan, which would for an out-of-centre convenience store indicates that 129 spaces should be delivered. There is however no objection from the Highway Authority and in the context of the site, and in-light of there being no objection from the Highway Authority, the level of parking is not considered reason to refuse the application and is considered an acceptable level. Regarding the drive-through facilities the level of parking is considered acceptable where policy advice is silent. Regarding the replacement DGM building additional trip analysis has been submitted that overcomes previous concern on the level of parking being potentially too low. To conclude the parking provision is considered acceptable, however electric charging facilities should be sought across all elements and hence a planning condition is recommended to explore delivery, in accordance with the policy aspiration that all new development should, where viable, include provision for electric charging points. In regard to the Outline B2/B8 element Teignbridge District Council do not

object to the proposals on highway grounds and accept that further information would be necessary at reserved matters stage, including the provision of a transport assessment, in order to duly assess the proposal.

Regarding cycle parking 8 stands, 4 of which are covered, providing cycle capacity for 16, is proposed within two locations within the Aldi/Costa element of the development. Further through the site the drive-through restaurant also has 4 stands providing capacity for 8 cycles, but the replacement DGM building is absent of any form of facility. Policy guidance contained within the Local Plan outlines that for non-domestic uses 1 space per every 2 employees should be delivered. Considering the spread of cycle parking and the largely absence of cover within certain elements, improvements should be secured to present acceptable facilities that are to an appropriate level, to both provide for and encourage sustainable travel modes. It is recommended that a planning condition requires details of covered and secure cycle parking facilities to be submitted for each phase prior to the commencement of each phase. The submission should provide an understanding of employment levels within each use and provide for an appropriate level of customer demand as retail elements.

Other Matters

Although the vehicular access is considered acceptable by the Highway Authority there is currently no agreed scheme of highway works to improve pedestrian crossing provision along and across Torquay Road, or how cycle movement in the area is to be best managed. These matters are required considering the area will experience an intensification in use because of the proposals. There are currently evolving proposals that seek to improve pedestrian and cycling crossing provision/access along and across Torquay Road near to the site access. Officers are seeking to resolve this prior to committee however if discussions are still ongoing delegated authority to progress these discussions to an acceptable resolution is requested to Officers. These matters are largely limited to future highway works and are not envisaged to demonstrably alter the currently supported junction assess.

All matters considered, subject to conditions to address matters relating to cycle parking and electric charging facilities, a travel plan for the food-store, and resolution of the pedestrian and cycle connections within the highway network to the satisfaction of officers, the proposals are considered in broad accordance with Policies TA1, TA2 and TA3 of the Torbay Local Plan, Policy THW6 of the Torquay Neighbourhood Plan, and advice contained within the NPPF. The Outline element is considered in accordance with guidance contained within the Teignbridge Local Plan, with no 'in-principle' objection from the neighbouring authority.

4. Ecology, Biodiversity and Trees

In terms of context the site has sporadic informal landscaping throughout, with the existing habitats described as not being of high ecological value comprising scrub, modified grassland, ruderals, and newly planted hedges. In terms of ecological context the site sits on the edge of the South Hams Landscape Connectivity Zone associated with the Greater Horseshoe Bats and is in a cirl bunting consultation zone.

Policy NC1 of The Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

Policy C4 seek the retention of trees and other natural features. Policy TE5 of The 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 to protect and enhance those species and habitats.

Paragraph 180 of the NPPF states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. The anticipated Environment Bill will make it a statutory requirement to provide a 10% net gain in biodiversity.

The application is supported by ecological assessment and the information has been reviewed by Devon County Council Ecology Officer.

Regarding Greater Horseshoe Bats is is deemed that the site is poorly connected to the wider landscape with no linear feature on the western boundary and low scrub / trees on the eastern boundary. Taking the form of development proposed no fragmentation or impact to commuting routes at the landscape scale will occur and the proposal will not therefore result in a likely significant effect on the South Hams SAC alone or in-combination. Further screening and detailed Appropriate Assessment is therefore not required and Natural England concur with this conclusion.

Bats have been recorded using the DGM building (B1) and a European Protected Species Licence (EPSL) will be required prior to demolition of the building. This should be a condition of any planning approval. It is considered that, given the low value of this roost, the three licence tests are met and that Natural England will grant a licence for demolition, which is the position offered by the Councils ecology advisor, and hence the presence of the roost should not hinder the granting of planning permission. In terms of meeting the derogation tests the application is for the sites redevelopment to deliver large-scale employment-based uses on an allocated site for such purposes which would present imperative reasons of overriding public interest for the granting of the licence. There is also no satisfactory alternative as the building is located centrally within the site and the current building could not reasonable be retained and a wholistic redevelopment be delivered. Finally, the proposals will deliver a replacement roost that will retain the favourable conservation status of the species of bat.

In terms of cirl buntings surveys did not record any activity, however as the site sits in a cirl bunting consultation zone and offers suitable habitat, enhancement should be delivered via the landscape management plans for the site. In terms of other bird species it is anticipated that nesting birds will be present and hence vegetation and building removal should be duly managed. In addition nesting facilities should be secured by condition

Regarding reptiles slow worms have been recorded and habitat manipulation should be secured through the landscape management plan to positively manage the population.

Regarding badgers there is no evidence of badgers on the site, however the construction management plan should secure measures for the development to avoid impacts to badgers. Updated badger surveys should be secured by condition prior to work starting.

In terms of biodiversity existing habitats are described as being not of high ecological value, comprising scrub, modified grassland, ruderals, newly planted hedges. The application is deemed to offer the potential to improve the wildlife value of the site and this should be secured through detailed submitted in the landscape management plan. In terms of details currently available new native hedgerows will be planted to replace those lost and result in +26.58% net gain, and wildflower, tussocky and neutral grassland will be created, and native scrub and trees will be planted resulting in a +13.33% net gain. Notwithstanding these conclusions further certainty should be secured by requiring details of habitats lost and the metric calculations to inform adequate net gain, via a planning condition.

Regarding trees the submitted assessment is deemed to accurately reflect the tree stock on the site and although there are a significant number of trees removed, they are however primarily lower category trees. Regarding the retained trees the submitted Tree Protection Plan provides sufficient detail on how the retained trees are to be protected. Method statements have not been submitted and this detail would be required via a planning condition.

In terms of the proposed landscaping the proposals provide a wide range of planting incorporating small medium and large trees. It is however noted that no detail is given as to how the trees within the car parking are to be provided with sufficient soil volume to be able to be retained in the long term and reach full maturity and this detail will be required. The additional planting negotiated through the course of the application is welcomed and will strengthen the landscaping character and value. Conclusion is that the development is considered sustainable from an arboricultural perspective.

Regarding the Outline B2/B8 element Teignbridge District Council do not object but recommend conditions relating to further bat and bird surveys if building demolition within the northern element (B15-B23) is undertaken after 2022, that no external lighting is installed except for low intensity timed lighting, and to seek details via a LEMP condition regarding ongoing management of the site.

Subject to the recommended ecology and arboricultural conditions the proposals are in-line with the aspirations of Policies NC1 and C4 of The Local Plan, The Neighbourhood Plan, and advice contained within the NPPF, and in respect to the outline element in accordance with the Teignbridge Development Plan, with no in-principle objection from Teignbridge District Council.

5. Flood Risk and Drainage

The site sits in the Torbay Critical Drainage Area, as designated by the Environment Agency, but is not in an area of heightened flood risk, sitting in Flood Zone 1. The outline element sits outside the CDA designation as land within Teignbridge.

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. The policy outlines a hierarchy for water-flow management within new development, and similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay. Regarding national advice the NPPF guides that 'major' developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The full application is supported by a site-specific flood risk assessment and drainage strategy. The submitted drainage assessment confirms that the current site has limited drainage infrastructure, with some of the site draining to a ditch near to the southern border of the site that, via a culvert, drains to a nearby watercourse to the south of the adjacent rail line, and that the remainder of the site apparently is left to drain naturally to the surrounding area.

The proposed drainage strategy presents two options for the site, with SUDS the preferred solution and controlled drainage to the nearby watercourse a secondary option if ground conditions are found inadequate for soakaways. Soil testing has been undertaken to inform the detailed design that suggest infiltration rates will be sufficient for soakaways to be a viable option for the development. However, the presence of buildings within suitable soakaway locations has impeded the ability to undertake testing fully in accordance with established guidance. As Devon Garden Machinery continue to operate on the southern part of the site there is no reasonable option to enable testing to take place in the likely locations of the soakaways. To respond to the site's constraints and to provide certainty in terms of flood risk the drainage strategy presents a fallback position should future testing determine that soakaways are not actually feasible. To account for the eventuality that ground conditions aren't suitable for on-site management via SUDS 'Option B' is for a controlled discharge of surface water via the drainage ditch and highways drain at the south boundary of the site, which feeds the watercourse to the south. The proposed discharge rate for this fallback position is detailed to mimic the equivalent greenfield runoff rate in accordance with local policy guidance.

Regarding the preferred option it is proposed that supplementary infiltration testing will be carried out at locations following acquisition of the site and demolition of the existing structures to confirm the suitability of soakaways and the size of tank required in each area.

The dual strategy and drainage detail has been considered by the TDA drainage engineer and the dual response is accepted as a necessity considering the site constraints presented by ongoing operations. SUDS as the primary solution and controlled drainage to a watercourse as a fallback position aligns with the adopted hierarchy and is supported. Subject to further assessment and agreement of detail the proposition is considered acceptable by the drainage engineer.

The B2/B8 element of the proposal sits within Teignbridge District Council and is an outline proposal. This element is now by an outline drainage strategy that seeks to respond to the comments submitted by Teignbridge District Council, which hadvised that they would expect the submission of a feasible Flood Risk Assessment and Drainage Strategy covering the outline element in line with the SuDS for Devon

Guidance (2017) prior to determining this element. The recently submitted strategy currently being considered by the drainage engineer and comments have been sought from Teignbridge District Council as to whether the detail satisfies their expectation for an outline proposal.

Regarding foul water drainage a single existing foul drain has been identified on site which serves one of the buildings and discharges to a septic tank. The strategy for the development is to connect to the public foul sewer with a pumped foul system. The strategy cites early engagement with SWW has occurred on this solution.

The Environment agency do not object and have required a condition regarding unknown contamination. South West Water do not object.

Considering specialist advice, the 'full' element is considered suitable for approval on drainage and flood risk grounds subject to resolving some minor detail on the strategy and a planning condition requiring the submission of further testing results following demolition of buildings along with a finalised drainage detail that responds to the results. The proposals are, subject to this condition, deemed in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay and the NPPF. The outline element is pending comments from the Council's drainage advisor and Teignbridge District Council and an update will be provided.

6. The Economy

The site has an employment land allocation as identified within the Torquay Neighbourhood Plan under Policy TJ1. The policy cites that new development should help contribute to the strategic needs for employment land for Torquay, that the provision of new employment space will be supported across Torquay (consistent with policies for managing development contained within the Torquay Neighbourhood Plan and the Torbay Local Plan), and that the loss of employment uses at allocated employment sites will be resisted and that support will be given to the retention and improvement of employment space on identified sites.

In terms to the Torbay Local Plan Policy SS4 cites that the Council will support proposals that deliver employment space and high value jobs, and Policy SS5 cites that improvement of existing (or new) employment space will be supported in terms of refurbishment or revitalisation of existing employment estates. Policy SS5 furthers that for major employment or mixed use schemes the Council will seek around 25% of space to be provided as 'B Class' uses.

The TDA object to this application as they would like to see greater levels of light industrial space delivered within the scheme. The Torquay Neighbourhood Forum support the proposal, reasoning that it provides employment and retail space on a site that is designated for such purposes.

The applicant has noted the issues raised by the TDA and presented a viability and employment response. The key messages within the response are as follows.

Policy

The hybrid application proposes outline B2/B8 uses that represent 27% of the proposed floor space and hence the proposal accords with the guidance contained within Policy SS5 notwithstanding the TDAs objection on the amount of 'B' uses. In addition the response re-states the applications broad alignment with the economic policies within both the Torquay Neighbourhood Plan and Torbay Local Plan, and the broad accordence with the adopted masterplan for retail and business uses on the site.

Current constraints / infrastructure investment

Aside Devon Garden machinery, the wider site has been long utilised for somewhat transient low-value/ low-output storage uses, and this is likely to continue due to the current access and infrastructure constraints. It's outlined that there is no site-wide foul drainage, the access is poor, the site suffers from a defective water main that runs at a shallow level through the site, and there is poor internet access. It's cited that the development will address the constraints to the north of the site and will include £2m of infrastructure costs, which will include an electricity sub-station, a new watermain and foul services, and road widening, which would not come forward if the site remained in its current state.

Jobs

The proposal would provide significant employment generating uses on the site, with the supermarket likely to deliver 40 full and part-time jobs, together with up to 91 FTE jobs created through the wider development. Based on standard formula the outline B2/B8 units could deliver around 38 FTE jobs. Aside the basic premise of job creation the proposal also provides replacement, enhanced, premises for Devon Garden Machinery, a long-established local business, which operates out of constrained ad-hoc buildings that do not offer the potential to expand staffing levels. New purpose-built premises would permit the company to expand whilst remaining on site and in Torbay.

Regarding economic considerations the development would present considerable economic benefit through delivering a mix of commercial uses on what is currently a somewhat low-value site. The application is deemed to be aligned with employment policies contained within the Development Plan, notably Policy TJ1 of the Torquay Neighbourhood Plan and Policies SS4 and SS5 of the Torbay Local Plan.

7. Low Carbon Development, Climate Change and Waste

Policy SS14 (Low carbon development and adaptation to climate change) of the Local Plan seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 (Energy) seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The effects on the environment and sustainability have been considered as an integral part of this proposal and the application is supported by a 'Renewable and Low Carbon Energy Statement'.

The Statement cites that construction will aim to meet the highest design and performance qualities, with Building Regulation required u-values being met or

exceeded, with a strategy prepared such that it is aligned with an energy hierarchy around reduce at source – increase energy efficiency – use renewable energy, with particular focus on sustainable building design (reduction of energy consumption at source), provision of energy efficiency measures and the installation of building-integrated low and zero carbon (LZC) technologies.

The conclusion of the energy strategy is that the development achieves a significant reduction in CO2 emission compared to 2013 Building Regulation compliant development, with the development providing a realistic total carbon equivalent emission saving of approximately the 14 tonnes per annum when compared to the Part L 2013 'Baseline' scenario.

The approach outlined is considered to present development that is in accordance with Policies SS14 and ES1 of the Torbay Local Plan.

In regard to waste reduction aspirations a Waste Audit and Management should be secured by planning condition to cover the prevention and to minimise, re-use and recycle waste, minimise the use of raw materials, minimise the pollution potential of unavoidable waste, seek alternative modes of transport (to the use of roads) to move waste (wherever possible), make provision for the storage and collection of waste, and dispose of unavoidable waste in an environmentally acceptable manner. These details respond to the policy guidance contained within Policy W2 of the Torbay Local Plan.

8. Other matters

For the purposes of clarity residential amenity impacts have been considered and discounted due to the absence of immediate neighbours bordering the site. the Development is considered in accordance with Policy DE3 of the Torbay Local and the Outline B2/B8 element is considered consistent with the Teignbridge Local Plan in this respect where Teignbridge have offered no objection on grounds of amenity impact.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Job creation is a driver of economic growth and there would be significant economic benefits from both the construction phase and operational phase. There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is in favour of the development.

The Social Role

The principle social benefit of the proposed development is whether it would help deliver job opportunities in the local area and provide services for local residents, presenting dual benefits that weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on ecology and biodiversity and drainage. These matters have been considered in detail within this report.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essential mitigation as in the case of drainage. It should be appreciated that the site is identified for employment within the Development Plan and is a brownfield site.

The proposed development is in a relatively sustainable location and is considered an appropriate redevelopment of a relatively under-used brownfield site. In respect of the environmental element of sustainable development, the balance is marginally in favour of the development.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development when considered in the round.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

CIL

Retail floorspace is CIL liable at £120 per sqm subject to mitigation for existing floorspace. The food store, coffee drive through, restaurant drive-through, and replacement DGM building will be liable.

The total liability is circa £209,880.00 based on the development delivering 3149 sqm of liable floorspace with mitigation for 1903 sqm for existing floorspace, which presents a net level of liable floorspace of 1749 sqm.

As the development is phased it is requested that the CIL payments are phased accordingly, with full payment for each phase paid upon commencement. This is considered reasonable.

The CIL payments are suggested as follows:

- Construction of DGM building (Phase 3). 1,375 sqm and the equivalent of 37.65% of the total chargeable floorspace (3,652 sqm). The suggested chargeable amount for this phase is circa £79,020. This phase is likely to commence in April 2022.
- Construction of Aldi and Costa buildings (Phase 5). This element together comprises 54% of the total chargeable floorspace and the suggested chargeable amount for this phase is circa £113,335. This phase is likely to commence in April 2023.
- Construction of fast-food unit (Phase 6). This element comprises 8.35% of the chargeable floorspace, and the suggested chargeable amount for this phase is circa to £17,525. This phase is likely to commence in June 2023.

S106

None. Para 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The request for obligations by DCC are not considered to meet the tests. Request for further justification requested however the Authority hasn't been provided with any further information to justify the obligation in terms of the tests. Recommend the obligation is not sought.

