

Planning Matters:

Report on Intended Decisions to be taken by the Assistant Director of Planning and Transport

Published: Monday, 04 May 2020

A prosperous and healthy Torbay

1. COVID-19

In light of the Government's guidance on social distancing, all of the Council's public decision making meetings have been cancelled. This will be kept under review on a regular basis.

Alternative decision making arrangements have been put in place for any decisions which need to be made during the COVID-19 outbreak. In many cases, this will involve the Leader of the Council making decisions normally made by the Cabinet. Any urgent decisions which would have been made at Council meetings will be taken by the Chief Executive. For other committee meetings such as Planning Committee, decisions will be taken by officers.

All such decisions will be made after consulting the appropriate councillors and decisions and any associated reports will be published on our website at:

<https://www.torbay.gov.uk/DemocraticServices/mgDelegatedDecisions.aspx?bcr=1>

The Assistant Director of Planning and Transport, by way of the publication of this document, hereby gives notice that he intends to consider the reports contained herein. Records of the decisions made by the Assistant Director of Planning and Transport will be published on our website after the anticipated decision date.

2. Torbay Hospital, Newton Road, Torquay (P/2020/0102/MPA)

(Pages 3 - 22)

Construction of new 2-storey mental health unit comprising a secure mixed-gender adult ward with 16 bedrooms, treatment & therapy spaces and staff offices with associated clinical & non-clinical facilities. Partial demolition of existing Haytor ward to accommodate new unit.

Decision to be taken after 13 May 2020.

