



Friday, 23 December 2016

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 9 January 2017

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby
Councillor Cunningham
Councillor Morey
Councillor Robson

Councillor Stringer
Councillor Winfield
Councillor Pentney
Councillor Tolchard

A prosperous and healthy Torbay

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

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

Email: governance.support@torbay.gov.uk
www.torbay.gov.uk

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

(To Follow)

To confirm as a correct record the Minutes of the meeting of this Committee held on 12 December 2016.

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 Governance Support or Legal Services prior to the meeting.)

4. Urgent Items

To consider any other items that the Chairman decides are urgent.

5. Claylands' Cross Site, Brixham Road, Paignton - P/2016/1123/MOA

(Pages 4 - 17)

Hybrid Application: Full Planning Application for alterations to Claylands Cross junction to create an access to the site, access roads within the site including related infrastructure, drainage and earth retaining works. Outline Application with all matters reserved except access for the erection of two buildings to provide four industrial B8 (storage and distribution) and B1 (business) units including car parking areas, loading yards and a central service road.

6. **Windmill Hill Sports Pavillion, Higher Audley Avenue, Torquay -** (Pages 18 - 28)
P/2013/0312/PA
Extensions & Alterations to existing sports pavilion (re-advertised 7 December 2016).
7. **Electric House, Castle Circus, Tormohun, Torquay -** (Pages 29 - 31)
P/2016/1231/LB
Internal works to remove studwork partitions and portions of suspended ceiling first and second floor.
8. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
9. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 4 January 2017. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.

Application Number

P/2016/1123

Site Address

Claylands' Cross Site
Brixham Road
Paignton

Case Officer

Carly Perkins

Ward

Goodrington With Roselands

Description

Hybrid Application: Full Planning Application for alterations to Claylands Cross junction to create an access to the site, access roads within the site including related infrastructure, drainage and earth retaining works. Outline Application with all matters reserved except access for the erection of two buildings to provide four industrial B8 (storage and distribution) and B1 (business) units including car parking areas, loading yards and a central service road.

Executive Summary/Key Outcomes:

The application site relates to a vacant brownfield site which has been previously used as a waste transfer facility for inert construction products and for temporary storage of highways maintenance materials for the Local Authority. The site is now vegetated and towards the edge of the site are areas of woodland; five badger setts are located within the site. The site is located to the east of Brixham Road (part of the Torbay Major Road Network), south of Tweenways junction. The site is located at a higher level than Morrison's superstore to the north and Paignton Zoo to the east.

The site is identified as a potential development site for consideration in the Neighbourhood Development Plan, primarily for employment investment. The site is within the Critical Drainage Area as designated by the Environment Agency. The site is within Greater Horseshoe Bat Sustenance Zone and a Strategic Flyway. The site is adjacent to an Urban Landscape Protection Area, Core Tourism Investment Area, Ancient Woodland and Other Site of Wildlife Interest.

The application is a hybrid application, consisting of both proposals for full planning permission and outline permission. Full planning permission is requested for alterations to Claylands Cross junction to create an access to the application site, access roads within the site including related infrastructure, drainage and earth retaining works. Outline planning permission is requested with all matters reserved except access for the erection of two buildings which

would be subdivided to provide four industrial B8 (storage and distribution) and B1 (business) to include car parking areas, loading yards and a central service road.

The outline submission specifies provision of 10,635sqm of industrial (B1a, B1c and B8 use classes) floor space. The indicative plans submitted show two buildings to accommodate 4 separate units. The layout plans show the two buildings separated by the spine road and on two separate levels, which reflects a level change on the site. Each building is served by a loading yard and car park area. The proposals include 172 parking spaces of which 8 are noted as being for disabled people. 20 cycle spaces are also proposed and pedestrian access is proposed into the adjacent play park.

The site is identified within the Torbay Local Plan (SDP3.3) as a key site for employment providing 6.8ha of employment land which is deliverable early in the plan period. The site is noted as a potential development site for consideration in the Neighbourhood Development Plan for employment investment. Policies SS4 and SS5 of the Torbay Local Plan 2012-2030 support the provision of new employment space and the improvement of existing employment space in West Paignton to support the creation of additional jobs. Similarly policies SDP1 and SDP3 support the creation of a range of employment opportunities in this area. The application is supported by the Council's Economic Strategy 2013-2018. The Torbay Development Agency supports the application to bring forward new employment space within Torbay and is promoting this application. In line with the above, the principle of industrial development in this location is considered acceptable and compliant with local plan policy.

Employment uses in this location are supported by local policies where employment growth and jobs provision is required to complement house building in the locality. There is strong planning policy support for the proposed employment use which is recognised as being important to delivering the Local Plan's growth strategy. An objection to the proposed development has been received from the Environment Agency. This needs to be addressed before planning permission can be granted. A Habitats Regulation Screening is required to assess the impact of the development on the likely significant effect on the integrity of the South Hams SAC. Subject to the resolution of issues relating to groundwater, landscaping, highways, biodiversity, noise and lighting the application is supported and considered acceptable.

Recommendation:

Conditional approval subject to submission of a Habitats Regulation Assessment (Screening) that concludes the proposed development would not have a likely significant effect on the South Hams SAC, the submission of additional information about groundwater, landscaping, highways, biodiversity, noise,

lighting and securing financial contributions where necessary. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Conditions will relate to the following:

1. Reserved Matters
2. Construction Method Statement
3. Contamination
4. Surface Water Drainage
5. Travel Plan and Freight Plan
6. Parking Provision
7. Cycle Storage and Bin Storage
8. CEMP
9. LEMP
10. Development to proceed in accordance with recommendations of Ecology Surveys
11. Tree Protection
12. Landscaping
13. Ground Water
14. External Lighting
15. Operating Hours
16. Sound Mitigation
17. No external storage
18. Finished floor levels
19. Boundary treatment
20. Phasing
21. Secured by design
22. Freight plan
23. Waste Management

Statutory Determination Period: 13 weeks which expires on 19th January 2017.