EIA/HRA

EIA: the development has been screened. 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 is not considered to have a likely significant effect on European Sites, in accordance with advice received by Natural ENGLAND and the DCC acting as the council's ecological advisor.

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 promote economic growth would produce a positive impact overall and help with the delivery of detailed commercial proposals for a long-identified site.

Conclusions and Reasons for Decision

The proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, highway safety, or local amenity; and is acceptable in terms of ecology and flood risk matters.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

Approval: Subject to;

The resolution of highway improvements to pedestrian and cycle infrastructure in the immediate vicinity of the site, to the satisfaction of officers;

The resolution of a Surface Water Drainage Strategy for the Outline B2/B8 element, to the satisfaction of Officers;

The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;

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

Conditions

Time Limit: Full Planning Permission

In the case of the development hereby granted full planning permission, for the demolition of existing buildings and construction of discount supermarket, drive through coffee shop, drive through fast food restaurant, and replacement retail building for Devon Garden Machinery with associated parking, access, and hard/soft landscaping, the development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

Time Limit: Outline Planning Permission

In the case of the development hereby granted outline planning permission, for Class B2/B8 uses, this permission is subject to the following standard time limits condition:

- that in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and
- that the development to which this permission relates must be begun not later than two years from the date of the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended).

Reserved Matters

In the case of the development hereby granted outline planning permission, for Class B2/B8 uses, details of the reserved matters set out below (the reserved matters") shall be submitted to the Local Planning Authority for approval in accordance with the second standard time limits condition above.

- (i) layout;
- (ii) scale;
- (iii) appearance; and
- (iv) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced. The reserved matters shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

Drainage (Full Planning Permission)

Prior to the commencement of development, excluding demolition, a final detailed surface water drainage strategy for the site subject to full planning permission, which shall be informed by further testing results following demolition of buildings, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the submitted and approved flood risk assessment and drainage plan and the drainage scheme shall be fully implemented prior to the occupation of the unit to which it relates. The drainage system shall then be maintained at all times thereafter to serve the development.

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.

Drainage Detail with RM (Outline)

The reserved matters for layout pursuant to the outline consent for B2/B8 uses shall include a detailed surface water drainage strategy in line with the SuDS for Devon Guidance (2017), or any subsequent updated guidance in place at the time of submission.

The development shall proceed in full accordance with the approved surface water drainage strategy and the drainage scheme fully implemented prior to the occupation of the unit to which it relates. The drainage system shall then be maintained at all times thereafter to serve the development

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with the Teignbridge Local Plan 2013-2033 and the NPPF.

Construction Management Plan (PC)

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise and dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.
- Wheel washing facilities.

Development shall take place in accordance with the approved plan.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, In accordance with Policy DE3 of the Torbay Local Plan 2012-2030 and the Teignbridge Local Plan 2013-2033. This pre-commencement condition is required to protect local amenity and highway safety prior to potentially impacting working commencing.

WSI (PC)

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

CEMP (PC)

No development (including demolition and ground works) or vegetation clearance works shall take place on any phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the phase of the development that they relate to strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, the NPPF, and the Teignbridge Local Plan 2013-2033. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

LEMP (Full planning permission)(PC)

No development (including demolition and ground works) or vegetation clearance works shall take place until a Landscape and Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the recommendations included in the submitted and approved Ecological Assessment and all details relating to mitigation measures, species requirements, and the delivery of a net gain in biodiversity. The LEMP shall also seek to secure management of wildlife habitats for the lifetime of the development, detail for an ecological clerk of works to oversee all wildlife requirements, and set out compliance monitoring reporting to the Local Planning Authority at a timetable to be agreed.

The LEMP shall include a copy of any Licence For Bats issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or detail provisions for the licence application and measures to make a copy of any licence available to the Local Planning Authority prior to the commencement of development involving the demolition of Building B1, or confirmation in writing from Natural England that such a licence is not required.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

LEMP (Outline planning permission)(PC)

No development relating the outline planning permission for B2/B8 uses (including demolition and ground works), or vegetation clearance works, shall take place until a Landscape and Ecology Mitigation Plan has been and approved in writing to the Local Planning Authority. The Landscape and Mitigation Plan shall include details of:

- Retention of trees, shrubs and hedges with fencing to protect RPZs during works,
- Biodiversity enhancements,
- Other landscape planting to benefit wildlife,
- Reptile translocation programme and provision of reptile habitat onsite, including hibernacula,

- Provision of replacement swallow nesting sites and swift boxes,
- Provision of bat roost boxes,
- Ongoing management to ensure continued benefits for biodiversity.

Works shall be carried out in accordance with the approved details, prior to occupation of the new units.

Reason: To maintain and enhance the site's biodiversity value in accordance with Teignbridge Local Plan 2013-2033. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

Vegetation Clearance

No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan, advice contained within the NPPF, and the Teignbridge Local Plan 2013-2033.

Further survey work (Outline element)

If building demolition within the northern element (B15-B23) is undertaken after 2022 further bat and bird surveys shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition. Should the presence of bats or nesting birds be found the surveys shall be accompanied by a management and mitigating strategy designed to protect and duly mitigate any impact any protected species present.

All management and mitigation measures approved pursuant to this condition shall be implemented in full and maintained in accordance with the recommendations cited within the approved report.

Reason: To ensure due protection is afforded wildlife, in accordance with advice contained within the NPPF and the Teignbridge Local Plan 2013-2033.

Repeat Badger Surveys (PC)

Prior to the commencement of each phase of development, including all forms of site preparation including scrub clearance, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in full accordance with the approved detail.

Reason: To secure an acceptable form of development in accordance with Policies SS8 and NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF, and the Teignbridge Local Plan 2013-2033. This is required pre-commencement to ensure protected species are not unduly impacted.

Infrastructure delivery

Notwithstanding the submitted and approved phasing plans, prior to the first use of phase 5 or phase 6 (the foodstore or drive-through elements), the western access road that is detailed to serve the outline B2/B8 phase of development, shall be completed to adoptable standards, in accordance with the Torbay Highway Design Guidance in operation at that time, to the northern boundary of the full planning permission and the boundary with the outline B2/B8 phase of development.

Reason: In order to aid delivery of an integrated form of development and the delivery of employment uses, in accordance with Policies SS5, SS7, TA2 of the Torbay Local Plan 2012-2030, Policy TS2 of the Torquay Neighbourhood Plan, and the Torquay Gateway (Edginswell) Masterplan and the NPPF.

Retail Restriction Foodstore

The food store hereby approved shall have a maximum net sales area of 1,315sq m, with no more than 20% of this area being used for the sale of comparison goods, with no sub-division of the food store unit into more than one separate retail unit.

Notwithstanding the provisions of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Orders revoking or amending said Orders, the unit shall at all times be used as a food store, Class E(a), and for no other use.

Reason: In order to secure an acceptable form of development in accordance with Policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030.

Retail Restriction Drive-throughs

The two food and beverage units, detailed as the coffee shop drive-through and restaurant drive-through uses within the approved plans, which are intended to sell food and beverage items for consumption on and off the premises, shall at all times be used for such purposes.

Notwithstanding the provisions of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Orders revoking or amending said Orders, the units shall at all times be used for the purposes detailed and for no other use.

Reason: In order to secure an acceptable form of development in accordance with Policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030.

Retail Restriction DGM

The replacement Devon Garden Machinery building hereby approved shall at all times provide a net sales area of no more than 450 sqm and, notwithstanding the provisions of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Orders revoking or amending said Orders, the unit shall at all times be used for the purposes of the retail of garden/agricultural machinery/tools, gardening/agricultural (and related) goods and related services.

Prior to the first use of the building a draft list of goods and services for the business shall be submitted to and approved in writing by the Local planning Authority and the use of the building shall be restricted to the uses in this list for the lifetime of the development.

Reason: In order to secure an acceptable form of development in accordance with Policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030.

Landscape scheme (Full Planning Permission)

Notwithstanding the plans hereby approved prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting.

The hard landscaping shall be constructed as approved prior to the occupation/use of the development in any phase. The soft landscaping of a phase shall be planted in the first planting season following the occupation/use of the development or completion of the phase of the development to which it relates, whichever is the sooner, or in earlier planting seasons wherever practicable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and design in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030, and advice contained within the NPPF.

Landscape implementation (Outline)

All planting, seeding or turfing comprised in the approved landscape details pursuant to the outline planning permission and approved through a reserved matters shall be carried out in the first planting and seeding season following the occupation of buildings, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030 and the Teignbridge Local Plan 2013-2033.

Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: For the protection of controlled waters, in accordance with Policy ER3 of the Torbay Local Plan 2012-2030.

Trees (PC)

Prior to the commencement of development of each phase, either the full planning permission phase or the outline phase, the following documents and information should be submitted and approved in writing by the Local Planning Authority for that phase:

- 1) Detailed Arboricultural Method Statements, including (but not exclusive to) sequence of site operations, pre-commencement site meeting for tree protection measures, initial sign of on tree protections, monthly visits to ensure the Tree Protection Fencing is in place and fit for purpose, timing of fence removal, protection of Root Protection Areas during landscaping,
- 2) Underground structured planting pits to provide sufficient soil volume for the trees within the car parking areas.

The development shall proceed in full accordance with the approved detail for that phase.

Reason: In the interests of amenity, design and ecology, in accordance with Policies NC1, DE1 and C4 of the Torbay Local Plan 2012-2030, the NPPF, and the Teignbridge Local Plan 2013-2033. These details are required prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

Trees

The development shall proceed in accordance with the plans and tree measure as laid out in the Arboricultural Impact Assessment and Tree Protection Plan for trees at Kerswell Gardens, Torquay, unless otherwise submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, design and ecology, in accordance with Policies NC1, DE1 and C4 of the Torbay Local Plan 2012-2030, the NPPF, and the Teignbridge Local Plan 2013-2033.

Highways Standards

Construction of the internal roads and footpaths within the internal layout shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction. Roads serving each phase of development shall be completed to adoptable standards prior to the first use of each phase.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Secured by Design

Prior to the first use of each phase of development (evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the business/s meets Secured by Design standards as far as practicable. The approved measures for each phase shall then be implemented prior to the first use of each phase.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Energy

The development shall proceed in accordance with the energy saving measures outlined within the submitted and approved Renewable and Low Carbon Energy Statement (Sol Environment Ltd; Oct 2020). The approved measures shall be fully incorporated within each building prior to its first use.

Reason: In the interests of sustainable development and in accordance with Policy SS14 of the adopted Torbay Local Plan 2012-2030.

Waste Audit and Management

No development (including demolition and ground works) or vegetation clearance works shall take place for any phase of the development until a Waste Audit and 5-year Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Audits and 5-year Waste Management Plans shall include measures to:

- a) Prevent and minimise, re-use and recycle waste (including composting where appropriate).
- b) Minimise the use of raw materials.
- c) Minimise the pollution potential of unavoidable waste.
- d) Seek alternative modes of transport (to the use of roads) to move waste (wherever possible).
- e) Make provision for the storage and collection of waste.
- f) Dispose of unavoidable waste in an environmentally acceptable manner.

The Waste Audits and 5-year Waste Management Plans shall be implemented as approved.

Reason: To minimise waste from the development in accordance with Policy W2 of the Torbay Local Plan. These details are required pre-commencement as specified to ensure that waste

generation is minimised from the start of the development and is dealt with in a sustainable way.

Lighting (Full Planning Permission)

Prior to the first use of the development a detailed Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The Strategy shall seek to minimise impacts on wildlife and ensure no light spill onto adjacent wildlife habitats, and shall include details such as the following: artificial lighting associated with public realm lighting and internal and external lighting associated with any proposed buildings. The development shall proceed in full accordance with the approved detail and no additional external lighting shall be provided within the development at any time.

Reason: To secure an acceptable form of development 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.

Lighting (Outline Planning Permission)

Prior to the first use of the development a detailed Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The Strategy shall seek to minimise impacts on wildlife and ensure no light spill onto adjacent wildlife habitats, and shall include details such as the following: artificial lighting associated with public realm lighting and internal and external lighting associated with any proposed buildings. The development shall proceed in full accordance with the approved detail and no additional external lighting shall be provided within the development at any time.

Reason: To secure an acceptable form of development in accordance with the Teignbridge Local Plan 2013-2033 and the NPPF.

Parking provision

Prior to the first use of buildings within each phase of development the associated parking within that phase shall have been provided in full, including the provision of the demarked disabled spaces. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Electric charging facilities

Notwithstanding details on the approved plans or supporting the application prior to the first use of the drive-through coffee shop, the drive-through restaurant, and the replacement DGM building, details for the provision of electric charging facilities to serve each premises shall be submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be implemented in full prior to the first use of the development and maintained thereafter.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Cycle parking provision

Notwithstanding details on the approved plans or supporting the application prior to the first use of each phase of development details of cycle parking provision for employees and visitors for each building shall be submitted and approved in writing by the Local Planning Authority.

The cycle parking facilities shall accord with the policy guidance outlined within appendix F of the Torbay Local Plan and employee facilities should seek to deliver a covered and secure facility for cycle storage.

The approved cycle parking facilities for each phase of the development shall be implemented prior to the first use of each phase and shall be retained thereafter to serve the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy THW6 of the Torquay Neighbourhood Plan.

Highway agreement

Prior to the commencement of development all necessary legal agreements shall be made with the Local Highway Authority in respect to all proposed works to the highway. The agreed works shall be implemented in full prior to the first use of the development.

Reason: To secure all necessary works to the public highway in order to ensure highway safety is maintained and network impacts are adequately managed, in accordance with Policies TA1 and TA2 of the Torbay Local Plan and advice contained within the NPPF.

Travel Plan (Foodstore)

Within 3 months of the first use of the approved foodstore a Travel Plan and Implementation Strategy with SMART targets to seek to meet Policy requirements of 30% modal shift to foot, cycle and public transport, with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable travel modes are duly promoted, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

External Materials

Prior to the installation of the external materials hereby approved within each building a detailed materials schedule for that building, either physical or digital, shall be submitted to and approved in writing by the Local Planning Authority. Each building shall be externally finished in full accordance with the approved materials schedule for that building.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and the NPPF.

PD Removal (retail)

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class A, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no extensions or alterations shall be made to any retail unit hereby approved.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, TA2, TA3, C4, NC1 and ER1 of the Torbay Local Plan 2012-2030 and the Torquay Neighbourhood Plan.

PD Removal Business Uses

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class H and Class J, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no extensions or alterations, including addition hard standings, shall be made to any business unit (B2/B8 Use Class) hereby approved in outline.

Reason: To maintain an acceptable form of development in accordance with the Teignbridge Local Plan 2013-2033, Policies DE1, TA3 and ER1 of the Torbay Local Plan 2012-2030, the Torquay Neighbourhood Plan, and the NPPF.

PD Removal Flues / Plant

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class I, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no externally mounted extraction or ventilation plant or equipment shall be installed on any building or within the site, unless in accordance with details previously agreed with the Local Planning Authority, including detail of noise and odour.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, and DE3 of the Torbay Local Plan 2012-2030, the Torquay Neighbourhood Plan, the Teignbridge Local Plan 2013-2033, and the NPPF.

Informative(s)

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 worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

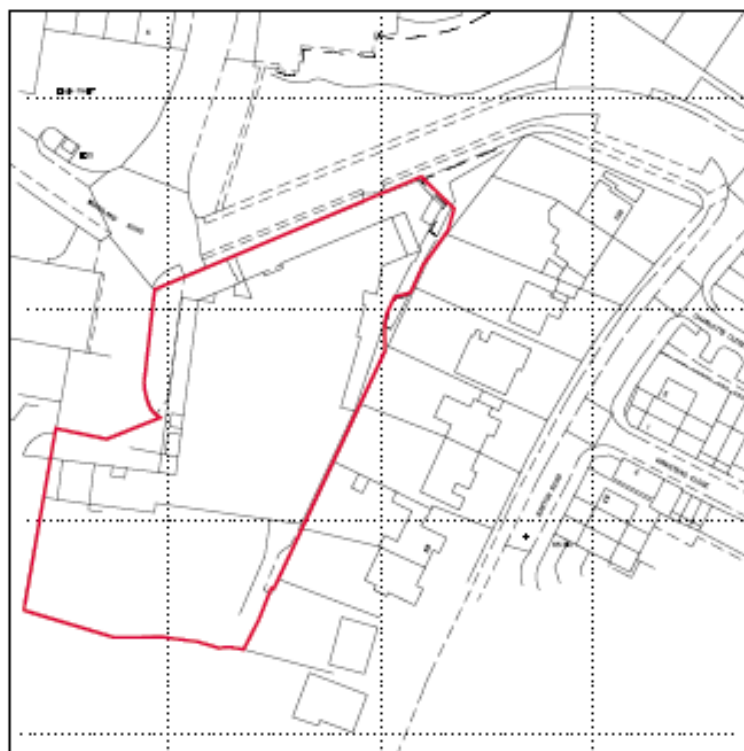
Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS4 - The economy and employment
SS5 - Employment space
SS8 - Natural Environment
SS9 - Green Infrastructure
SS14 - Low carbon development and climate change
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS2 – Master Plans
TS4 - Support for Brownfield and Greenfield development
TJ1 - Employment

TH8 - Established architecture
THW6: Cycle storage and changing facilities
TH2 - Designing out crime
TE5 - Protected species habitats and biodiversity

Application Site Address	Elektron Instruments, Woodland Road, Torquay TQ2 7AY.
Proposal	Installation of single industrial unit with access and parking. Demolition of existing building.
Application Number	P/2021/0424
Applicant	Panther Investment Properties Ltd.
Agent	Narracotts Architects Ltd.
Date Application Valid	28.05.2021
Decision Due Date	27.08.2021
Extension of Time Date	14.10.2021
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

In terms of location and use the site is a disused commercial plot (B2 Business Use Class) located within Woodlands Trading Estate, a business area that sits east of the Newton Road just south of the Lawes Bridge junction. The site is around 0.6 hectares in size and the existing building holds a gross internal floor area of around 2,700 sqm.