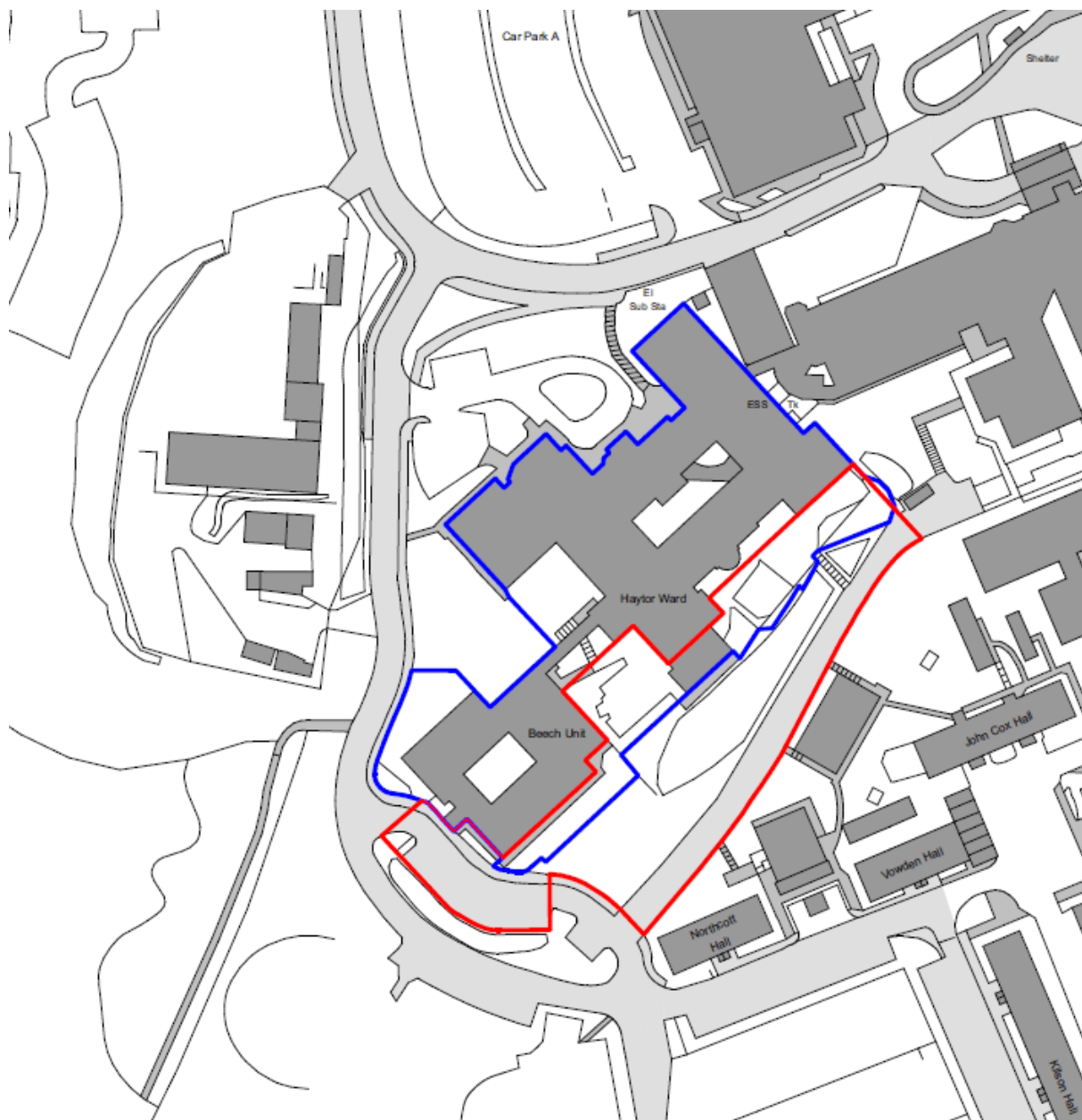
3. Public Representation

If you haven't already done so and you wish to make representation on any of the applications shown listed on this report pack, please email your representation to planning@torbay.gov.uk before 5.30pm on 6 May 2020.



Application Site Address	Torbay Hospital Newton Road Torquay TQ2 7AA
Proposal	Construction of new 2-storey mental health unit comprising a secure mixed-gender adult ward with 16 bedrooms, treatment & therapy spaces and staff offices with associated clinical & non-clinical facilities. Partial demolition of existing Haytor ward to accommodate new unit.
Application Number	P/2020/0102/MPA
Applicant	Devon Partnership NHS Trust
Agent	Grainge Architects
Date Application Valid	11.02.2020
Decision Due Date	13.05.2020
Extension of Time Date	
Recommendation	That planning permission be granted, subject to the completion of a S106 Legal Agreement for mitigatory tree planting and subject to the conditions detailed below.
Planning Case Officer	Craig Davies

Location Plan



Site Details

The application site comprises land at Torbay Hospital to the southeast of the existing Beech Unit and Haytor Ward (which currently provide assessment and treatment for people with mental health needs). The site comprises a long and fairly narrow strip of land constrained between the existing Beech Unit and Haytor Ward (which together form the northwestern boundary of the site) and a service lane (which forms the southeastern boundary of the site). The site, which slopes downhill from the southeast towards the northwest, currently comprises a grassed area with a number of trees. The neighbouring buildings in the vicinity form part of the Torbay Hospital complex and comprise single, double and triple storey, flat-roofed buildings, many of which are finished with red brickwork, with associated access roads, car parking areas, and a helicopter landing site. The nearest neighbouring buildings that are not part of the Torbay Hospital complex are residential properties sited more than 115m away to the southwest.

The site, together with the rest of Torbay Hospital, is designated as an employment site within the Torquay Neighbourhood Plan. The site is not otherwise subject to any designations within the Development Plan.

Description of Development

The application seeks permission for the construction of a 1509m² mental health unit to supplement and support the existing mental health services provided at Beech Unit and Haytor Ward.

The proposed two storey building would be built to follow the slope of the site with a large upper ground floor sited level with the service lane that forms the southeastern boundary of the site, and with a smaller undercroft lower ground floor along the northwestern side of the building sited level with Beech Unit and Haytor Ward which form the northwestern boundary of the site. The upper ground floor would contain the main public entrance on the southwestern (front) elevation leading to a reception and waiting area, a family visiting room, therapy spaces, offices, and various ancillary rooms laid out around a central open courtyard, and, to the rear, the main ward area which would comprise of 16 en-suite bedrooms, therapy and treatment rooms, a small de-escalation garden, offices, a kitchen, a games room and dining room, and various other ancillary rooms, also laid out around a central open courtyard. The lower ground floor would contain the staff entrance on the southwestern (front) elevation leading to a range of staff facilities (including changing rooms and shower facilities) and plant.

The proposal includes the demolition of an approximate 13.1m x 6.8m part of Haytor Ward (currently occupied by offices) on the southwestern side of the building and the creation of an enclosed linking passage between the lower ground floor of the proposed new mental health unit and Haytor Ward.

The proposed building would be finished with light grey/brown brickwork, white painted render, and grey standing seam for the walls, glass bricks for the walls of the

courtyards, a light grey/brown brick plinth, dark grey aluminium for the doors, windows and the glazed link, single-ply membrane with a low parapet wall for the roof (which would also contain a number of rooflights as well as photovoltaic panels), dark grey aluminium for the rainwater goods, and dark grey metal balustrading.