Site Details:

The application site relates to a vacant brownfield site which has been previously used as a waste transfer facility for inert construction products and for temporary storage of highways maintenance materials for the Local Authority. The site is now vegetated and towards the edge of the site there are areas of woodland. Five badger setts are located within the site. The site is located to the east of Brixham Road (part of the Torbay Major Road Network), south of Tweenways junction. The site is located at a higher level than Morrison's superstore to the north and Paignton Zoo to the east.

The site is identified as a potential development site for consideration in the Neighbourhood Development Plan, primarily for employment investment. The site is within the Critical Drainage Area as designated by the Environment

Agency. The site is within Greater Horseshoe Bat Sustenance Zone and a Strategic Flyway. The site is adjacent to an Urban Landscape Protection Area, Core Tourism Investment Area, Ancient Woodland and Other Site of Wildlife Interest.

Detailed Proposals:

The application is a hybrid application, consisting of both proposals for full planning permission and outline permission. Full planning permission is requested for alterations to Claylands Cross junction to create an access to the application site, access roads within the site including related infrastructure, drainage and earth retaining works. Outline planning permission is requested with all matters reserved except access for the erection of two buildings to provide four industrial B8 (storage and distribution) and B1 (business) to include car parking areas, loading yards and a central service road.

The buildings are proposed in outline and would provide 10,635sqm of industrial (B1a, B1c and B8 use classes) floor space. The indicative plans submitted show two buildings to accommodate 4 separate units. The layout plans show the two buildings separated by the spine road and on two separate levels, which reflect existing ground levels on the site. Each building is served by a loading yard and car park area. The design and access statement submitted with the application indicates that the buildings will be built as a series of steel portals with lightweight steel or aluminium panel cladding. The buildings are indicated as being no higher than 9m, featuring a parapet roof for maintenance safety. This detail is indicative only at this stage and would be agreed in the submission of the reserved matters application.

The proposals include 172 parking spaces of which 8 are noted as being for disabled people. 20 cycle spaces are also proposed and pedestrian access is proposed into the adjacent play park.

Summary of Consultation Responses:

Environmental Health (Contamination): Due to the historical use of the site as landfill and the results of the soil testing which indicate an unacceptable level of contamination, a condition is recommended to ensure that the site is fit for the end user. This condition will require submission of a remediation scheme, the implementation of the approved remediation scheme and the reporting of unexpected contamination.

Arboricultural Officer: The site layout as proposed, if approved, will lead to the loss of a significant proportion of category A woodland W5 and of category B Group G6. The proposal when viewed from the A3022, Borough Road and retail units to the west form part of an extensive green wedge of Clennon Valley. The importance of this visual receptor is further amplified due to the junction between

the A3022 and Borough Road and the traffic lights at Battersway Road. As shown in submitted photomontages the buildings are highly visible from Diptford Close and thus this visual receptor would see a significant degree of change in the visual landscape with the development visually separating the Claylands site from Primley woods. As such W5 should be given greater protection and reinforcement planting capable of attaining a significant height and spread. Trees within G6 and W5 currently pose a significant constraint to the development, however when considered in the context of expected tree longevity against anticipated length of usage, a measured and pragmatic solution to achieving landscape continuity, screening benefits, ecological enhancements and storm water resilience should form part of the decision making process. Minimal planting is proposed along the southern boundary with the properties on Harbourne Avenue (33, 35, 37, 39, 41, 43); this is deemed insufficient given the potential adverse affects of noise and light pollution on the residents. Approval is recommended on arboricultural merit subject to the applicant supplying details to address the points noted above.

Landscape Consultant: The character of the proposed development is likely to sit well within the context of other large sheds in the area. The existing woodland fringe that surrounds the site, for which additional planting is proposed, will provide a cohesive frame that connects with other areas of woodland in the landscape to produce a strong green infrastructure that will help to unite the diverse characteristics of development in the area. The topography and surrounding woodland planting mean that the buildings are unlikely to be seen from much of the immediate landscape. The roof of the buildings are likely to be visible from the higher ground to the south and could spoil the view from the housing area, particularly in the short term before the additional screen planting has matured. Careful roofing design using dark recessive colours and non-reflective patina could help to reduce the visual impact. The creation of a hedgebank along the boundary with the playground would help to reinforce the screening in this area.

Green Infrastructure Coordinator: It is recommended that as part of the application the existing brambles and scrub within the red line boundary to the west of the playground are removed, the area regraded to match that of the rest of the playground and the fence line relocated along the Brixham Road to help increase surveillance of the playground. It is also recommended that trees are planted along Brixham Road to enhance the visual amenity value of this area. To help screen the new access into the development site from the existing residential properties on Harbourne Avenue, it is recommended that a new hedgebank be constructed between the northern boundary of the playground and the new access road. The proposed access gate to the playground from the industrial estate is welcomed. A greenspace and recreation contribution of £15,000 is requested to allow improvements to the playground/open space to be undertaken. A HRA screening will be required due to the location of the development within the Greater Horseshoe Bat Sustenance Zone and partly

within the Strategic Flyaway. Revisions are requested to the various ecological reports including the need for firm mitigation proposals. A specific Invertebrate Survey is required to be submitted prior to determination. A £10,000 contribution towards enhancing opportunities for Greater Horseshoe Bats is requested.

Drainage Engineer: Following review of additional information submitted, providing that the surface water drainage scheme is constructed in accordance with the latest submission there are no objections on drainage grounds.

Senior Strategy and Project Officer (Transport): There is strong planning policy support for the proposed employment use, which is important to delivering the Local Plan's growth strategy.

There are however outstanding matters regarding the operation of the junction with Brixham Road at the PM peak which need to be addressed. Subject to further information being submitted, it is not considered that these issues would warrant the refusal of the application as they would not be significantly severe. A travel plan is welcomed; this should seek to achieve at least 30% of employee trips being made by sustainable modes of transport. A freight plan should also be prepared to help alleviate the junction impacts by avoiding commercial vehicle movements to and from the site during peak times. A travel plan should be secured by condition.