In terms of the context the site sits on the eastern edge of the trading estate and borders residential properties to the east, which are set on slightly higher land off Barton Road. To the south the site borders the Stagecoach Bus Depot and to the west the site is bound by an existing access road which serves the site and a neighbouring commercial unit. To the north the site fronts the distributor road that runs east-west through the trading estate linking Barton Road and Newton Road.

In terms of layout the existing building largely covers the front and central parts of the site with a car park set to the rear (south), which is accessed via an archway entrance within the current building form. There is very limited landscaping evident with only sporadic border growth apparent on the non-public eastern and southern borders, together with a small unkempt grassed section near the public corner of the building adjacent to the Woodlands Road.

In terms of scale and appearance the existing building is 1-3 storeys in height and comprises of both factory floor space and ancillary office space. The higher elements of the building complex are the office-based elements with two prominent wings, one fronting the adjacent highway and one sitting deeper within the plot. The buildings date from around the 1970s and present a mix of brick, render and curtain wall glazing.

Description of Development

The proposal is for the demolition of the existing building and the construction of a single employment unit, comprising of an open space factory / warehouse area and parking. The proposal seeks an open use for either Class B2 (General Industry) or Class B8 (Storage or Distribution).

The gross internal area of the proposed unit will be circa 1,688 sqm on the ground floor. Although there is mention of potential first floor mezzanine office space the application does not seek permission for this.

In terms of layout the proposal seeks a linear L-shaped building set along the eastern border with two parking areas, one to the north adjacent to and accessed off Woodland Road, and one to the west towards the rear of the plot. The building is approximately 71m long and 22m deep, turning to 32m, with 32 car parking spaces and a bike store sited to the north of the building towards the front of the plot, and 28 car parking spaces and a waste store sited to the west of the building to the rear of the plot.

There are two areas of identified landscaping towards the front of the plot near to Woodlands Road, one within the car parking area and one adjacent to the corner of the building. The proposed layout shows potential tree planting in these areas.

In term of scale and appearance the proposal seeks to present a two-storey character of commercial scale, with a sidewall height of 7m, under a shallow pitched roof. The building will be cut-in slightly to the eastern ground level to limit its height. The appearance is detailed as modest and simple with a palette of finishes to synchronise the appearance with other industrial units in the area. Materials take the form of insulated corrugated metal sheets, with a small section of smooth metal cladding to the inward facing main entrance. The predominant colour is proposed as tones of silver/grey. The main detail is presented in horizontal and vertical sections and revised plans have been received to introduce feature banding and present a more refined tonal arrangement of the base colours. Windows and doors are to be aluminium.

The proposal includes parking provision of 60 spaces within two areas, which includes 6 disabled spaces. The proposals show cycle storage to the front of the plot with 10 cycle stands.

Pre-Application Enquiry

None.

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 Torquay Neighbourhood Plan (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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 /2021/0425: Installation of two industrial unit with access and parking. Demolition of existing building. Pending Decision.

Summary of Representations

2 Objections. Key issues as follows:

- Loss of light
- Light spill from security lighting

- Potential for noise nuisance
- Privacy
- Extra traffic and noise
- Asbestos

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No comments.

Torbay Council's Ecology Advisor:

No HRA/AA requirements or concerns. The application area falls outside the sustenance zone and landscape connectivity zone for Greater Horseshoe bats associated with the South Hams SAC. In line with the South Hams SAC HRA guidance document (DCC et al. 2019), there is unlikely to be a likely significant effect on the SAC and a detailed HRA is therefore not required.

In terms of other ecological issues, the survey methods, presentation of results and recommendations presented in the ecological reports are deemed satisfactory.

Recommend a condition, given the record of gulls nesting on the buildings, that no building work shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Recommend details secured to maximising opportunities for biodiversity enhancement in and around the development, to deliver a net gain for biodiversity, aligned with Aspiration 3 of the Local Plan. Support biodiversity enhancement measures being included on the new buildings (i.e. bat/bird boxes) and these being secured via condition. Assistance should be sought from a suitably qualified ecologist regarding these features.

Swisco (Highway Authority):

Based on the information submitted the Highway Authority offers no objection to the re-development proposals. This is conditioned on the basis that the applicant will be required to produce a Travel Plan prior to the occupation of the site, which should provide measures aimed at encouraging sustainable travel measures for each individual occupier of the site, as well as nominating a Travel Plan Co-ordinator (TPC) for the site.

Police Designing Out Crime Officer:

No objections in principle, the proposed building appears to follow a simple design, where recesses and concealed areas are minimised. However, commercial units can be vulnerable to burglary, theft and unwanted trespass, therefore it is recommended that consideration is given to constructing the units to achieve Secured by Design (SBD) compliance. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services.

Torbay Development Agency Drainage Engineer:

Following the submission of further information, including a site specific flood risk assessment and surface water drainage design, providing the surface water drainage is constructed in accordance with the submitted design, there is no objections on drainage grounds to planning permission being granted.

Swisco Senior Tree and Landscape Officer:

The proposal is acceptable from an arboricultural perspective. A pre-commencement, detailed landscape scheme will need to be submitted to mitigate the loss of the trees and hedges. The boundary treatment will need to be carefully considered and any landscape proposals will also include tree planting within the car parking area to ensure continuation of canopy cover into the future.

Torbay Council Community Safety Officer:

No objection. Recommend that no development shall take place until a site specific Construction/Demolition Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. Also recommend that prior to development above finished floor level an acoustic assessment is undertaken to determine the potential for noise from the development affecting residential properties in the area. If the assessment indicates that noise from the end use is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above finished floor level.

Torbay Development Agency:

Fully support the application to create fit for purpose employment space for industrial accommodation and welcome what is a private led development scheme.

The Woodland Road trading estate currently suffers from being served by a mainly unadopted road and suggest that a contribution is sought from the developers of the former Elektron technology building to improve road surface conditions in both Woodland Road and Woodland Close. Also, the overall signage across the whole of the Woodland trading estate is poor and would benefit from the provision of totem signage at strategic locations on the estate.

The TDA is also aware of antisocial behaviour on the wider estate and bringing this site back into economic use will deter this type of behaviour.

Torbay's Economic Repositioning Plan identifies a need for driving local growth, supporting growth of key sectors and driving inward investment to secure new jobs and new high value jobs and this application supports these aims. Having sufficient employment land of the right size and in the right locations will be fundamental to achieve these aims. The site is within a 5 minutes' drive of the South Devon Highway and therefore provides potential occupants with excellent connectivity to customers and markets.

To improve our economic performance and output it is imperative that we support the needs of our growing businesses and inward investors to create higher value, better paid jobs for local residents to increase our GVA per head and reduce deprivation across our three towns.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
5. Ecology and Trees
6. Flood Risk and Drainage
7. Low Carbon Development, Climate Change and Waste Reduction
8. Economic Growth

1. Principle of Development

The site has an employment land allocation as identified within the Torquay Neighbourhood Plan under Policy TJ1 (site identification TNPE02 – Woodlands/Lawes Bridge). The policy cites that new development should help contribute to the strategic needs for employment land for Torquay, as set out in in the Local Plan, that the provision of new employment space will be supported across Torquay (consistent with policies for managing development contained within the Torquay Neighbourhood Plan and the Torbay Local Plan), and that the loss of employment uses at allocated employment sites will be resisted, and that support will be given to the retention and improvement of employment space on identified sites. Regarding further strategic advice within the Torquay Neighbourhood Plan Policy TS4 ‘Support for Brownfield and Greenfield development’ cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan. Broader assessment of impact will be discussed within this report however the policy inference is one of broad support for brownfield development.

In terms to the Torbay Local Plan Policy SS4 cites that the Council will, in principle, support proposals that deliver employment space and high value jobs, and Policy SS5 cites that improvement (or new) of existing employment space will be supported in terms of refurbishment or revitalisation of existing employment estates.

In-line with the guiding policies outlined above, the principle of development for new employment purposes in this location is considered in accordance with the strategic goals of the Development Plan. The application is hence, in terms of principle, considered suitably aligned with the strategic and employment policies contained within the Development Plan, notably Policy TJ1 of the Torquay Neighbourhood Plan and Policies SS4 and SS5 of the Torbay Local Plan.

2. Design and Visual Impact

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Paragraph 126). Policy TH8 ‘Established architecture’ is the key policy tool within the Torquay Neighbourhood Plan and 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. In terms of further advice within the Development Plan Policy DE1 of the Torbay Local Plan outlines the importance of good design and is also a key policy tool in design terms.

In terms of context due to the topography of the area and existing built and soft screening the immediate views, when passing through the trading estate, are the key public views. Beyond these passing views public interaction with the site appears limited to glimpsed views of elements of the current buildings between properties on Barton Road, along with some limited longer distance views from across the valley from the west. On this point it should be appreciated that buildings and a substantial tree belt appear to limit these longer views. The key design and visual impact question is hence how the building will sit in the setting of the trading estate.

Whilst the built form on the site will change the development will retain the industrial character of the plot and hence the overall character will be retained, which is appropriate considering its setting within a wider trading estate, and thus is considered largely aligned with the policy guidance outlined within Policies TH8 and DE1 of the Development Plan.

Regarding scale the building proposed is of a similar height and massing to the existing development on the plot and the proposal is comfortably aligned with the prevailing scale of buildings in the trading estate. In terms of scale and height the proposed development is deemed to accord with Policy DE4 of the Torbay Local Plan, which principally seeks development to be built to the prevailing height within the local area, and aligned with policies TH8 and DE1 policy steer that buildings relate to their surroundings.

Regarding form and materials the proposed building design ethos presents the building as a response to its commercial setting with a relatively modest and simple elevations and palette of finishes. Insulated corrugated metal sheets form the base material, with visual interest added through varying the horizontal and vertical emphasis together with use of smooth metal cladding to emphasise the main entrance to the building. Windows to the public facing elevations also help break up the building and provide some visual interest within the street. The base colour palette is for two tones of grey cladding. Additional design interest has been added following the receipt of revised plans which present a more interesting use of the base materials as viewed from the public realm. The form and materials of the building is considered an acceptable response to the context, where it will present a simple uncluttered industrial building that acknowledges the local character, with a sufficiently active frontage. It is also recognised that the building will also be softened by its distance from the adjacent highway and the ability to provide soft landscaping within the public setting, including the provision of trees in what is currently a relatively hard street scene.

All matters considered the proposal is considered acceptable in design terms as it is in broad accordance with the aspirations of Development Plan Policies TH8, DE1 and DE4, and advice contained within the NPPF, for the reasons stated above.

3. Residential Amenity

Policy DE3 of the Torbay Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring occupiers and surrounding uses. Beyond the development plan the NPPF includes guidance that development should 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 (Paragraph 130).

In terms of sensitive receptors the proposals are to be sited to the west of existing residential plots off Barton Road, which are set off slightly higher ground, with rear gardens abutting the site. Contextually Barton Road falls from north to south in this location and hence the properties and gardens adjacent to the rear of the commercial plot are the lowest and potentially the most sensitive to consider. The potential impact of the development on adjacent residential uses are outlined below.

Regarding loss of light and outlook the siting and scale of the development is not considered likely to present any undue impact on adjacent occupiers. The ground level is to be lowered to present a lower floor level to that which exists. Considering the proposed floor level it is apparent that approximately half of the sidewall height of 7m will be set below the ground level of the adjacent gardens. This will present a building height of approximately 3.5m above the lowest garden level across the eastern border (the dwellings drop in level from north to south along Barton Road), for a building that will be between 5-8m from the borders of adjacent plots. Considering the perceived scale of the building (i.e. how high it appears from adjacent plots) and the stated distance from the borders, the building, albeit long and uninterrupted, will not unduly impact outlook or natural light received when viewed from the adjacent dwellings and gardens. As a further note it is also relevant that there is sporadic natural border growth along the boundary line with these properties, which will soften and screen the development from certain plots.

Regarding overlooking the absence of an upper floor and windows along the majority of the eastern elevation limits any potential loss of privacy.

Regarding potential noise nuisance the provision of a building close to a border with residential plots could potentially impact adjacent occupiers in term of operational noise. Considering the context it is considered reasonable to assess future impact by use of restrictive planning conditions. Firstly, to ensure that the building operates at appropriate times for its semi-residential context, it is proposed that an 'hours of operation' condition is attached to any grant of planning permission, with details submitted and approved by the Local Planning Authority prior to the first use of the building. This is considered an appropriate trigger to consider the form of the first use and suitability of the hours proposed by that user, as a user is not currently established. In addition to the hours of operation it is also necessary to understand the likely noise levels and impacts from the proposed operations. In order to duly assess this at an appropriate time, i.e. prior to the build process, it is proposed to seek an acoustic assessment, which will require an assessment of the potential for noise from the development and establish proposed mitigation measures to ensure against undue impacts to neighbours. The operational phase, with the conditions above, should ensure against any undue impact to neighbours. Regarding the construction phase noise and potential nuisance can also be managed through an 'hours of construction'

condition and the use of a condition requiring the submission and approval of a Construction/Demolition Method Statement to establish acceptable working practices around the more noise-inducive operations, along with wider issues around dust, dirt etc.

In regard to potential light pollution it is proposed that external lighting is restricted through a planning condition and that an external lighting strategy is submitted to and approved by the Local Planning Authority. This should ensure that security or other forms of lighting will not unduly impact adjacent occupiers to the east, which is a cited concern.

The measures outlined above should ensure that the amenity of adjacent occupiers is not unduly impacted by the development. No objections have been raised by Environmental Health officers in terms of potential noise subject to the proposed conditions. The proposal is considered acceptable on amenity grounds and compliant with Policy DE3 of the Torbay Local Plan and relevant guidance within the NPPF.

4. Highways and Movement

The NPPF guides that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110).

The Development Plan, largely through Policies TA1, TA2 and TA3 of the Torbay Local Plan, outlines similar policies goals as the NPPF, but also guides on parking levels and sustainable transport facilities within new development.

Highway safety and access

The redevelopment proposals seek to retain the existing access arrangements off Woodland Road. The applicant has submitted a swept path analysis to show a large car accessing the site, manoeuvring into a car parking space and egressing the site. In addition it has been shown with similar analysis that the site layout enables HGVs to enter the site in a forward gear, manoeuvre and exit in a forward gear. The development is hence considered to provide an acceptable access onto the adjacent highway.

In terms of capacity concerns, which has been noted in public comments, the applicant has undertaken a comparative assessment between the existing and proposed uses of the site. The assessment is considered robust by the Highway Authority and it concludes that the re-development proposals would result in a reduction of trips in the AM and PM peaks respectively, and overall a daily reduction of 84 trips. The proposal is hence unlikely to present any undue impact on the highway network and would appear to present a reduction compared to the current development's capacity for trip generation.

Based on the information submitted the Highway Authority offers no objection to the redevelopment proposals in terms of access, servicing and broad highway capacity.

Parking and sustainable travel

The development is proposing a total of 60 car parking spaces for the site (of which six are disabled parking bays and one is an electric vehicle charging point), as well as providing HGV servicing bays. The Torbay Local Plan Parking Standards (Appendix F) states that for B2 General Industry one car parking space should be provided per 35sqm GFA and for B8 one space per 200sqm, which calculates a requirement of between 8 and 48 spaces car parking spaces. The applicant has exceeded this by providing 60 spaces, however this is considered acceptable due to reducing the occurrence of any overspill parking on the local highway network.

The development provides for 10 Sheffield Cycle Stands to accommodate 20 cycles to the front of the site in the legible and naturally overlooked location. The Torbay Local Plan Parking Standards (Appendix F) states that one cycle space should be provided per two employees for non-domestic developments. The level of cycle parking provision is considered acceptable as the number of cycle parking spaces provided represents just under half of the number car parking spaces provided, the provision will be able to accommodate a significant percentage of cycling journey to and from the site. Considering the points above and having regard to guidance contained within the NPPF which states 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 111), the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies DE1 and TA2 of The Local Plan, and guidance contained within the NPPF.

Regarding electric charging facilities the Torbay Local Plan cites that all new development should, where viable, include provision for electric charging points. The proposal for one electric charging point for 60 spaces appears insufficient for the scale of future use and it is recommended that further detail is sought by condition to establish an acceptable level for future users.

Based on the information submitted the Highway Authority offers no objection to the redevelopment proposals but has recommended a condition requiring the submission and approval of a Travel Plan prior to the occupation of the site.

