



Friday, 3 August 2012

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 13 August 2012

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Hill

Councillor Addis

Councillor Kingscote

Councillor Baldrey

Councillor Pentney

Councillor Barnby

Councillor Stockman

Working for a healthy, prosperous and happy Bay

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

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Email: governance.support@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 6)
To confirm as a correct record the Minutes of the meeting of this Committee held on 25 June 2012 and 16 July 2012.
3. **Declarations 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 Democratic Services or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **P/2011/1037/MPA - Land Holding At Churston Court Farm, Churston Ferrers, Brixham** (Pages 7 - 18)
Use and sale of recycled stone from Churston Soil Recovery from crushing/screening process on Churston Court Farm-Retrospective.
6. **P/2012/0281/MPA - Torquay Girls Grammar School, 30 Shiphay Lane, Torquay** (Pages 19 - 24)
Formation of new sports hall. Revised plans received showing amended design, orientation and access to the proposed new sports hall.

7. **P/2012/0441/PA - 66 Moor Lane, Torquay** (Pages 25 - 29)
New detached dwelling and vehicular access, within the grounds of No 66 Moor Lane.
8. **P/2012/0580/PA - Torre Primary School, Barton Road, Torquay** (Pages 30 - 32)
Installation of single mobile classroom.
9. **P/2012/0581/PA - Torre Primary School, Barton Road, Torquay** (Pages 33 - 35)
Removal of existing scout hut and formation of new hard surface play area in same location.
10. **P/2012/0690/PA - Princess Gardens, Off Torbay Road, Torquay** (Pages 36 - 38)
Erection and operation of a 50M observation wheel with ticket office and supporting coffee and crepe unit on a temporary basis from 13/8/12 to 7/11/12.
11. **P/2012/0483/PA - Pavings, Roundham Gardens, Paignton** (Pages 39 - 42)
Extension to form hobbies room and utility room.
12. **P/2012/0666/HA - 42 Broadsands Road, Paignton** (Pages 43 - 47)
Ground and first floor dormer extension to include integral double garage and car parking to front of property.
13. **P/2012/0704/PA - Blue Seafood Company, South Quay, The Harbour, Paignton** (Pages 48 - 51)
Continue to site 40ft container on allocated parking area for a working area to meet EHO requirements continue to site 20ft blast freezer on allocated parking area to handle increased throughput.
14. **P/2012/0706/MPA - White Rock Business Park, Waddeton Close, Paignton** (Pages 52 - 60)
Development of Innovation Centre Phase 3 for Torbay (IC3) (Use Class B1).
15. **P/2012/0633/MRM - Land Off Brixham Road, Rear Of Torbay Garden Centre Incorporating Yannons Farm, Adjacent To Little Preston, Short Preston And Woodlands Paignton** (Pages 61 - 69)
Approval of all reserved matters for a 6257sqm pharmaceutical manufacturing unit (use class B1) with associated external buildings.
16. **Appeal Decisions** (Pages 70 - 71)
The Committee noted the outcome of recent appeal decisions.
17. **Site Review Meetings, Proposed Revised Protocol** (Pages 72 - 78)
To consider a report reviewing the current protocol for Site Review Meetings.
18. **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.

19. Site visits

If Members consider that site visits are required on any of the applications they are requested to let the Democratic Services Section know by 5.00 p.m. on Wednesday, 8 August 2012. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

16 July 2012

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Hill, Kingscote, Pentney and Ellery

(Also in attendance: Councillors Butt, Davies, Richards and Thomas (D))

26. Apologies for absence

It was reported that, in accordance with a review of the political balance, Councillor Stephen Brooksbank has been replaced, for this meeting, by Councillor Vic Ellery.

27. Minutes

The Minutes of the meeting of the Development Management Committee held on 18 June 2012 were confirmed as a correct record and signed by the Chairwoman.

28. P/2008/0114/MPA - Hollicombe Gas Works, Torbay Road, Torquay

The Committee considered a re-advertisement for the construction of 185 residential apartments with associated vehicular and pedestrian access, parking, infrastructure and landscaping works. This application is accompanied by an environmental statement (as received 04/05/12). This is a departure from the saved Torbay Local Plan.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Leon Butler, Andrew Robinson, Liz Parnell, Becky Fowlds and Russ Green addressed the Committee against the application and Ian Baker and Graham Hutton addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Lewis addressed the Committee.

Resolved:

Approved subject to:

- (i) the conditions and informatives set out in the submitted report with the following amendments/additions:

- (a) condition 1 to add: The phasing plan to also include phasing and timing of remediation works;

(b) extra condition: Bollards to be situated between Blocks B and C to facilitate vehicle management; and

(c) extra condition: Developer to confirm how they will disseminate remediation monitoring information to the school and the 2 community partnerships; and

- (ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head of Spatial Planning within three months of the date of this committee.

29. P/2012/0578/CA - Princess Promenade, Torquay

The Committee considered an application for the removal of upper and lower deck of the Banjo and link steps.

Prior to the meeting Members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head of Spatial Planning; subject to the further views of English Heritage in respect of further justification for the demolition of the structure.

30. P/2012/0579/R3 - Princess Promenade, Torquay

The Committee considered an application for the replacement of lower deck and the Banjo, in filling of void areas between deck and Banjo wall; and extension of the steps.

Prior to the meeting Members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head of Spatial Planning; subject to:

- (i) the further views of English Heritage in respect of the requested further justification for the associated demolition; and
- (ii) the conditions set out in the submitted report.

31. P/2012/0416/PA - Collingwood, 38 Braddons Hill Road East, Torquay

The Committee considered an application for a balcony and additional apartment at roof level.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the conditions set out in the submitted report with the addition that the car parking visitors space is only used by No. 12; and
- (ii) the completion of a Section 106 Agreement within three months of the date of this Committee or the application be reconsidered by Members.

32. P/2012/0414/LB - Collingwood, 38 Braddons Hill Road East, Torquay

The Committee considered an application to form a balcony and additional apartment at roof level.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the conditions set out in the submitted report with the addition that the car parking visitors space is only used by No. 12; and
- (ii) the completion of a Section 106 Agreement within three months of the date of this Committee or the application be reconsidered by Members.

33. P/2012/0327/PA - Lewton Lodge, Adelphi Lane, Paignton

The Committee considered an application for the change of use from 2 holiday apartments to 2 residential apartments.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Stuart Lewton addressed the Committee in support of the application.

Resolved:

Approved subject to the completion of a Section 106 Agreement in respect of waste management, sustainable transport, education, lifelong learning and greenspace within three months of the date of this Committee or the application be reconsidered by Members.

34. P/2012/0396/VC - Units 1,4,5,6,7,8,9 And 12, Sunhill Apartments, 19 Alta Vista Road, Paignton

The Committee considered an application for a variation of conditions to change use to full residential use.

Resolved:

Approved subject to the completion of a Section 106 Agreement in respect of sustainable transport, lifelong learning, greenspace, education and waste management within three months of the date of this Committee or the application be reconsidered by Members.

35. P/2012/0516/MPA - 1 Southfield Road, Paignton

The Committee considered an application to extend time limit for the formation of 12 - 2 bedroom flats with pedestrian/vehicular access (revised scheme) application P/2009/0281/MPA.

Resolved:

Approved subject to:

- (i) the conditions set out in the submitted report; and
- (ii) the completion of a new Section 106 Agreement in respect of waste management, sustainable transport, stronger communities, lifelong learning and greenspace within three months of the date of this Committee or the application be reconsidered by Members.

36. P/2012/0619/HA - 110 Hookhills Road, Paignton

The Committee considered an application to remove porch, alterations to form enlarged tiled roof to cover porch and front of house; build pool/games room at rear in garden.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to the condition set out in the submitted report.

Chairwoman

Minutes of the Development Management Committee

25 June 2012

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Brooksbank, Hill, Kingscote and Darling

(Also in attendance: Councillors Lewis, Mills, Pritchard, Richards and Thomas (D) plus Councillor James (Brixham Town Council))

24. P/2011/0829/MOA - Site Of Existing Club House, First And Eighteenth Holes, Churston Golf Club, Dartmouth Road, Brixham

The Committee considered an application for the demolition of clubhouse, outbuildings and car park and development comprising up to 90 dwellings, 42 bed extra care scheme (use class C3 Extra Care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping (In Outline).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Geoff Melbourne, David Seaton, Mark Smith and Adam Billings addressed the Committee against the application and Ian Mellor, Ian Handford and Verena Wormersley addressed the Committee in support of the application. Councillor James from Brixham Town Council addressed the Committee. In accordance with Standing Order B4.1 Councillor Pritchard also addressed the Committee.

Resolved:

Subject to:

- i) formal confirmation that screening has taken place and an appropriate assessment pursuant to the Habitats Regulations is not required; and
- ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head of Spatial Planning, within six months of the date of this committee, to secure appropriate Sustainable Development contributions, Affordable Housing and Public Open Space;

the outline planning permission with all matters reserved apart from access be approved with the conditions as set out in the submitted report.

(Note: Prior to consideration of application P/2011/0829/MOA, Councillor Mills declared a personal prejudicial interest.)

25. P/2011/0838/MPA - Land At Churston Golf Club, Dartmouth Road, Brixham

The Committee considered an application for change of use of agricultural land for use as a golf course; part demolition of existing wall in conservation area, development of a clubhouse, car park and golf trolley store; a new vehicular access and road from green lane; a new practice area with associated small building and practice putting green; and works to form three replacement tees, fairways and greens; all associated infrastructure engineering works and landscaping. This is a departure from the Local Plan.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Roger Richards, David Seaton, Charlie Hopkins, Mark Smith and Geoff Melbourne addressed the Committee against the application and Ian Mellor and Chris Knight addressed the Committee in support of the application. Councillor James addressed the Committee on behalf of Brixham Town Council and in accordance with Standing Order B4.1 Councillors Pritchard and Mills also addressed the Committee.

Resolved:

That the application be refused on the following grounds:

- i) The applicant has failed to meet the exceptional circumstances and public interest tests in relation to development in the AONB and the development is contrary to paragraph 116 of the NPPF and policy L1 of the Local Plan;
- ii) The proposed development would seriously harm the value and quality of the AONB and adjacent Conservation Area, by reason of the resultant detrimental impact on the tranquil nature of the area (contrary to Local Plan policy L1 and paragraph 123 of the NPPF);
- iii) The proposed development, in a location not well served by public transport and other sustainable modes of transportation, would generate additional traffic on the local highway network that would have an adverse impact on highway safety and the free flow of traffic; and
- iv) The failure to deliver mitigation measures (including measures to maintain the favourable conservation status of the SAC) in the absence of a signed Section 106 Agreement.

Chairwoman

Agenda Item 5

Application Number

P/2011/1037

Site Address

Land Holding At Churston Court Farm
Churston Ferrers
Brixham
Devon
TQ5 0JE

Case Officer

Mrs Helen Addison

Ward

Churston With Galmpton

Description

Use and sale of recycled stone from Churston Soil Recovery from crushing/screening process on Churston Court Farm- Retrospective

Executive Summary/Key Outcomes

The proposal is for the sale of recycled stone resulting from an operation of screening and crushing builder's waste that is currently controlled by the Council through two under enforcement notices. This use has been permitted for agricultural benefit until January 2015. The applicant advises that processed stone would leave the site in the same lorries that bring material to the site, although there is some doubt that this would be achievable in all cases. No buildings are proposed on the site. A noise assessment has been submitted that concludes, subject to the provision of 4 metre high earth bunds, the proposal would not have an adverse effect on the residential amenity of nearby occupiers.

It is recognised that there remains the opportunity to control the commercial operation (sale of stone) through conditions. It is further recognised that paragraph 28 of the NPPF encourages the 'development and diversification of agricultural and other land-based rural businesses'.

However, in this case, the key question as to the proposed use revolves around its proposed location. The application site is within the AONB. The National Planning Policy Framework contains a presumption against major development within the AONB. There does not appear to be adequate justification for permanent planning permission to be granted for the introduction of a commercial waste sales operation on agricultural land in the AONB. This is particularly so because alternative and adequate stone recycling facilities to serve the area are available at Yalberton Quarry. The permanent provision of raised earth bunds to screen the operation on the site would also be harmful to the high quality landscape within the AONB.

As such and given the sensitivity of the site and its environs, it is recommended that this application be refused.

Recommendation

Refusal (reasons at end of report).

Site Details

The application site relates to part of a field measuring 0.96 hectares, which is situated between Brixham Road and Copythorne Road. The site is not visible from these roads and has earth banks around its perimeter. There are no buildings on the site. There are private tracks that provide access from both Brixham Road and Copythorne Road. The application site is elevated above the level of Brixham Road. Dwellings to the north of the site on Copythorne Road are approximately 240 metres from the site.

Detailed Proposals

The application is for the sale of recycled stone from the site, resulting from a crushing/screening process that is already being carried out on the site, albeit that the current process is associated with the agricultural improvement of the land.

In December 2009 the Council served two under enforcement notices to control the use of the site for processing and storage of waste stone and builder's rubble. These under enforcement notices expire in January 2015.

The applicant currently brings waste soil and rubble from construction sites to the site. He processes (crushes and screens) these materials and stores them on site. Currently the soil and stone is reused on Churston Court Farm. Large amounts of soil from this process have been used on the land to improve its agricultural value and the stone is used to improve the access track and hardened/stoned areas on the farm. However from this process there is a considerable amount of larger stone that cannot be used for this purpose and could be recycled back for use in the construction industry.

The applicant advises that the proposal is to 'back load' the lorries that are already coming into the site to go out of the site with stone. Any stone over 1.5" (3.75cm) is removed and then sorted into sizes for reuse elsewhere. The proposal is to allow the applicant to sell this stone.

The two enforcement notices relating to use of the site for processing and storage of waste stone and builders rubble and depositing of processed material on specified fields came into effect on 17th January. These notices permitted the following;

- up to 60 deliveries a day (120 vehicular movements in total) between 8 am and 6pm on any day.
- No vehicles over 18 tonnes to enter or leave the land before 8 am or 6pm

and not on Sundays or Bank Holidays.

- At the end of each working day treat the road network so there are no deposits of mud on the road.
- Not to store waste stone or builders rubble outside the permitted areas.
- Within the permitted areas a maximum of 50,000 tonnes of engineering stone may be stored and it cannot be stockpiled higher than 2.5 metres.
- The notices will expire on 17th January 2015 or when works to specified fields is completed, whichever is the sooner.

The agent has advised that under this proposal the number of vehicles visiting the site would not exceed 60 per day as permitted by the enforcement notices. It is indicated there are currently up to 10 lorries attending the site on a daily basis that could leave with a backload of material that would be sold from the site, which would constitute around 150-200 tonnes per day. However, in the absence of an additional condition to control the number of vehicle movements, this could rise to 60 per day as permitted under the enforcement notices.