The proposal is also for associated works including various roof plant, a new bin store sited over 3 existing parking spaces in the car parking area to the southwest of the site, a generator to the rear of the site adjacent to the service lane, hard and soft landscaping, and perimeter fencing.

Pre-Application Enquiry

DE/2019/0106/ZP - Construction of 16-bed mental health unit, including partial demolition of existing building and external landscaping works. Pending consideration.

It should be noted that a site meeting occurred on 17.01.2020 during which some informal verbal feedback was provided. This current Major planning application was subsequently submitted prior to a formal written response being provided to the pre-application enquiry.

Relevant Planning Policy Context

Development Plan

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

Material Considerations

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

Relevant Planning History

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

Summary of Representations

No representations were received.

Summary of Consultation Responses

Highways: Torbay Council's Highways Engineer has indicated that "Highways have no technical issues with this application".

Arboriculture: Torbay Council's Senior Tree and Landscape Officer requested a Capital Asset Value for Amenity Trees (CAVAT) assessment in relation to the large Monterey Pine that is proposed to be removed. Following the submission of the said CAVAT assessment by the applicant, the Council's Senior Tree and Landscape Officer has indicated that the proposal is acceptable subject to the securing of a legal agreement for the payment of fees to be used for mitigatory planting of trees and landscaping in the wider area surrounding Torbay Hospital.

Devon and Cornwall Police: The Police Designing Out Crime Officer provided the following consultee response:

"I am pleased to advise that in November 2019 I was contacted by Anita White from Grainge Architects requesting security and crime prevention advice on early design plans for the above proposal and it is pleasing to note that many factors have been considered and implemented where possible and that chosen products will comply with the recommended security ratings.

"To assist the planning authority in the decision making process for the above and to prevent duplication of previous advice and recommendations please find below a direct copy of the police response to Grainge Architects:-

"Re: 2-storey adult mental health unit for Devon Partnership NHS Trust, located at Torbay Hospital.

Thank you for requesting consultation on the above pre application in relation to physical security, safeguarding and operational management issues for the above scheme. Please find the following advice and recommendations based on the submitted architectural drawings:-

It is recommended that products such as perimeter fencing, gates, external doors and easily accessible windows etc. are acquired from an accredited Secured By Design (SBD) member company. To assist, SBD also have the 'Secured Environments' scheme, which is to help organisations think about potential risks and how to make the best use of crime prevention measures. Upon registering, organisations are guided through the process offering help and advice throughout. Once the key principles of crime prevention have been met SBD will award the police approved 3 year accreditation of 'Secured Environments'.

For further information please contact me or visit the Secured by Design website.

SBD is a Police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide secure and safer places.

External perimeter security:

Ideally in order to provide a safe and secure environment for staff, visitors and patients and prevent unwanted intrusion, the building should be securely enclosed by using appropriate fencing where gaps between buildings occur. Types may include welded mesh or expanded metal fencing or railings, ideally colour coated to soften appearance. Dark colours reduce the reflection of light and therefore make it easier to observe activity through the fencing. The fencing should be effective and work in conjunction with the surrounding buildings and immediate environment without creating a 'fortress' impression. An appropriate height of fencing for low security would be at least 2.4m and resistant to climbing and burrowing underneath. The external 4.4m walls to the open courtyard & de-escalation garden are noted.

Ideally the fencing system should be certified to LPS 1175 Security Rating 1 or Sold Secure Gold standard (or equivalent).

The LPS standard relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m (at least) is necessary.

Fencing is effective at delaying and deterring intrusion and absconding because of the need to climb over or penetrate the fence. It is therefore important that there are no structures close to or over the fence that will aid climbing, e.g. trees, low walls, window sills, wheelie bins, tables and chairs etc.

The design, height and construction of any gates should match that of the adjoining fencing system and not compromise the overall security of the boundary. It should not be possible to lift the gate from its hinges, and the hinges and locking mechanism should be protected in such a way so as to prevent their use as climbing aids.

The chosen gate/s should be resistant to climbing and burrowing underneath. Please feel free to contact me for further information if required.