All matters considered, subject to the receipt of details of the covered secure bicycle storage, and the provision of the parking facilities prior to the first use and their retention thereafter the proposal is considered in broad accordance with Policies TA2 and TA3 of the Torbay Local Plan, Policy THW6 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

5. Ecology and Trees

Policy NC1 of The Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

Policy C4 seek the retention of trees and other natural features. Guidance within 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 174).

Regarding ecology matters the site has limited ecological context as it is largely covered by buildings and hardstand. There are sporadic boundary trees towards the rear of the site that would provide some habitat for wildlife. Trees will be removed towards the rear of the site but counter to this there is proposed landscaping potential towards the front of the site.

The application is supported by an ecological report that concluded that bats are not using the building, but gulls are known to nest on the roofs. It concluded that a condition that no demolition should commence during the bird nesting season unless a competent ecologist has undertaken a careful, detailed check of the buildings for active birds' nests immediately before works commence and provided written confirmation that no birds will be harmed or that there are appropriate measures in place to protect nesting bird interest on site. The Council's ecological advisor has concluded that the report is suitably robust and agrees with the requirement for the condition.

In addition to the above when considering the policy drive towards maximising opportunities for biodiversity enhancement in and around developments to deliver a net gain it is recommended that a further condition is attached to any grant of permission requiring biodiversity enhancement measures to be included on the new buildings (i.e. bat/bird boxes). These details should be submitted and approved.

Regarding trees the submitted arboricultural information satisfactorily reflects the trees on and adjacent to the site with an appraisal of how the trees will be impacted in respect of the development proposals. All on site trees and hedges will have to be removed to facilitate the development requiring the loss of two B category trees (Poplar T3 and T4). These two trees are large specimens but are not widely visible in the local landscape but will provide views from private properties to the east of the site. The tree removal and arboricultural appraisal plan identifies that compensatory planting can be utilised around the periphery to mitigate the loss of the tree and hedges. Considering the context the proposal is acceptable from an arboricultural perspective provided that a detailed landscape scheme is submitted so as to agree details to mitigate the loss of the trees and hedges.

Aside the above the boundary treatment will need to be carefully considered and any landscape proposals will also include tree planting within the car parking area to ensure continuation of canopy cover into the future, as proposed.

Subject to the conditions above, and as detailed within the schedule of conditions within this report, for the reasons stated above the proposals are in-line with the aspirations of Policies NC1 and C4 of The Local Plan, The Neighbourhood Plan, and advice contained within the NPPF regarding ecology and trees.

6. 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. The policy outlines a hierarchy for water-flow management within new development, and similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The application is supported by a site specific flood risk assessment that seeks to demonstrate that the development would not increase the risk of flooding and accord with policy advice contained within the Development Plan and the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The submitted site specific flood risk assessment includes the proposed surface water drainage strategy for the development that proposes a discharge of the surface water drainage at a controlled rate to the existing drainage system. Following the receipt of further information through the course of the application the Council's drainage advisor (TDA) has advised that the proposal had demonstrated that the surface water drainage 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, and is suitable for approval on drainage grounds.

Considering the specialist advice the proposal is considered suitable for approval on drainage and flood risk grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay and the NPPF.

7. Low Carbon Development, Climate Change and Waste Reduction

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy W1 (Waste hierarchy) of the Local Plan seeks that all development should seek to minimise the generation of waste, having regard to a waste hierarchy, which includes prevention, for example using less material in design and other measures to minimise waste generation.

The Design and Access Statement submitted in support of the proposal cites that the sustainable credentials of the scheme are secured by the design addressing various elements, such energy efficient lighting, sustainable materials, eliminating heat loss by using good quality windows and doors, and that the technical design of the building will seek to achieve best practice in terms of securing good U-value characteristics, preventing cold bridging and providing air tightness. Notwithstanding these statements precise ambitions are absent and hence in order to accord with the policy desire to minimise carbon emissions and the use of natural resources an energy statement should be a condition to the grant of planning permission, secured prior to the commencement of development to build the proposal above finished floor level. The statement shall detail all measures towards securing a low carbon form of development.

The development is, for the reasons above and subject to the detailed condition, considered suitable for approval, in accordance with Policy SS14 of the Torbay Local Plan.

8. Economic growth

In terms to the Torbay Local Plan Policy SS4 cites that the Council will support proposals that deliver employment space and high value jobs, and Policy SS5 cites that, in particular, improvement (or new) of existing employment space will be supported in terms of refurbishment or revitalisation of existing employment estates.

The proposal seeks to replace a disused employment site with a modern flexible facility with a floorspace of 1688 sqm. The accompanying Design and Access Statement cites that surveys of the building have confirmed a high complexity of floor layouts, presenting limited flexibility for adaptation for an alternative use. It further states that this has informed the decision to seek demolition of the existing buildings to make the site available for other businesses. The submitted floor plans seem to support the notion that the current building is likely to present an inflexible layout for potential users and could potentially mean that the building continues to lie empty.

The submission is not supported by an economic statement but detail within the Council's adopted Planning Contributions and Affordable Housing and SPD suggest that the proposal could deliver employment levels of around 47 FTE jobs based on a standard employment density formula.

The Torbay Development Agency has cited that there is a demand of around 250,000 sq ft (tested August 2021) of which the majority is for light industrial space with offices. The proposal fits with this demand. Further comment is made on the Council's economic plan to support local growth and encourage inward investment, and the need for an increased delivery of relevant employment space.

Regarding economic considerations that development for new employment purposes in this location is considered in accordance with the Development Plan and would present considerable benefit should it deliver a use on a disused empty site. The application is deemed to be aligned with employment policies contained within the Development Plan, notably Policy TJ1 of the Torquay Neighbourhood Plan and Policies SS4 and SS5 of the Torbay Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Job creation is a driver of economic growth and there would be economic benefits of bringing the site back into use. Aside the longer term economic benefits the construction phase would also create jobs within the local economy. There are no adverse economic impacts that would arise from this development. In respect of the

economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development is whether it would help deliver job opportunities in the local area. Initially the construction phase will provide activity and employment opportunities and longer term the preparation of the site can only positively influence the attractiveness of the site for future development proposals, which would present the key benefit in term of employment opportunities for local residents. helping to deliver an active site would also potentially reduce antisocial behaviour as derelict/empty sites are likely to be more prone to trespass etc. These short and longer terms benefits weigh in favour of the development.

The Environmental role

The environmental benefits are considered neutral, with the form of development and planning conditions principally aligned with encouraging a sustainable form of building that is energy efficient etc. waste through demolition is a negative by-product. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development when considered in the round.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

CIL

Not Applicable for B2/B8 uses.

S106

Not Applicable. No obligations necessary to make the development acceptable. Consideration has been given to the comments of the Torbay Development Agency however obligations cited do not considered to meet the necessary tests, being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

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 is not considered to have a likely significant effect on European Sites.

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 promote economic growth would produce a positive impact overall.

Conclusions and Reasons for Decision

The proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and is acceptable in terms of access, ecology and flood risk matters, and would provide substantial economic benefits.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.

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

Conditions

Construction/Demolition Method Statement

No development shall take place, including any works of demolition, until a Construction and Demolition 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 demolition and 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.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012- 2030. This pre-commencement condition is required to ensure that neighbour amenity is duly protected.

Hours of construction

Hours of operation throughout the construction phase shall be between 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Hours of Operation / Delivery

The development shall only operate, and no delivery vehicular movements to any business unit formed from the development hereby permitted, nor any loading or unloading of vehicles in connection with the aforementioned units, shall take place except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays. There shall be no deliveries to the units nor any loading or unloading in connection with the same on Sundays or Bank and Public Holidays.

Reason: To protect residential amenity in accordance with Policy DE3 of the Torbay Local Plan.

Acoustic Assessment

Prior to development of the build process above finished floor level (excluding demolition or general groundworks) an acoustic assessment to determine the potential for noise from the development affecting residential properties in the area shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall include an evaluation of noise from any proposed internal mechanical ventilation system, including the location and form of venting.

If the assessment indicates that noise from the development is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority as part of the acoustic assessments mitigation measures.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

External Materials

Prior their installation details of all external materials used within the exterior of the building, together with a detailed design of their arrangement, including reveal details for all window and doors, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved details.

Reasons: In order to protect visual amenity and to maintain a satisfactory form of development, in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and TH8 of the Torquay Neighbourhood Plan.

External lighting

Prior to the first use of the development an external lighting plan, including security lighting, which seeks to ensure no undue impact upon adjacent occupiers, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved lighting plan and no additional external lighting shall be incorporated within the development during its lifetime.

Reasons: In order to protect visual amenity and the amenity of adjacent occupiers by maintaining a satisfactory form of development in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Ecology – nesting season

No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept and made available to the local planning authority on request.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF

Ecology – biodiversity enhancement

Prior to the first use of the building measures to maximise opportunities for biodiversity enhancement in and around development, in order to deliver a net gain for biodiversity, shall be submitted to and approved in writing by the local Planning Authority.

The approved measures shall be incorporated within the development prior to the developments first use and maintained thereafter.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

Energy

Prior to the commencement of development of the build process above finished floor level (excluding demolition or general groundworks), details of the proposed measures to deliver low carbon development, and energy efficiency measures, shall be submitted for the approval in writing by the Local Planning Authority. The approved measures shall be fully incorporated within the development prior to its first use.

Reason: In the interests of sustainable development and in accordance with Policy SS14 of the adopted Torbay Local Plan 2012-2030.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the business units meets Secured by Design standards as far as practicable.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Landscaping

Prior to the first occupation of the development hereby permitted full details of all proposed soft and hard landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All approved hard landscaping shall be implemented in full prior to the first use, all soft landscaping shall be carried out in the first planting and seeding season following the occupation of the development.

Reason: In the interests of visual character of the area in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

Landscape implementation

All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the occupation of the buildings, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

Drainage

The development shall proceed in full accordance with the submitted and approved flood risk assessment and drainage plan. The drainage scheme shall be fully implemented prior to the first use of the development and the drainage system shall then be maintained at all times thereafter to serve the development.

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.

Parking provision

Prior to the first use of the development the parking facilities hereby approved shall have been provided in full, including the provision of 6 demarked disabled spaces. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Electric charging facilities

Notwithstanding details supporting the application prior to the first use of the building details for the provision of electric charging facilities shall be submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be implemented in full prior to the first use of the development and maintained thereafter.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Cycle parking provision

Prior to the first use of the development the approved cycle parking facilities shall be completed and made available for the purpose of cycle parking to serve the development. Once provided, the parking facilities shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy THW6 of the Torquay Neighbourhood Plan.

Travel Plan

Prior to the first occupation of the development a Travel Plan and Implementation Strategy with SMART targets to seek to meet Policy requirements of 30% modal shift to foot, cycle and public transport, with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable travel modes are duly promoted, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Waste provision

Prior to the first occupation of the development the waste and recycling storage facilities, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Mezzanine additions

Mezzanine floor space within the building shall not exceed 20% of the gross ground floor area for that building, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the impact upon parking and the highway network is duly considered within the development with limited on-site parking, in accordance with Policies DE1, DE3, TA1, TA2 and TA3 of the Torbay Local Plan 2012-2030.

External Storage

External storage shall only take place within the development site if the siting, scale and type of storage is previously agreed in writing by the Local Planning Authority, which shall accord with assessed details within the submitted and approved acoustic assessment or accompanied by a separate acoustic assessment and operational management plan designed to prevent undue noise and disturbance from external operations.

There shall be no external storage other than that approved pursuant to this condition.

Reason: In the interests of amenity and good design, in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

Boundary treatments / means of enclosure

Prior to the first use of the development details of all boundary treatments and retaining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved detail and the boundary treatment shall be retained as approved at all times during the lifetime of the development.

Reason: in the interests of design, visual amenity and ecology, in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

PD Removal Business Uses

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class H and Class J, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no extensions or alterations, including addition hard standings, shall be made to the building hereby approved.

Reason: To maintain an acceptable form of development in accordance with Polices DE1, DE3, TA3 and ER1 of the Torbay Local Plan 2012-2030, the Torquay Neighbourhood Plan, and the NPPF.

PD Removal Flues / Plant

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class I, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no externally mounted extraction or ventilation plant or equipment shall be installed on any building or within the site, unless in accordance with details previously agreed with the Local Planning Authority, including detail of noise and odour.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, and DE3 of the Torbay Local Plan 2012-2030, the Torquay Neighbourhood Plan, the Teignbridge Local Plan 2013-2033, and the NPPF.

Informative(s)

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 worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

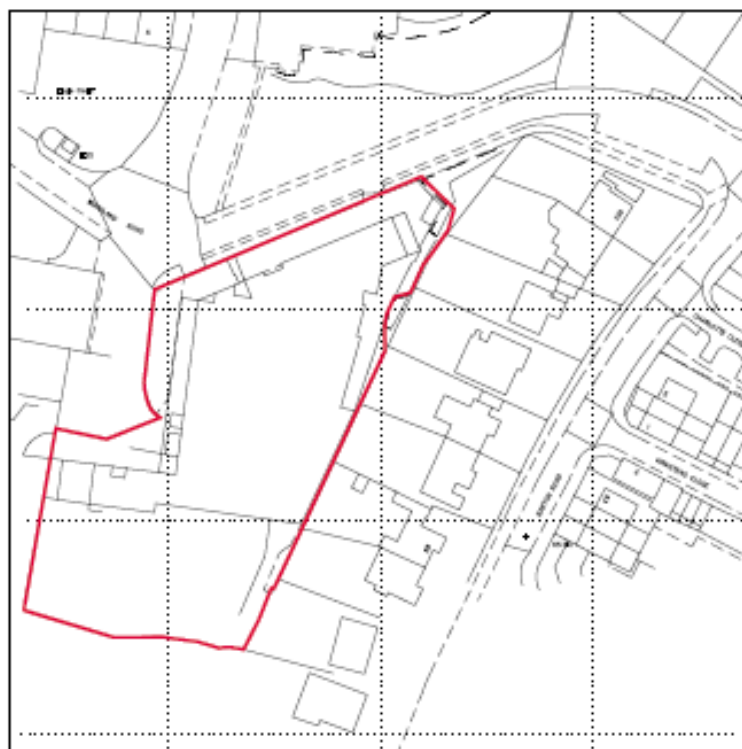
Development Plan Relevant Policies

- SS1 - Growth Strategy for a prosperous Torbay
- SS3 - Presumption in favour of sustainable dev
- SS4 - The economy and employment

SS5 - Employment space
SS8 - Natural Environment
SS9 - Green Infrastructure
SS14 - Low carbon development and climate change
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 - Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TJ1 - Employment
TH8 - Established architecture
THW6: Cycle storage and changing facilities
TH2 - Designing out crime

Application Site Address	Elektron Instruments, Woodland Road, Torquay TQ2 7AY.
Proposal	Installation of two industrial units with access and parking. Demolition of existing building.
Application Number	P/2021/0425
Applicant	Panther Investment Properties Ltd.
Agent	Narracotts Architects Ltd.
Date Application Valid	28.05.2021
Decision Due Date	27.08.2021
Extension of Time Date	14.10.2021
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

In terms of location and use the site is a disused commercial plot (B2 Business Use Class) located within Woodlands Trading Estate, a business area that sits east of the Newton Road just south of the Lawes Bridge junction. The site is around 0.6 hectares in size and the existing building holds a gross internal floor area of around 2,700 sqm.

In terms of the context the site sits on the eastern edge of the trading estate and borders residential properties to the east, which are set on slightly higher land off Barton Road. To the south the site borders the Stagecoach Bus Depot and to the west the site is bound by an existing access road which serves the site and a neighbouring commercial unit. To the north the site fronts the distributor road that runs east-west through the trading estate linking Barton Road and Newton Road.

In terms of layout the existing building largely covers the front and central parts of the site with a car park set to the rear (south), which is accessed via an archway entrance within the current building form. There is very limited landscaping evident with only sporadic border growth apparent on the non-public eastern and southern borders, together with a small unkempt grassed section near the public corner of the building adjacent to the Woodland Road.

In terms of scale and appearance the existing building is 1-3 storeys in height and comprises of both factory floor space and ancillary office space. The higher elements of the building complex are the office-based elements with two prominent wings, one fronting the adjacent highway and one sitting deeper within the plot. The buildings date from around the 1970s and present a mix of brick, render and curtain wall glazing.

Description of Development

The proposal is for the demolition of the existing building and the construction of two employment units each designed for smaller multi-operator industrial use (Class B2 General Industry).

Each building is designed to provide smaller trading sections comprising of an open space dedicated for an industrial activity and a small office with welfare area. Unit A consists of 4 smaller trading sections provides circa 940 sqm of floorspace in total. Unit B consists of 3 smaller trading sections provides circa 660 sqm of floorspace in total.

In terms of layout the proposal seeks two rectangular buildings oriented east to west. Unit A is set to the rear of the plot close to the boundary with the bus depot to the south. Unit B is set towards the front of the plot close to Woodland Road. The central area of the plot is laid to hardstand and provides the operational area for deliveries etc for both buildings, with their principal operating elevations facing inwards towards this space. Most of the car parking facilities are arranged within car parking adjacent to Woodland Road. There are two areas of identified landscaping towards the front of the plot near to Woodland Road, one within the car parking area and one adjacent to the corner of the building. The proposed layout shows potential tree planting in these areas.