Details of the crusher and screening machine have been submitted. The crusher would be a jaw crusher rather than a tumble crusher, which it is advised by the agent would create less noise. The agent has confirmed that the crusher and screening machine would be sited within the application site, which has earth bunds seeded in permanent pasture grass seed mix around the perimeter. At the Council's request the applicant has carried out a Noise Impact Assessment of the operation of the machinery on the site.

A plan showing the route lorries take accessing the site has been submitted in support of the application.

In the Torbay Local Plan 1995-2011 the site is allocated as being within the Countryside Zone, Coastal Preservation Area and AONB. To the east is a Local Wildlife Site.

The Environment Agency has issued a permit to allow the deposit of waste materials to land as a recovery operation.

Under the provision of the 2011 Environmental Impact Assessment (EIA) Regulations the Council screened the proposed development and concluded that an Environmental Impact Assessment would be required, due to the sensitivity of the site. The applicant requested a screening direction from the Secretary of State. The Secretary of State concluded that the proposed development is not EIA development.

The proposed development has been screened under the Habitats Regulations 2010 and it was concluded that this proposal will not have a Likely Significant Effect (alone or in-combination) on the integrity of the South Hams Greater Horseshoe Bat Special Area of Conservation.

Summary Of Consultation Responses

Highways: Raise no objection. Advises the current proposal should match the existing time restriction in terms of the operation.

Natural England: The Authority should consider securing measures to enhance the biodiversity of the site from the applicant if it is minded to grant permission for this application.

Environmental Health Officer: The noise report indicates that if there is no line of sight to the equipment then the noised levels at the nearest residential properties will meet the criteria within Mineral Policy Statement 2 and the level of noise will be acceptable. The noise will only be acceptable if the bund is 4m high and cuts line of sight and the equipment remains within the allocated area.

Brixham Town Council: Recommends refusal due to potential noise pollution and recommends a site visit.

South Devon AONB Office: Because the proposal appears in the short term not to create additional significant impacts on the area over and above the current approved earth work operations already in progress, I would not maintain an objection to it. The current earth works are unsightly and damaging to the appearance and character of the area and it is essential that this land is rapidly returned to its primary agricultural purpose and appearance. A longer term change to landfill or materials recycling use would be wholly unacceptable here.

Ecology Consultant: (in discussion with Natural England)

We do not believe that the scheme is likely to have a significant effect on the integrity of the Berry Head SAC and its population of Greater Horseshoe Bats, and consequently it does not require a screening assessment or any further appropriate assessment under the HRA process.

Summary Of Representations

Large number of letters of objection received and reproduced at Page.B.200. The points raised include;

- Introduction of industrial process on agricultural land
- Process has been carried on for 5 years and caused problems of smell, dust, and noise
- Use of lanes by big lorries

- Existing use is temporary for agricultural purposes, no need to expand this use
- Hours proposed are not acceptable in close proximity to residential properties
- Number of lorries has led to quantities of mud in wet weather, some flooding and general deterioration of the surfaces
- Quarrying is not farming and we do not think this should be allowed to become an industrial area
- Impact on AONB
- 60 lorries per day is wholly unacceptable

Relevant Planning History

Two under enforcement notices are in force relating to the site.

Key Issues/Material Considerations

The main issues are the principle of the change of use from agricultural use to use for sale of recycled stone, impact on the AONB, effect on residential amenity, highways and impact on wildlife.

Principle and Planning Policy -

Processing of waste material from construction sites for use for agricultural improvement on Churston Court Farm is already being carried out on the site and is controlled by the two under enforcement notices. These notices include controls on the number of lorries visiting the site and the times of operation.

Paragraph 28 of the NPPF encourages the 'development and diversification of agricultural and other land-based rural businesses'. In this case the applicant considers the proposed commercial operation to be ancillary to the soil recovery and improvement operation that is already occurring as agricultural improvement on the land.

However, the sale of material resulting from the process would change the nature of the process being carried out on the site from purely agricultural improvement to a commercial activity, which requires the benefit of planning permission.

The relevant policies to the determination of this application relate to waste and also the location of the site in the AONB. They are as follows;

Policy WS in the Torbay Local Plan 1995-2011 advises that the granting of planning permission for waste management proposals will be subject to the

satisfactory resolution of any transport issues, protection of public amenity, the need to conserve the landscape character, nature conservation, historic environment, surface and groundwater of the area. Where appropriate, provision should be made for the restoration of the site for a beneficial after use.

There are no policies relating to waste in the National Planning Policy Framework (NPPF). PPS10 (Planning for Sustainable Waste Management) has been retained until the new National Waste Management Plan is issued. The overall objective in PPS10 is to protect human health and the environment by producing less waste and using it as a resource wherever possible. A key planning objective is identified to deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option.

It is the applicants stated intention to sell surplus stone that is a by-product of the agricultural improvement operation on the land. As such the applicant seeks to recycle and re-use materials that result from the existing agricultural process. However, it would be very difficult to control this process and ensure that only surplus materials from processes associated with the agricultural improvement of the land were sold on. In effect, the permission for the sale of stone could result in additional waste materials being brought to and processed on the site and the slowing down of the agricultural improvement of the land as a result.

It is also necessary to consider policies relating to the designation of the site as AONB. Paragraph 116 in the NPPF states;

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”

Policy L1 in the Torbay Local Plan 1995-2011 states that within AONBs conservation and enhancement of their natural beauty will be given priority over other considerations. Development will only be permitted where it would support their conservation or enhancement or would foster their social and economic well being, provided that such development is compatible with their conservation.

Waste Strategy -

The objective in PPS10 is for more sustainable waste management, which is achieved through reuse, recycling and other recovery before considering disposal as a last resort. This proposal would meet this objective as it includes processing of waste for reuse. PPS10 also identifies that the planning process should provide “sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time”. This is a key point as although the proposal is for a sustainable form of development in terms of the process that is carried on, it is important to consider whether the proposal is appropriate in this location or whether there would be any adverse effects on the amenity of the area.

This is an unallocated site for waste disposal. PPS10 sets out a number of criteria to assess waste proposals on unallocated sites. This includes;

- The physical and environmental constraints on development
Impacts on environmental quality, social cohesion and inclusion or economic potential
- Capacity of transport infrastructure
- Priority to be given to re use of previously developed land and redundant agricultural buildings and their curtilages.

In the Design and Access statement the applicant refers to the sustainable benefits of the proposal that would mean this waste is not sent to landfill. A case is also presented that the overall impact of the proposal would be minimal because it would not require any buildings, new machinery or changes to the land. It is advised that the existing lorries delivering to the site already coming to the site would be backfilled to remove the end product for sale. The end product would be used by the construction/building industry.

It is notable that the applicant has not provided any evidence of the need for this facility in this location or information on how the proposal would fit in with the Council’s waste strategy. The same process is carried on at Yalberton Tor Quarry and the site at Yalberton has the capacity to process all of Torbay’s soil and construction waste.

The question of how the operation on the site would change as a result of the proposal is also material. At the current time the scale of the waste processing is limited by the need to use the end product on a number of designated fields. This would limit the volume of material that can be processed to the amount that can be applied to the fields and would also provide an ultimate limit on the

operation, since once all the soil on the designated fields had been enriched the operation would cease.

The proposal would mean that the scale of processing on the site could be increased as it would be easier to dispose of the end product. There would also be no natural limit on how long the process could be carried out.

There is concern that the applicants suggestion that existing lorries would be backfilled would be unworkable. This is because the existing hauliers using the site to dispose of construction waste will likely have a contract with a development contractor to dispose of waste from the site. It would be an added complication to also pick up a load at the same time to be sold to a third party. It is likely that a haulage contractor would fulfil one contract at a time rather than operate two consecutive contracts. The applicant's response to this matter have been requested and will be reported to Members.

Impact on the AONB -

Since this application was submitted the NPPF has come into force in March 2012. The wording of paragraph 116 is different from Policy L1 in the Torbay Local Plan 1995-2011, which supports development where there is conservation of the environment or development would foster social and economic well being within the AONB. In Paragraph 116 of the NPPF there is a presumption that planning permission for major development should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

From the information submitted in support of the application there is no evidence that there is an exceptional circumstance to justify this development in this location or that the proposal would be in the public interest.

Paragraph 116 identifies three criteria that a proposal should be assessed against. These are;

a) the need for the development - in this case the need is not proven, as there are existing facilities for carrying out the same operation at Yalberton Quarry,

b) the cost of meeting the need in some other way – in this case the cost would be nil as this waste could be processed at Yalberton Quarry and

c) any detrimental effect on the environment, and the extent to which that could be moderated - The AONB Manager's comments are helpful in response to this point. The majority of the earth bunds are already on the site, however, as a result of this proposal it would be necessary to extend these and the new earth bunds would need to be increased in height from 2.5 metres to 4 metres. These earth bunds would be temporary until the expiry of the enforcement notices in January 2015. This application is for full planning permission which would mean

the earth bunds would be permanent. The AONB Manager's advice is that the current earth works are unsightly and damaging to the appearance of the area. He advises that a longer term change to a landfill or material recycling use would be wholly unacceptable here.

As such it is concluded that the proposal would have a detrimental effect on the environment, as there would be potential for the existing earth works to become permanent which would harm the amenity of the AONB.

In summary, the proposal would fail to meet the requirements of Paragraph 116 of the NPPF.

Impact on residential amenity-

There have been a number of complaints from local residents about noise nuisance from the existing screening/crushing operation that is being carried out. With the existing under enforcement notices there is no restriction on where the crushing and screening machinery can be operated and it is currently moved around the farm. This application proposes that the machinery will only be operated in one location that is surrounded by earth bunds that would reduce noise in the surrounding area. This could present an opportunity for an improvement to the current situation for local residents.

As stated above a Noise Assessment has been submitted by the applicant and this concludes that the proposal would not have a detrimental effect on residential amenity. This conclusion is supported by the Environmental Health Officer on the basis that 4 metre earth bunds are provided on the site. In the Noise Assessment report it is suggested that the operational hours of the site could be reduced by two hours each afternoon (stopping at 4pm rather than 6pm) resulting in operating hours of 8am to 4pm weekdays and 8am to 1pm Saturdays. Again this would be an improvement compared to the current situation for local residents.

It is not considered that the proposed development would have a detrimental impact on residential amenities, provided that the operation is appropriately controlled by conditions.

Highways -

The under enforcement notices permit 60 lorries per day to visit the site, which is a considerable volume of vehicular movements. The agent has advised that currently there are up to 10 lorries attending the site on a daily basis, which results in a maximum of 150-200 tonnes material being delivered to site per day.

The maximum of 60 lorries per day could result in 1080 tonnes material being delivered in a day. The applicant proposes that the existing lorries arriving at the site would be backfilled so that there would be no increase in vehicular

movements to the site. There is concern, however, as to whether this is logistically possible as contractors may not be in a position to operate more than one contract at any one time.

There would be an opportunity as part of this planning application to negotiate the number of vehicular movements to the site and to reduce the amount that is currently permitted.

The Senior Transport Planner has raised concerns about the effect of a permanent use of the highway network for fully laden lorries. He has requested additional information in support of the application and he recommends that a sustainable transport contribution should be paid in order to mitigate the impact of the development on the highway network.

As part of the application a plan showing a one way route for lorries visiting the site has been submitted. This works effectively for lorries arriving from the Paignton direction. The arrangements for vehicles arriving from the Brixham direction would involve drivers phoning ahead to ensure the one way system for lorry movements is clear for their use.

Wildlife-

The site is within the sustenance zone of the Berry Head Special Area of Conservation. As there are no buildings proposed on the site, and the operation of screening and crushing soil has already been permitted by the Council it is unlikely that the sale of recycled stone from the site would have a detrimental impact on Greater Horseshoe Bats or other wildlife that use the site. A condition can be imposed to ensure that there is no floodlighting of the site.

It is noted that Natural England have not raised an objection to the proposal.

Conclusions

In conclusion, the proposal is for the sale of recycled stone resulting from an operation of screening and crushing builders' waste that has already been controlled by the Council through serving two under enforcement notices, on a temporary basis until January 2015. The current operation on the site is solely for agricultural benefit, and the introduction of sale of recycled stone would introduce a commercial waste operation on this agricultural site within the AONB on a permanent basis.

The applicant has submitted a noise assessment to demonstrate that subject to 4 metre high earth bunds being provided around the application site the proposal would not have an adverse impact on residential amenity. This proposal would also present an opportunity for new controls to be imposed on the applicant in terms of location of machinery, hours of operation and number of vehicles visiting the site which could constitute an improvement to the existing operation on the site.

However, the site is within the AONB and paragraph 116 of the NPPF restricts development within the AONB to that which is required in an exceptional circumstance and is in the public interest. A detailed analysis of this guidance has concluded that the proposal would not meet these objectives and the proposal should therefore be refused planning permission. There is also concern about the permanent effect of the proposed development on the landscape quality of the AONB.

There are clearly benefits from the processing and reuse of soil and stone, however, just because this operation is currently being carried out for agricultural benefit does not provide sufficient justification for an exception to be made to AONB Policy. In this case the applicant has not proven that this site is the right place for the proposed use.

Condition(s)/Reason(s)

01. The applicant has failed to prove that there are exceptional circumstances to justify the proposed sale of recycled stone on the site, which is located within an Area of Outstanding Natural Beauty designated for its nationally important outstanding landscape quality. Furthermore, the applicant has failed to demonstrate that the proposal would be in the public interest; as such the proposed development is contrary to paragraph 116 of the National Planning Policy Framework and the policy tests set out in policy L1 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The application site forms part of the wider undeveloped countryside between Brixham and Paignton that acts as an important green wedge that separates the two towns. The proposed development would harm the value of this Area of Outstanding Natural Beauty by reason of the permanent formation of earth bunds within an agricultural area that are unsightly and damaging to the character of the area. Furthermore, the inevitable increased activity and disturbance that would be generated from the introduction of a commercial waste sales operation on the site would have a harmful impact on the character of the AONB. This would be detrimental to the tranquil nature of this agricultural area that is valued for its distinctive undeveloped character. As such the development would be contrary to the objectives of paragraphs 116 and 123 of the National Planning Policy and policy L1 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

- WS Waste management and disposal strategy
- L3 Coastal Protection Areas
- L4 Countryside Zones

- T18 Major Road Network
- T26 Access from development on to the highwa
- EP4 Noise
- EP5 Light pollution
- L1 Areas of Outstanding Natural Beauty
- NC5 Protected species

Agenda Item 6

Application Number

P/2012/0281

Site Address

Torquay Girls Grammar School
30 Shiphay Lane
Torquay
Devon
TQ2 7DY

Case Officer

Mr John Burton

Ward

Cockington With Chelston

Description

Formation of new sports hall. Revised plans received showing amended design, orientation and access to the proposed new sports hall

Executive Summary/Key Outcomes

The School is in need of a new purpose built sports hall as a result of increasing intake of pupils. The building will provide enhanced opportunities for sport for the pupils at the school with the resultant likelihood of improved health and well being. Projects like this are also likely to provide increased incentives for future generations of young people to take up sport, both as amateurs and potentially as professionals. The sports hall will provide a flexible space for an array of sports.