General:

- 1. A document should be submitted with the planning application detailing the proposed physical security elements for the building and immediate environment with an explanation as to how these will work based on the use of the building and the necessity to control human movement.*
- 2. A designated security lead with responsibility for security should be appointed within the service.*
- 3. The building lines should follow a simple design where recessed and concealed areas are avoided wherever possible as these can create hiding places and impede natural surveillance and the effectiveness of CCTV.*

4. *It is recommended that a monitored CCTV system is installed with a clear passport to compliance in place. The CCTV should cover all external areas, doors, windows, perimeter fencing, gates, main entrances and circulation areas*
A passport to compliance document is unique to each system and will be used for the design and performance specification of the system. It is a statement of problems, not solutions, highlighting areas covered by the system and the times and description of activities that may give cause for concern.
Approved companies can be searched for at: www.nsi.org.uk or www.ssaib.org
5. *An external lighting plan will be essential for the scheme. Care should be taken over lighting levels for both inside and out of the building. Lighting should not create shadows or reflections as this will hamper the ability to see outside when dark and may increase the fear of crime.*
6. *Care should be taken to not inadvertently design in structures that could be used to climb up to higher levels of the building or onto the roof e.g. low walls, rainwater goods, window sills etc.*
7. *An alarm or warning facility should be considered for external doors, where appropriate, so a signal on opening can be transmitted to the security office or staff.*
8. *All ground floor and easily accessible windows should have restrictors fitted which do not undermine fire regulations.*
9. *Relevant internal doors should have an access control system to manage and control human movement.*
10. *Clear sightlines throughout should be maintained wherever possible to enable staff to view patients. Recessed or concealed areas should be avoided. Where unavoidable measures could include staff placement, the use of mirrors or CCTV for example.*
11. *Staff, patients and visitors (when deemed appropriate) should be provided with a personal attack alarm.*
12. *There should be secure lockers for staff and visitors for storing personal or prohibited items.*
13. *Consideration should be given at this early design stage for a sprinkler system to be factored in.*

On a final note please find attached a copy of the 'Standards for Forensic Mental Health Services: Low and Medium Secure Care' (second edition 2017)'. Apologies if you have knowledge but a useful and comprehensive document if not."

"Please be advised that the above advice and recommendations were provided without the intention of creating a contract. Neither the Home Office nor the Police service accept any legal responsibility for the advice given. Fire prevention advice, fire safety certificate conditions, health and safety regulations and safe working practices will always take precedence over crime prevention. Where recommendations have been made for additional physical security measures, it is assumed that the product will be compliant with the appropriate standard and competent installers will carry out the installation as per manufacturer guidelines. For

approved and accredited products and member companies please visit the Secured by Design website.”

Environmental Health: Torbay Council’s Senior Environmental Health Officer has indicated no objection to the proposal.

Drainage: Torbay Council’s Drainage Engineer has indicated no objection subject to a condition to ensure that the surface water drainage is constructed in accordance with the submitted hydraulic design.

South West Water: South West Water’s Pre-Development Technical Advisor has indicated no objection to the proposal.

Waste: No response received.

Strategic Planning: No response received.

Strategic Transportation: No response received.

Torquay Neighbourhood Plan Forum: No response received.

Key Issues/Material Considerations

1. Principle of Development
2. Visual Impact
3. Impact on Amenity
4. Impact on Highway Safety
5. Arboriculture
6. Ecology and Biodiversity
7. Flood Risk and Drainage

Planning Officer Assessment

1. Principle of development.

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

aligned with the social objective of sustainable development, as supported within the NPPF.

Policy SDT1 seeks, amongst other things, the delivery of new employment floorspace and the improvement of the efficiency of existing employment sites (such as Torbay Hospital) within Torbay. Policy SDT3 identifies, amongst other sites, Torbay Hospital as a key site for employment within the Torquay Gateway area, and emphasises the need to maintain the long term healthcare needs of South Devon and to make more effective use of the site. Policy TJ1 of the Torquay Neighbourhood Plan states that the provision of new employment space will be supported across Torbay and that, subject to compatibility with Habitats Regulations requirements as relevant, support will be given to the retention and improvement of employment space at a number of identified employment sites including, amongst others, Torbay Hospital. In this regard it is noteworthy that the applicant's submission states that the proposed development would require the employment of 10 full-time and 9 part-time employees.

For the reasons above, the enhancement of the mental health facilities provided within this established hospital site, and the associated employment generation, is considered to be supported in principle through Policies SC1, SDT1 and SDT3 of the Local Plan, Policy TJ1 of the Neighbourhood Plan, and the guidance contained in the NPPF.

2. Visual Impact

Paragraph 124 of the National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities'. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Given its siting, scale, and design, it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality. The height and scale of the proposed two storey building would be consistent with the neighbouring buildings in the vicinity which are predominantly single-storey, two storey, and three storey buildings. The design of the proposed building incorporates slight variations in the height of the flat roof and parapet for different components of the building, as well as variations in the finishing materials used for the walls of the different components of the building, thereby effectively 'breaking up' the apparent bulk of the proposed building. In terms of the siting of the proposed building, while the building would be set fairly close to neighbouring buildings given the physical

constraints of the site, the separation distances are considered to be acceptable on balance, noting that the positive architectural treatment described above also helps to avoid creating an appearance of overdevelopment.