Unit A has a footprint of 46m by 22m and Unit B has a footprint of 32m by 22m.

In term of scale and appearance the proposal seeks to present a single-storey character of commercial scale, with a sidewall height of 7m, under a shallow pitched roof. The buildings will be cut-in slightly to the eastern ground level to limit their heights. The appearance is detailed as modest and simple with a palette of finishes to synchronise the appearance with other industrial units in the area. Materials take the form of insulated corrugated metal sheets with the predominant colour being proposed as tones of silver/grey. The main detail is presented in horizontal and vertical sections. Windows and doors are to be aluminium. Revised plans have been received to introduce feature banding and present a more refined tonal arrangement of the base colours.

The proposal includes parking provision of 46 spaces within two areas, which includes 6 disabled spaces and lorry bays. The proposals show cycle storage to the front of the plot with 10 cycle stands.

Pre-Application Enquiry

None.

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 Torquay Neighbourhood Plan (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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 2021/0424: Installation of a single industrial unit with access and parking. Demolition of existing building. Pending consideration.

Summary of Representations

4 Objections. Key issues as follows:

- Overdevelopment
- Not appropriate for a residential area
- Loss of light
- Light spill from security lighting
- Potential for noise nuisance from HGVs etc
- Privacy
- Extra traffic and noise
- Asbestos
- More impacting than offices or the car parking currently adjacent.

Summary of Consultation Responses

Torquay Neighbourhood Forum

No comments.

Torbay Council's Ecology Advisor

No HRA/AA requirements or concerns. The application area falls outside the sustenance zone and landscape connectivity zone for Greater Horseshoe bats associated with the South Hams SAC. In line with the South Hams SAC HRA guidance document (DCC et al. 2019), there is unlikely to be a likely significant effect on the SAC and a detailed HRA is therefore not required.

In terms of other ecological issues, the survey methods, presentation of results and recommendations presented in the ecological reports are deemed satisfactory.

Recommend a condition, given the record of gulls nesting on the buildings, that no building work shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Recommend details secured to maximising opportunities for biodiversity enhancement in and around the development, to deliver a net gain for biodiversity, aligned with Aspiration 3 of the Local Plan. Support biodiversity enhancement measures being included on the new buildings (i.e. bat/bird boxes) and these being secured via condition. Assistance should be sought from a suitably qualified ecologist regarding these features.

Swisco (Highway Authority)

Based on the information submitted the Highway Authority offers no objection to the re-development proposals. This is conditioned on the basis that the applicant will be required to produce a Travel Plan prior to the occupation of the site, which should provide measures aimed at encouraging sustainable travel measures for each individual occupier of the site, as well as nominating a Travel Plan Co-ordinator (TPC) for the site.

Police Designing Out Crime Officer

No objections in principle, the proposed building appears to follow a simple design, where recesses and concealed areas are minimised. However, commercial units can be vulnerable to burglary, theft and unwanted trespass, therefore it is recommended that consideration is given to constructing the units to achieve Secured by Design

(SBD) compliance. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services.

Torbay Development Agency Drainage Engineer

Following the submission of further information, including a site specific flood risk assessment and surface water drainage design, providing the surface water drainage is constructed in accordance with the submitted design, there is no objections on drainage grounds to planning permission being granted.

Swisco Senior Tree and Landscape Officer

The proposal is acceptable from an arboricultural perspective. A pre-commencement, detailed landscape scheme will need to be submitted to mitigate the loss of the trees and hedges. The boundary treatment will need to be carefully considered and any landscape proposals will also include tree planting within the car parking area to ensure continuation of canopy cover into the future.

Torbay Council Community Safety Officer

No objection. Recommend that no development shall take place until a site specific Construction/Demolition Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. Also recommend that prior an acoustic assessment is undertaken to determine the potential for noise from the development affecting residential properties in the area. If the assessment indicates that noise from the end use is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

Torbay Development Agency

Fully support the application to create fit for purpose employment space for industrial accommodation and welcome what is a private led development scheme.

The planning application support's the Council's Corporate Plan objective of a 'Thriving Economy' by improving investment in economic growth, jobs and infrastructure. This ambition is supported by the delivery of the Economic Repositioning Plan.

This application looks to provide an appropriate mix of industrial units that will be ideal grow on space for businesses growing up out of EPIC or other locations.

The Woodland Road trading estate currently suffers from being served by a mainly unadopted road and suggest that a contribution is sought from the developers of the former Elektron technology building to improve road surface conditions in both Woodland Road and Woodland Close. Also, the overall signage across the whole of the Woodland trading estate is poor and would benefit from the provision of totem signage at strategic locations on the estate.

The TDA is also aware of antisocial behaviour on the wider estate and bringing this site back into economic use will deter this type of behaviour.

Torbay's Economic Repositioning Plan identifies a need for driving local growth, supporting growth of key sectors and driving inward investment to secure new jobs and new high value jobs and this application supports these aims. Having sufficient employment land of the right size and in the right locations will be fundamental to achieve these aims. The site is within a 5 minutes' drive of the South Devon Highway and therefore provides potential occupants with excellent connectivity to customers and markets.

To improve our economic performance and output it is imperative that we support the needs of our growing businesses and inward investors to create higher value, better paid jobs for local residents to increase our GVA per head and reduce deprivation across our three towns.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
5. Ecology and Trees
6. Flood Risk and Drainage
7. Low Carbon Development, Climate Change and Waste Reduction
8. Economic Growth

1. Principle of Development

The site has an employment land allocation as identified within the Torquay Neighbourhood Plan under Policy TJ1 (site identification TNPE02 – Woodlands/Lawes Bridge). The policy cites that new development should help contribute to the strategic needs for employment land for Torquay, as set out in in the Local Plan, that the provision of new employment space will be supported across Torquay (consistent with policies for managing development contained within the Torquay Neighbourhood Plan and the Torbay Local Plan). It furthers that the loss of employment uses at allocated employment sites will be resisted, and that support will be given to the retention and improvement of employment space on identified sites. Regarding further strategic advice within the Torquay Neighbourhood Plan Policy TS4 (Support for Brownfield and Greenfield development) cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. Broader assessment of impact will be discussed within this report however the policy inference is one of broad support for brownfield employment-based development.

In terms to the Torbay Local Plan Policy SS4 cites that the Council will, in principle, support proposals that deliver employment space and high value jobs and Policy SS5 cites that improvement (or new) of existing employment space will be supported in terms of refurbishment or revitalisation of existing employment estates.

In-line with the guiding policies outlined above, the principle of development for new employment-based purposes in this location is considered in accordance with the strategic goals of the Development Plan. The application is hence, in terms of principle, considered suitably aligned with the strategic and employment policies contained within the Development Plan, notably Policy TJ1 of the Torquay Neighbourhood Plan and Policies SS4 and SS5 of the Torbay Local Plan.

2. Design and Visual Impact

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Paragraph 126). Policy TH8 'Established architecture' is the key policy tool within the Torquay Neighbourhood Plan and 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. In terms of further advice within the Development Plan Policy DE1 of the Torbay Local Plan outlines the importance of good design and is also a key policy tool in design terms.

In terms of context due to the topography of the area and the existing built and soft screening the immediate views, when passing through the trading estate, are the key public views. Beyond these passing views public interaction with the site appears limited to glimpsed views of elements of the current buildings between properties on Barton Road, along with some limited longer distance views from across the valley from the west. On this point however it should be appreciated that buildings and a substantial tree belt near to the railway line appear to limit these longer views. The key design and visual impact question is hence how the development will sit in the setting of the trading estate.

Whilst the built form on the site will change the development will retain the industrial character of the plot and hence the overall character will be retained, which is appropriate considering its setting within a wider trading estate, and thus is considered largely aligned with the policy guidance outlined within Policies TH8 and DE1 of the Development Plan.

Regarding scale the two buildings proposed are of a similar height to the existing development on the plot but present a reduced footprint and general massing to the current context. The scale of the development is considered comfortably aligned with the prevailing scale of buildings in the trading estate. Hence in terms of scale and height the proposed development is deemed to accord with Policy DE4 of the Torbay Local Plan, which principally seeks development to be built to the prevailing height within the local area, and is also aligned with Policies TH8 and DE1 and the policy steer that buildings relate to their surroundings.

Regarding form and materials the proposed development design ethos presents the buildings as a response to its commercial setting with relatively modest and simple elevations and palette of finishes. Insulated corrugated metal sheets form the base material, with visual interest added through varying the horizontal and vertical emphasis and through the introduction of orange coloured feature banding. The base colour palette is for two tones of grey cladding. Additional design interest has been added following the receipt of revised plans which present a more interesting use of

the base materials as viewed from the public realm. The general form and materials are considered appropriate for the context.

The proposal is considered acceptable in design terms, when considering the character of the area and the other benefits of the scheme's design, where it is cut into the slope and where it is set back from the street behind parking and areas of soft landscaping.

All matters considered the proposal is considered acceptable in design terms as it is in broad accordance with the aspirations of Development Plan Policies TH8, DE1 and DE4, and advice contained within the NPPF, for the reasons stated above.

3. Residential Amenity

Policy DE3 of the Torbay Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring occupiers and surrounding uses. Beyond the development plan the NPPF includes guidance that development should 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 (Paragraph 130).

In terms of sensitive receptors the development is to be sited to the west of existing residential plots off Barton Road, which are set off slightly higher ground, with rear gardens abutting the site. Contextually Barton Road falls from north to south in this location and hence the properties and gardens adjacent to the rear of the commercial plot are the lowest and potentially the most sensitive to consider. The potential impact of the development on adjacent residential uses are outlined below.

In regard to loss of light and outlook the siting and scale of the development is not considered likely to present any undue impact on adjacent occupiers. The ground level is to be lowered to present a lower floor level to that which exists. Unit A, to the rear of the plot, will have a finished floor level that is approximately 4m below the garden level of Number 84 Barton Road, which sits directly east. With sidewall and apex heights of 7m and 9m respectively, the perceived height of the building from the adjacent residential plots will be reduced to around 3-5m. This perceived building height will be set between 5-9m off the residential plot boundary and around 25m from the principal rear building line (excluding the rear extension) of the adjacent dwelling. The relationship is considered acceptable and will not present an undue impact from loss of light or outlook. Unit B will present a similar relationship with adjacent dwellings, as it is similarly set down and distanced from the plots and properties to the east. In terms of Unit B it is also noted that there is boundary planting on higher ground which will not be impacted by the development which will act as a natural screen.

Regarding overlooking the absence of an upper floor and windows along the two eastern side elevations will remove any potential loss of privacy.

Regarding potential noise nuisance the provision of industrial buildings and the servicing area close to a border with residential plots could potentially impact adjacent occupiers in term of operational noise. It is noted that there is local public concern in

terms of this. Noise impacts could potentially arise from operations within each building, where there are multiple commercial size doors present, or from general servicing of the units within a central courtyard. The proposed development is potentially more impacting than the existing context, which has an enclosed built form and employee parking along the border, or indeed the twin-tracked application for one large single unit (P/2021/0424), which presents an enclosed built form along the border. Considering the context it is considered reasonable to assess and seek to positively manage potential impacts by use of restrictive planning conditions. Firstly, to ensure that the building operates at appropriate times for its semi-residential context, it is proposed that an 'hours of operation' condition is attached to any grant of planning permission, which will include restricting delivery times. In addition, to address general noise from movement patterns, a condition requiring the submission and approval of an acoustic assessment to assess, and where necessary propose mitigation, should also be attached prior to the first use of the development. This for example could address pre-occupation design aids such as the use of acoustic fencing or similar. Finally in terms of operational noise it is proposed that prior to the first occupation of any unit within the development an operations management plan and acoustic assessment should be submitted and approved, to enable due consideration of the suitability of each business for the semi-residential context, and where necessary address working practices and other forms of mitigation to address potential noise nuisance. With these conditions any undue impact should be avoided. Regarding the construction phase noise and potential nuisance can also be managed through an 'hours of construction' condition and the use of a condition requiring the submission and approval of a Construction/Demolition Method Statement to establish acceptable working practices around the more noise-inducive operations, along with wider issues around dust, dirt etc.

In regard to potential light pollution it is proposed that external lighting is restricted through a planning condition and that an external lighting strategy is submitted to and approved by the Local Planning Authority. This should ensure that security or other forms of lighting will not unduly impact adjacent occupiers to the east, which is a cited concern.

The measures outlined above should ensure that the amenity of adjacent occupiers is not unduly impacted by the development. No objections have been raised by Environmental Health Officer in terms of potential noise subject to the proposed conditions. The proposal is considered acceptable on amenity grounds and compliant with Policy DE3 of the Torbay Local Plan and relevant guidance within the NPPF.

4. Highways and Movement

The NPPF guides that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110).

The Development Plan, largely through Policies TA1, TA2 and TA3 of the Torbay Local Plan, outlines similar policies goals as the NPPF, but also guides on parking levels and sustainable transport facilities within new development.

Highway safety and access

The redevelopment proposals seek to retain the existing access arrangements off Woodland Road. The applicant has submitted a swept path analysis to show a large car accessing the site, manoeuvring into a car parking space and egressing the site. In addition it has been shown with similar analysis that the site layout enables HGVs to enter the site in a forward gear, manoeuvre and exit in a forward gear. The development is hence considered to provide an acceptable access onto the adjacent highway.

In terms of capacity concerns, which has been noted in public comments, the applicant has undertaken a comparative assessment between the existing and proposed uses of the site. The assessment concludes that the re-development proposals would result in a reduction of trips in the AM and PM peaks respectively, and overall a daily reduction of 85 trips. The proposal is hence unlikely to present any undue impact on the highway network and would appear to present a reduction compared to the current development's capacity for trip generation.

Based on the information submitted the Highway Authority offers no objection to the redevelopment proposals in terms of access, servicing and broad highway capacity.

Parking and sustainable travel

The development is proposing a total of 46 car parking spaces for the site (of which five are disabled parking bays and one is an electric vehicle charging point), as well as providing HGV servicing bays. The Torbay Local Plan Parking Standards (Appendix F) states that for B2 General Industry one car parking space should be provided per 35sqm GFA, which calculates a requirement of 45 car parking spaces. The applicant has exceeded this and is considered satisfactory.

The development provides for 10 Sheffield Cycle Stands to accommodate 20 cycles to the front of the site in the legible and naturally overlooked location. The Torbay Local Plan Parking Standards (Appendix F) states that one cycle space should be provided per two employees for non-domestic developments. The level of cycle parking provision is considered acceptable as the number of cycle parking spaces provided represents just under half of the number car parking spaces provided, the provision will be able to accommodate a significant percentage of cycling journey to and from the site. Considering the points above and having regard to guidance contained within the NPPF which states 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 111), the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies DE1 and TA2 of The Local Plan, and guidance contained within the NPPF.

Regarding electric charging facilities the Torbay Local Plan cites that all new development should, where viable, include provision for electric charging points. The proposal for one electric charging point for 46 spaces appears insufficient for the scale of future use and it is recommended that further detail is sought by condition to establish an acceptable level for future users.

Based on the information submitted the Highway Authority offers no objection to the redevelopment proposals but has recommended a condition requiring the submission and approval of a Travel Plan prior to the occupation of the site.

All matters considered, subject to conditions to secure the facilities prior to the first use and their retention thereafter, the proposal is considered in broad accordance with Policies TA2 and TA3 of the Torbay Local Plan, Policy THW6 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

5. Ecology and Trees

Policy NC1 of The Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy C4 seek the retention of trees and other natural features. Guidance within 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 174).

Regarding ecology matters the site has limited ecological context as it is largely covered by buildings and hardstand. There are sporadic boundary trees towards the rear of the site that would provide some habitat for wildlife. Trees will be removed towards the rear of the site but counter to this there is proposed landscaping potential towards the front of the site.

The application is supported by an ecological report that concluded that bats are not using the building, but gulls are known to nest on the roofs. It concluded that a condition that no demolition should commence during the bird nesting season unless a competent ecologist has undertaken a careful, detailed check of the buildings for active birds' nests immediately before works commence and provided written confirmation that no birds will be harmed or that there are appropriate measures in place to protect nesting bird interest on site. The Council's ecological advisor has concluded that the report is suitably robust and agrees with the requirement for the condition.

In addition to the above when considering the policy drive towards maximising opportunities for biodiversity enhancement in and around developments to deliver a net gain it is recommended that a further condition is attached to any grant of permission requiring biodiversity enhancement measures to be included on the new buildings (i.e. bat/bird boxes). These details should be submitted and approved.

Regarding trees the submitted arboricultural information satisfactorily reflects the trees on and adjacent to the site with an appraisal of how the trees will be impacted in respect of the development proposals. All on site trees and hedges will have to be removed to facilitate the development requiring the loss of two B category trees

(Poplar T3 and T4). These two trees are large specimens but are not widely visible in the local landscape but will provide views from private properties to the east of the site. The tree removal and arboricultural appraisal plan identifies that compensatory planting can be utilised around the periphery to mitigate the loss of the tree and hedges. Considering the context the proposal is acceptable from an arboricultural perspective provided that a detailed landscape scheme is submitted so as to agree details to mitigate the loss of the trees and hedges.