An original proposal was presented to the Design Review Panel in May of this year, and has subsequently been re-designed to take on board the panels comments. The school has now also examined other alternative sites for provision as referenced in the panel's findings, but reached the conclusion that the site adjacent to the current all weather pitch would cause least harm to local residents and the environment in general. Sport England had raised an objection, primarily on a lack of research relating to need, position and impact upon existing playing fields. This has now been countered and Sport England are expected to respond positively. One letter of objection has so far been received and all of the concerns expressed have been taken on board. It is considered that the proposed position would cause least impact to those properties on Heywood Close. The school maintains that this proposal will be used by the school, its pupils and staff only, and will not be used by general members of the public. As such, it is not considered that a contribution towards Sustainable Transportation would be required as the users would already be on site.

Recommendation

Conditional Approval; subject to consideration of any further comments that might be received before the expiry of the new public advertisement on 10th

August; and subject to the further views of Sport England; and subject to further arboricultural considerations. Conditions to be delegated to the Executive Head of Spatial Planning.

Site Details

Existing field immediately adjacent to and behind the existing all weather pitch, with the tree lined footpath to the side and properties fronting Heywood Close approx. 60 metres to the east.

Detailed Proposals

Permission is sought for a new sports hall on playing fields within the Grammar schools ownership. The site lies adjacent to the existing all weather pitch and the footpath linking Shiphay Manor Drive with Heywood Close. This is a private footpath in the ownership of the Girls school and is not a Council owned or maintained route or a public right of way.

The proposals show a large rectangular building of 30.3 metres in width, 34.8 metres in length and a roof height varying between 6.8 and 9.1 metres in height. The roof has a curved profile. The building is shown set into the existing embankment by about 1.2 metres in order to take advantage of on site gradients and reduce the impact of the building. The highest part of the roof will be on the side of the footpath which is lined by trees. Access to the building is shown from the school across the footpath to a set of steps and a ramped path with a maximum gradient of 1:21. Access to the hall is at ground floor level with internal steps and a lift to access upper floor levels.

Inside there are two levels of accommodation, with changing facilities, plant room, storage and offices at ground floor level, fitness suite, class room and viewing gallery above at second floor level, and four courts (tennis/badminton size) to the side taking up the full height of the structure.

Materials are proposed as a facing brick plinth, render and metal cladding panels above, and a dark grey coloured standing seam roof. The doors and windows are polyester powder coated aluminium.

Summary Of Consultation Responses

Sport England: Originally raised an objection on the principle of the possible loss of playing fields. However, the field is of low grade, not used for organised sport by the school, and does not contribute to the pool of playing fields within the Bay. On this basis, Sport England has been sent further evidence and information to show that the loss of the playing fields would not be significant. Their further observations are awaited.

Summary Of Representations

One letter received from original public advertisement, with concerns relating to noise and the height of building. The letter also expresses concerns over the

potential for light pollution and requests there to be not night time use of the building. However, the representation does offer support for the improvement of the school facilities. This letter is re-produced at Page T.200.

The application has since been re-advertised to reflect the revised scheme, which was received following comments from the Design Review Panel (these written comments are also re-produced at Page T.200) and negotiations with officers. No new representations have been received to date, the revised consultation period expires on 10th August.

Relevant Planning History

P/1999/0019	Erection of sports hall with ancillary parking and landscaping. Approved 13/4/1999.
P/2002/0816	Erection of new dining hall and sports hall and associated facilities with 3 tennis courts. Approved 7/7/2003.
P/2003/1462	New science block. Approved 9/10/2003.
P/2004/1350	Erection of learning resource centre and new classroom to replace existing mobile classrooms. Approved 15/12/2004.
P/2006/1538	Music And Drama/6th Form Building. Approved 29/12/2006.

Key Issues/Material Considerations

Principle and Planning Policy -

In principle, it is considered that the Council should be supporting a school that wishes to improve sporting facilities for its pupils. This is supported by policy CF10 of the Saved Adopted Torbay Local Plan which stipulates that proposals for new schools or improved facilities can be supported providing that:-

- (1) the location is suitable for the proposal,
- (2) the site is of sufficient size to accommodate the new facility,
- (3) the proposals safeguard existing playing fields; and,
- (4) the scheme would not adversely affect surrounding residential areas.

All of these criteria are considered to be satisfied by the current application. There is a large area of playing fields between the existing all weather pitch and Heywood Close and these are not specifically marked out or used for organised sporting activity. The loss of the area upon which the new sports hall is proposed would not adversely affect the ability of the school to lay on outdoor sporting activities or the pupils to recreate. The nearest edge of the proposed new hall would be some 60+ metres from the nearest property in Heywood Close. This property would in any event be reasonably protected by an existing tree screen along the footpath. The new building is also likely to cut out light spill the floodlights to the all weather pitch.

Design -

The building has now been redesigned to take on board the comments made at the Design Review Panel.

The building has been pushed back towards the bank and this enables an improved landscape setting to the building and reduces the dominance of the building in its setting. The form and shape of the building now flows back towards the bank and this revised approach to siting and form is complemented by revised elevations, roof form and materials composition. Openings have also been introduced to break up the mass of the building and help it relate to the outside activities and areas better.

Visual amenity and impact upon properties in Heywood Close -

This is a school site, with an existing multiplicity of buildings and design forms. The difference with this proposal is that whereas most of the school buildings are located to the north-east of the tree lined foot path which currently forms a natural boundary, this hall would be on the other side.

However, the new hall is proposed on the edge of the site and would be bordered by the existing fenced all weather pitch. It is not considered therefore that the new building would adversely intrude into the open space of the playing fields that exist between the Girls and Boys schools. The building would also be closely associated with the outdoor uses around it and has been designed to be in keeping with its setting.

The building would not be substantially visible from the north of the site (due to the trees, all weather pitch and distance). It would be visible to some of the properties in Heywood Close, but at a distance of some 60 metres and with trees obscuring vision to some of the properties. As the hall would be to the side of the open space of the playing fields, it is not considered that it would impact upon the open feel to the view from these properties.

Officers are of the opinion that residents of Heywood Close would not be unduly or adversely affected by the proposal.

Economy -

The proposal is being funded by a significant grant and so will not place a burden upon the local Council tax payer. The proposal will provide opportunity for jobs in construction during the build, and will sustain existing employment in teaching at the school.

Closing the gap -

The building will provide enhanced opportunities for sport for the pupils at the school with the resultant likelihood of improved health and well being. Projects like this are also likely to provide increased incentives for future generations of

young people to take up sport, both as amateurs and potentially as professionals. The sports hall will provide a flexible space for an array of sports.

Climate change -

The revised design incorporate measures to address concerns expressed by the Design Review Panel in respect of environmental, energy and sustainability considerations. The proposal is now submitted with a detailed 'environmental systems concept design servicing strategy' document. This is currently being analysed and officer's opinion of this document will be reported to members at the meeting. The document gives internal and external design conditions, including high efficiency lighting, high efficiency plant, water saving measures, rainwater harvesting, solar water heating, passive ground source cooling, inverter drives, photovoltaic panels, fully condensing low Nox boilers, and a commitment to achieve a BREEAM 'excellent' rating.

Environmental Enhancement -

The building has been redesigned and its position revised to provide an enhanced landscape setting and a better relationship to the existing landscape. The hall is dug into the ground to minimise its impact. However, the greatest effect of the new hall environmentally is likely to be upon the row of trees lining the footpath. A tree report has been submitted and this is currently being examined to check the impact upon existing trees. Further observations in respect of the tree impact will be reported at the committee meeting.

Accessibility -

Although there will be a requirement for temporary vehicular access to the site during construction. There will be minimal if any impact upon highways, access and parking facilities because the new hall will replace an existing outmoded facility and will only be used by pupils already at the school. In this way no new trips or vehicle attraction is expected. Access to the hall and within the hall itself has been designed to take on board the needs of the disabled.

S106/CIL -

The school has clearly stated that the new sports hall is only to be used by its pupils, and not opened up for general community use. On this basis, there would be no undue costs or requirements arising out of the proposal that ought to be funded by the development itself. The only possible requirement could in any event be to make a contribution towards sustainable transportation, if one considered that the proposal would generate new pedestrian and/or vehicular activity that could be better met by encouraging greater use of public transportation. The Strategic Transportation section have confirmed that the nearest 'out of hours' service would be the no. 12 route on Newton Road. They are of the opinion that any likely patronage to be generated by 'out of school hours' use would not justify the provision of new or enhanced services along Shiphay Avenue/Shiphay Lane. Therefore, it is concluded that if there is to be any 'out of hours' use of the facility then this can be covered by adaptation of the

School's existing Green Travel Plan. There will be no requirement to make any financial contributions as part of any permission that may be granted.

Conclusions

This is clearly a much needed facility for the school and the application proposes the best site available to minimise the impact upon the environment and nearby residential properties. The current proposal is a big improvement on that originally submitted and the design and principles have positively altered to take on board comments made by the Design Review Panel. There are not considered to be any policy objections to the proposal.

It appears that the applicant has overcome the initial objections raised by Sport England, but this has yet to be verified. There is currently only one representation from the general public. This expresses basic support for the proposal, but does indicate some concerns, which have now been overcome in the re-design.

There remains a need to clarify the impact upon trees, but subject to this, the recommendation is one of approval.

Relevant Policies

BES Built Environment Strategy
BE1 Design of New Development
BE2 Landscaping and Design
CFS Sustainable Communities Strategy
CF10 New Schools and Improved School Facilities
LS Landscaping Strategy
L10 Major Development and Landscaping
T1 Development Accessibility

Conditions

To be delegated to the Executive Head of Spatial Planning and to include inter alia:

Materials specification
Agreement over construction access
Tree protection
Landscaping
Hours of operation

Application Number

P/2012/0441

Site Address

66 Moor Lane
Torquay
Devon
TQ2 8PJ

Case Officer

Mr Adam Luscombe

Ward

Watcombe

Description

New detached dwelling, vehicular access, within the grounds of No 66 Moor Lane

Executive Summary / Key Outcomes

The applications seeks consent for a new dwelling within the garden area of 66 Moor Lane.

The new dwelling will be detached and two storey. It will include the provision of a garage and both properties will maintain a garden area. The access will be from moor Lane Close.

Five letters of objection have been received.

Following consultation with the Highways department and consideration of the development proposals the application is recommended for conditional approval.

Recommendation

Conditional Approval

Site Details

The site contains a detached dwelling with garden area to the West and South. It occupies a corner plot between Moor Lane and Moor Lane Close, on the South East side of the junction.

Detailed Proposals

It is proposed to construct a new detached dwelling within the garden area with access from Moor Lane Close. The existing dwelling and access to Moor Lane will remain.

Summary Of Consultation Responses

Highways: No Objections after it was shown that vehicle tracking could be conducted.

Strategic Transport: Contribution would be required in accordance with SPD. To provide bus and cycle improvements in the area. A secure cycle space should be provided.

Summary Of Representations

Five letters of representation have been received with regards to the application. The objections raised included the following issues:

Access
Parking
Privacy
Over-development

Additionally a petition has been submitted, arranged by one of the above objectors, which has been signed by 21 people. It objects to the development on the grounds of access. These representations have been re-produced at Page T.201.

Relevant Planning History

A pre-application was submitted with a dwelling in outline. It was suggested that development could be achieved on the site subject to the detail.

Key Issues / Material Considerations

The key considerations of this application concern the visual and residential amenities of the area. Access is a further consideration; thought for this subject is given below under "Accessibility".

The thoughts regarding visual amenity will principally concern how the new property fits within the streetscene and its relationship with the existing property. In this case the design is subservient to the existing property and whilst that therefore means it takes on a different scale such is the variety of dwellings in the location that the difference in scale is not considered to have a particular adverse impact. There are also differences in the ages and styles of properties in the vicinity. As such whilst this design also varies it does take sufficient key aspects of materials are features to connect with the wider streetscene.

Concerning residential amenity there are not considered to be any significant issues arising. There was a large window on the West, side, elevation at first floor level. However, this has been amended and reduced in size. Given the associated distances, angles and size of opening, any overlooking of neighbouring properties is minimal and not considered to cause harm.

Accessibility -

Whilst concerns have been raised by neighbours about the access and parking, in consultation with the Highways Officer there are no objections from Highways and the access is considered safe. The development has allocated off street

parking in accordance with planning policies. The access is considered to be acceptable by the Highways department and not deemed to cause and impacts with regards to safety. Given the appropriate on site provision is made for car parking it is not considered an issue with regards to on street parking capacity. Again this is also something that the Highways department have considered.

Principle and Planning Policy -

The main policy considerations are H4, H9, H10, BES, BE1, T2, T25 and T26 which principally concern amenity and design. The proposal is considered to meet with the provisions of these policies as explained above.

There is a garage space provided on the site with a turning area. The existing dwelling will also maintain off street parking.

No cycle storage is indicated; however the length of the garage and door to the rear corner would allow such storage.

S106 / CIL - The application has been assessed against the provisions of the Planning Contributions and Affordable Housing Supplementary Planning Document and Updates. The assessment calculated that the required contribution is £4,750.00. This is broken down as follows:

Waste Management	£ 50.00
Sustainable Transport	£2,350.00
Lifelong Learning	£ 300.00
Greenspace and Recreation	£2,050.00
TOTAL:	£4750.00

At the time of writing the report it had not been confirmed how the applicant would pay the contribution if the application was to be approved. There are two options available, one is an upfront payment and the other is a formal S106 legal agreement.

This detail will need to be confirmed should the Committee approve the application.

Conclusions

The proposed development is considered to accord with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed acceptable and is therefore recommended for approval.

The proposal, given the representations, was referred to a Site Review Meeting. It was concluded at the meeting that the application should be referred to the Development Management Committee.

Condition(s)/Reason(s)

01. The garage indicated on the approved plans shall be used only for the storage of a motor vehicle and any other storage within shall not restrict the parking of the vehicle which should be associated with the property. The garage shall not then be used for any other purpose, including habitable accommodation or business use. This shall be made available prior to the first occupation of the dwelling and remain as such at all times unless otherwise granted consent by a variation or removal of this condition.

Reason: To ensure that adequate vehicle parking provision is provided for use by the dwelling hereby approved in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The turning area indicated on the approved plans shall be made available prior to first occupation of the property and shall be retained as such at all times thereafter unless otherwise agreed through the variation or removal of this condition.

Reason: To ensure the access and parking is suitable for use by the dwelling without compromising the safety of the highway in accordance with policies T25 and T26 of the Saved Adopted Torbay Local Plan 1995-2011

03. Prior to first occupation of the dwelling house a secure, covered cycle storage space shall be provided. Such provision shall at all times thereafter be retained and made available for use in association with the dwelling hereby approved.