The design incorporates a sensitive palette of high quality finishing materials that would give the proposed building a contemporary character and appearance that would be compatible with, and complimentary to, the neighbouring buildings in the vicinity. In particular, it is noted that the proposed use of light grey/brown brickwork for the parts of the walls and plinth of the proposed building would complement the red brickwork of the neighbouring Beech Unit and Haytor Ward to the northwest, as well as other buildings within the Torbay Hospital complex. The main entrance on the southwestern elevation of the upper ground floor has been designed with a large area of glazing with a grey metal canopy that would create a positive interface and would ensure that the main entrance is clearly visible and legible for patients and visitors arriving at the proposed mental health unit. Given that the detailed appearance of the proposed bin store, generator, and perimeter fencing has not been indicated in the submission, a condition is proposed that would require that these details be submitted for approval by the local planning authority so as to ensure that these components are in keeping with the area and do not result in a negative visual impact.

While it must be acknowledged that in its current form this undeveloped site does contribute a feeling of spaciousness to the setting of this part of Torbay Hospital with a number of trees that contribute positively to the visual amenity, the proposed development of this site is considered to be acceptable on balance for a number of reasons. Firstly, as described above, the proposed development benefits from a high quality, sensitive, architectural treatment that would amount to a considerable improvement on the prevailing architectural quality of this part of Torbay Hospital. Secondly, the site sits within the developed footprint of Torbay Hospital and is bordered on 3 sides by existing buildings.

The loss of the large Monterey Pine on the site will have an adverse visual impact however the proposal does incorporate some space for soft landscaping, and an appropriate landscaping scheme would be secured using a proposed planning condition. The arboricultural impact of the proposal and the agreed mitigation thereof is discussed in more detail later in the report.

Subject to the said conditions, the proposal is considered to be consistent with Policy DE1 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Amenity

Policy DE3 of the Local Plan states that development should provide a good level of amenity for future occupants and should not unduly impact upon the amenity of neighbouring properties and surrounding uses. The Neighbourhood Plan is largely

silent on the matter of amenity. The NPPF guides (Paragraph 127) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of the occupants of neighbouring buildings in terms of their privacy, outlook, or access to natural light. While the separation distance between the proposed two storey building and the neighbouring Beech Unit and Haytor Ward to the northwest (which would range from approximately 3m to 5m) is such that there would be some impact in terms of outlook and access to natural light, on balance it is considered that these impacts would not be significant enough to warrant refusal of the application. The potential for an impact on privacy for the occupants of Beech Unit and Haytor Ward would be mitigated by the difference in levels between the respective buildings (with the majority of the proposed floorspace to be provided at upper ground floor level which would be a full storey higher than Beech Unit and Haytor Ward, with only staff facilities provided at lower ground floor level), and by the inclusion of a proposed 1.8m high timber fence between the existing bedrooms in the southern part of Beech Unit and the staff entrance on the southwestern elevation of the lower ground floor of the proposed building. In this regard it is reiterated that the Council's Senior Environmental Health Officer has assessed the proposal and has indicated no objection.

In terms of the standard of amenity for future occupiers, the proposal is considered to be acceptable for the following reasons. Each of the habitable rooms proposed within the mental health unit would be adequately sized and would be served by sufficient window openings to allow for sufficient outlook and access to natural light. In this regard it is noted that the proposal utilises two central open courtyards that would positively impact on outlook and access to natural light. The proposed placement and alignment of windows with respect to neighbouring buildings, the separation distances, and the differences in levels, are such that the proposal would not result in any unacceptable intervisibility between habitable rooms within the proposed building and those within neighbouring buildings, thereby ensuring an acceptable level of privacy. Finally, in addition to the benefits relating to the improvements in the treatment of mental health needs, the proposal also incorporates a range of additional facilities for patients, visitors, and for staff that would contribute positively to the level of amenity afforded to occupants of the proposed mental health unit.

The proposal is therefore considered to be consistent with Policy DE3 of the Local Plan and the guidance contained within the NPPF.