The level of parking provision is policy compliant however 17 disabled spaces should be provided rather than the 8 proposed. Consideration should also be given to electrical charging points. Cycle parking is welcomed and should be secured and covered. The estate road is intended for adoption and should be constructed in accordance with the Highways Design Guide. Details of lighting will be required. Footpaths on site are welcomed. The existing crossing is to be moved, a Section 278 agreement will be required to secure these works and the additional arm to the junction and other forthcoming improvements to the Western Corridor.

Police Designing Out Crime Officer: Industrial buildings can be vulnerable to criminal activity, specifically with regard to portable and desirable goods with a ready market value for disposal, such as plant, machinery, raw materials, personal computers, laptops etc. Other crimes can occur include acts of vandalism, such as graffiti and arson. As such in the event planning permission is granted, it is recommended the development is constructed to achieve Secured by Design compliance to ensure a consistent level of security throughout and opportunities for crime, fear of crime and ASB are minimised.

Natural England: Natural England advise that the Claylands site provides limited potential for Greater Horseshoe Bat activity due to its urban location and poor connectivity to the surrounding countryside. There is no objection.

Environment Agency: The Environment Agency has raised an objection to the proposal because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Comments have also been made regarding the Critical Drainage Area designation and flood risk.

Torbay Development Agency: The application is supported by the Torbay Development Agency and aligns with the Torbay Corporate Plan, Employment Land Review, Economic Strategy and Local Plan.

Environmental Health (Noise): Comments are awaited.

Ecological Consultant: Comments are awaited.

Summary Of Representations:

1 representation and 1 petition (21 signatures) have been received. Issues raised:

- impact on visual amenity
- noise and pollution
- light pollution
- impact on residential amenity
- need to improve play park
- impact on local streets as a result of overspill parking from the development
- impact on badgers as a result of relocation of the sett
- impact on the highway

These representations have been sent electronically for Members consideration.

Relevant Planning History:

P/2002/1561	Proposed parking area for servicing gas governor APPROVED 12/11/2002
P/2001/1684	Storage of disused refrigerators (also involving removal of some non-leakable CFCs) APPROVED 12.04.2002
P/1988/2131	Use as offices and laboratory accommodation APPROVED 19.12.1988

Key Issues/Material Considerations:

The key issues to consider are the principle of development, appearance, impact on visual amenity, landscaping, biodiversity, drainage, access, parking and residential amenity.

Principle:

The site is identified within the Torbay Local Plan (SDP3.3) as a key site for employment providing 6.8ha of employment land which is deliverable early in the plan period. The site is noted as a potential development site for consideration in the Neighbourhood Development Plan for employment investment. Policies SS4 and SS5 of the Torbay Local Plan 2012-2030 support the provision of new employment space and the improvement of existing employment space in West Paignton to support the creation of additional jobs. Similarly policies SDP1 and SDP3 support the creation of a range of employment opportunities in this area. . In line with the above, the principle of development in this location is considered acceptable and compliant with local plan policy.

Appearance, Scale and Layout:

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Consistent with these paragraphs, policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials, whether they protect local and longer distance views and the impact on the skyline especially from public vantage points, having regard to the location and prominence of the site and whether they positively enhance the built environment.

In line with the comments from the Landscape Officer, the existing woodland fringe that surrounds the site, which is to be enhanced, provides a cohesive boundary to connect the site to other areas of woodland nearby continuing to provide a strong green corridor between this site and those to the east and south east.

Due to the topography and existing screening the site is unlikely to be visible from much of the surrounding area with the exception of Brixham Road and from the south, particularly Diptford Close. The changes to the junction and topography of the site will urbanise the appearance of the site and open it up to views from Brixham Road. Whilst the character of the site will change as a result of the proposal, the changes are not considered to be out of character with the locality, with the site being located on a major road network and in close proximity retail, industrial and residential developments. The scale of the buildings proposed is similar to the warehouse buildings on the opposite side of the road and the adjoining supermarket. This scale of development would be appropriate in this urban location subject to mitigation through a robust landscape scheme. There are opportunities for further landscaping particularly to the Brixham Road frontage and to the south of the site alongside the boundary with the play park to help screen the development from Brixham Road

and help to maintain a green setting to the site.

The road network within the site is covered by the full application adopts asphalt to all road surfaces, which is considered typical of industrial estates. Parking areas and service yards are noted as concrete and permeable paving however the design of these areas is reserved. The design of the buildings, service yards and parking areas are for outline permission only and therefore the design, layout and scale of the development will be subject to further consideration at a later reserved matters stage. However the layout of the estate roads will dictate general locations of development within the wider site. Comments from the Landscape Officer regarding the colour of roofs due to their visibility will need to be a consideration of later reserved matters applications. The scale of the buildings as shown on the submitted feasibility plans is considered to sit comfortably with the wider site, with similar sized buildings nearby. The topography of the site allows the buildings to be set down from Brixham Road level, reducing the impact of the building in views from Brixham Road. There are also opportunities for additional landscaping to the Brixham Road frontage as noted in consultation responses from the Council's Arboricultural Officer and Green Infrastructure Coordinator.

If approved, a condition requiring the development to meet Secured by Design standards will be imposed as recommended by the Police Designing Out Crime Officer.

Landscaping:

The full application covers only the access roads into the site, the junction and drainage works, there are some elements of landscaping included within the areas of the site covered by this application. However within the application submission a landscape mitigation plan has been included which covers the whole site. As noted above there are opportunities for further landscaping which are required to help screen the development and better integrate the site with its surroundings. Additional information is to be submitted in response to these consultation responses. The Members will be verbally updated at the Committee Meeting.