Reason: To ensure adequate facilities are provided to encourage the use of alternative and sustainable travel opportunities in accordance with policy T2 of the Saved Adopted Torbay Local Plan 1995-2011.

04. No development as described within Schedule 2, Article 3, Part 1, Class A, Paragraph h (The enlargement of a dwelling house to the side) of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) or any further Order which amends, revokes or re-enacts that Order, shall be carried out without the prior consent of the Local Planning Authority in writing.

Reason: To ensure that the appearance of the property and residential amenities are fully considered and acceptable before any such works are undertaken in accordance with policies BES, BE1, and H15 of the Saved Adopted Torbay Local Plan 1995-2011

05. No development as described within Schedule 2, Article 3, Part 1, Class B (The enlargement of a dwelling house consisting of an addition or alteration to its roof) of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) or any further Order which amends, revokes or re-enacts that Order, shall be carried out without the prior consent of the Local Planning Authority in writing.

Reason: To ensure that the appearance of the property and residential amenities are fully considered and acceptable before any such works are undertaken in accordance with policies BES, BE1, and H15 of the Saved Adopted Torbay Local Plan 1995-2011

Informative(s)

01. The proposal was considered against policies H4, H9, H10, BES, BE1, T2, T25 and T26 of the Saved Adopted Torbay Local Plan 1995-2011. In the opinion of the Local Planning Authority it is not in conflict with the policies as no harm is caused to the character or appearance of the streetscene or the wider context, suitable amenity provision is allocated, access and parking accords with standards, and there is also no detrimental effect on the amenity of the neighbouring occupiers.

Relevant Policies

- H4 Conversion and sub-division into flats
- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highway

Agenda Item 8

Application Number

P/2012/0580

Site Address

Torre Primary School
Barton Road
Torquay
Devon
TQ1 4DN

Case Officer

Miss Alix Cathcart

Ward

Tormohun

Description

Installation of single mobile classroom

Executive Summary/Key Outcomes

The siting of a mobile classroom within the school grounds between the main building and the southern corner, on the Barton Road frontage. The application is supported by justification and meets Government criteria for the siting of temporary buildings.

Recommendation

Approval.

Site Details

The proposed site is a vegetated bank at the southern corner of the school premises, set back from Barton Road by approximately 6.5m-7m. The application site lies within Area Tree Preservation Order 1973/10-A1.

Detailed Proposals

The mobile classroom proposed is a standard, flat-roofed modular building, to be accessed on foot from the north east side. The structure would be supported on piers, with facing fence panels around the void.

The application contains supporting details, explaining that the intake of pupils at the school will be increased from September 2012. Plans are in hand to construct a permanent extension to the school buildings, targeted to be in place by September 2014, although these have not advanced yet to planning application stage. The mobile classroom is required for the two-year period up to that time. It is also explained that there are limited options for the siting of the mobile classroom, taking into account also the need not to compromise any location in around the school which could be required for the future extension or for access to the extension.

The application has been revised since its original submission, to clarify the

appearance of the proposal, viewed from Barton Road. The siting constraints have also been confirmed in a letter from the agent, dated 17 July 2012, reproduced on Page [].

Summary Of Consultation Responses

Natural Environment: Comments to be reported at the meeting.

Summary Of Representations

One letter of objection has been received from the occupier of 5 Valley View Close, which is the house nearest to the proposed development to the south east. Points raised include: the proximity of the proposal immediately adjacent to their property; overlooking; reduction in light; noise and activity resulting in disturbance and distress to owners and pets. This is re-produced at Page T.203.

Relevant Planning History

None found.

Key Issues/Material Considerations

The stated need for the mobile classroom is accepted; also the requirement to site the structure in the location proposed.

The proposal meets criteria set out in Circular 11/95, The Use Of Conditions In Planning Permissions, in that it is explained in the application submission how circumstances are expected to have changed at the end of the period, such that the building will no longer be required.

The other main considerations in this case are (1) the relationship with nearby residential properties and (2) the resulting appearance of the school premises in the public view.

(1) With regard to the siting of the proposal relative to houses in Valley View Close, the proposal would be set in from the school boundary by approximately 5 metres. While the structure would be sited on an area currently occupied by landscaping, it would be close to a hard-surfaced area used by the school, including use as a playground, and it is not considered that noise arising would be materially different, such as would warrant refusal of permission for the temporary period proposed. The relationship between the structure and the nearest house, 5 Valley View Close, is considered to be acceptable for the temporary period proposed, not resulting in an overbearing impact or material loss of light or privacy.

(2) The proposal would be prominent in the public view from Barton Road and of a design that would not be considered appropriate for a permanent structure. On the basis of a temporary proposal only, the proposal is regarded as being acceptable in this respect.

Sustainability - Environment Agency Flood Risk Map Status: Flood Zone 1. Standard advice applies.

S106/CIL - Not applicable.

Conclusions

The proposal is supported as meeting the identified needs of the school for the coming academic year, as meeting Local Plan policy criteria, and as meeting the criteria of Circular 11/95 in respect of temporary planning permissions.

Condition(s)/Reason(s)

01. Unless otherwise approved by the Local Planning Authority in writing, the building hereby approved shall be removed and the land restored to its former condition on or before 31 August 2014.

Reason: To maintain control over a temporary form of development and in accordance with the objectives of Policy CF1 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. A photograph is enclosed showing the condition of the site at the time of the determination of this application.

02. Summary of reasons for the grant of permission: This proposed development meets Local Plan policy criteria because of its size, siting and design and because it meets Government guidance in respect of the siting of temporary structures. In the particular circumstances of this case, the scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

Relevant Policies

CF1 Provision of new and improved community

Agenda Item 9

Application Number

P/2012/0581

Site Address

Torre Primary School
Barton Road
Torquay
Devon
TQ1 4DN

Case Officer

Miss Alix Cathcart

Ward

Tormohun

Description

Removal of existing scout hut and formation of new hard surface play area in same location

Executive Summary/Key Outcomes

The proposal to use the area currently occupied by a Scout hut as a play area within the school premises is regarded as consistent with the normal use of land within a school site and is supported.

Recommendation

Approval.

Site Details

The application proposal relates to a timber building in the eastern corner at the rear of the school premises. It is surrounded by a margin of land which forms part of the open areas outside the school buildings.

The application site lies within Area Tree Preservation Order 1973/10-A1.

Detailed Proposals

Removal of the existing timber building and formation of a hard-surface play area in the same location.

It is understood, from discussions and submissions relating to the current application for the siting of a mobile temporary classroom at Torre Primary School, ref. P/2012/0580, that the proposal for a permanent extension to the teaching area of the school might need to be sited on land currently used as an outdoor play area, which would require a replacement play area within the school premises. It is further understood that the application is being submitted at this time as part of the procedures for liaising with the Scouts over the school's future requirements.

It has been explained in informal discussion that the School has been happy to accommodate the Scouts within this building, on the basis that the building was

not required for its own needs; also, that the school has no continuing obligation to the Scouts, but is willing to offer them the use of accommodation within this school premises; and it has been confirmed in a letter that the Scouts are to be offered undercroft storage in the new building, when constructed.

Summary Of Consultation Responses

Natural Environment: Comments to be reported at the meeting.

Summary Of Representations

Two letters of objection have been received from residents of Valley View Close, situated to the east and south east of the application site. Points raised include: expected increase in noise arising from proposed use of the new play area; need for better fencing; query over future access to the school from Valley View Close. These letters are re-produced at Page T.202.

Relevant Planning History

None found.

Key Issues/Material Considerations

The proposal to remove the existing Scout hut building and use the area as an outdoor play area for the school is regarded as reasonable and consistent with use of a school premises.

It is considered appropriate that the reasonable expectations of nearby residential occupiers in respect of privacy and amenity should be safeguarded. Accordingly, it is proposed that a condition be imposed requiring the existing fencing to be appraised, and proposals submitted as may be necessary, to address the issue of privacy, in particular, and, where practical, noise. However, noise arising from the normal use of an outside area as part of a school premises would not be regarded as leading to material loss of amenity for nearby residential occupiers, and the further consideration of screen fencing would be progressed in this light.

Response to Points Made In Objections: Some of the points raised have been addressed above. The applicants have confirmed that one apple tree, which is not a protected tree, will have to be removed to allow access for demolition purposes, and they comment that tree safety is an ongoing responsibility of the Council and School Governors. They confirm that no access to the school is proposed from Valley View Close. In respect of fencing, they comment that all boundary fences are secure and that the provision of a close-boarded fence in the vicinity of the boundary with The Pines, Valley View Road, would be considered.

Sustainability - Environment Agency Flood Risk Map Status: Flood Zone 1. Standard advice applies.

S106/CIL - Not applicable.

Conclusions

The proposal reflects Local Plan policy criteria and is recommended for approval.

Condition(s)/Reason(s)

01. Use of the hardstanding hereby approved shall not commence until a report has been submitted appraising the adequacy of the fencing in respect of visual screening and noise attenuation on the north east and south-east boundaries of the school adjacent to the application site, ie approximately along the boundaries with 38 Parkhurst Road and The Pines, Valley View Close, the report to include proposals for the erection of such new fencing as may be required to address these issues. The report shall have been submitted to and approved by the Local Planning Authority in writing, and the fencing installed in accordance with the approved details, all prior to commencement of the use and retained at all times thereafter.

Reason: In the interests of the amenities of the area and in accordance with the objectives of Policy CF1 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because use of the site as proposed would be appropriate within an existing school premises. The scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

Relevant Policies

CF1 Provision of new and improved community

Agenda Item 10

Application Number

P/2012/0690

Site Address

Princess Gardens
Off Torbay Road
Torquay
Devon
TQ2 5EQ

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Erection and operation of a 50M observation wheel with ticket office and supporting coffee and crepe unit on a temporary basis from 13/8/12 to 7/11/12

Executive Summary/Key Outcomes

This application is for temporary consent for the erection of a 50m observation wheel with ticket office and ancillary coffee and crepe unit from the 13th August 2012 until the 7th November 2012. It is to be sited adjacent to the Pavilion on the Princess Gardens.

A permanent permission would not be considered acceptable due to the impact on the Pavilion, which is a Grade II listed building, on its setting and on the character of the wider Princess Gardens which is a Grade II entry on the register of Historic Parks and Gardens. A short term occupation of the site is however welcomed as it will enhance the tourist attraction of the area and the impacts are short lived and reversible.

The main issue arising from temporary occupation relates to the ability of the site, which is reclaimed land, to bear the weight of this structure. It has been confirmed by structural engineers that this is satisfactory.

The landscaping of the site needs to be reinstated following expiry of the temporary consent.

Recommendation

Approval; subject to a temporary consent until 7th November 2012 and subsequent reinstatement of the affected part of the gardens.

Site Details

The observation wheel is proposed to be sited on the garden area immediately adjacent to the Pavilion. This is a sensitive location; it is prominent within the Torquay Harbour Conservation Area, is adjacent to a Grade II Listed building and

set within Princess Gardens which is a Grade II entry on the Register of Historic Parks and Gardens. The Fountain and War Memorial, which are located close by are also Grade II listed. The area is currently grassed with flower beds and small palm trees. The wheel is currently operating at the London Olympics.

Detailed Proposals

This application is for temporary consent for the erection of a 50m observation wheel with ticket office and ancillary coffee and crepe unit from the 13th August 2012 until the 7th November 2012

Summary Of Consultation Responses

English Heritage: Find the proposal acceptable if temporary in nature.

Environment Agency: Obs awaited.

Environmental Health: Have detailed requirements in relation to the operation of the coffee and crepe unit and these will be included in an Informative.

Summary Of Representations

None.

Relevant Planning History

None of relevance to this proposal.

Key Issues/Material Considerations

Due to the sensitive location of this proposal, the effect on the listed buildings, the Registered Gardens and the wider conservation area are the key issues.

A permanent occupation of the site by the wheel would be, in the long term, harmful to the architectural and historical character of the site.

A temporary occupation of the site by the wheel is however welcomed as it will enhance the attractiveness of the wider area for tourists and residents alike and the impacts on the heritage features of the site are short term and reversible.

It has been confirmed that the structure poses no threats to the structural integrity of the Pavilion or the Gardens, which comprise reclaimed land. This is due to the fact that the load of the structure is to be spread by increasing the size of the load bearing plates. This has all been agreed and verified by the Council's structural engineers. Matting, sleepers and boards will be used to minimise the impact of footfall on the ground around the wheel. The wheel will not operate in winds of over 40 mph.

It is important that the site is reinstated following occupation and this needs to be secured by condition.

Conclusions

Providing the permission is for a temporary period only and the site is properly reinstated following the expiry of the use, then it is considered that permission should be granted for the required period.

Condition(s)/Reason(s)

01. The permission, allowing occupation of the site by the observation wheel, shall be for a temporary period only, expiring on the 7th November 2012. Following removal of the observation wheel on or before this date, the gardens shall be reinstated in accordance with details that shall have previously been submitted to and agreed in writing with the LPA. The agreed scheme of reinstatement shall be implemented in the first planting season following the removal of the wheel.

Reason: The use of the site by the Wheel is only acceptable on a short term basis and more lengthy occupation would be harmful to the setting of the listed buildings, to the character of the Registered Gardens and the wider Torquay Harbour Conservation Area contrary to policies BE6, BE8 and BE5 of the saved Torbay Local Plan 1995-2011.

Relevant Policies

- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings
- BE8 Historic parks and gardens

Application Number

P/2012/0483

Site Address

Pavings
Roundham Gardens
Paignton
Devon
TQ4 6DD

Case Officer

Mr Robert Pierce

Ward

Roundham With Hyde

Description

Extension to form hobbies room and utility room

Executive Summary/Key Outcomes

This a revised scheme for a single storey extension to the rear of this property. The principal of a slightly smaller extension has recently been allowed at appeal and any perceived adverse impact of the adjoining occupiers now have to be considered. This application was the subject of a site review meeting on 5th July 2012 when it was decided that the matter should be dealt with at Committee.

Recommendation

Approval.

Site Details

Large two storey detached dwelling which is situated on the north side of Roundham Gardens. It is one of several large dwellings occupying sizeable plots on this headland. The property has a car port and garage attached to the side elevation which extend out onto the boundary with the property next door.

Detailed Proposals

Permission is sought to form a single storey extension to the north west corner of the property. The plans indicate a flat roofed structure with a roof lantern over. The proposed extension would project out from behind the existing lobby/wc and garage along the side boundary towards to a point slightly off the rear boundary. The resulting accommodation would comprise a utility room and hobbies room with pyramidal roof over.

Summary Of Consultation Responses

None.

Summary Of Representations

Representations received from neighbours. main issues raised include : overdevelopment, loss of hedging on rear boundary, out of character with other properties in the area. These are re-produced at Page P.201.