4. Impact on Highway Safety

Policy DE3 of the Local Plan states that new development proposals should have satisfactory provision for off-road parking of motor vehicles and bicycles, and storage

of containers for waste and recycling. Policy TA1 of the Local Plan seeks, amongst other things, to promote the use of sustainable modes of transport and improvements to road safety. Policy TA2 of the Local Plan states that all development proposals should make appropriate provisions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development in accordance with the parking ratios set out in Appendix F of the Local Plan. Policy THW6 of the Neighbourhood Plan states that the provision of secure cycle storage and showers for staff as part of employment development will be supported.

The proposed development would be accessed via the existing road network serving Torbay Hospital, and would seek to make use of the existing car parking areas serving this part of Torbay Hospital together with existing public transportation links. The proposal therefore does not include any additional on-site parking spaces. In addition, it should also be noted that the proposal includes a new bin storage facility that would be sited over 3 existing parking spaces in the parking area to the southwest of the site, and also that the proposed development's proximity to the service lane that forms the southeastern border of the site and that is currently used as an additional source of parking on an informal basis, means that this service lane would no longer be able to be used in this way. Appendix F of the Local Plan indicates an on-site parking ratio of 2.5 spaces per bed for all types of 'hospital related development'. Given that 16 bedrooms are proposed within the mental health unit (which would equate to a total of 40 on-site parking spaces), the proposal clearly does not comply with this policy requirement.

Some consideration should be given, however, to the fact that, whereas the Local Plan indicates the same parking ratio for all types of hospital related development, it is more likely that different hospital uses would vary in terms of their specific parking demand. As an example, whereas a mental health unit would host in-patients for longer periods of treatment and would be likely to receive fewer visitors, a maternity ward would host in-patients for shorter periods and would be likely to receive more visitors on a daily basis, therefore resulting in a higher parking demand. As justification for the lack of on-site parking provisions, the Design & Access Statement submitted with the application states that the proposed mental health unit may be partially staffed by existing staff from the Beech Unit and Haytor Ward, that new staff will be encouraged to make use of sustainable modes of transport, that there will only be occasional visitors to the ward, and that the typically longer duration of inpatients' admission would preclude their use of on-site car parking.

In order to facilitate the use of sustainable modes of transport by staff, the proposal includes staff changing rooms and shower facilities, and the applicants have indicated a willingness to include a storage facility for bicycles. While neither the Local Plan nor the Neighbourhood Plan indicate a specific ratio for cycle storage for this type of

development, a cycle storage facility for 5 bicycles is considered to be proportionate to the scale of the proposed development and the expected number of employees, and a planning condition is proposed that would secure an appropriate cycle storage facility. Furthermore, the applicants have also submitted a Travel Plan which details means by which sustainable transport will be promoted for the Torbay Hospital site as a whole. Given that this Travel Plan dates from 2015, a condition is proposed that would require the submission of an updated Travel Plan.

While the proposed development access and the provision of adequate bin storage, cycle storage and shower/changing facilities, is considered to be acceptable and compliant with policy, the proposed on-site parking provision is considered to be inconsistent with policy. It is important to note, however, that Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be refused on highways grounds if there would be (1) an unacceptable impact on highway safety, and/or (2) the residual cumulative impacts on the road network would be severe. In this regard it is noted that the surrounding public roads are subject to strict restrictions on the stopping and/or parking of vehicles which would ensure that the lack of additional on-site parking associated with the proposed development would not result in vehicles parking or stopping in inappropriate positions that could negatively impact on highway safety or congestion. Given that the proposal would not result in a major increase in trip generation to Torbay Hospital, and that the hospital is accessible by non-motorised forms of transport and is served by existing parking provisions as well as public transport, it is considered that the proposal would not result in an unacceptable impact on highway safety or in a severe cumulative impact on the road network, and therefore, in terms of Paragraph 109 of the NPPF, the proposal's inconsistency with the on-site motor vehicle parking requirements set out in the Local Plan does not warrant refusal of the application in light of the specific circumstances described above.

5. Arboriculture

Policy C4 of the Local Plan states that development will not be permitted where it would seriously harm (amongst other things) protected trees or other natural features of significant landscape, historic or nature conservation value, and that, where the loss of trees or landscape features is considered acceptable as part of development, that replacement or other mitigation measures will be required through planning condition or legal agreement.