Aside the above the boundary treatment will need to be carefully considered and any landscape proposals will also include tree planting within the car parking area to ensure continuation of canopy cover into the future, as proposed.

Subject to the conditions above, and as detailed within the schedule of conditions within this report, for the reasons stated above the proposals are in-line with the aspirations of Policies NC1 and C4 of The Local Plan, The Neighbourhood Plan, and advice contained within the NPPF regarding ecology and trees.

6. 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. The policy outlines a hierarchy for water-flow management within new development, and similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The application is supported by a site specific flood risk assessment that seeks to demonstrate that the development would not increase the risk of flooding and accord with policy advice contained within the Development Plan and the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The submitted site specific flood risk assessment includes the proposed surface water drainage strategy for the development that proposes a discharge of the surface water drainage at a controlled rate to the existing drainage system. Following the receipt of further information through the course of the application the Council's drainage advisor (TDA) has advised that the proposal had demonstrated that the surface water drainage 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, and is suitable for approval on drainage grounds.

Considering the specialist advice the proposal is considered suitable for approval on drainage and flood risk grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay and the NPPF.

7. Low Carbon Development, Climate Change and Waste Reduction

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the

use of natural resources, which includes the consideration of construction methods and materials. Policy W1 (Waste hierarchy) of the Local Plan seeks that all development should seek to minimise the generation of waste, having regard to a waste hierarchy, which includes prevention, for example using less material in design and other measures to minimise waste generation.

The Design and Access Statement submitted in support of the proposal cites that the sustainable credentials of the scheme are secured by the design addressing various elements, such as energy efficient lighting, sustainable materials, eliminating heat loss by using good quality windows and doors, and that the technical design of the building will seek to achieve best practice in terms of securing good U-value characteristics, preventing cold bridging and providing air tightness. Notwithstanding these statements precise ambitions are absent and hence to accord with the policy desire to minimise carbon emissions and the use of natural resources an energy statement should be a condition to the grant of planning permission, secured prior to the commencement of development to build the proposal above finished floor level. The statement shall detail all measures towards securing a low carbon form of development.

The development is, for the reasons above and subject to the detailed condition, considered suitable for approval, in accordance with Policy SS14 of the Torbay Local Plan.

8. Economic growth

In terms to the Torbay Local Plan Policy SS4 cites that the Council will support proposals that deliver employment space and high value jobs, and Policy SS5 cites that improvement (or new) of existing employment space will be supported in terms of refurbishment or revitalisation of existing employment estates.

The proposal seeks to replace a disused employment site with a modern flexible facility for smaller businesses. The accompanying Design and Access Statement cites that surveys of the building have confirmed a high complexity of floor layouts, presenting limited flexibility for adaptation for an alternative use. It further states that this has informed the decision to seek demolition of the existing buildings to make the site available for other businesses. The submitted floor plans seem to support the conclusion that the current building is likely to present an inflexible layout for potential users and could potentially mean that the building continues to lie empty.

The submission is not supported by an economic statement but detail within the Council's adopted Planning Contributions and Affordable Housing and SPD suggest that the proposal could deliver employment levels of around 46 FTE jobs based on a standard employment density formula.

The Torbay Development Agency has cited that there is a demand of around 250,000 sq ft (tested August 2021) of which the majority is for light industrial space with offices. The proposal fits with this demand. Further comment is made on the Council's economic plan to support local growth and encourage inward investment, and the need for an increased delivery of relevant employment space.

Regarding economic considerations that development for new employment purposes in this location is considered in accordance with the Development Plan and would present considerable benefit should it deliver a use on a disused empty site. The application is deemed to be aligned with employment policies contained within the Development Plan, notably Policy TJ1 of the Torquay Neighbourhood Plan and Policies SS4 and SS5 of the Torbay Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Job creation is a driver of economic growth and there would be economic benefits of bringing the site back into use. Aside the longer-term economic benefits the construction phase would also create jobs within the local economy. There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is in favour of the development.

The Social Role

The principle social benefit of the proposed development is whether it would help deliver job opportunities in the local area. Initially the construction phase will provide activity and employment opportunities and longer term the preparation of the site can only positively influence the attractiveness of the site for future development proposals, which would present the key benefit in term of employment opportunities for local residents. helping to deliver an active site would also potentially reduce antisocial behaviour as derelict/empty sites are likely to be more prone to trespass etc. These short and longer terms benefits weigh in favour of the development.

The Environmental role

The environmental benefits are considered neutral, with the form of development and planning conditions principally aligned with encouraging a sustainable form of building that is energy efficient etc. waste through demolition is a negative by-product. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development when considered in the round.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

CIL

Not Applicable for B2 uses.

S106

Not Applicable. No obligations necessary to make the development acceptable. Consideration has been given to the comments of the Torbay Development Agency however obligations cited do not considered to meet the necessary tests, being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

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 is not considered to have a likely significant effect on European Sites.

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 promote economic growth would produce a positive impact overall.

Conclusions and Reasons for Decision

The proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and is acceptable in terms of access, ecology and flood risk matters, and would provide substantial economic benefits.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.

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

Conditions

Construction/Demolition Method Statement

No development shall take place, including any works of demolition, until a Construction and Demolition 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 demolition and 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.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012- 2030. This pre-commencement condition is required to ensure that neighbour amenity is duly protected.

Hours of construction

Hours of operation throughout the construction phase shall be between 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Hours of Operation / Delivery

The development shall only operate, and no delivery vehicular movements to any business unit formed from the development hereby permitted, nor any loading or unloading of vehicles in connection with the aforementioned units, shall take place except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays. There shall be no

deliveries to the units nor any loading or unloading in connection with the same on Sundays or Bank and Public Holidays.

Reason: To protect residential amenity in accordance with Policy DE3 of the Torbay Local Plan.

Acoustic Assessment – general

Prior to development of the build process above finished floor level (excluding demolition or general groundworks) an acoustic assessment to determine the potential for noise from the development, which shall include the assessment of likely vehicular movements and generally servicing, affecting residential properties in the area, shall be submitted to and be approved in writing by the Local Planning Authority.

If the assessment indicates that noise from the development is likely to affect neighbouring residential properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority as part of the acoustic assessment mitigation measures.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Operational Management and Acoustic Assessment – assessment of uses

Prior to the first use of each unit within each building an operational management plan and acoustic assessment for the proposed business, to determine the potential for noise from the development, including the assessment of likely vehicular movements, affecting residential properties in the area shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall include an evaluation of noise from any proposed internal mechanical ventilation system, including the location and form of venting.

If the assessment indicates that noise from the business is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority as part of the management plan and acoustic assessments mitigation measures.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The approved mitigation and management of each business shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

External Materials

Prior their installation details of all external materials used within the exterior of the building, together with a detailed design of their arrangement, including reveal details for all window and doors, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved details.

Reasons: In order to protect visual amenity and to maintain a satisfactory form of development, in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and TH8 of the Torquay Neighbourhood Plan.

External lighting

Prior to the first use of the development an external lighting plan, including security lighting, which seeks to ensure no undue impact upon adjacent occupiers, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved lighting plan and no additional external lighting shall be incorporated within the development during its lifetime.

Reasons: In order to protect visual amenity and the amenity of adjacent occupiers by maintaining a satisfactory form of development in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Ecology – nesting season

No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept and made available to the local planning authority on request.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF

Ecology – biodiversity enhancement

Prior to the first use of the buildings measures to maximise opportunities for biodiversity enhancement in and around development, in order to deliver a net gain for biodiversity, shall be submitted to and approved in writing by the local Planning Authority.

The approved measures shall be incorporated within the development prior to the developments first use and maintained thereafter.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

Energy

Prior to the commencement of development of the build process above finished floor level (excluding demolition or general groundworks), details of the proposed measures to deliver low carbon development, and energy efficiency measures, shall be submitted for the approval in writing by the Local Planning Authority. The approved measures shall be fully incorporated within the development prior to its first use.

Reason: In the interests of sustainable development and in accordance with Policy SS14 of the adopted Torbay Local Plan 2012-2030.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the business meets Secured by Design standards as far as practicable.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Landscaping

Prior to the first occupation of the development hereby permitted full details of all proposed soft and hard landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All approved hard landscaping shall be implemented in full prior to the first use, all soft landscaping shall be carried out in the first planting and seeding season following the occupation of the development.

Reason: In the interests of visual character of the area in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

Landscape implementation

All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the occupation of the buildings, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

Drainage

Prior to the first use of the development the submitted and approved surface water drainage system shall have been implemented in full. The drainage scheme shall be fully implemented prior to the first use of the development and the drainage system shall then be maintained at all times thereafter to serve the development.

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

Parking provision

Prior to the first use of the development the parking facilities hereby approved shall have been provided in full, including the provision of 5 demarked disabled spaces. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Electric charging facilities

Notwithstanding details supporting the application prior to the first use of the building details for the provision of electric charging facilities shall be submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be implemented in full prior to the first use of the development and maintained thereafter.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Cycle parking provision

Prior to the first use of the development the approved cycle parking facilities shall be completed and made available for the purpose of cycle parking to serve the development. Once provided, the parking facilities shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy THW6 of the Torquay Neighbourhood Plan.

Travel Plan

Prior to the first occupation of the development a Travel Plan and Implementation Strategy with SMART targets to seek to meet Policy requirements of 30% modal shift to foot, cycle and public transport, with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable travel modes are duly promoted, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Waste provision

Prior to the first occupation of the development the waste and recycling storage facilities, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Mezzanine additions

Mezzanine floor space within each building shall not exceed 10% of the gross ground floor area for that building, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the impact upon parking and the highway network is duly considered within the development with limited on-site parking, in accordance with Policies DE1, DE3, TA1, TA2 and TA3 of the Torbay Local Plan 2012-2030.

Boundary treatments / means of enclosure

Prior to the first use of the development details of all boundary treatments and retaining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved detail and the boundary treatment shall be retained as approved at all times during the lifetime of the development.

Reason: in the interests of design, visual amenity and ecology, in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

External Storage

External storage shall only take place within the development site if the siting, scale and type of storage is previously agreed in writing by the Local Planning Authority, which shall accord with assessed details within the submitted and approved acoustic assessment or accompanied by a separate acoustic assessment and operational management plan designed to prevent undue noise and disturbance from external operations.

There shall be no external storage other than that approved pursuant to this condition.

Reason: In the interests of amenity and good design, in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

PD Removal Business Uses

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class H and Class J, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no extensions or alterations, including addition hard standings, shall be made to the building hereby approved.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, DE3, TA3 and ER1 of the Torbay Local Plan 2012-2030, the Torquay Neighbourhood Plan, and the NPPF.

PD Removal Flues / Plant

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class I, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no externally mounted extraction or ventilation plant or equipment shall be installed on any building or within the site, unless in accordance with details previously agreed with the Local Planning Authority, including detail of noise and odour.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, and DE3 of the Torbay Local Plan 2012-2030, the Torquay Neighbourhood Plan, the Teignbridge Local Plan 2013-2033, and the NPPF.

Informative(s)

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 worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS4 - The economy and employment
SS5 - Employment space
SS8 - Natural Environment
SS9 - Green Infrastructure
SS14 - Low carbon development and climate change
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk

ER2 - Water Management

ES1 - Energy

W1 - Waste management facilities

W2 – Waste audit for major development and significant waste generating developments

NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development

TS4 - Support for Brownfield and Greenfield development

TJ1 - Employment

TH8 - Established architecture

THW6: Cycle storage and changing facilities

TH2 - Designing out crime

Application Site Address	Land At Kingsland , Marldon Road, Torquay, TQ2 7JH
Proposal	Outline application for the demolition of existing structures and redevelopment to provide up to 90 dwellings, up to 1,858 sq.m gross B1 employment, open space, landscaping, associated infrastructure and access. (means of access to be considered in detail) (revised plans received 11.01.21)
Application Number	P/2019/0710
Applicant	Woodford Developments Ltd and Kier Living (South West Ltd)
Agent	Mr. Mark Scoot
Date Application Valid	03.07.2019
Decision Due date	02.10.2019
Extension of Time Date	
Recommendation	Refusal
Reason for Referral to Planning Committee	Major Outline Application
Planning Case Officer	Mr. Alexis Moran



Site Details

The site relates to an area of land bound by the A380 Hamelin Way to the west, Moles Lane to the north and east and Marldon Road to the south and south-east.

A South West Water reservoir is located to the south and west of the site, slightly further south is the Gallows Gate roundabout. The site is accessed off Marldon Road. There is an existing residential dwelling know as 'Kingsland' to the south and west of the site. There are static homes on the wider site.

The site is within the Edginswell Future Growth Area allocation in the Local Plan. An illustrative masterplan for the area, The Torquay Gateway (Edginswell Future Growth Area, was prepared in 2015 which was subsequently adopted as a Supplementary Planning Document (SPD) by Torbay Council.

Description of Development

The application seeks outline consent with all matters reserved other than access, for the development of up to 90 residential units and 1,858m² GEA (20,000sqft) of B1 office development, associated access, highways improvements, parking, open space, landscaping and supporting infrastructure on land at Kingsland, Edginswell.

Pre-Application Enquiry

None.

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

None.

Summary of Representations

There have been three representations to the scheme (all objections), the key issues raised are set out below:

The proposal does not comply with the adopted Local Plan or made Neighbourhood Plan. The approved Masterplan SPD for this area clearly indicates that this site should be used solely for a mix of employment purposes (B1, B2 and B8). The current mix of housing and B1 office space conflicts with this requirement and should mean that the application be refused.

Allowing the proposed development would significantly and demonstrably outweigh the benefits and would therefore not comply with NPPF Paragraph 11. This relates to the non-delivery of a significant amount of employment space. Balanced, sustainable growth of jobs and homes runs to the heart of the spatial strategy of the adopted Local Plan and the fact that employment space, which is allocated within the adopted SPD, will not be brought forward is wholly counter to this. Moreover, if this part of the site is not to come forward for employment development, it will mean that a balance mix of uses cannot be developed within the FGA, and thus questions whether the objectives as set out in adopted Local Plan Policy SS1 can be achieved. In addition, the policy conflicts with Policy H1, which, whilst encouraging proposals for new housing development, only does so when it is consistency with other plan policies.

Summary of Consultation Responses

Torbay Council Highways Consultant - Based upon the information submitted by the applicant, the Highway Authority offers no objection to the proposed development.

Torbay Council Ecologist - Any Reserved Matters application will require ecology mitigation and a nett gain in biodiversity. HRA comments awaited.

Torbay Council Drainage – “The developer is proposing to drain his surface water run-off from the development using soakaways.

Infiltration testing has been carried out at eight trial pits within the site. None of these infiltration test comply with the requirements of BRE365. In the majority of the tests the trial pits have not been allowed to drain fully and the developer has therefore calculated an infiltration rate based on a depth less than the depth of the trial pit. This is not acceptable the full depth of the trial pit must be used in the calculation of the infiltration rate. In addition trial pits 2 and 4 have only had two tests carried out whereas BRE365 clearly identifies that 3 tests must be carried out. As none of the infiltration tests comply with BRE365 the infiltration rates quoted are unsuitable for the design of the infiltration drainage.

The plan showing the location of the trial pits and soakaways clearly identifies that the trial pits were not undertaken at the location of the proposed soakaways. Similarly the depth of the trial holes do not correspond to the proposed depth of the soakaways.

In order to confirm whether infiltration techniques such as soakaways and permeable paving are suitable, infiltration testing in accordance with BRE365 must be undertaken at the proposed location of the soakaways and permeable paving. In addition the infiltration testing must be undertaken at the proposed invert level of the soakaways and formation level of permeable paving.

The only hydraulic calculations that have been submitted for the proposed surface water drainage for the development are some sample calculations for the size of the

soakaways. No details of the surface water drainage discharging to the soakaways are included within the calculations.

The developer must supply a drawing showing the proposed surface water drainage for the development which provides details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients, pipe numbering used in the hydraulic modelling and details of the impermeable areas discharging to each pipe length. All of this information is required to be included within the hydraulic modelling.

The developer must demonstrate that the surface water drainage for this development 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. Therefore the developer must supply hydraulic calculations for the entire surface water sewer system to demonstrate that there is no risk of flooding for the critical 1 in 100 year storm event plus 40% for climate change.

Based on the above comments, before this planning permission can be granted the applicant must supply details to address all the points identified above.”