Biodiversity:

The Conservation of Habitats and Species Regulations 2010 imposes on local authorities the duty imposed by the EU Habitats Directive to ensure that plans or projects will not adversely affect European Sites such as SACs. In order to fulfil this duty, the authority must carry out a Habitats Regulation Assessment ('HRA') process. A screening is being carried out for the development by the Council's Ecological Consultant, the results of this screening is awaited and the results will be presented at the Committee Meeting.

Paragraph 118 of the National Planning Policy Framework (NPPF) states that in terms of biodiversity, if significant harm resulting from a development within a

SAC cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

Advice from Natural England suggests that the development is unlikely to result in significant effects upon the South Hams SAC due to the urban location of the site despite the fact that the site is located within the Sustenance Zone and partly with a Strategic Flyway. Comments from the Council's Ecologist are awaited. The Council Green Infrastructure Coordinator has made several requests for further information to demonstrate that the proposals comply with both local and national policy. Further consultation will be carried out with relevant consultees following the submission of this information. The Members will be updated at the Committee Meeting.

Ecological surveys were undertaken in 2015, during these surveys five badger setts were recorded on site. It is noted within the submitted Badger Mitigation Report that other scrub and grassland habitats on the site provide good foraging and commuting opportunities for badgers. In 2016, a wider off site habitat survey was carried out which identified an extensive main sett within the Paignton Zoo site. The proposals have been designed to retain areas of highest ecological value for foraging and commuting badgers. The main sett on site cannot be retained with the proposed development and therefore a relocated new sett is proposed. The mitigation sett is proposed within the woodland habitats and is located within a natural clearing to avoid tree loss. The sett will be left to establish for a minimum of 6 months before the main sett is closed. Monitoring works are proposed to establish whether the new sett has been used by badgers, once activity is confirmed the main sett will be closed under licence. In line with comments from the Council's Green Infrastructure Coordinator, the badger sett poses a significant constraint to the development and therefore the proposed location will be required prior to determination and the applicant's ecologist will need to confirm that this is a suitable location for the sett. The Members will be updated on this point at the Committee Meeting.

Residential Amenity:

The proposals are to be sited to the north and south of existing residential developments. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposals are separated from existing residential dwellings by existing planting and areas of open space. Due to the separation distances involved the proposals are not considered to result in any serious detriment to residential amenity in terms of loss of light or by reason of being unduly dominant or overbearing. There are

however issues with the intensified use of the site and the impact of that on residential amenity in terms of traffic noise, noise from the operation of the site and light nuisance. Final comments are awaited from the Environmental Health Officer in terms of the impact of the development in terms of noise. Initial comments from the Environmental Health Officer suggest that there is the potential for noise nuisance as a result of the development however it is considered likely that this can be successfully mitigated through the use of operating hours restrictions, acoustic fencing, sound proofing etc. It is also considered that the topography of the site and existing and proposed landscaping could help to mitigate the impacts of the development. The Members will be updated on this at the Committee Meeting. This response will also consider the impact of the development in terms of light pollution, it is however considered likely that if issues exist these can be successfully mitigated through changes to lighting design, screening and/or restrictions on hours of use.

Drainage:

The surface water drainage proposals are to attenuate the surface water using a mixture of cellular storage and concrete tanks, using flow controls to reduce discharge rates. Foul water drainage is to be discharged to the combined sewer. The proposals do not increase flood risk elsewhere and the Council's Drainage Engineer has confirmed that the proposals are acceptable.

The Environment Agency has raised an objection to the application as insufficient information has been submitted to demonstrate that the risk of pollution to controlled waters is acceptable. Further information is expected from the applicant to resolve this issue and the Members will be updated at the Committee meeting.

Contamination:

The application site has been previously used as a waste transfer facility for inert construction products and for temporary storage of highways maintenance materials for the Local Authority. Soil testing has been carried out at the site and indicates an unacceptable level of contamination. In light of this a condition has been recommended to require the submission of a remediation scheme, the implementation of the approved remediation scheme and the reporting of unexpected contamination. Paragraph 109 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land where appropriate and subject to the inclusion of this condition, the development of this site is considered acceptable and compliant with this paragraph and policy ER3 of the Torbay Local Plan 2012-2030.

Access and Parking:

Access to the site is via Brixham Road and works to the junction at Claylands Cross are proposed. The works include an additional fourth arm to the signalised junction, an extension to the footway from the junction to the site on both sides of

the carriage way and a pedestrian crossing with dropped kerbs. The proposal includes 172 parking spaces, 8 of which are proposed for disabled persons, in addition 20 cycle parking spaces are proposed. A number of issues have been raised by the Council's Senior Strategy and Project Officer in relation to the submitted Transport Assessment which require further responses from the applicant. The submitted Transport Assessment relies on data which pre-dates the use South Devon Highway; data from traffic monitoring cameras suggest that there has been a 15% increase in traffic on the Western Corridor since the new road opened in 2015. This information has not been taken into account in the assessment of the junction on Brixham Road and needs to be considered. In addition the Transport Assessment notes that the new junction will operate at 93% capacity at PM peak (without the South Devon Highway's impact being factored into the modelling). This is assessed to result in queues of up to 35 vehicles on the Brixham Road. This has raised particular concern from the Council's Highways Engineers.

Whilst it is not considered that the impact of the development on the highway network would be severe in relation to paragraph 32 of the National Planning Policy Framework, to ensure that the development does not unduly impact on the highway network and that a safe access is provided, further information is required. There are ongoing discussions between the applicants and officers and the Members will be updated further at the Committee Meeting.

The number of parking spaces is considered to be compliant with policy TA3 of the Torbay Local Plan 2012-2030. However revisions are required in terms of the number of disabled spaces which is below the policy requirement. If approved, a number of the spaces will need to include electrical charging points which can be secured by condition. The proposal includes 20 cycle parking spaces which is considered acceptable. These must be covered and secure and these will be secured by condition if approved. A travel plan is proposed and this should seek to achieve at least 30% of employee trips being made by sustainable modes of transport. A travel plan and freight plan to help alleviate the junction impacts by avoiding commercial vehicle movements during peak times will be secured by condition if approved. Details of lighting are awaited and further consultation will be carried out following the submission of these details.