The application site hosts a number of trees that are subject to a Tree Preservation Order (TPO). The TPO was imposed on 3rd February 2020 to ensure that the trees on the site were not removed without appropriate mitigation being secured. The application has been accompanied by an arboricultural impact assessment which states that the proposed development would result in the loss of three individual Category B trees, two groups of Category B trees, and two groups of Category C trees, with the most significant tree removal being that of a mature 19m tall Monterey Pine

in the southwestern part of the site. While the smaller trees on the site are somewhat obscured from local or wider public vantage points and are therefore limited in terms of their amenity value, the Monterey Pine is visible from a number of public vantage points and is an important landscape feature. While the proposal includes some areas for landscaping and a planning condition is proposed to secure an appropriate scheme of hard and soft landscaping for the site, the land under the control of the applicant is too constrained to support sufficient mitigatory planting to fully offset the loss of the trees. A legal agreement will therefore be secured for the payment of a negotiated amount of £40,000 towards mitigatory planting of trees and landscaping in the wider area surrounding the site. This amount is based on a Capital Asset Value for Amenity Trees (CAVAT) assessment, submitted following a request from the Council's Senior Tree and Landscape Officer, which stated that the amenity value of the Monterey Pine is £59,351.

The application has also been accompanied by an arboricultural method statement which sets out measures for the protection of trees adjacent to the proposed development that are to be retained. The Council's Senior Tree and Landscape Officer has indicated that the tree protection measures set out in the submitted arboricultural method statement are acceptable, and a planning condition is proposed to ensure that the tree protection measures are adhered to.

Subject to the said legal agreement and planning conditions, the proposal is considered to be in accordance with Policy C4 of the Local Plan.

6. Ecology and Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Neighbourhood Plan states that where there may be an ecological impact, development should be accompanied by an assessment of impacts upon any existing protected species or habitats and, as necessary, should set out mitigating arrangements in order to protect and enhance those species and habitats. 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 (Paragraph 170).

The application is accompanied by an Ecological Impact Assessment report which states that the site was found to have a very limited potential to support protected and notable species, including breeding birds. The report states that the buildings and trees on site were assessed for potential bat roosting features and were found to have negligible potential to support roosting bats, and that the site is not considered to provide a key foraging resource or commuting route given the existing high levels of ambient lighting within the hospital grounds. The report states that while the site falls within the Cirl Bunting Consultation Zone, the habitats on site do not provide suitable

nesting habitat or foraging resources for this species. Regarding dormice, the report states that although the site provides sub-optimal habitat in the form of species-poor hedgerows, these hedgerows are disconnected from any suitable habitats in the surrounding area. The report stated that the site was not found to support any suitable habitats for reptiles or amphibians (including Greater Crested Newts, noting that the site does fall within the Greater Crested Newt Consultation Zone), or badgers.

Given that the proposed development necessitates the removal of trees and hedgerow that have some limited potential to support nesting birds, the report states that the removal of the said trees and hedgerow should either be undertaken outside of the bird nesting season (which runs from March to August, inclusive) or within 24 hours of a pre-clearance check by an ecologist. The report also sets out recommendations for the protection of any active nests that are found until all chicks have fledged, and for the inclusion of 2 bird nesting boxes as compensation for the loss of potential bird nesting habitat. Other recommended biodiversity enhancements to contribute towards a net gain in biodiversity include flowering lawns / meadow grass, a wildlife-friendly landscaping scheme including shrubs / herbs from the RHS Perfect for Pollinators list, and a bat box.

Subject to planning conditions to ensure that the mitigation measures and biodiversity enhancement features described above are adhered to, the proposal is considered to be in accordance with Policy NC1 of the Local Plan, Policy TE5 of the Neighbourhood Plan, and the guidance contained in the NPPF.

7. 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 site is located within the Critical Drainage Area in an area of identified surface water flood risks and the application is accompanied by a Flood Risk Assessment and Drainage Strategy. The Council's Drainage Engineer has assessed the proposal and has indicated no objection provided that the surface water drainage is constructed in accordance with the submitted hydraulic design. Subject to a proposed planning condition to secure the proposed surface water drainage strategy, the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

Statement on Human Rights and Equalities Issues

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

expressed through third party interests / the Development Plan and Central Government Guidance.

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

Local Finance Considerations

S106: A S106 Legal Agreement for an amount of £40,000 is to be secured for mitigatory tree planting to compensate for the loss of trees as a result of the development. This amount has been negotiated based on the submitted CAVAT assessment relating to the 19m high Monterey Pine in the southwestern part of the site. It is recommended that authority to progress and complete the legal agreement be delegated to officers.

CIL: N/A.