RSBP – “The RSPB is satisfied (Ecological Impact Assessment Land at ‘Kingsland’ (EPS Ecology, December 2016) and the Ecological Addendum (EPS Ecology, 31 January 2019)) that an appropriate level of habitat and protected species survey was carried out. We note that no curlew buntings were recorded on site. Of European Protected Species considered, several species of bats were recorded, associated with the perimeter and internal hedgerows, so that these habitats additionally have value for bats as foraging habitat and movement corridors. The type of development proposed is a departure from that set out in plans such as Torquay Re-think: Torquay Gateway (Edingswell) Masterplan (Torbay Council et al, undated), eg, p28, Figure 18 Edingswell Valley Land use shows the site as employment land, and it is not clear how requirements for public green space provision linked to new housing, and retention and provision of linked green corridors for the whole Masterplan area relate to the proposals in this planning application. The proposal includes removal of the majority of the internal N-S hedgerow, one that was assessed as a notable

feature and an important hedgerow. We do not consider that buffer planting of native trees and shrubs against the retained hedges on the west and north boundaries of the site will be adequate mitigation for that loss. No information is presented on how the retained and widened hedges will be managed in perpetuity to maintain and enhance their existing biodiversity value and, if your authority grants this outline application, we recommend full details are provided with any reserved matters application. We also recommend that a biodiversity offsetting contribution is made so the loss of the hedgerow habitat on site can be compensated for by an appropriate length of new hedgerow creation elsewhere in Torbay. The EPS documents mention installing bird and bat boxes on proposed buildings. In our view, it is better to use integral swift 'bricks' that can be built into dwellings etc as they are constructed. These are unobtrusive, require no maintenance and last the lifetime of the building. They need to be installed at the minimum height of 5 metres above the ground with 5 metres of 'clear air space' in front of the entrance in order to attract swifts. However, swift bricks will also be used by house sparrows and blue and great tits, and are one measure to provide an element of net gain by providing habitat for urban-nesting birds. Bat boxes must be located where there is no disturbance from artificial lighting. An overall ratio of one swift brick per dwelling is recommended. Bigger buildings, such as office blocks, can have groups of 2-3 bricks built in c1 metre apart from each other. There are many types of commercially available swift bricks which are increasingly becoming standard in new developments, more information is available on request. 2 In relation to retention of existing and provision of new habitats, we recommend Torbay Council ensures that development proposals for this site meet the requirements of Torbay Local Plan (2012 to 2030), including Policy SS8 Natural Environment (para 1 re retaining/providing habitat corridors and para 4 re long term management for green space, dark corridors and requiring appropriate mitigation for adverse impacts and developer contributions where necessary), Policy C4 Trees, hedgerows and natural landscape features which states that developments should seek to retain and protect existing hedgerows wherever possible, with replacement and other mitigation measures required via planning condition or legal agreement where loss of hedgerows is considered acceptable as part of a development, and Policy NC1 Biodiversity and geodiversity which includes the requirement that "all developments should positively incorporate and promote biodiversity features". Avoiding, mitigating and compensating for harm to biodiversity assets is separate

from securing net gain (ref, para 175 National Planning Policy Framework). The new Environment Bill will, once enacted, make net gain a mandatory requirement for new developments.”

Torquay Neighbourhood Forum: “In general the TNPf supports the principle of development of the Future Growth Area for mixed use housing and purpose built job creation as part of a jobs led growth for Torquay. Its use for housing should only be considered when the economic needs of Torquay support the provision. We positively support its development for purpose built job creation space (as a priority over housing) due to the net loss of jobs in Torquay during recent years. The development of greenfield sites for housing are not supported when so many brown field sites are allocated and available to develop. The development of the FGA must be done holistically so that the strategic aims for job creation space in the Local Plan for the FGA are met. Ad hoc development of parcels of land does not allow this to happen and so an updated Master Plan should be made available to comply with the various policies in the development plan as a whole, to ensure development integrates with the surrounding communities and to ensure the appropriate level of mitigation for protected species are put in place for the whole area in an integrated network. It is deeply regretted that the community and the TNPf in particular have not been consulted prior to the application being made. Had consultation taken place then a development could have been supported. This application is premature to an integrated development of the whole of the FGA as part of meeting the strategic economic needs of Torquay in the Local Plan.”

TDA:

“The Economy Investment and Enterprise team, TDA object to the application as currently proposed.

The application sits within a designated Future Growth Area under SS2 of the adopted Local Plan, which promotes both residential and employment led development. A key element of the Future Growth Area designation is, ‘the creation of a range of employment opportunities, delivered in the early stages of development, designed to meet identified economic growth sectors’. There is also a requirement for the appropriate phasing to ensure an overall balanced provision of

jobs, home and infrastructure. The current proposal for this site is heavily residential led.

The Torquay Gateway Masterplan has been developed in consultation with the council, community, and landowners to encourage sustainable development which meets the ambitions of Torbay as a place. The application in question is within the area highlighted as Edginswell Valley, in which the masterplan promotes the development of employment space B1, B2, and B8.

The employment space allocation within the application sets out office use and whilst we welcome new employment sites coming forward, there is very limited demand for larger office space in Torquay. We do however see demand for industrial space to come forward in Torquay, where there is a very limited offer of new space and limited availability in existing supply. We would also suggest industrial space in the region of 4-5,000 sq ft units with a mix of sizes in an industrial scheme within an overall application that shows more of a balance between housing and employment space. The site offers excellent access to businesses serving Torbay and the surrounding areas and beyond being ideally located for access to the South Devon Highway.

We feel the developers will build out the housing element as a priority, see no demand for office occupiers come forward in that location and then seek changes to deliver additional residential. We would like to see conditions applied that request relevant employment space, that is demanded [please note previous comment regarding limited office demand] being delivered in tandem with housing at designated volumes.

Torbay remains amongst one of the lowest areas in terms of economic performance across the UK, particularly in relation to GVA per head where it ranks in the 9th lowest nationally. The Local Plan acknowledges the need for a transformation step change and delivery of ambitious growth to secure Torbay's long terms future economic prosperity. This proposed application does not provide sufficient employment of the right type to support the ambitions of the Local Plan or Torbay Economic Strategy.”

Additional comments received 18.01.2020 – “We would like to update that very recently (Nov/Dec 2020) we retested our current demand pipeline which sets out over 280,000 sq ft of demand for mainly light industrial space predominantly in Torquay and Paignton. Demand for B1 office is very limited. We reinforce that we would like to see conditions applied that request relevant employment space, that is demanded [please note previous comment regarding limited office demand] being delivered in tandem with housing at designated volumes.”

Natural England: The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Arboriculture: There would appear room on the site for arboriculturally sustainable development but the detailed design proposals are not shown, or how the development can accommodate the number of units whilst retaining the trees. It is recommended that a tree protection plan using the full theoretical RPA is submitted with the detailed design at Reserved Matters stage.

DCC Archaeology: “I am recommending that a scheme of archaeological mitigation be agreed for this development. I am also recommending that the medieval parish boundary between St Marychurch and Kingskerswell, identified as a hedgerow for possible removal in the application, actually be retained as a significant historic landscape feature. I recommend that this point be raised with your Landscape Officer. The proposal is sited in an area of known archaeological interest recorded on the Devon & Torbay Historic Environment Record (HER). Scatters of prehistoric stone tools have been found during previous smaller scale groundworks within the proposal area. A Bronze Age axe has also been found in the area. This indicates a potential for evidence of prehistoric settlement surviving below the present ground surface. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits

associated with prehistoric settlement. If the medieval; parish boundary is also to be impacted by groundworks, then this will also need to be recorded. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. I recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team. If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy SS10 in the Torbay Local Plan 2012 - 2030, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby: 'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. Reason 'To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development' This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with desk-based context study and the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This

archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.”

Environmental Health: No objection

SWW: No objection

Housing Delivery Officer: Housing services have viewed the above application including a number of the submitted plans and would have advised that they believe the split on the site to be around 75% Greenfield and 25% Brownfield. With this being the case, and as per Council, 30% affordable housing being provided on the Greenfield element of the site (20 units) and 20% on the Brownfield (6 units) and so a total of 26 affordable units in total.

Provision of the affordable housing will be sought on the basis of 1/3 Social Rent, 1/3 Affordable Rent and 1/3 Shared Ownership. The bedroom mix should be proportionate to the site as a whole with a pepper potted approach to the layout and as per section H6 of the Local Plan for a scheme providing 26 affordable units that the provision should also include 1 wheelchair adapted unit.

Key Issues/Material Considerations:

Planning Officer Assessment

1. Principle of Development
2. Design and Visual ImpactOptimusPrime10
3. Impact on Residential Amenity.
4. Impact on Highway Safety.
5. Ecology and Biodiversity
6. Drainage and Flood Risk
7. Other considerations

1. Principle of development

A key issue with this application is whether the proposed residential and employment mix is suitable on this site is acceptable in principle.

The application site is located within a wider Strategic Delivery Area (SDA), as designated in the Torbay Local Plan under Policy SS1, which identifies areas for the delivery of growth and change in Torbay for the period of the Local Plan. In addition to the above the site is also part of a wider Future Growth Area as identified within Policy SS2 of the Torbay Local Plan. The site forms part of the Torquay Gateway SDA and Policy SDT3 of the Torbay Local Plan, concomitantly the Torquay Neighbourhood Plan identifies the site as being a Future Growth Area. Policies SS1 and SS2 identifies that Future Growth Areas are areas within SDAs that show broad locations where the Council will seek to work with landowners and the community, through neighbourhood planning and/or master-planning, to identify in more detail the sites, scale of growth, infrastructure etc that is required to help deliver the aspirations of the Local Plan.

The site is also subject to an adopted masterplan for the wider Future Growth Area (adopted December 2015) for the Torquay Gateway (Edginswell) area. The adopted Masterplan identifies the site for employment with south-east corner of this site shown as B1 office use and the remaining site as B2/B8 Light industrial/warehouse development. The proposed development is at odds with the principles of the Masterplan for this area, i.e. there is a substantially smaller employment offer with no B2/B8 uses proposed and instead residential dwellings in their space. The area shown as B1 development in the indicative layout plan submitted with the application does however appear to accord with that allocation in the masterplan.

Consultation comments from the TDA advise that Torbay remains amongst one of the lowest areas in terms of economic performance across the UK, particularly in relation to GVA per head where it ranks in the 9th lowest nationally. They also advise that there is a demand for over 280,000 sq ft of mainly light industrial space predominantly in Torquay and Paignton whereas the demand for B1 office is more limited.

Amongst other things, Policy SS2 states that Future Growth Areas should create a range of employment opportunities, delivered in the early stages of development, designed to meet identified economic growth sectors. Policy TS2 (Master Plans) of the Torquay Neighbourhood Plan states that Major development proposals within the Torquay Gateway areas will be supported where they contribute to meeting the objectives of the Torquay Neighbourhood Plan for these areas and they conform to the area wide Master Plans adopted by the Council.

The introduction commentary of the Torquay Neighbourhood Plan advises that the Neighbourhood Forum want the delivery of a gateway of significance for the town which is mixed use, well-connected and provides sustainable communities, to allow change and growth as the economy expands.

Local Plan Policy SS4 states that the Local Plan supports the creation of at least 5000-5,500 net additional jobs by 2030. To help achieve this, at least 65,000 square metres of employment space, comprising 28,000 square metres of Use Class B1- B2 space and 38,000 square metres of other employment uses are proposed on the sites in Policy SS5, which includes this site, as part of mixed use developments where appropriate. Policy SS5 advises that in order to meet the needs of existing, growing and new businesses, sufficient high quality space will be provided to meet existing and arising requirements of employers and for major employment or mixed use developments, the Council will seek around 25% of space to be provided as Use Class B space, to reflect the needs of the area and to increase GVA. The Policy goes on to say that specific sites will be identified through Neighbourhood Plans and Masterplans, as previously noted, this site is allocated for employment in the Torquay Gateway Masterplan and the Torquay Neighbourhood Plan. The loss of employment on this site also has a knock on effect of making the wider gateway site and the community less sustainable by reducing the potential for people to live within easy walking distance of their employment.

Torquay Neighbourhood Plan Policy TH6 states that sustainable community planning Development proposals within the Edginswell Future Growth Area should be developed with consideration of the immediate surrounding communities of Shiphay,

the Willows and Barton. Opportunities to provide transport connectivity as well as complement, augment and/or support the provision of community facilities and primary schools which serve the wider area are important considerations for creating an integrated sustainable community.

Torquay Neighbourhood Plan Policy TTR2 encourages a reduction in the need to minimise the distance for travel between homes and places of work, education, recreation and shopping. Concomitantly Policy THW3 states that in order to contribute to sustainable development, where major residential developments of more than 20 units are proposed, they will be supported where they will be served within a reasonable walking distance by a range of community facilities. The greater the number and variety of facilities, the greater the support which will be provided. It is considered that the sustainable walking distance from a residential dwelling:

- to a bus stop is 400m,
- to the nearest local convenience is 800m and,
- to the nearest primary school is 800m

The proposed scheme indicates two additional bus stops close to the site and footpaths from the site that would link up with the existing footpaths some 800m further to the east. The site is not within 800m of local conveniences or a primary school, the closest of which is Shiphay Learning Academy some 1.2km away. Although the site is an allocated one, it is allocated for employment uses and the departure from this to a largely residential scheme, would need to be considered differently in terms of sustainability with more focus on the aforementioned distances to local conveniences and primary schools. It is therefore considered that there is some conflict with Policies TTR1, TTR2 & THW3.

It is acknowledged that the land immediately east of Moles Lane, adjacent to this site is allocated for housing development. The masterplan identifies this new growth area for housing as coming forward with a local centre and primary school. The provision of these services will create a sustainable form of development that cannot be achieved through the piece meal development of this smaller application site

proposed to be delivered in advance of the provision of any of the new local services.

It is noted that the Council cannot currently demonstrate a 3 or 5 year housing land supply. For decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date and therefore should be afforded limited weight within the current decision making process. The 'tilted balance' in favour of sustainable housing development therefore applies subject to the detail wording of the NPPF Para 11 and the associated footnotes.

However the non-delivery of a significant amount of employment space results in an imbalance between sustainable growth of jobs and homes which is a key theme of the Local Plan and Torquay Neighbourhood Plan and the fact that employment space, which is allocated within the adopted SPD, will not be brought forward is not deemed to be sustainable.

Given the forgoing, the mix currently proposed by this application is considered to be an significantly unsustainable form of development in the wider context and is therefore considered to be contrary to NPPF Para 11.

2. Design and Visual Impact

Whilst the proposal only seeks detailed consent for the proposed access, being in outline with all other matters reserved for future consideration, the submitted information does include an indication of a proposed site layout and detail on the likely character and appearance of the development, offering indicative layout and section drawings. It is necessary as part of this application to consider whether the submitted detail indicates and provides sufficient comfort that the amount of development could be appropriately achieved in terms of its layout, design and character, without undue visual impact.

Achieving good design is a central thread within government guidance and Part 12 of the NPPF "Achieving well-designed places" offers key guidance. Paras 126, 127, 130, and 134 are particularly relevant and accumulatively inform that the creation of

high quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable development, and the importance of design being sympathetic to local character (built environment and landscape setting). Para 134 advises 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.

Therefore, if on receipt of an application for approval of reserved matters, the Local Planning Authority does not consider the detailed proposals to be of sufficiently high quality, they may, at their own discretion and based on the then submitted detail, decide to issue a refusal on that basis without prejudice to the principle of any outline permission already granted.

Local Plan Policy SS2 states that development delivered within each of the Future Growth Areas must be integrated with existing communities and reflect the landscape character of the area as informed by Torbay's Landscape Character Assessment (2010). Policy SDT3 identifies that the scale and nature of new development in the gateway must reflect the character of the individual area, as informed by Torbay's Landscape Character Assessment and should be green infrastructure led.

Local Plan Policy SS8 states that development proposals outside of the AONB designation (the site is not within the AONB) will be supported where they conserve or enhance the distinctive character of Torbay, or where the impact is commensurate with the landscape importance. Local Plan Policy SS11 states in part that development should be of an appropriate type, scale, quality, mix and density in relation to its location. Local Plan Policy DE1 outlines a number of factors towards securing development that is well-designed and that respects Torbay's special qualities and Torquay Neighbourhood Plan Policy TH8 advises 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.

In terms of context the site is identified within the Torbay Landscape Character Assessment as Landscape Character Type 3A: Upper Farmed and Wooded Valley Slopes. The Torbay Landscape Character Assessment states that the Edginswell area makes a significant contribution to the local setting of Torquay and that the bypass passes through a largely unspoilt fringe of well managed farmland that has a defined landscape pattern.

The Torquay Gateway Masterplan states that the area comprises a pattern of sloping arable and pasture fields defined by hedges that follow the contours. The hedgerows and trees along the eastern side of the area create a significant screen along the urban edge. The bypass is becoming well integrated being partially screened by cuttings and establishing planting; the side slopes are identified as being of local conservation interest.

In terms of assessing the design and visual impact as the proposal is in outline the design will principally be scrutinised at reserved matters stage should outline permission be granted. Notwithstanding this, basic principles can be considered to determine whether the amount of development is likely to be adequately achieved.

In terms of design the indicative layout appears to present sufficient confidence that the quantum of development could be achieved. The basic layout suggest perimeter blocks will be achieved which will present properties facing and framing the streets, which is a supported layout proposition. The indicative layout suggests that garden space could be adequately resolved to meet the standard expected within the Development Plan of 55sqm, whilst also reflecting the more spacious character of the rural edge development. However, comments from the Devon County Archaeologist suggest that the medieval parish boundary hedgerow should be retained and additional ecology mitigation may also be necessary. The suggested distances between properties are largely in excess of the 20-21m guide for back-to-back relationships plus an allowance for likely level changes, which indicates that the guide distance should be increased to secure suitable levels of privacy.

The indicative layout appears to suggest adequate parking could be provided to meet the expected level of 2 spaces per dwelling. Further details would be required as part of a reserved matters submission to enable the precise parking arrangement to be properly scrutinised, but it appears, based on the space available, that an adequate parking arrangement could be provided for the proposed number of units without compromise on other important aspects of the scheme, such as dwelling sizes, the availability of landscaping and amenity space etc. However the indicative layout appears to show the fronts of properties dominated by parking, this approach is not encouraged given the impact it would have on the future character of the site.