Relevant Planning History

P/2004/1279	Alterations and Erection of Pitched Roof over Existing Flat Roof Dormer PER - 13/01/2005
P/2005/2087	Dormer Roof Extension (as revised by letter and plans received 3 January 2006) PER - 17/01/2006
P/1989/1868	Insert Dormer Window between Existing Dormer Windows PER - 03/11/1989
ZP/2010/0622	Pre Application enquiry ...Provided it's no closer to the boundary than the garage then acceptable.
P/2011/0230	Formation of 2 storey extension at rear to form utility room and bedroom with en suite over. Refused 3.5.2011.
P/2011/1014	First floor extension to side over existing garage and car port and utility room to rear. Application Refused 14.11.2011. Appeal dismissed with the exception of the utility room which was allowed. 6th March 2012

Key Issues/Material Considerations

The principle of a single storey extension to the rear of this property has already been accepted by way of the Appeal Decision. In allowing the extension the Inspector was of the opinion that it would not be visible from the public realm and would not detract in any way from the area's character and appearance. Although at that time concerns were raised by neighbours about the potential removal of the conifers, even if it were to occur, it would not amount to justification for refusing permission. This latest proposal now includes an increase in the footprint of the approved extension and a further small extension projecting out from the garage. No windows are indicated to the rear or side of the extension and the roof lantern is set well off the boundaries. Overlooking is not therefore considered to be an issue. In respect of impact on the amenities of the properties to the side and rear, whilst the extension would be visible on or near to their boundaries, this visual impact is considered to be acceptable and as it is single storey it would not have an overbearing impact either. There will be a requirement by condition for the side and rear elevations to be finished in brick to match the existing property, therefore its appearance is also considered to be acceptable.

Principle and Planning Policy -

H15 House Extensions
BES Built Environment Strategy
BE1 Design of new development

Economy -

Will create work in the construction industry

Closing the gap -

No issues

Climate change -

No issues

Environmental Enhancement -

Not visible from the public realm

Accessibility -

No issues

Vibrant Town Centres -

No issues

S106/CIL -

Not applicable

Conclusions

The proposed extension is not visible within the public realm, it will be subservient to the host property and it will not have any adverse impact on the amenities of the neighbouring properties.

Condition(s)/Reason(s)

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no additional windows or other form of opening shall be introduced into the side (north) and rear (east) of the extension hereby approved, without the prior grant of planning permission in that behalf.

Reason: To protect residential amenity and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The materials to be used in the construction of the external surfaces of the extension hereby approved shall match those used in the existing building.

Reason : To ensure a satisfactory form of development and to meet the criteria of

Policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

Informative(s)

01. The proposal has been assessed against the criteria of Policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan and it is considered to be an acceptable form of development.

Relevant Policies

BES Built environment strategy

Application Number

P/2012/0666

Site Address

42 Broadsands Road
Paignton
Devon
TQ4 6HH

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Ground and first floor dormer extension to include integral double garage and car parking to front of property

Executive Summary/Key Outcomes

This is a revised application which seeks to overcome the concerns of neighbours in respect of a previous submission which was withdrawn. It is considered that this proposal has a lesser impact on the amenities of the neighbouring properties and does not adversely impact on the appearance or character of the streetscene. A site visit is recommended to the Committee to fully assess the impact of the development.

Recommendation

Committee Site Visit. Approval.

Site Details

The application site relates to a gable fronted bungalow situated on the south side of Broadsands Road. The property is set back from the road, with a floor level higher than road level. There is a semi detached single garage located in front of the property, close to the road, joined to the neighbours garage. In the Torbay Local Plan 1995-2011 there is no specific allocation relating to the site. The boundary of the Coastal Protection Zone, and Coastal Preservation Area runs along Broadsands Road.

Detailed Proposals

Permission is sought to extend and remodel the existing gabled fronted bungalow resulting in a larger property with accommodation within the new roof space. The plans indicate that the footprint of the property would be extended forward by approximately 7 metres at its furthest. The eaves level to the front would be raised and a new roof with gables to the side would be formed with its ridge height being raised in line with the properties either side. The remodelled front elevation would comprise a large 'feature' gabled projection at ground and first floor level covering approximately half of the face of the property and a

smaller hipped dormer on the other side. A pair of hipped dormers are also indicated within the roof slope on the rear elevation. External materials would comprise of black tiles to the roof and rendered elevations. The resulting accommodation would comprise additional ground floor accommodation and three en suite bedrooms in the roof space. There appears to be some discrepancy in the line of the boundaries indicated in submitted drawings which show the remodelled property being approximately 300 mm wider and an existing outbuilding to the rear corner of the property being closer to the boundary. However the distances indicated on the proposed site plan are still within an acceptable threshold in terms of street scene and impact on the neighbours. It is also proposed to demolish the existing semi detached garage, excavate a section of the front garden and form a new detached double garage set back approximately 8 metres from the pavement. The roof of the garage would be landscaped to form part of the front garden. The street scene drawings indicate a landscaping scheme which will integrate into the overall appearance.

Summary Of Consultation Responses

None.

Summary Of Representations

Letter of support from immediate neighbour at No 40 Broadsands Road.

5 letters of objection. The main issues raised include:- too large, overbearing, out of character, overlooking, design of roof, precedent, overdevelopment for the size of the site, not in keeping with other properties in the road, fails to comply with Policy H15, would dominate the area, visually overbearing. These are reproduced at Page P.202.

Relevant Planning History

P/2012/0485 Ground and first floor extension to the front to include integral garage and parking to the front. Withdrawn 30/5/2012

Key Issues/Material Considerations

The main issues with this proposal relate to its visual appearance in the street scene, whether it constitutes an over development of the site, whether it would dominate or have any other adverse effects on the character of the original property or any neighbouring properties and whether it would cause harm to the amenity of neighbouring properties through overlooking, overbearing impact, loss of light or privacy. This proposal is for the complete remodelling of the existing property which is a simple gable fronted bungalow which will in effect result in the creation of a completely different new dwelling with dormer roof accommodation to the front and rear. However the precedent of introducing dormers to the front of properties along this length of Broadsands Road has already occurred and several have been granted planning permission in particular the neighbouring properties either side. The proposal will project the property further forward but in line with the next door property at No 40. It will however remain at least 17

metres from the road frontage and it will therefore remain visually acceptable in the street scene with the plans indicating that the ridge height will be no higher than the two properties either side. In terms of impact on the amenities of the occupiers of the properties either side there is considered to be a sufficient enough gap between the proposal and the boundaries with No 44 being set further back. There would be no adverse overlooking and whilst the roof of the proposal would be visible from No 44 because it would be set further forward and off the boundary which is screened by evergreen hedging it is not considered that it would be overbearing or result in any loss of light. In terms of street scene the proposal is well designed particularly to the front elevation and it is considered that it will sit quite comfortably within the street scene. It is not considered that the proposal will have any adverse impact on properties to the rear on Brunel Road particularly in respect of the increase in the height of the ridge. The proposed new garage will be set back from the road frontage and will be integrated into the plot with a landscaping scheme which is designed to soften its impact when viewed from the front to minimise a two or three storey appearance.

Principle and Planning Policy -

In the Torbay Local Plan 1995-2011 the following policies are relevant;

H15 identifies criteria where house extensions will not be permitted.

BES requires new development to conserve or enhance the built environment.

BE1 requires design of new development to take account of the wider context.

NPPF Good Design

- Development should reflect the identity of surroundings and materials, while not preventing or discouraging appropriate innovation.

- Decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Economy -

The proposal will create jobs in the construction industry

Closing the gap -

Will upgrade the property to provide future occupiers with a good standard of living accommodation

Climate change -

Will be subject to increased thermal insulation as required by Building Regulations

Environmental Enhancement -

Landscaping will maintain the street scene

Accessibility -

No issues

Vibrant Town Centres -

No issues

S106/CIL -

Not applicable

Conclusions

It is accepted that this proposal will totally transform the appearance of the somewhat modest host property, however, it is considered that the proposal will result in a dwelling which will help raise the standard of design more generally in the area. It will sit quite comfortably in the site, it will not have any adverse impact on the character and quality of the area nor will it have any adverse impact on the amenities of the adjoining occupiers.

The proposal would therefore be consistent with the objectives of policies H15, BES and BE1 of the Torbay Local Plan 1995-2011 and also policies in the National Planning Policy Framework. Having regard to applicable national and local planning policies and having taken all relevant material considerations into account it is considered that planning permission subject to suitable conditions should be granted in this instance.

Condition(s)/Reason(s)

01. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To ensure a satisfactory completion of development and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. The existing hedgerow which runs along the eastern boundary to the front of the property shall be permanently maintained at a minimum height of eaves level of the property.

Reason: In the interests of the privacy of the adjoining occupiers and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. No development shall be commenced until a sample of the proposed roof slate has been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

05. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interest of the amenities of the area and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

Relevant Policies

H15 House extensions
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design

Agenda Item 13

Application Number

P/2012/0704

Site Address

Blue Seafood Company
South Quay
The Harbour
Paignton
Devon
TQ4 6DT

Case Officer

Mr Robert Pierce

Ward

Roundham With Hyde

Description

Continue to site 40ft container on allocated parking area for a working area to meet EHO requirements continue to site 20ft blast freezer on allocated parking area to handle increased throughput

Executive Summary/Key Outcomes

The application seeks to gain an extended temporary permission for the siting of two containers, one of 12m and one of 6m within the Roundham and Paignton Conservation Area. Previously retrospective permission for the temporary siting of these containers had been granted with the period ending 31st May 2012. This is a resubmission of a previous application to renew the temporary consent which was refused by Members at their meeting earlier this year in May. The only apparent change now is that the applicant states that it meets Environmental Health Requirements and that permission is now only sought to site these units until the end of December 2013 instead of December 2014.

The key issue remains the same i.e. to consider the impact the containers have on the character and appearance of the Conservation Area and associated tourism uses of the area. The containers do have a detrimental impact on the character and appearance of the Conservation Area and as such their continued presence in this area would be contrary to policy BE5.

However, as before, the detrimental affect on the Conservation Area should also be considered against the potential impact on the overall business and number of people the facility currently employs.

On balance it is still considered that allowing the siting of the units in this location even until December 2013 would be unacceptable due to the negative affect their continuous siting has on the Conservation Area and associated uses in the area including tourism.

Recommendation

Refusal

Site Details

The site is the South Quay of Paignton Harbour which is within the Roundham and Paignton Conservation Area; more specifically the allocated parking area to the front of the Blue Sea Food Company. This application is once again retrospective.

Detailed Proposals

The proposal is now to extend the temporary siting of a 12m (40ft) container for the preparation of crab prior to cooking and a 6m (20ft) blast freezer until December 2013; the originally approved application allowed temporary siting until May 2012. The containers are sited on the allocated parking area outside of the existing factory building. The larger container is for the operation of opening and cleaning the crab in preparation for cooking, they are then placed in the smaller container which is the blast freezer. The company's factory burnt down in November 2008 and the use of these containers is required to continue the operation. The applicant has now confirmed in his design and access statement that it was hoped that the whole operation would have been moved back to the original site by now, however, as a result of underinsurance and little help from the banks this has not been possible although the process has begun with phase one, a packing station and cold store, being ready for June this year. The second phase could be in 2013 but until such time that the whole operation can be moved, the applicant needs to maximise capacity at the harbour site in order to satisfy customers and crab suppliers and maintain the current workforce of over 100 people.

Summary Of Consultation Responses

Environmental Health : Comments awaited.

Paignton Harbour : Requests previous comments are still applicable as follows:

1. It has been proven that since these containers have been sited on the harbour side, the congestion has become considerably increased by not only the volume of traffic but also the size of the vehicles necessary to support their business. This results in South road being blocked and access denied/delayed to other users, not to mention a fairly frequent monopoly of our loading bay. There is also an increased health and safety risk to the public re : wagons and fork lift operations, ,other transport etc. The previous tenants/owners used the space currently occupied by the containers to load, unload /park which helped control traffic and congestion.

2. The presence of these containers does nothing to enhance the image that we would wish to project to the public and has in fact had a detrimental impact on a conservation area .The public are also deterred from accessing Fairy cove re noise general operations/radios, smell, general environment and groups of employees have breaks/smoking in the access way.

3. Overall, the mix of a fairly large fish processing unit does not sit well with the smaller operators, retail outlets, restaurants, sailing ,rowing clubs and a busy slipway.

4. The understanding we had with the company was that they would not bring private vehicles onto the harbour estate. The employees have fulfilled this commitment but that cannot be said for all of the senior management which causes a problem in itself.

I recognize the efforts the company ops management have, and do make to resolve any problems that arise and that Blue Sea food employ a significant number of people. .However, the real issue is that they are just too big to operate in an already congested harbour, and the containers simply make this situation considerably worse on all levels.

Summary Of Representations

A total of 4 representations have been received all of which are objections. The key issues raised from the objections are as follows :

Congestion
Health and safety
Impact on Conservation Area
Impact on tourism
Noise
Odour
Overdevelopment of the area
Unsightly
Traffic and Access

These are re-produced at Page P.203.

Relevant Planning History

P/2010/0682	Siting of 40ft container on allocated parking area; siting of 20ft blast freezer on allocated parking area (retrospective). The application was given a temporary permission for up until 31st May 2012 at the Development Management Committee of the 6th September 2010
P/2012/0349	Continue siting of 40ft container on allocated parking area; continue siting of 20ft blast freezer on allocated parking space. Refused 24th May 2012

Key Issues/Material Considerations

The most significant issue to consider in relation to this application remains the

impact the containers have on the character and appearance of the Conservation Area. The containers utilitarian appearance does not enhance the character/appearance of this part of the Conservation Area.

The previously approved application stated that the permanent retention of the containers would not be acceptable due to the harm caused to the Conservation Area and associated tourism uses which occur here.

However this issue should be weighed up against the existing number of people the company employs at the facilities and the potential for this number to increase.

In support of the application the Blue Seafood Company confirms that the budget for y/e April 2013 is £6.1m. Crabs required to achieve this is 1200 ton at a cost of £1.6m of which 80% will go to local boats each worked by two to four crew members. Four years ago the average price for crab landed locally was £1.00/kg. This year they will pay an average of £1.37/kg. As the European market for live crab continues to decline the importance of their continued presence cannot be overstated. Forecasted salaries and labour cost to the company to y/e 2013 is £1.8m. The £700k cost of Phase 1 of the rebuild at TBP was awarded to Western Industrial from Ashburton. The £1m cost of Phase 2 of the rebuild will also go to Western Industrial keeping as much work in the area as possible.

It is considered that, overall the detrimental impact on the Conservation Area still outweighs the applicant's justification as to why the factory has not been fitted out within the previously approved time frame and as such the application should still be refused.

Economy-

The applicant states that the current facility employs around 100 people.