S106:

Contributions have been requested by consultees relating to the improvement of the adjacent play park (£15,000) and enhancing opportunities for local greater horseshoe bats (£10,000). These contributions will need to comply with the Community Infrastructure Levy and the National Planning Policy Framework being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Further consultation responses are awaited from the Council's Ecological Consultant which will consider whether contributions in relation

enhancing opportunities for Greater Horseshoe Bats are justified in light of responses from Natural England. Further consideration will be given to the request for play park improvements and whether these contributions would meet the tests set out in the legislation. The Members will be updated on this at the Committee Meeting.

As site is Council owned land it is not possible to enter into a section 106 agreement. Should it be considered that such contributions are necessary, relevant and proportionate to the development, such contributions can be secured via unilateral undertaking.

Conclusions:

Employment uses in this location are supported by local policies where employment growth and jobs provision is required to complement house building in the locality. There is strong planning policy support for the proposed employment use which is recognised as being important to delivering the Local Plan's growth strategy.

A number of issues are outstanding. These are currently being considered further by the applicant and further information is expected to resolve these issues. Subject to the resolution of issues relating to groundwater, landscaping, highways, biodiversity, noise and lighting the application is supported and considered acceptable.

Condition(s)/Reason(s)

01. Reserved Matters
02. Construction Method Statement
03. Contamination
04. Surface Water Drainage
05. Travel Plan and Freight Plan
06. Parking Provision
07. Cycle Storage and Bin Storage
08. CEMP
09. LEMP
10. Development to proceed in accordance with recommendations of Ecology Surveys
11. Tree Protection
12. Landscaping
13. Ground Water
14. External Lighting
15. Operating Hours
16. Sound Mitigation
17. No external storage
18. Finished floor levels

19. Boundary treatment
20. Phasing
21. Secured by design
22. Freight plan
23. Waste Management

Relevant Policies

SDP3 - Paignton North and Western area
SS4 - The economy and employment
SS5 - Employment space
SDP1 - Paignton
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
ER3 - Contamination
NC1LFS - Biodiversity and Geodiversity_
SS8 - Natural Environment
C4 - Trees, hedgerows and natural landscape
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
SS7 - Infrastructure, phasing and employment

Application Number

P/2013/0312

Site Address

Windmill Hill Sports Pavillion
Higher Audley Avenue
Torquay
TQ2 7PF

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Extensions & Alterations to existing sports pavilion (re-advertised 7 December 2016)

Executive Summary/Key Outcomes

The proposal is to extend an existing sports pavilion at ground and first floor to provide a new function room with a bar, kitchen and toilet facilities at first floor, and improved changing facilities at ground floor.

The principle of improving community facilities for sports and recreation is supported in both the Torbay Local Plan 2012-2030 (Policies SS11 - Sustainable Communities and SC2 - Sport, leisure and recreation) and the NPPF.

The scale and design of the proposed extension is acceptable in its location, which is at the edge of the sports field adjacent to the access road, as it would retain the open landscape character of the site.

There has been considerable local concern expressed about highway safety, on-site parking provision and noise and disturbance.

The Strategic Transport Officer has requested further information relating to the use and management of the building, particularly associated with dealing with peak events, and a Transport Statement and Travel Plan is awaited for consideration. On the information currently available the level of parking (27 spaces) exceeds the requirement detailed within the Local Plan (22 spaces) relating to the floor area of the sports pavilion.

In regard to noise and disturbance the Community Protection Team has yet to respond and their views will be reported verbally at the committee meeting. Particularly in order to address concerns about noise and disturbance the applicant has been asked to consider operating on the basis of shorter opening hours than the hours proposed, which is 9am to 11pm Sunday to Fridays (including Bank Holidays) and 9am to 12am (midnight) on Saturdays.

In addition the applicant has been asked to address the current absence of information on flood risk and protected species. An update will be reported to members at the committee meeting and in the absence of sufficient information that meets the relevant policy requirements the application should be refused.

Recommendation

Approval: subject to the receipt of satisfactory further information in regard to flood risk and surface water management, protected species, and a in regard to transport impacts, and conditions delegated to the Head of Business Services to include those outlined within this report.

Statutory Determination Period

Extension of time has been agreed until the 13th January 2017 to determine the application. This application was originally submitted in March 2013 and has been held pending at the applicant's request. Due to the length of time since submission the application needs to be resolved and as the applicant does not want to withdraw the application a decision should be taken on the submitted scheme.

Site Details

The application site relates to an existing single storey sports pavilion at Windmill Hill. The pavilion is located close to the southern border of the playing field near to the rear of properties in Audley Avenue and adjacent to the parking and access point off Higher Audley Avenue. The building is 9m from the rear gardens and 55m from the prevailing rear building line of the nearest dwellings. The pavilion fronts the Windmill Hill playing fields which are set out to the north.

The existing building has a simple and relatively modern appearance and is finished in red brick with a brown tiled pitched roof. There is a linear tarmac parking area adjacent to the building off the single vehicular access point with 27 parking spaces. There is a mature hedge along the southern boundary of the site to the rear of the sports pavilion that defines the border with properties in Audley Avenue.

In the Torbay Local Plan 2012-2030 the site is allocated as being within an Urban Landscape Protection Area (C5.08 Hele Woods/Windmill Hill Woods).

Detailed Proposals

The application is for ground and first floor extensions to the existing building.

At ground floor level the proposal is to extend the footprint to the northern side of the building facing the playing fields, over which a terrace area is proposed. The additional ground floor area would be 66m² and with internal remodelling this will

permit new dressing rooms and improved wash room facilities. In total the layout will provide 6 dressing rooms, two disabled changing rooms, and ladies, gentleman and disabled toilets.