All matters considered there appears to be scope to resolve an adequate design outcome for the amount of development sought to present an acceptable residential environment for future occupiers and occupiers of existing properties. Ultimately a detailed layout and residential environment would be considered at the reserved matters stage, the description of development is 'up to 90' dwellings therefore this number may be less once a fully worked up scheme is submitted.

In regard to visual impact although the application seeks outline consent the suggested layout and scale should be duly interrogated to determine the likely visual impact resulting from the amount of development being proposed. Having considered the proposal and the context there is considered to be broad alignment between what is being proposed and the informative landscape assessment, the Torbay Landscape Character Assessment, the adopted Masterplan for the area and the Neighbourhood Plan guidance albeit that the proposal would not accord with the land use in the aforementioned plans.

The application is supported by a landscape and visual impact assessment and this concludes that the proposals would not result in any significant landscape or visual impacts and that these would all be similar or less to those that could reasonably have been anticipated when the wider area was allocated for mixed use development. The proposals for the application site would therefore be compatible with the relevant policies in the Local Plan subject to incorporating the mitigation

measures identified on Parameter Plan 6: Landscape Masterplan into the scheme at the Reserved Matters stage.

In terms of character the indicative proposal is somewhat suburban in layout and scale but this is not at odds with the adopted Masterplan for the area, although different on form, i.e. with significantly less employment land and in its place the addition of residential dwellings.

In terms of the design and visual impact of the detailed access, the junction point sits at the southern boundary of the site where there are two existing accesses and as such appears to be the most suitable location which would cause the least harm on the character of the area. The access point is therefore unlikely to have a detrimental impact upon local character when considering the current character.

All matters considered based on the indicative information provided the proposed development is for the reasons above considered to demonstrate the potential to provide a satisfactory form of development in terms of layout albeit that with additional landscaping, ecology mitigation and potential retention of existing historical features on the site, this may not result in the maximum quantum of development applied for in outline. That in mind, it is considered that the proposal is broadly in accordance with Policies H1 and DE1 of the Local Plan. However the reduced level of employment on the site would mean that the layout is contrary to Policies SS2, SS4 & SS5 of the Local Plan and Policy TH6 of the Torquay Neighbourhood Plan.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. 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 planning policies and decisions should ensure that developments, amongst a number of things, should create places that promote health and well-being, with a high standard of amenity for existing and future users.

The site borders an existing residential property to part of southern and western border which is shown as being within the ownership of the applicant. The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through restricting hours of construction and agreeing processes to limit delivery and construction movement and parking impacts through the use of a planning condition. In terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings and employment space would not result in undue noise or general disturbance for the existing dwelling adjacent to the site. In terms of scale and form this will be established within a future reserved matters application however officers are satisfied that it will be possible to develop the site without having an unacceptable impact on the residential amenity of existing dwellings.

In summary the proposed access arrangements, indicative layout and supporting information are considered to demonstrate the potential to provide a satisfactory form of development in terms of protecting the amenities of adjacent occupiers, in accordance with Policies DE1 and DE3 of the Local Plan.

However, it should be noted that the adopted Masterplan for the site does not show the host property known as 'Kingsland' as being retained as part of any future development of the Torquay Gateway and does not include any residential development.

4. Impact on Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110). It also furthers (Para 111) 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.

Policy TA2 of the Torbay Local Plan states that all development 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. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided.

Currently the site has two access points onto Marldon Road. It is proposed that the western access be retained to serve the retained dwelling know as 'Kingsland'. The eastern access will be permanently stopped up and a new, superior, access provided for the proposed development.

The proposed access junction would provide a right-turn ghost island that meets current design standards and visibility splays of 2.4 x 120m are available. The proposed junction design is considered to secure adequate visibility

Within the site the access road will provide a 5.5m wide carriageway with the layout designed to accommodate refuse vehicles moving throughout the site. Two metre wide footways are provided on both sides. In terms of future considerations, should the proposal be granted planning permission, it is recommended that internal roads are built to the standards outlined within the Torbay Highway Design Guide to ensure that they have the potential to be adopted by the Local Highway Authority. Ultimately further scrutiny will be given to the internal layout at reserved matters stage.

A secondary pedestrian/cycle link is provided onto Moles Lane allowing for future connections to be made as the wider Torquay Gateway Area is developed.

The applicant has submitted drawings which illustrates the footway/cycleway being extended to the Nut Bush Lane junction. Additionally, the extended footway has been widened to 3m to accommodate a footway/cycleway. The applicant has also identified bus stop locations and layouts on Marldon Road. Theses developments will be delivered via S.38 & S.278 agreements.

The submitted swept path analysis shows an articulated vehicle successfully accessing and egressing the Marldon Road/Moles Lane priority junction.

The applicant has provided a Framework Travel Plan for both of the residential and employment elements of the development.

A review of the Highway Link Assessment has identified a maximum increase of 3% on Marldon Road (West of the Site) which is considered negligible in terms of impacting on the capacity or operation of the local highway network.

The applicant has undertaken junction capacity modelling for the proposed site access, the results identify the operation of the junction in a future assessment year of 2025 to be operating well within capacity.

Local Plan Policy SS6.2 and SDT3 indicates that development of the Edginswell Future Growth Area will require infrastructure improvement works. In addition, Local Plan Policy SS7 and the Planning Contributions and Affordable Housing SPD also suggests a sustainable transport obligation should be secured. The precise amount would be established at reserved matters stage.

Notwithstanding the above, there are currently no local services within a reasonable walking distance of the site; whilst there are bus stops provided it is most likely that future occupiers of any residential development of this site will rely on their cars for many journeys and as such the development is not sustainable.

5. Ecology & Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

Policy TE6 of the Torquay Neighbourhood Plan states that, all development within the Edginswell Future Growth Area must have a Habitats Regulations Assessment (HRA) as appropriate and be compatible with ecological requirements set out in the Habitats Regulations.

The site is within the Landscape Connectivity Zone for the South Hams SAC with respect to Greater Horseshoe Bats. The results supplied by the applicant indicate that during the 2016 bat static detector surveys, one record of GHB was recorded along the western side of the site (adjacent to the A380 carriageway).

Following the flow chart within the South Hams SAC Habitat Regulation Assessment (HRA) Guidance document (October 2019) it is deemed that in-combination with future development within the Edginswell Future Growth Area, there would be loss, damage or disturbance at a landscape scale to potential commuting routes for Greater Horseshoe Bats. Therefore, it is deemed that there may be a Likely Significant Effect on the South Hams SAC in the absence of mitigation and a detailed HRA is required. A further update on this will be given to Members at the Committee Meeting.

In regard to broader ecology matters, the buildings onsite to be demolished are deemed to offer low/moderate roosting potential for bats when surveyed in 2016 and resurveyed in 2018. Emergence and re-entry surveys of the building were undertaken in July 2016 and again in July 2018 found no evidence of bat roosting and therefore there are no impacts to roosting bats anticipated.

The proposals will lead to the loss of approximately 0.17km of hedgerow habitat and a further 12m of hedgerow will be lost from the creation of a new site entrance. This is to be mitigated by a two-meter-wide thickening of the western and northern boundary hedgerows will be undertaken to mitigate the loss of the internal hedgerow. The Councils Ecology advice states that details for reserved matters would need to include the submission of all details relating to securing compensation and 10% net gain through habitat creation and enhancement.

Approximately 1.65ha of semi-improved grassland will be lost to development, the applicant would need to compensate for loss of habitats, either on site or offsite, as part of the reserved matters application. Any future reserved matters application should use the most recent national biodiversity metric to help. The details for reserved matters will need to include the submission of a biodiversity metric

calculation which use the most up-to-date metric and associated guidance documents. This calculation would need to secure a 10% net gain in biodiversity.

In summary, subject to a positive HRA, the proposal would accord with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Torbay Local Plan Policies NC1, C4 and SS8 and Policy TE6 of the Torquay Neighbourhood Plan.

6. 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.

The developer is proposing to drain surface water run-off from the development using soakaways. However, as stated by the Councils Drainage Engineer, the infiltration testing does not comply with the requirements of BRE365 and therefore the infiltration rates quoted are unsuitable for the design of the infiltration drainage.

As this is a major application, the developer must submit the drainage details with the application. This would include undertaking the infiltration testing at the proposed location and invert level of the soakaways and in accordance with BRE365. Based on the results of the infiltration testing the surface water drainage can then be designed in order that there is no risk of flooding to properties on the site of increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. Consequently, insufficient information has been submitted to determine whether the proposal would accord with Policy ER1 of the Local Plan.

7. Other Considerations

Housing Supply

Please refer to the affordable housing proposed – numbers and type

The provision of housing is a significant benefit within the planning balance, particularly in light of the current published position where the Authority can only demonstrate 2.9 years, which is a significant shortfall. Paragraph 11 of the NPPF outlines that, decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

Where a proposal is considered to conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As stated, the land is allocated for employment and the development is therefore contrary to the adopted masterplan for the area, that is itself supported within the Neighbourhood Plan; in addition, due to the distance from local services the proposed residential development is in an unsustainable location. As such it is considered that the adverse impacts are significant and demonstrably outweigh the benefits of the development. When considering the tilted balance it is concluded that in this instance the balance does not lie in favour.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The site is identified for employment within the Development Plan and is hence broadly considered a sustainable site for future employment development as part of the wider Edginswell growth area.

The proposal is supported by a travel plan for the employment and residential applications that seeks to provide the parameters to help the development minimise the use of the private car. The development at Reserved Matters stage, would need to provide details of electrical charging points and cycle parking facilities.

Nevertheless, having regard to the distance of the site from local services it is anticipated that the development will be heavily car dependent.

The Economic Role

In terms of the residential aspect of the site, housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings are occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

With regards to the employment aspect of the site, job creation is a driver of economic growth and there would be economic benefits of bringing the site forward for development. Aside the longer-term economic benefits the construction phase would also create jobs within the local economy.

However, the Neighbourhood Plan and the Masterplan for the area show the whole site as being B1 & B2/B8 use, the residential aspect of the site therefore dilutes the amount of employment and jobs that were envisaged for the wider masterplan area. This has the potential to negatively impact on the sustainability of the wider site.

There is an adverse economic impact that would arise from this development which would result in a loss of allocated employment land. In respect of the economic element of sustainable development the balance is not in favour of the development.

The Social Role

There would be a social benefit of the proposed residential aspect of the development as it would provide additional housing, including additional affordable units. However, the location of the site is likely to result in unsustainable forms of journeys given its distance from local conveniences and primary schools.

There would be a social benefit of the proposed development as it would help deliver job opportunities in the local area. Initially the construction phase will provide activity

and employment opportunities. The B1 use would then provide longer term job opportunities for local residents.

On balance, although there are social impacts of the development, the proximity of the site for residential use is not considered to be well connected to amenities and therefore fails to create an integrated sustainable community.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on ecology and biodiversity and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of this application but net gains through additional hedgerows, planting and mitigation land would need to be provided as Reserved Matters.

Sustainability Conclusion

Having regard to the above assessment the proposed development is not considered to represent sustainable development.

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

S.106 Agreement

The following are draft Heads of Terms for a legal agreement, which should be completed prior to a planning consent being issued. Triggers and instalments in relation to the proposed financial contributions are to be agreed as part of the detailed negotiation of the legal agreement. If Members consider that the application is acceptable is recommended that authority to progress and complete the legal agreement be delegated to officers.

Highway works

In-line with Torbay Local Plan Policy SS6.2 and SDP3 development along the Torquay Gateway Corridor will require infrastructure improvement works.

Sustainable Transport

In accordance with Torbay Local Plan Policy SS7 and the Planning Contributions and Affordable Housing SPD (to open marking housing only) Sustainable Transport obligations should be secured.

Greenspace and Recreation

No detailed obligation request or expected level of play provision raised by Natural Environment Services. The Planning Contributions and Affordable Housing SPD indicates a development of this scale should secure a LAP and a LEAP. Parameters for the provision and retention of future public play space, which secures appropriate play space for different ages of children, should be secured, including funding mechanisms or public adoption, and dispute mechanisms, along with the provision and maintenance of the public open space, public access routes and allotments.

Education

Obligations in-line with the adopted SPD should be sought to secure increased school capacity within Torquay, based on the provision of open market housing, the detail of which will come forward at reserved matters stage.

Lifelong Learning Obligations

Obligations in-line with the adopted SPD should be sought to secure library improvements within the area, based on the provision of open market housing, the detail of which will come forward at reserved matters stage.

Waste and Recycling

Obligations in-line with the SPD should be secured to provide waste and recycling facilities for properties that will be served by the Local Authority waste collection provider.

Affordable Housing

Affordable housing provision for this development would need to accord with Policy H2 of the Torbay Local Plan. Housing services have viewed the above application and would expect to see 30% affordable housing being provided on the Greenfield element of the site (20 units) and 20% on the Brownfield (6 units) and so a total of 26 affordable units in total.

The affordable housing provision would be split into 1/3 Social Rent, 1/3 Affordable Rent and 1/3 Shared Ownership. The bedroom mix should be proportionate to the site as a whole with a pepper potted approach to the layout and as per section H6 of the Local Plan for a scheme providing 26 affordable units that the provision should also include 1 wheelchair adapted unit.

The applicant has confirmed that they are willing to provide the affordable units required for this application.

Elements of the provision, such as location and mix, to be agreed through the reserved matters stage when the form and layout is progressed beyond the current indicative stage.

Conclusions and Reasons for Decision

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 create jobs and provide housing would not be a sustainable use of the land at present and should provide more B2/B8 uses, for which there is a proven need for in Torbay. The scheme is considered to be contrary to Local Plan and Torquay Neighbourhood Plan Policies and to the adopted Masterplan for the area which shows this site as allocated for employment land for the wider Torquay Gateway site. Although the Council requires additional housing urgently, the loss of the employment land has the potential to detrimentally impact the viability and sustainability of the wider Masterplan site. The proposal is not considered to be a sustainable development which align growth and infrastructure and the lack of certainty over the submitted drainage details does not suitably address that the application would mitigate climate change.

Officer Recommendation

Refusal.

Reasons for refusal:

Drainage

The proposal, due to the lack of a detailed design for the management of surface water, fails to provide certainty that the risk of flooding to land of buildings adjacent would not be increased, within a Critical Drainage Area designated by the Environment Agency, contrary to Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

Loss of employment

The proposal would result in the development of land which is designated as B2/B8 employment land in the Torbay Local Plan, Torquay Neighbourhood Plan and the adopted Masterplan for the area. The LPA considers that the loss of employment land would reduce the sustainability of the wider Edginswell Growth Area due to the loss of employment opportunities that would arise, resulting in an adverse impact on the economic viability of the area representing an unsustainable from of

development. As such, the proposal is contrary to Policies SS1, SS2, SS3, SS4, SS5 of the Torbay Local Plan and Policy TH6 of the Torquay Neighbourhood Plan.

Sustainability

The proposed development does not accord with the allocation of the land in the development plan, the neighbourhood plan and the Masterplan for the site and, notwithstanding the tilted balance in favour of sustainable development that applies in this case, the planning benefits of the scheme do not present an overriding reason to grant planning permission, when considering the harm arising from the loss of employment land, the lack of adequate access to local facilities and services together the broad unsustainability of the development that is likely to be over-reliant on the private car. The development therefore does not accord with the development plan when considered as a whole and material considerations do not indicate that a decision should be made counter to the development plan. This conclusion is made in accordance with guidance contained within the NPPF, notably Paras. 11, 12 and 14. As such it is considered that the development presents significant harm which gives rise to a clear and demonstrable level of conflict with a range of Local Plan and Neighbourhood Plan policies, notably Policies SS1, SS2, SS3, SS4, SS5 and SS11 of the Torbay Local Plan and Policies TS1, TS2, TH3, TH6, TJ1 and TTR2 of the Torquay Neighbourhood Plan.

Lack of s106

The proposal, in the absence of a signed S106 Legal Agreement, fails to secure the necessary provision of sustainable development contributions and affordable housing, contrary to Policy H2 of the Torbay Local Plan 2012-2030 and the adopted Planning Contribution and Affordable Housing SPD.

Relevant Policies

SS2 - Future Growth Areas

SS3 - Presumption in favour of sustainable development

SS4 - The economy and employment

SS5 - Employment space

SS6 - Strategic transport improvements

SS7 - Infrastructure, phasing and delivery of employment

SS9 - Green Infrastructure
SS10 - Conservation and Historic Environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
SS14 - Low Carbon Development and Adaptation to Climate Change
W2 - Waste audit for major and significant waste generating developments
W3 - Existing waste management facilities in Torbay
SDT1 – Torquay
SDT3 – Torquay Gateway
TA1 - Transport and accessibility
TA2 - Development access
DE3 - Development Amenity
ES1 - Energy
C1 - Countryside and the rural economy
C4 - Trees, hedgerows and natural landscape features
NC1 - Biodiversity and Geodiversity
H1 - Applications for new homes
H2 - Affordable Housing
DE3 - Development Amenity
SC1 - Healthy Bay
SC2 - Sport, leisure and recreation
SC3 - Education, skills and local labour