Conclusions

The proposed continuation of the temporary siting of the containers until December 2013 is still not considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations

Relevant Policies

-

Agenda Item 14

Application Number

P/2012/0706

Site Address

White Rock Business Park
Waddeton Close
Paignton
TQ4 7RZ

Case Officer

Matt Diamond

Ward

Blatchcombe

Description

Development Of Innovation Centre Phase 3 for Torbay (IC3) (Use Class B1)

Executive Summary/Key Outcomes

The application is to develop an innovation centre known as Innovation Centre Phase 3 for Torbay (IC3) (Use Class B1) and associated car parking at White Rock Business Park, adjacent to Brixham Road and the Premier Inn hotel. The proposal will necessitate the demolition of the existing Roundhouse building on the site.

The scheme has been prepared in a relatively short timescale and is being brought to Committee early in order to qualify for European funding, which is the financial mechanism required to make the project viable. The proposed development is acceptable in land use terms and would be a welcome addition to the business park.

The scheme will provide floorspace for approximately 200 jobs, supporting small to medium sized businesses and start-up businesses. The proposals will include both office and laboratory space to enable businesses to germinate and grow with relevant and tailored business support. The project will be one of three innovation centres in Torbay and will be a positive addition to the White Rock Business Park, forming part of the wider local commercial centre that will underpin the new mixed use development of the area as it rolls forward.

Whilst statutory consultee responses are still awaited, it is not anticipated that there will be any objections to the principle of the development and any necessary technical issues should be able to be dealt with via conditions.

Following constructive Design Review Panel comments, some revisions are being carried out to the design, mainly relating to the entrance-atrium feature. These will be presented at Committee unless they are not completed in time in which case delegated approval is sought for these to be agreed by officers.

Recommendation

Conditional Approval; subject to the receipt of revised plans with conditions to be

delegated to the Executive Head of Spatial Planning (including the schedule at the end of the report).

Site Details

The site is located at White Rock Business Park, adjacent to Brixham Road and the Premier Inn hotel. The size of the site is 0.4 ha. It is L shaped, with one part stretching along Brixham Road and the other along the boundary of the Premier Inn car park.

The site has been tidied up to the north following demolition of the previous office/industrial building to construct the hotel and mainly consists of low quality soft landscape. It also covers part of The Roundhouse building, which is vacant.

The outline planning permission for the site was approved by Committee in February, subject to the signing of a S106 agreement. The outline scheme included an office building with retail units on the ground floor on the application site as part of a masterplan to develop the wider area for mixed use development (Planning Ref: P/2011/0197). The masterplan envisages the building sited along the Brixham Road frontage with car parking behind.

On the opposite side of Brixham Road is a residential terrace of 18 no. 2-storey properties. These properties front onto Kingsway Drive to the east with their back gardens facing Brixham Road. They are separated from Brixham Road by a wide grass verge and screened by a number of coniferous trees.

Detailed Proposals

The proposal is to develop an innovation centre known as Innovation Centre Phase 3 for Torbay (IC3) (Use Class B1) and associated car parking following demolition of The Roundhouse building. The building would be sited broadly in line with the masterplan facing onto Brixham Road with car parking behind. The building would have three main elements: a 4-storey block comprising B1(b) high-tech laboratories, a 3-storey block comprising B1(a) offices and a central entrance-atrium that includes meeting rooms and spaces encouraging business interaction. The building has been specifically designed to attract high-tech manufacturing companies. The atrium has been designed as a central feature to 'advertise' the building and the business park as a whole. The total floorspace of the building is 4,500 sq m (3,000 sq m B1(a) and 1,500 sq m B1(b)).

The main feature of the atrium is a large structural screen constructed from a mixture of clear and sand blasted Reglit. Reglit is a glass product in this case comprising long straight vertical U profile sections interlinked to form a screen and supported by a steel frame. The remaining elements of the building would be made from simpler, more cost effective and widely available materials: dark grey brick for the 4-storey laboratory block and white render for the 3-storey office block. The number of different materials is deliberately kept to a minimum to aid clarity and simplicity. The atrium would be able to be lit, so it advertises the

building and business park at night as well as during the day. However, the light spill can be controlled, to ensure that this does not cause a nuisance to local residents.

Access to the car park would be from Waddeton Close to the rear. The main entrance to the building is from the car park, although a secondary pedestrian/cyclist entrance is also provided on Brixham Road to provide an active frontage. The area around the building would be landscaped and designed to fit in with the existing landscaping around the edge of the site. 44 car parking spaces would be provided and 21 covered cycle spaces.

Summary Of Consultation Responses

Drainage & Structures: Awaiting response.

South West Water: No objection in terms of capacity. A public water main runs beneath the site, which would need to be diverted/relocated at full cost to the applicant/developer. Their comments are shown in the representations pack at Page P.201.

Strategic Transportation/Highways: No objection provided a shared pedestrian/cycleway (SUP) is provided along Brixham Road in front of the site linking the Long Road and new Kingsway signalised junctions, and a contribution towards the Western Corridor in accordance with the Planning Contributions SPD if applicable. A Full Travel Plan should be conditioned as part of any planning approval.

The level of car parking is acceptable, subject to monitoring – the Travel Plan should include provision for a regular car parking survey to ensure the level of provision is appropriate to demand. Appropriate lockers and shower facilities for cyclists should be provided within the development. Comments are shown in the representations pack at Page P.201.

Natural England: Awaiting response.

Refuse Collection & Disposal: Awaiting response.

Torbay Local Access Forum: Awaiting response.

South Devon AONB Unit: Awaiting response.

South Hams District Council: Awaiting response.

Arboricultural Officer: Awaiting response.

Design Review Panel: The proposal has many good qualities and the Panel wishes to support the scheme. The design of the atrium is weaker than the main

blocks. The screen is a rather imposed feature that does little to improve the way the building operates. A rapid re-appraisal of the layout of the atrium and how it relates to the elements either side would be beneficial. A simpler and more effective building might emerge.

There are opportunities to strengthen the architecture of the laboratory block, particularly in the northeast corner; care should be taken over material specification. More work is needed on the landscape design, including re-appraisal of the location of the external seating area and ease of movement to the main entrance.

A more ambitious energy strategy is recommended potentially utilising a local energy network. Ideas to reduce the environmental impacts of the building are good, but need more rigorous testing and refinement. Their comments are shown in the representations pack at Page P.201.

Summary Of Representations

At the time of writing no public representations have been received. 3 days remain of the 21 day consultation period and any representations received during this time will be reported at Committee.

Relevant Planning History

- P/1998/1975/OA: Redevelopment Of Site For B1/B2 Use (In Outline):
Approved 14/4/2001
- P/2000/0713: The Roundhouse, Waddeton Close: Change Of Use To
Offices, Assembly And Storage: Approved 23/6/2000.
- ZP/2004/0553: The Roundhouse, Waddeton Close: Hotel And Restaurant
(pre-application enquiry): Application withdrawn 6/6/2004.
- P/2004/0892: The Roundhouse, Waddeton Close: Change Of Use From
Light Industrial To Office And Health Club (In accordance
with plans received 2/6/04): Refused 6/8/2004. Appeal
dismissed 17/6/2005.
- P/2004/2060: The Roundhouse, Waddeton Close: Change Of Use To
Health Club/Fitness Centre And Office (Revised Scheme):
Refused 24/5/2005.
- P/2004/2061: The Roundhouse, Waddeton Close: Change Of Use To
Gym/Fitness Centre/Training/Conference Facility With
Internet Cafe & Crèche: Refused 24/5/2005.
- P/2004/1621/MOA: Outline Application For The Erection Of Buildings Comprising

A Business Park Totalling Not More Than 55,740 Sq. M Of Accommodation (Including Ancillary Accommodation) Comprising A Hotel/Conference Facility (Use Class C1), Crèche (Use Class D1), Restaurant And/Or Public House (Use Class A3/A4), Health And Fitness Centre (Use Class D2) And Small Scale Retail Units (Falling Within Use Classes A1, A2 And/Or A3) With Associated Infrastructure And Engineering Works To Facilitate Access, Parking, Landscape And Drainage Requirements (In Outline). The Application Is In Part A Departure From The Local Plan And Is The Subject Of An Environmental Statement: Approved 6/1/2005. This permission has lapsed because not all of the reserved matters were applied for within 3 years.

P/2011/0197/OA: Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct 350 dwellings, 36,800 sq m gross employment floorspace, a local centre including food retail (approx. 1,652 sq m gross) with additional 392 sq m A1/A3 use and student accommodation, 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application): Approved subject to the signing of a s106 legal agreement 13/2/2012.

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Design
3. Impact on highways
4. Impact on biodiversity
5. Sustainability

1. The principle of the development

The principle of the development in land use terms is acceptable. The previous use of the site was B1/B2 (Business/General Industry) and the proposal reintroduces business use to the site after a period of vacancy. Whilst the masterplan proposed under reference P/2011/0197/OA, shows an office building on the site with retail units on the ground floor, this was indicative and the loss of the retail units to additional business floorspace is not considered to be material. At any rate retail space remains within the wider masterplan area to compliment the Local Centre and serve the wider development.

The proposed development is in accordance with the Adopted Torbay Local Plan 1995-2011, as it retains an existing employment site for employment use. It is also supported by the National Planning Policy Framework (NPPF), which

promotes sustainable economic growth.

2. Design

The proposed development has been designed over a relatively short period of time, due to the project hinging on the availability of European funding that requires planning permission to be granted in August 2012. However, the design is considered to be of a high quality that would enhance the character of the business park if approved. The approach that has been taken will raise the bar in design terms and emphasise the high-tech nature of the proposed use.

Having stated this, the proposed development has been taken to the Design Review Panel and the Panel has identified some opportunities for further improvement. These mainly relate to the entrance-atrium and the architect is in the process of revising certain aspects of the design to take these comments into account. At the time of writing these revisions have not been completed, but they will be presented at Committee. If they are not completed in time for the Committee then delegated approval is sought for officers to agree these post Committee.

3. Impact on highways

The proposal has been assessed by Strategic Transportation and Highways. No objections have been raised. The impacts on local junctions and highways are considered acceptable subject to a full Travel Plan being implemented, which should be a condition of planning permission if granted. A shared pedestrian/cycleway has been requested by Highways in front of the site along Brixham Road, connecting the Long Road and new Kingsway signalised junctions.

However, this and other sustainable transport contributions are offset by mitigation for employment generation, as set out in the Council's Planning Contributions SPD Update 3 (see 'S106/CIL' below for further details). The S106 agreement being drawn up in relation to the outline proposal for the whole White Rock area includes highways improvements to Brixham Road and a commuted sum that can be used for Western Corridor improvements.

The level of car parking is acceptable, subject to monitoring.

4. Impact on Biodiversity

The site is located within the 5km buffer greater horseshoe bat sustenance zone associated with the South Hams Special Area of Conservation (SAC) at Berry Head. A Habitats Regulations Assessment (HRA) was carried out for the masterplan (P/2011/0197/OA). The most valuable parts of the masterplan area to greater horseshoe bats are the undeveloped areas of grassland to the west. The proposal site has significantly less value because it is previously developed. Mitigation for the more sensitive areas in the masterplan has been established as part of planning permission reference P/2011/0197/OA.

In addition, Phase 1 and 2 habitat and protected species surveys were undertaken for the masterplan. Whilst these identified various sensitivities within the masterplan area, very few affect the proposal site. The only issues come from the Breeding Bird survey, although Cirl Bunting is distant from the site and Herring Gulls identified in the immediate area were not found to be breeding.

The Planning and Ecology Statement submitted with the application states there are no important hedgerows or trees identified in the vicinity of the proposal site.

At the time of writing, consultation responses are awaited from Natural England and the Arboricultural Officer. These will be reported at Committee.

5. Sustainability

The Design and Access Statement commits to achieving BREEAM 'excellent'. However, whilst some solutions are discussed very little information is provided. A number of ideas were presented to the Design Review Panel and whilst these were considered by the Panel to be good, a more ambitious energy strategy is recommended. Therefore, if the planning application is approved, a condition should be attached requiring a BREEAM excellent rating and details of how this will be achieved to be agreed with officers prior to the commencement of the development.

S106/CIL -

In accordance with the Council's Planning Contributions and Affordable Housing SPD Update 3, a sustainable transport contribution of £220,725.00 would ordinarily be required. However, this is mitigated by the number of jobs generated by the proposed development, which equates to £867,300.00 (210 full time jobs) following the methodology in the SPD Update 3.

Conclusions

This scheme has been prepared quickly and is being brought to Committee sooner than usual in order to qualify for European funding, which makes the scheme viable. Without this funding the development could not be delivered. In order to receive this funding, planning permission is required in August 2012.

Fortunately, much of the technical work required for an application of this type has been undertaken as part of the outline application (P/2011/0197/OA). At the time of writing, many of the statutory consultation responses have yet to be received, however, these will be reported at Committee. It is not anticipated that there will be any objections to the scheme in principle and any necessary technical requirements should be able to be dealt with via planning conditions.

The proposed development is acceptable in land use terms and would be a welcome addition to the White Rock Business Park. It would attract/retain high-tech companies to the area providing approximately 200 full-time jobs. The

design of the building is high quality and would 'advertise' the building as well as the business park as a whole from the public highway. The Design Review Panel has identified some opportunities for improvements to the design and these are currently being carried out by the architect, which will be presented at Committee. If they are not completed in time then delegated approval would be sought for officers to agree these post Committee.

Schedule of Conditions - Headings:

1. Time limit for implementation
2. Approved drawings
3. Materials
4. Construction Method Statement
5. Large scale construction drawings
6. BREEAM
7. Full Travel Plan
8. Cycle Parking/Facilities
9. Landscaping/Planting Scheme
10. Landscaping/Planting (Implementation/Maintenance)
11. Tree Protection
12. Lighting
13. Drainage
14. Waste
15. Biodiversity Measures

Relevant Policies

- ES Employment and local economy strategy
- E9 Layout, design and sustainability
- IN1 Water, drainage and sewerage infrastructure
- W6 New development and the minimisation of
- W7 Development and waste recycling facilities
- L2 Areas of Great Landscape Value
- L9 Planting and retention of trees
- L10 Major development and landscaping
- NCS Nature conservation strategy
- NC1 Protected sites - internationally import
- NC5 Protected species
- EPS Environmental protection strategy
- EP1 Energy efficient design
- EP5 Light pollution
- EP6 Derelict and under-used land
- EP7 Contaminated land
- EP10 Water supply
- BES Built environment strategy
- BE1 Design of new development

- BE2 Landscaping and design
- BE9 Archaeological assessment of development
- T1 Development accessibility
- T2 Transport hierarchy
- T7 Access for people with disabilities
- T25 Car parking in new development
- T26 Access from development on to the highway
- T27 Servicing

Application Number

P/2012/0633

Site Address

Land Off Brixham Road, Rear Of Torbay
Garden Centre Incorporating Yannons
Farm, Adjacent To Little Preston, Short
Preston And Woodlands
Paignton
Devon

Case Officer

Mr John Burton

Ward

Blatchcombe

Description

Approval of all reserved matters for a 6257sqm pharmaceutical manufacturing unit (use class B1) with associated external buildings.