At first floor level the extension is principally to create additional floor space over the current footprint with a terrace area over the ground floor extension. The upper floor will provide an additional 161m² of floor space and provide a function room (100m²) with a small bar area (6m²), a kitchen (9m²) and toilets (ladies, gentlemen and disabled). To the north overlooking the playing fields doors will open on to a terrace area (55m²) which would be overhung by the pitched roof. It is noted that access to the first floor level is by external staircase and internally by a lift from the ground floor.

The proposed materials are brick elevations to match existing and tiled roof to match existing. The proposed balustrade to enclose the first floor terrace would be glass.

As a result of the proposed extension the footprint of the building would increase by 66m² from 154m² to 220m² and the internal floor area would increase by 227m² to a total of 361m² along with 55m² of covered terrace.

The applicant advises that security is a primary concern and it is proposed to use high security PVCu lockable windows and pull down roller shutters to doorways when the building is not in use.

In the Design and Access statement it is advised that the proposal is to run in conjunction with the prospective lease of the land and building by Waldon Athletic Community Sports Club. The proposal is to address the current lack of maintenance of the building and increase its overall use, thus resulting in a more community friendly building with multiple uses during the daytime and evenings and not just sports orientated use.

A plan has been submitted that shows on site parking provision of 27 spaces. The plans also show a possible area for overflow parking, although no details of how this would be surfaced or accessed have been included.

It is proposed that the operating hours of the community centre/clubhouse would be Monday to Fridays including Sundays and Bank Holidays 9am to 11pm and on Saturdays 9am to 12.00 midnight.

In support of the application the applicant advises that the existing sports pavilion and sports ground is currently owned by Torbay Council and local football teams and any members of the general public can hire the facilities throughout the year. The proposal is to extend and improve the building into a more community friendly facility with emphasis on a lot more daytime usage by individual clubs and societies such as training facilities for Waldon Athletic Community Sports

Club and offer refreshments during and after matches.

The applicant states that they have carried out two separate local neighbourhood consultation meetings. It is intended to have a permanent manager on the site during operational hours together with CCTV.

Summary Of Consultation Responses

Community Safety Officer: Initial comments that the addition of a licensed premises does have the potential to increase the number of vehicle movements, the potential noise from patrons leaving late and noise from car doors etc.

It is advised that any public nuisance issues would be picked up by the Licensing Act public nuisance provisions or Statutory Nuisance. There is also potential noise from smokers outside the premises, music breakout and noise from patrons entering and leaving the premises.

A condition to secure a scheme of sound insulation works, including the installation of acoustic lobbies, for all rooms where music entertainment is recommended in order to reduce amenity impacts and it may be appropriate to reduce operating hours to have everyone off the premises by 23.00 or even 22.00.

Updated comments are awaited and members will be advised verbally at the committee.

Strategic Transport Officer: Request that a Transport Statement and Travel Plan is submitted that considers traffic generation, ways of promoting sustainable travel modes and measures to avoid conflict arising from on-street parking during peak usages.

The number of parking spaces is above that required by the Local Plan which may help alleviate some pressure on street parking and more information on the overflow parking could improve this further.

Cycle parking should be supplied.

SWW: No objection provided that no surface water being discharged to the public sewer system.

Drainage engineers: Pending comment.

Green Infrastructure Officer: Pending Comment.

Summary Of Representations

83 letters of objection and one of support have been received so far and a petition with 95 signatures. 25 of these letters have followed a recent re-advertisement of the application undertaken to ensure that local residents have had adequate opportunity to make representation when considering the passage of time.

The second period of public consultation ends on the 28th December 2016 and members will be updated of any additional concerns raised aside those outline below.

The following issues are raised by objectors;

- Increased traffic resulting in serious congestion or a road safety hazard.
- Parking problems on Higher Audley Avenue and Audley Avenue
- There are currently not enough parking spaces for people using the football grounds at weekends. The resultant effect is dozens of cars all the way down Higher Audley Avenue and Audley Avenue.
- Security pertaining to licensed premises in a residential area
- Potential for increased noise
- Possible alcohol fuelled crime
- Likely increase of anti social behaviour
- Overlooking of property
- Obstruction of view
- Loss of light
- Loss of privacy
- Light pollution
- Another entrance may have to be considered as Audley Avenue cannot be the only way up to this sports hub.
- This is an area of important wildlife, dog walking and peace and quiet.
- There is a plethora of wildlife immediately surrounding the field including fox and badgers and this must not be disturbed at any cost.

These representations have been sent electronically to Members for their consideration.

Relevant Planning History

1986/2638	Erection of a sports pavilion and provision of car parking areas approved 26.3.87
1985/3522	Retention of changing rooms approved 24.4.86
1982/1024	Formation of sports ground approved 13.7.82
1980/2223	Changing rooms (hut) approved 27.11.80

Key Issues/Material Considerations

The main issues are the principle of the proposed improvement to the sports and community facilities in this location, highways, impact on residential amenity, design, ecology and flood risk.

Principle and Planning Policy -

Policies SS11 (Sustainable communities) and SC2 (Sport, leisure and recreation) of the Torbay Local Plan 2012-2030 support the investment, improvement and access to sports and community facilities. In paragraph 73 of the NPPF it is recognised that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

The principle of investing in and improving sports facilities would result in a positive contribution to the well being of the community and would provide the opportunity of delivering enhanced facilities in this location. The existing building currently has a rundown appearance and has been subject to vandalism and graffiti. There does appear to be an opportunity for the facilities to be enhanced and improved and an increase in use would be likely to deter vandalism of the building. It is intended that the improvement of this facility will encourage greater use of the adjacent outdoor playing field.

The proposal does include an improvement to existing sports facilities, however, the principal component of this application is to introduce community facilities in the form of a function room with a small bar area. Effectively, the proposal would result in an expansion in the use of the building from primarily sports based use to a mixed sports and community facility use.