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.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the proposal addresses the Development Plan aspirations to secure improvements to health facilities and to generate employment. While the planning assessment does identify some potential negative impacts relating to the loss of trees and to on-site parking provisions, these impacts are considered to be suitably mitigated through the measures detailed in the report and the conditions set out below, and are considered to be outweighed by the notable social and economic benefits arising from the proposed development of a new mental health unit for Torbay Hospital.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or local amenity; would provide an acceptable level of amenity; would not impair highway safety; and would provide acceptable arrangements in relation to arboriculture, ecological constraints, and flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission be granted, subject to the completion of a S106 Legal Agreement for mitigatory tree planting and subject to the conditions detailed below..

Conditions

Landscaping

Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

The approved hard landscaping details shall be provided prior to development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan. This must be undertaken prior to first occupation so as to ensure that the detailed appearance of the hard and soft landscaping for the site, which were not available at the time of the planning decision, can be appropriately and timeously considered by the Local Planning Authority.

Ecological Impact Assessment

The development shall proceed fully in accordance with the recommendations set out in the ecology report with reference 0989-EcIA-AM, received 28.01.2020, hereby approved, with particular attention to the recommended mitigation measures and biodiversity enhancement features.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

Travel Plan

Prior to the first occupation of the development hereby permitted, a detailed Travel Plan that seeks to achieve sustainable modes of travel in line with targets set out in the Local Plan policy, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented as approved.

The Travel Plan shall be reviewed on an annual basis. Should the annual reviews show that the development is failing to secure a modal shift of 30% of potential users to sustainable modes of travel, additional measures, in discussion with the Local Planning Authority, shall be agreed and implemented.

Reason: To reduce the impact of the development upon the transport network, in accordance with Policy TA2 of the Torbay Local Plan 2012-2030. This must be undertaken prior to first occupation so as to ensure that suitable measures to promote the use of sustainable modes of transport, which were not fully detailed at the time of the planning decision, can be appropriately and timeously considered by the Local Planning Authority and implemented without delay.

Tree Protection

The tree protection measures set out in the arboricultural method statement hereby approved must be adhered to at all times throughout the development.

Reason: In the interests of visual amenity and biodiversity conservation, and in accordance with Policies C4 and NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

Drainage

The development shall proceed fully in accordance with the drainage strategy hereby approved, which shall be provided in accordance with the approved details prior to the occupation of the development hereby approved and shall be retained and maintained for the lifetime of 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 the guidance contained in the NPPF.

Bird Nesting Season

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

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

Bicycle Storage

Prior to the first occupation of the development hereby permitted, covered and secure cycle storage shall be provided for at least 5 bicycles according to details (in terms of size, siting, appearance and design) which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed bicycle storage arrangements shall be retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate parking facilities are provided to serve the development and in the interests of visual amenity, in accordance with Policies TA2, TA3 and DE1 of the Adopted Torbay Local Plan 2012-2030 and Policies THW6 and TH8 of the Torquay Neighbourhood Plan. This must be undertaken prior to first occupation to ensure that details relating to the size, siting, appearance and design of the cycle storage, which were not available at the time of the planning decision, can be appropriately and timeously considered by the Local Planning Authority.

Staff Facilities

Prior to the first occupation of the development hereby permitted, the staff changing rooms and staff shower facilities indicated on the plan with reference 1443-PL05 Rev A (LGF), received 28.01.2020, shall be made available for use. Once provided, these staff facilities shall be retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To facilitate cycling as a viable means for staff to access the site, and in accordance with Policy TA2 of the Adopted Torbay Local Plan 2012-2030 and Policy THW6 of the Torquay Neighbourhood Plan.

Design Details

Prior to the first occupation of the development hereby permitted, details of the external appearance of the bin store, generator, and perimeter fencing indicated on the layout plan with reference 1443-PL03 Rev A, received 28.01.2020, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, and shall be fully implemented in accordance with the approved details. The external appearance of the bin store, generator, and perimeter fencing shall thereafter be permanently retained and maintained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF. This needs to be undertaken prior to first occupation so as to ensure that the external appearance of these components of the development, which were not fully detailed at the time of the planning decision, can be appropriately and timeously considered by the Local Planning Authority.

Informatives

01. 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

Torbay Local Plan Policies

SC1 – Healthy Bay
SDT1 – Torquay
SDT3 – Torquay Gateway
DE1 – Design
DE3 – Development Amenity
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, Hedgerows and Natural Landscape
NC1 – Biodiversity and Geodiversity
ER1 – Flood Risk
ER2 – Water Management
SS3 – Presumption in favour of Sustainable Development

Torquay Neighbourhood Plan Policies

TJ1 – Employment
TH8 – Established Architecture
THW6 – Cycle Storage and Changing Facilities
TE5 – Protected Species Habitats and Biodiversity