Executive Summary/Key Outcomes

Background

This application is submitted as a reserved matters proposal linked to the outline consent for residential development and employment space at Yannons Farm, west Paignton. Although the indicative masterplan layout for the outline envisaged a number of smaller employment units being built on the site, the scheme for one large employment unit will fulfil the brief and in fact will secure the delivery of the entire quantum of employment space at an early stage in the development.

Key Outcomes

The proposal for 6257sqm of employment space in the form of a pharmaceutical manufacturing unit (PMU) would consolidate the existing operation that currently supplies approximately 200 products to 1400 customers across the UK and Europe, including the NHS. The current operation (which is spread across three sites in Torbay; the Hospital site in Torquay, Kemmings Close in Paignton, and Woodview Road in Paignton) employs some 85 people.

The new facility will accommodate existing employees and provide opportunity for the growth of the business. The core business will remain the production of terminally sterilised liquid medicines for injection, oral use, instillation and external use, with a new aseptic unit and a small non-sterile manufacturing capability. However, the new building will enable the core business to expand and grow and further diversification of the product range to take place. As such this scheme will ensure the retention and expansion of jobs in the skilled manufacturing sector within Torbay.

Summary of current position

The application has been subject to much discussion and negotiation at pre-application enquiry stage, and consequently none of the important consultees have raised objections. At the time of compiling this report, comments are awaited in terms of the landscaping proposals and the visual impact from surrounding land and officers are negotiating to try and improve the sustainability of the building and the operation itself. The results of these further discussions will be reported to Members at the committee meeting. However, it is believed that any issues in these regards can be overcome. A full Planning Obligation including financial payment to offset costs arising from this development was dealt with at the outline stage.

Recommendation

Approval of part discharge of the relevant outline conditions (1, 4, 9, 11 and 15); Subject to further officer consideration of landscaping and visual amenity issues, further information on drainage, further details on highways issues (travel plan).

The conditions remain to be satisfied for the rest of the site and the rest of the development as approved in the outline consent.

Site Details

The application site is part of the land at Yannon's Farm off the main Brixham Road (A3022) in Paignton. The site as a whole rises towards the south west with land beyond the ridge to the west being designated as an Area of Great Landscape Value (AGLV). To the north of the site is the existing Sainsbury's superstore off Yalberton Road, and to the south of the site lies South Devon College and the former Nortel employment site. The application site itself is part of a wider employment land allocation (E1.16c) within the Saved Adopted Torbay Local Plan (1995-2011).

The outline approval for a mixed use development at Yannon's Farm included an element of employment (B1) floorspace, and this application is submitted to address this. The site proposed for the employment allocation is towards the middle of the development site as a whole, immediately due south of the Sainsbury's store. The site falls by approx. 11 metres from the south to the north (towards Sainsbury's).

This application site is part of a much larger area which currently has consent for a mixed use development including housing, employment uses and a local centre.

Detailed Proposals

The outline approval for a mixed use development on land at Yannon's Farm, granted in October 2011, included approximately 5,600 Sq. M. of employment (B1) floorspace. The applicant for that permission (Cavanna Homes) has since entered into negotiations with the South Devon Healthcare Foundation Trust with

a view to them using this allocation.

At the present time, the manufacturing, warehousing and quality control laboratory, which together form the PMU business are located across three separate locations in Torbay. These are the Hospital site in Torquay, Kemmings Close in Paignton, and Woodview Road in Paignton. The existing sites are small and congested and have no opportunity to increase the floorspace of the facilities. With new standards and legislation being introduced and the need to supply a growing market, the local N.H.S. Trust needs to relocate to meet growing demand. This application site meets their requirements.

As employment has already been approved in outline for the Yannon's Farm development this application is a submission of Reserved matters in respect of the employment allocation. The conditions that need to be met are as follows:-

Outline consent condition 1 The siting, design and external appearance of the proposed building, the datum level at which it is to be constructed, the colour, type and texture of all external materials including hard-surfaced areas, the means of access from any public highway, vehicle parking, landscaping, and all other works, including boundary treatment.

Outline consent condition 4 Details of a sustainable urban drainage system (or such other surface water drainage scheme as may be agreed).

Outline consent condition 9 Details of the works to the off site sewer infrastructure as agreed with the utility provider.

Outline consent condition 11 A Tree Protection Plan (TPP)

Outline consent condition 15 A lighting scheme

Details have now been submitted in order to satisfy the above conditions. They show a single building with a gross floor area of approximately 6257 m. sq. This will allow initially for about 100 people to be employed. However the scheme also allows for a further expansion of 500 m. sq. of floorspace to meet a planned future increase in production. The building is shown spread over two floors. The manufacturing process occurs towards the front of the building at ground floor level, with the office space and laboratories located above on the first floor. Both storeys at the rear of the site (adj. Sainsbury's) are taken up with warehousing. The building is shown set into the ground at its southern end and slightly raised above the existing contours at its northern end, in order to minimise cart away during construction.

Staff car parking is located to the south and east of the building, with the service yard to the north of the building. A landscaping scheme is proposed along the highway frontage to the south and the west in order to soften the appearance of

the structure. An existing hedgerow on the east of the site is shown as being retained. The plans show parking for 100 cars with 5 dedicated disabled bays close to the entrance to the building.

Summary Of Consultation Responses

Devon and Cornwall Constabulary The proposals have been developed using 'Secured by Design' guidance and in consultation with the Devon and Cornwall police and the Home Office Drugs Licensing and Compliance Unit. It is the Police Architectural Liaison Officer's opinion that every opportunity has been taken from the start to reduce the crime and ASB impact of this proposal.

Torbay Local Access Forum Has concerns as to whether this proposal would affect Public Rights of Way and access to the countryside in general.

Environment Agency Comments that the site is in flood risk zone 1 and is a development of under 1 hectare, therefore standing advice applies. This basically states that the management of surface water run-off and drainage from new development must not increase flood risk either on-site or elsewhere, Government policy strongly encourages a sustainable drainage system (SUDS) approach to achieve these objectives.

Strategic Transportation and Highways Further observations awaited and will be reported to members at their meeting.

Drainage The Council's Service Manager (drainage) requires further information before he could confirm that the conditions could be discharged. That information has been requested, and the response will be reported to Members.

Environmental Health Officer Observations awaited

Highways / Transport Observations awaited

Summary Of Representations

So far 2 letters of representation have been received - one expressing concern and one in favour. The main concerns are:-

Details seem vague,
Size and coverage seem big,
Potential for emissions from unit affecting the locality
Point of access isn't clear,
Potential for increased noise,
Trees would lessen impact.
Loss of fields would be a shame

Positive comments include :-

Would create more jobs
Need for jobs in the area
Should be implemented as soon as possible

These representations are re-produced at Page P.200.

Relevant Planning History

- P/2010/0289 Mixed use development to form approx 220 dwellings, approx 5,600 Sq. M. gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline) - advertised as a departure from the Torbay Local Plan. Conditional approved granted 4/10/2011
- P/2007/1421 Junction improvements and formation of new access to facilitate access to land to the west (Resubmission Of P/2006/0678). Approved 14.11.2008

Relevant Policies

Saved Adopted Torbay Local Plan (in so far as the policies are consistent with the NPPF)

- ES Employment strategy
- E1 New employment on identified sites
- E1.16c Yalberton Road, Paignton
- E6 Retention of employment land
- BES Built Environment Strategy
- BE1 Design of New Development
- BE2 Landscaping and design
- T25 Car parking in new development
- T26 Access from development onto the highway
- L8 Protection of hedgerows, woodlands and other natural landscape features
- L9 Planting and retention of trees
- L10 Major development and landscaping
- EPS Environmental protection strategy
- EP1 Energy efficient design

Key Issues/Material Considerations

Principle and Planning Policy -

The principle of employment uses at this new mixed use development has already been established with the outline consent and is in accordance with Local Plan policy. The Saved Adopted Torbay Local Plan designates the land for employment purposes [E.16(C)], and so the current proposal is in line with adopted policy.

The outline approval granted permission for approx 5,600 Sq. M. gross of

employment (B1) floorspace. Although this current proposal is for slightly more floorspace (an additional 657 Sq. M.) the approval did not specify a definitive figure and this current application is considered to be within the remit of the outline consent. The proposed use as a pharmaceutical manufacturing unit is defined as a B1 use (Use Classes Order) and so the proposed use is also in line with the outline consent.

Use

The intended use as a pharmaceutical manufacturing unit would consolidate the existing operations, that currently supplies approximately 200 products to 1400 customers across the UK and Europe, including the NHS. The current operation (which is spread across three sites in Torbay; the Hospital site in Torquay, Kemmings Close in Paignton, and Woodview Road in Paignton) employs some 85 people.

The new facility will accommodate existing employees and provide opportunity for the growth of the business. The facility will accommodate the production suites and support areas for manufacturing, the quality control laboratory and warehousing and offices.

The facility will be equipped to produce both sterile and non-sterile products, the core business will remain the production of terminally sterilised liquid medicines for injection, oral use, instillation and external use, with a new aseptic unit and a small non-sterile manufacturing capability. However, the new building will enable the core business to expand and grow and further diversification of the product range to take place.

Scale -

This is a matter that was reserved by the outline consent. This is a large building positioned in what will become a primarily residential area. Although the existing very large Sainsbury's building does lie immediately to the north.

To integrate the proposed building into the proposed surroundings, the southern elevation is shown built into the hillside and so only the upper part of the building would be visible. This will tend to reduce the scale and bulk of the building from its most public elevation. This will make it more appropriate in scale in comparison to the proposed housing development on the opposite side of the main spine road into the site (approved in outline, with details yet to be submitted). Consideration of the appearance of the building in scale from the wider landscape beyond (South Hams) has yet to be finalised and will be reported to Members at their meeting. However, it is known that the building would have very limited visibility from the south as there is a ridge leading up to the college playing fields that acts as a barrier to visibility.

Design -

The south and west elevations are generally treated with a mini microrib panel

cladding system. Windows have been designed as slots within the cladding with brise soleil designed as a continuous element. This gives a horizontal nature to these elevations to help minimise the perceived vertical height of the building. The building is finished with a number of stair towers that stand proud of the building and are finished with a wood composite rainscreen panel. This is also considered to help break up the mass of the building.

The proposal was presented to the Design Review Panel for their advice in November 2011 when it was submitted as a pre-application inquiry. The Panel's report is reproduced at page P.200. The panel wholly supported the construction of a PMU in Torbay as a major employer in the area. The panel also considered that the PMU, as a light industrial use could be a good neighbour to the proposed adjacent residential developments.

It was felt that the position of the building on the site together with the landscaping proposed would help to minimise the presence of the building. The Panel particularly liked the high quality finish to the southern entrance elevation.

There were concerns expressed about having the access road to the east of the PMU, but this has been addressed by the architect who has now redesigned the proposal with the road to the west and the building set to front that road, with the parking behind (effectively shielded from view). The panel did express the need to consider the proposal from distant vantage points, this work has been carried out by the developer and is being assessed by Officers. In summary, the Panel looked favourably upon the proposal and the architect has responded positively to constructive suggestions made by the panel.

Parking and access -

A car park is shown to the south and east of the building providing off-street parking for 100 cars. 5 disabled parking spaces are shown dedicated near the entrance to the building. Secure cycle parking for 14 cycles is shown at the front with a defined pedestrian route into the building itself. The building has been designed to cater for movement of disabled people through the building.

Economy -

The local NHS trust is prepared to invest a lot of money into this project which will keep the drugs manufacturing process within Torbay. The site is more appropriate for a facility like this as it concentrates production and distribution into one site (instead of three) and will have good access to local transport routes. It is estimated that this facility would realise 100 job opportunities, around 85 of which will be retained from the three existing premises in Torbay. The scheme also includes provision for future expansion of the business.

Furthermore, the vacation of the other three sites would provide for serviced and available employment units to be taken up by other employers for other business purposes. Therefore the overall jobs potential arising from this proposal as a

whole will be significant to the Bay.

Climate change -

The original sustainability appraisal was somewhat disappointing compared to officers' expectation, particularly in respect of the use of PV cells and having an ability to utilise the district heating facility currently being considered for the western part of Paignton (particularly Whiterock). The applicant has been asked to reconsider this element, and the LPA is expecting a positive response. This will be reported to Members at their meeting.

Environmental Enhancement -

The ecological impacts of building on this parcel of open countryside were considered as part of the outline approval. Conditions were placed upon the consent to protect wildlife in general many of which have already been implemented. There is nothing specifically for this application to address in this regard.

Landscape and Visual Impact

A Visual Assessment was submitted with the planning application and picks up on 6 key views of the site from the surrounding area. The report findings conclude that, due to the topography of the site and the surrounding land, due to the existing landscape screening and due to the existing and proposed surrounding development, the proposal remains largely obscured from views from the south. In views from the north the development will be seen in its context and read as a part of existing and forthcoming development, including the existing Sainsbury store, employment development at Yalberton and along the Brixham Road, and residential development. The landscape proposals and the cutting in of the building into the site will also assist in assimilating, what is a very large building into the site.

Notwithstanding the findings of the Visual Assessment, this large building has the potential to be prominent in local and distant views and as such the likely impact is being assessed in further detail by officers. Members will be informed at their meeting of findings in this regard.

Accessibility -

Access is dictated by the layout which is being designed by the applicant for the housing element of the broader Yannon's Farm proposals. However, care has been taken to ensure that all access roads leading to the PMU will be capable of taking the larger forms of transport which are likely to be used as part of the operations.

In parking terms, the number of spaces proposed exceeds usual standards. It is questionable whether the parking level proposed would meet the tests of providing developments that encourage modal shift to more sustainable form of transportation. However, the local NHS Trust has a specific requirement in this

regard and does not want a diminution of the spaces shown. With most of the spaces being hidden from view behind the proposed building and judicious use of planting, the numbers need not be a visual problem.

Vibrant Town Centres -

It is not considered that this proposal would have any adverse impact on Paignton Town centre, as it is a unique stand alone facility that cannot readily be placed in a town centre location.

S106/CIL -

There are no s106 or CIL requirements as part of this application because it has been submitted as a Reserved Matters application to an outline consent. The financial payments due to offset costs that could arise from the proposal as a whole were rightly considered at the outline stage. In any event, the facility will provide jobs to mitigate against a requirement for sustainable transport contributions.