The introduction of additional space for community use would make effective use of an existing building. The site is located within a residential area and there would be a benefit to local residents to have a community facility nearby. Use by community groups would have the potential to increase well being of users through providing increased opportunities for social interaction and potentially information and support through drop in facilities.

However the potential for investment and improvement in facilities in this location has to be balanced against the concerns of local residents that have been expressed in the objections to the application.

Highways -

Local residents have raised serious concerns about increased traffic generation to the site. The only vehicular access to the site is via Audley Avenue and Higher Audley Avenue and residents advise that with on street parking these roads can be difficult to negotiate.

The site currently contains two football pitches and two junior pitches and is used

for sports purposes. There are no external flood lights so this use is restricted to day light hours. It is not clear from the application whether the applicant proposes to increase the sports use of the site however this could be done without the benefit of planning permission as it is an existing use.

It would be difficult to argue that an increase in use of the site for sports purposes should be refused planning permission due to inadequate off street car parking as the site has more parking than the current Local Plan requires of such development.

This means that the highway concerns should be addressed principally to the expansion of a community use of the property.

The Strategic Transport Officer has requested additional information to provide greater understanding of the traffic implication and the management that is proposed to limit any additional pressure upon street parking. It is noted that there is potential for overflow parking that if appropriately managed and promoted could reduce the impact upon local streets through parking.

It is also requested that 10 secure cycle parking spaces are provided in-line with the Local Requirement.

Essentially the proposal is supported by adequate on-site parking and, subject to cycle parking, accords with the requirements laid out within Local Plan Policy TA3 (Parking requirements) and the related Appendix F for sports recreation. However the community use element may result in certain peak demands and therefore additional information is considered necessary to determine whether management and potential overflow parking arrangements could be adequate to limit the impact of the development.

Further information is expected and Members will be updated verbally on this matter at Committee.

Impact on residential amenity -

Local residents have raised concerns about noise and disturbance resulting from the use of the premises for functions, the effect of unruly behaviour and the size and relationship of the building with existing nearby dwellings.

A significant level of local concern has been raised relating to potential noise and disturbance. It is advised that the area is currently quiet and the proposed use would have a notable effect on noise levels in the area. This is a very valid concern but should be considered against the fact that there is an existing sports facility on the site that does generate activity.

The site will be used by a Community Sports Club and it would be reasonable to expect that the social use of the building would be ancillary to the primary use as

a sports facility which would be different from a proposal to provide a pub or restaurant on the site.

The Community Safety Officer has suggested that noise breakout could be reduced by incorporating sound proofing measures into the building fabric. In addition the officer suggests a review of the proposed hours of operation.

Given the residential character of the surrounding area it is considered that a reduction in the proposed opening hours would be justified. Therefore, a condition is suggested to restrict the hours of operation to 10pm Monday to Friday including Sundays and Bank Holidays and 11.00pm on Saturdays

Local residents have raised concerns about unruly behaviour resulting from the sale of alcohol from the premises. Behaviour of users on the site is not strictly a planning consideration and would be more appropriately addressed through the licensing process. In the application it is advised that a permanent manager will be employed on the site and it would be reasonable for the manager to address and control behaviour issues.

The impact of the proposed first floor extension on nearby properties has been raised. It is considered that the proposed extension would be sufficient distance from properties in Audley Avenue (over 50 metres) to avoid any overbearing effect. There would be no loss of light due to the distance from these properties and because the pavilion is on the northern side of the existing dwellings. There would be only one first floor kitchen window facing properties in Audley Avenue and this would not result in overlooking due to the distance between buildings.

Subject to suitable restricted hours and noise insulation, achieved by condition, the proposal is considered acceptable on amenity grounds and consistent with Policy DE3 (Development amenity) of the Local Plan.

Design and visual impact -

The design of the proposed extension would be functional and would respect the form of the existing building. The use of bricks and roof tiles to match the existing building would assist in assimilating the development into its setting. The scale and proportion of the proposed development would be acceptable in this location and would be appropriate for the proposed use and the scale of the sports pitch to which it would serve, in accordance with Policy DE1 (Design) of the Torbay Local Plan 2012-2030.

The application site is designated as being within an Urban Landscape Protection Area in the Torbay Local Plan and Policy C5 is applicable. The policy states that development will only be permitted within an Urban Landscape Protection Area where it does not undermine the value of the area as an open or landscaped feature within the urban area and it makes a positive contribution to the urban environment and enhances the landscape character of the area. In

this case the footprint of the building would be increased by a small amount and would encroach only a minor amount onto the existing grassed area. It would not affect the existing pitches on the site. Due to the relatively minor increase in size of the footprint of the building the proposal would protect the essential open landscape character of the Urban Landscape Protection Area.

For the reasons above the proposal is considered acceptable in terms of design and visual impact as it would accord with the aims and objectives of Policies DE1 (Design) and C5 (Urban Landscape Protection Areas) of the Torbay Local Plan 2012-2030.

Ecology -

Concern has been raised about the impact of the proposal on existing wildlife.

As the proposal increases the footprint of the building to a minor extent and the majority of the proposed development would be at first floor level, the physical works on the site would have no impact on adjacent wildlife habitat.

As a result of the proposal it is likely that there would be increased activity on the site, however it is noted that there are residential properties abutting two sides of the existing site which would result in light and noise emissions, and it is considered unlikely that the potential increased use of the site would harm wildlife habitat in the area.

Due consideration of the building itself is necessary as there may be bats or bird nesting potential. An ecological survey has been requested in order to ensure that there would be no undue impact upon protected species and in the absence of this the application could potentially be refused due to the lack of certainty.

Further information is expected and Members will be updated verbally on this matter at Committee.

Subject to the findings of an ecological survey the proposal is considered consistent with the aims and objectives of Policy NC1 (Biodiversity and geodiversity) of the Local Plan 2012-2030.

Flood risk -

Torbay has been designated a critical drainage area (CDA) with a more rigorous surface water disposal strategy required in order to ensure that all sites achieve much reduced rates of surface water runoff.

The application is currently not supported by a flood risk assessment that includes a detailed strategy for the management of additional surface water runoff. The applicant has been asked to address this and submit a detail design.

If it is not proven that that the development will not result in an increased risk of

flooding on land or buildings adjacent or elsewhere the application should be refused as it fails to meet the aims of Local Plan Policies ER1 and ER2 or respond to the Environment Agency's CDA standing advice.

Further information is expected and Members will be updated at the committee on this matter.

S106/CIL -

N/A.

Conclusions

In conclusion, the proposal is to improve the facilities of the existing sports pavilion principally by providing a function room, bar and kitchen at first floor level. There has been considerable local concern expressed about highway safety and noise and disturbance to local residents. The proposal includes adequate parking provision on the site and could also provide an overflow parking area. Concerns about noise and disturbance could be addressed by including sound insulation measures in the construction of the building and by reducing the proposed opening hours in order to lessen the potential of noise and disturbance to residents in the area. Subject to these measures being agreed the proposal is considered to be acceptable in this location.

Proposed Conditions:

1. That the identified level of parking (27 spaces) is maintained and made available at all times for the use ancillary to the sports pitches and function room,
2. There shall be a submission and approval of a management plan that shall include details of how the premises will be managed to prevent noise and disturbance to nearby residents and nuisance from inconsiderate parking, including the operation of any parking overflow,
3. That the use hereby permitted shall not be open to customers outside the hours of 9am to 10pm Monday to Friday including Sundays and Bank Holidays and 9am to 11pm on Saturdays,
4. That prior to the commencement of works a scheme of sound insulation works including the installation of acoustic lobbies shall be submitted to and approved for all rooms where music entertainment is to be provided. The sound insulation works shall be completed before the extension hereby approved is occupied,
5. That the development shall proceed in accordance with an agreed surface water drainage strategy, and
6. That the development shall proceed in accordance with an agreed ecological strategy.
7. 10 secure cycle parking spaces should be provided prior to the first use of the building and maintained thereafter.

Relevant Policies

L5	Urban Landscape Protection Area
CF1	Provision of new and improved community
CF2	Crime prevention
RS	Recreation and leisure strategy
R2	Outdoor recreation developments
BES	Built environment strategy
BE1	Design of new development
NCS	Nature conservation strategy

Application Number

P/2016/1231

Site Address

Electric House
Castle Circus
Tormohun
Torquay
Torbay
TQ1 3DR

Case Officer

Mrs Saffron Loasby

Ward

Tormohun

Description

Internal works to remove studwork partitions and portions of suspended ceiling first and second floor.

Description

Listed Building application to remove internal studwork and portions of the suspended ceiling on the first and second floors.

Executive Summary

The scheme proposes the removal of the internal stud work walls that were inserted over 30 years ago.

The stud work does not form part of the original building and its removal will return the space to that of the designed open plan layout of 1935.

The work is part of an ongoing Office Rationalisation Programme (ORP) that looks to make better use of the existing office space. The removal of the internal stud walls will allow more people to use the same space, thus making better use of Electric House.

The site is a Grade 2 Listed Building and is located in the Upton Conservation Area. The proposal is considered to be an appropriate alteration to the original property and would not harm the historic character of the building. It would have no impact on the wider street scene or external appearance of the building. As such the proposal would be consistent with Policies HE1 and SS10 in the Torbay Local Plan.

This application is included on the agenda because it has been submitted by the Council for works to a Council owned building.

Recommendation

Listed Building consent be granted,

Statutory Determination Period

The determination date is 1st February 2017.

Site Details

The site is within the Upton Conservation Area and the Art Deco style Electric House that dates from 1935 is a grade 2 Listed Building. It is attached to the Edwardian Baroque Town Hall and Assembly Room that date from 1906-1911 via a connecting building to the northeast. The internal work cannot be seen from outside of the building.

Detailed Proposals

The proposal is for 7 internal stud walls to be removed from the first floor.

At second floor level 3 walls would be removed. These are all internal walls that are not original.

Summary of Consultation Responses

Historic Officer No objection - The interventions carried out during the 1950-79 are poor quality stud walling that is considered to be deleterious to the building and detracting from the light and airy open plan office environment of the 1930's. The removal of these will return the layout to that envisaged in 1935 and to the advantage of the building.

Community Safety No comment

Building Control Awaiting comments

Summary of Representations

The consultation period for this application expires 4th January and at the time of writing no representations have been received.

Relevant Planning History

Electric House and the adjoining Council buildings have an extensive planning history, none of which is specifically relevant to this application.

Key Issues/Material Considerations

The main issues with the proposal relate to the impact the internal alterations will have upon the historic fabric and the character and appearance of the listed buildings and the wider built environment within the Upton Conservation Area.

Development proposals should have special regard to the desirability of

preserving the listed building, its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the aspects of the building that warrant its listed status, as opposed to keeping the building utterly unchanged.

There will be 7 internal walls removed from the first floor.

At second floor level 3 walls are proposed to be removed. Considering the details submitted the physical alterations would be sensitive to the historic fabric and outward character and appearance of the building. It is considered that the proposals are suitably sensitive in the wider context, whereby the usage is expected to provide long term occupation and maintenance of the building. The removal of the various walls is considered to improve the internal layout of the building without having an adverse impact on its historic fabric. As such the proposed development would accord with Policies SS10 (Conservation and the Historic Environment) and HE1 (Historic Environment) in the Torbay Local Plan 2012-30.

Conclusions

The proposed development is considered to be appropriate for listed building consent to be granted.

Condition(s)/Reason(s)

Where any new works are to link into existing historic features, all significant architectural features shall be appropriately protected during the period of the works, and all repairs shall match the existing fabric where reasonably possible.

Reason: To limit the impact upon the character and appearance of the listed building, in accordance with Policies HE1 of the Torbay Local Plan

Relevant Policies

HE1 Listed Buildings

SS10 Conservation and Historic Environment