Conclusions

The proposal can be considered as being a Reserved Matters application to the outline consent because it is of a similar size and same Use Class as that approved in outline. The proposal should be welcomed because it will provide approximately 100 jobs, a number of which will be new. There are no transportation difficulties with this proposal because the new road network surrounding the site will be designed to take on board the needs of the end user. The building has been well designed to try and assimilate it into what will become a primarily residential area, through careful setting out on site and use of materials.

The landscape setting of the building will need bolstering, and it will be important to consider the impact on views of this 'large' building from the open countryside beyond. It is not considered, however, given ongoing consideration, that this issue will be insurmountable. Consultees have responded positively and the scheme has been well received in general locally.

This application is recommended for approval on the basis of the considerations above, however, the implications of such a large building in what will become a primarily residential area requires due consideration. The PMU will be predominantly hidden from views from the south by the ridge, however, it is recommended that a member site visit is held in order to provide opportunity for a full understanding of the visual impact of the proposed building.

Relevant Policies

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Agenda Item 16

Report to Development Management Committee on Recent Planning Appeal Decisions

May 2012

Since the last appeal report in May, there have been 6 appeal decisions made. All but one of these were dealt with by the Written Representation method, the other was a Public Inquiry. 5 Of the appeals were lodged against a refusal to grant planning permission by Torbay Council, the remaining appeal was against an enforcement notice. Of the 6 appeal decisions reported here, 5 were dismissed and 1 was allowed, this results in a percentage dismissed of some 83%.

There now follows a brief summary of the appeals dismissed, followed by the details of those appeals allowed. If Members require any greater detail on any specific appeal case, then please contact the Case Officer.

Appeals Dismissed (5)

Site:- 79 Stanley Gardens, Paignton, Devon TQ3 3NX

Case Officer:- Jamie Staples

LPA ref:- P/2010/1365/HA

Ward:- Clifton With Maidenway

Proposals:- Fencing to boundary wall adjacent to Marldon Road, Paignton.

Council's decision:- Enforcement Notice for removal of fence

Issues:- The main issue is the effect of the development on the character and appearance of the host property and the wider area.

Site:- 52 Broadstone Park Road, TORQUAY, TQ2 6TZ

Case Officer:- Alexis Moran

LPA ref:- P/2011/1031/HA

Ward:- Cockington With Chelston

Proposals:- The development proposed is the siting of a greenhouse on a raised platform

Council's decision:- Delegated refusal

Issues:- The first is the impact of the development on the living conditions of people nearby, particularly in relation to privacy and outlook. The second is its effect on the character and appearance of the area.

Site:- 25 Dartmouth Road, Paignton, Devon TQ4 5AD

Case Officer:- Robert Pierce

LPA ref:- P/2011/0489/PA

Ward:- Roundham With Hyde

Proposals:- Alterations and formation of roof extension to form office.

Council's decision:- Delegated Refusal

Issues:- The first is the impact of the development on the character and appearance of the Old Paignton Conservation Area. The second is its effect on the living conditions of the occupants at No 25..

Site:- 21 Clifton Grove, PAIGNTON, DEVON, TQ3 3LH

Case Officer:- Alexis Moran

LPA ref:- P/2011/0874/HA

Ward:- Clifton With Maidenway

Proposals:- Decking to rear (retrospective)

Council's decision:- Delegated refusal

Issues:- The first is the impact of the development on the living conditions of neighbours, particularly in relation to light, outlook and privacy. The second is the effect of the development on the character and appearance of the area.

Site:- 31 Marine Drive, Paignton, TQ3 2NS.

Case Officer:- Helen Addison

LPA ref:- P/2011/0847/PA

Ward:- Preston

Proposals:- Demolition of the building and reconstruction of a semi-detached building to include 7 residential apartments.

Council's decision:- Committee refusal in line with recommendation

Issues:- These are (i) whether the scheme, by reason of its design, scale and height would be overbearing in relation to the attached semi-detached property no. 29 and the resultant effect of the scheme on the character and appearance of the locality and (ii) whether the requirements of the Council to provide infrastructure contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development

The Inspector concluded that the appeal should be dismissed, but did not fully support the Council's justification in relation to 106 obligations.

Appeals Allowed (1)

Site:- Scotts Meadow, Torquay

Case Officer:- Ruth Robinson

LPA ref:- P/2010/1388/MOA

Ward:- Shiphay With The Willows

Proposals:- Residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public open space (In Outline)

Council's decision:- Committee refusal against officer recommendation

Issues:- Principle of development on Greenfield site designated as Urban Landscape Protection Area, extent and scale of development in the policy context. Extent of available and deliverable housing sites (5 year land supply).

Decision:- The Inspector considered that the site's designation did not preclude its development and that the appropriate scale of development was proposed (the proposal included public open space and a restriction on the extent of the development footprint). The Inspector concluded that Torbay does not have a 5 year supply of available and deliverable housing land and in those circumstances came to the view that the development should be allowed as it would assist in delivering new housing in Torbay.

During the proceedings the developer tabled a revised s106 offer and this has resulted in the scheme being allowed without a full policy compliant sustainable transport contribution or the Council's preferred detailed clauses in relation to the control of the affordable housing. The offer at Inquiry is demonstrably less than that which was put forward to the committee back in October 2011 at the time the application was determined.

Agenda Item 17

Site Review Meetings, Proposed Revised Protocol (following Report to Place Policy Development Group)

Summary

The current Site Review Meeting process is recommended to be withdrawn and a replacement process introduced. This change will ensure that Ward Councillors' involvement in planning applications remains, but that only in relevant circumstances will a Site Review Meeting take place. This will replace the current system, which automatically requires a meeting where a single representation raising a material planning consideration is received.

The Site Review Meeting is a process unique to Torbay and is not a procedural requirement of national planning regulation. The process gives rise to higher than average costs and delays in dealing with planning applications and is disproportionate in terms of the resource requirements when considering the type of applications involved.

This alteration will require the Appendix 2 Site Review Meeting Protocol of the Local Code of Good Practice for Members and Employees Involved in the Planning Process (see Appendix A report) to be replaced with Revised Site Review Meetings Protocol (see Appendix B of this report).

1. The current Site Review Meeting (SRM) process

- 1.1. The current Site Review Meeting (SRM) process was established following the disbandment of the three area-based planning committees (North, South & Central) in order to increase the number of applications dealt with under delegated powers. Since its introduction, the process has been refined and a protocol has been adopted to manage the system (Appendix A of this report).
- 1.2. Where one or more objections have been received to an application which would otherwise be determined under delegated powers and the Executive Head of Spatial Planning considers that the objections raise material planning considerations the Executive Head of Spatial Planning will convene a Site Review Meeting.
- 1.3. The meeting is attended by a Ward Councillor and a Planning Officer (at Team Leader or Senior Officer level), the meeting provides an opportunity for the attendees to raise matters of concern and for the Officer and Ward Councillor to consider them in the light of Local Plan policy objectives. Following discussion with the Ward Councillor, a decision is then made as to whether Officers continue to deal with the application under delegated powers or whether the application should be referred to the Development Management Committee for determination. If the Planning Officer and Councillor do not agree in respect of the procedure for determining the application the Executive

Head of Spatial Planning will discuss the application with the Chair of the Development Management Committee and thereafter the Executive Head will make a decision on which route it should take.

2. Reasons for the review

- 2.1 Due to the Council's aim of improving delivery of an excellent planning service demonstrated by National Performance Indicator (NI 157). It was felt appropriate to review the SRM process, including its cost and effectiveness.
- 2.2 Between 10th May 2011 and 10th November 2011, 46 SRMs were held, of these 43 were referred back to Officers for a decision to be issued under delegated powers. Based on this time period 98% of SRMs resulted in delegation remaining with officers.
- 2.3 Many applications that go to SRM do not meet the National Indicator 8-week target decision date, due to the time it takes to set up a meeting, hold the meeting and get response letters out to the relevant parties. This adversely affects the efficiency of the Planning Service when dealing with applications in this way. The delay is a significant factor in limiting the Councils performance in relation to NI 157, a measure of performance by planning services.
- 2.4 The revision of the SRM process would allow for the streamlining of the process to enable more effective processing of applications while still allowing for member involvement in the process.

3. Proposed Site Review Meeting (SRM) process

- 3.1 Where Officers are recommending approval of an application and there are objections on valid planning grounds made within the 21 day period for response, the Ward Councillors will be advised of the objections by e-mail and be given 5 days to respond to officers, either by telephone or e-mail. Having considered the merits and significance of the application, Ward Members may, in exceptional circumstances, request that a Site Review Meeting be arranged. The Ward Member must be available in the next 7-10 days so that the SRM can be arranged in that timeframe. Officers will proceed to arrange the meeting unless in exceptional circumstances there are clear differences of opinion between the officers and the Member about whether such a meeting is necessary. In these circumstances the matter will be referred to the Chairman of the Development Management Committee for decision.
- 3.2 Where there are 5 or more objections to an application and Officers are recommending approval, the same procedure as described above will apply in relation to the need for an SRM. Officers will however automatically discuss with the Chair of the Development Management Committee whether the application should be heard at Committee.

Again, it will be the decision of the Chair as to whether that application should be determined at Committee or under delegated powers.

- 3.3 This revised approach will ensure that Ward Councillors' involvement in planning applications remains, but that only when a Ward Councillor believes that a Site Review Meeting is necessary will one be held. This will help streamline the Planning Service when dealing with applications and improve Councils performance in relation to NI 157, a measure of performance by planning services.

4. Recommendation

- 4.1 In the light of the above considerations it is recommended that, because of the resource implications and impact on service delivery, the current SRM Protocol be replaced by the proposed new one in Appendix B.
- 4.2 It is not recommended that Torbay make substantial changes to the foundations of its scheme of delegation and as such, although the above is of interest, it is considered that changes to the SRM process should fit within the existing scope of Torbay's Scheme of Delegation and Local Code of Good Practice for Members and Employees Involved in the Planning Process.

Appendix A – Existing protocol

Site Review Meetings Protocol

1. The Government has set a performance target for Local Authorities that at least 90 per cent of planning applications will be determined by employees using delegated powers.
2. Most planning applications are now initially identified as being appropriate for determination by the Executive Head Spatial Planning under delegated powers. Only major applications (those for 10 or more residential units or over 1,000 square metres of new floor area) will be referred to the Development Management Committee. The Executive Head Spatial Planning may refer other applications to the Committee for determination if he considers it appropriate. In determining whether to refer other applications to the Committee for determination the Executive Head Spatial Planning may consult with the Chairman of the Development Management Committee and/or any relevant Ward Members.
3. In deciding whether or not to refer a planning application to the Development Management Committee for determination the Executive Head Spatial Planning will have regard to the number and complexity of planning issues the application raises. This is not necessarily reflected in the number of objections received and no particular number of objections (or letters of support) will ensure that any particular application is referred to Committee. Where one or more objections have been received to an application which might be determined under delegated powers and the Executive Head Spatial Planning considers that the objections potentially raise material planning considerations the Executive Head Spatial Planning will convene a Site Review Meeting. The applicant and/or his/her agent, any objectors and the Ward Councillors will be invited to the Site Review Meeting. A Planning Officer will also attend and conduct the meeting.
4. The purpose of a Site Review Meeting is to decide whether a decision should be made under delegated powers or referred to the Development Management Committee for determination. The meeting is not intended to debate or argue about the issues but to allow everyone to look at the site, view and understand fully the proposals and hear the views of the applicant and the objector/s.
5. After the Site Review Meeting the Planning Officer present will discuss the matter with the Ward Councillor/s in attendance and then make a recommendation to the Executive Head Spatial Planning as to whether or not the matter should be referred to Committee for determination. If the Assistant Director is not minded to agree with the views expressed by any Ward Member, before taking his decision as to whether or not to refer the matter to Committee, he will first consult with the Chairman of the Development Management Committee.

6. All parties will be informed in writing of the outcome of the Site Review Meeting.
7. A Site Review Meeting may be terminated by the Planning Officer in attendance in the event that any person present fails to adhere to the principles of this Protocol or fails to treat other people present with courtesy and respect.

Appendix B – Revised Site Review Meetings Protocol

1. The Government has made it clear to Local Planning Authorities that in order to speed up the planning process the vast majority of planning applications should be determined by officers using delegated powers.
2. Most planning applications are now initially identified as being appropriate for determination by the Executive Head of Spatial Planning under delegated powers. Only major applications (those for 10 or more residential units, or over 1000 square metres of new floor area) will automatically be referred to the Development Management Committee. The Executive Head may refer other applications to the Committee for determination if he considers it appropriate. In determining whether to refer other applications to the Committee for determination the Executive Head may consult with the Chairman of the Development Management Committee and/or any relevant Ward Members.
3. In deciding whether or not to refer a planning application to the Development Management Committee for determination, the Executive Head will have regard to the number and complexity of planning issues the application raises. This is not necessarily reflected in the number of objections received and no particular number of objections (or letters of support) will ensure that any particular application is referred to Committee.
4. Where Officers are recommending approval of an application and there are objections on valid planning grounds made within the 21 day period for response, the Ward Councillors will be advised of the objections by e-mail and be given 5 days to respond to officers, either by telephone or e-mail. Having considered the merits and significance of the application, Ward Members may, in exceptional circumstances, request that a Site Review Meeting be arranged. The Ward Member must be available in the next 7-10 days so that the SRM can be arranged in that timeframe. Officers will proceed to arrange the meeting unless in exceptional circumstances there are clear differences of opinion between the officers and the Member about whether such a meeting is necessary. In these circumstances the matter will be referred to the Chairman of the Development Management Committee for decision.
5. Where there are 5 or more objections to an application and officers are recommending approval, the same procedure as described above will apply in relation to the need for an SRM. Officers will however automatically discuss with the Chair of the Development Management Committee whether the application should be heard at Committee. Again, it will be the decision of the Chair as to whether that application should be determined at Committee or under delegated powers.
6. The purpose of a Site Review Meeting is to decide whether a decision should be made under delegated powers or referred to the

Development Management Committee for determination. The meeting is not intended to debate or argue about the issues but to allow everyone to look at the site, view and understand fully the proposals and hear the views of the applicant and the objector(s).

7. After the Site Review Meeting, the Senior Planning Officer present will discuss the matter with the Ward Councillor(s) in attendance and then make a recommendation to the Executive Head of Spatial Planning as to whether or not the matter should be referred to Committee for determination. If in exceptional circumstances the Executive Head is not minded to agree with the views expressed by any Ward Member as to whether or not to refer the matter to Committee, he will consult with the Chairman of the Development Management Committee who will make a decision.
8. All parties will be informed in writing of the outcome of the Site Review Meeting.
9. Site Review Meeting may be terminated by the Senior Planning Officer in attendance in the event that any person present fails to adhere to the principles of this Protocol or fails to treat other people present with courtesy and respect.
10. In all cases, Officers will continue to make recommendations in reports either for signing off by team leaders or for consideration at Committee, and Officer Reports will highlight and discuss the merits of objections, indicating how the objections raised have been considered in reaching the decision.