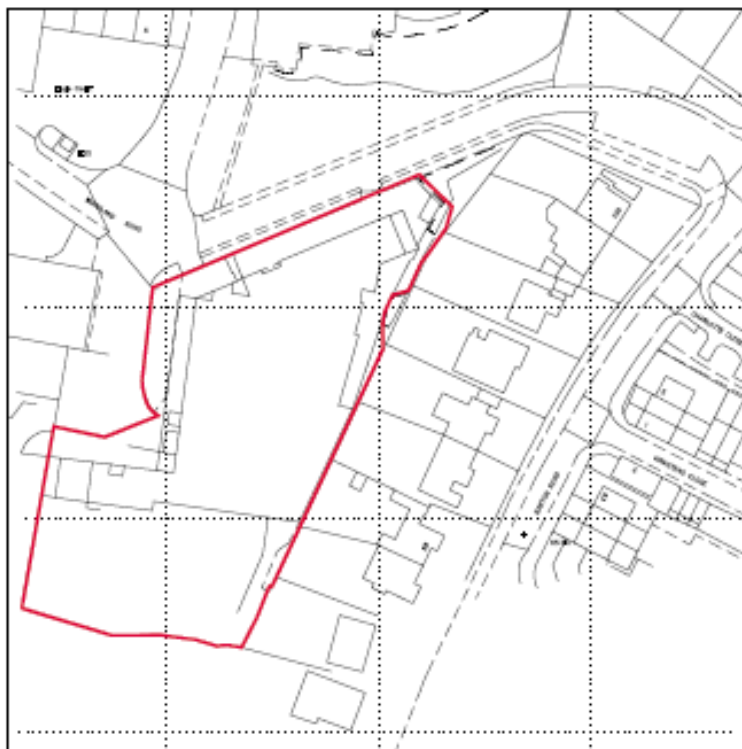


Application Site Address	Elektron Instruments, Woodland Road, Torquay TQ2 7AY.
Proposal	Installation of single industrial unit with access and parking. Demolition of existing building.
Application Number	P/2021/0424
Applicant	Panther Investment Properties Ltd.
Agent	Narracotts Architects Ltd.
Date Application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



## **Site Details**

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

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

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

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

## **Description of Development**

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

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

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

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

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

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

### **Pre-Application Enquiry**

None.

### **Relevant Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

#### **Development Plan**

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

#### **Material Considerations**

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

### **Relevant Planning History**

P /2021/0425: Installation of two industrial unit with access and parking. Demolition of existing building. Pending Decision.

### **Summary of Representations**

2 Objections. Key issues as follows:

- Loss of light
- Light spill from security lighting

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

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Forum:**

No comments.

#### **Torbay Council's Ecology Advisor:**

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

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

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

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

#### **Swisco (Highway Authority):**

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

#### **Police Designing Out Crime Officer:**

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

#### **Torbay Development Agency Drainage Engineer:**

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

**Swisco Senior Tree and Landscape Officer:**

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

**Torbay Council Community Safety Officer:**

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

**Torbay Development Agency:**

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

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

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

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

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

## **Planning Officer Assessment**

### **Key Issues/Material Considerations**

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

#### **1. Principle of Development**

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

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

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

#### **2. Design and Visual Impact**

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Paragraph 126). Policy TH8 ‘Established architecture’ is the key policy tool within the Torquay Neighbourhood Plan and cites that development must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect

the identity of its surroundings. In terms of further advice within the Development Plan Policy DE1 of the Torbay Local Plan outlines the importance of good design and is also a key policy tool in design terms.

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

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

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

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

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

### **3. Residential Amenity**

Policy DE3 of the Torbay Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring occupiers and surrounding uses. Beyond the development plan the NPPF includes guidance that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (Paragraph 130).

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

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

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

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



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

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

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

#### **4. Highways and Movement**

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

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

##### Highway safety and access

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

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

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

### Parking and sustainable travel

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

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

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

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

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

## **5. Ecology and Trees**

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

Policy C4 seek the retention of trees and other natural features. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 174).

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

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

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

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

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

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

## **6. Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. The policy outlines a hierarchy for water-flow management within new development, and similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

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

The submitted site specific flood risk assessment includes the proposed surface water drainage strategy for the development that proposes a discharge of the surface water drainage at a controlled rate to the existing drainage system. Following the receipt of further information through the course of the application the Council's drainage advisor (TDA) has advised that the proposal had demonstrated that the surface water drainage has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change, and is suitable for approval on drainage grounds.

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

## **7. Low Carbon Development, Climate Change and Waste Reduction**

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

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

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

## **8. Economic growth**

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

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

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

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

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

### **Sustainability**

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

#### **The Economic Role**

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

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

### **The Social Role**

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

### **The Environmental role**

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

### **Sustainability Conclusion**

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

### **Statement on Human Rights and Equalities Issues**

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

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

### **Local Finance Considerations**

#### **CIL**

Not Applicable for B2/B8 uses.

## **S106**

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

## **EIA/HRA**

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

## **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to promote economic growth would produce a positive impact overall.

## **Conclusions and Reasons for Decision**

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

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

## **Officer Recommendation**

Approval: Subject to;

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

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

## **Conditions**

### **Construction/Demolition Method Statement**

No development shall take place, including any works of demolition, until a Construction and Demolition Method Statement has been submitted to, and approved in writing by, the Local

Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during demolition and construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.

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

### **Hours of construction**

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

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

### **Hours of Operation / Delivery**

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

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

### **Acoustic Assessment**

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

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

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

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



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

### **External Materials**

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

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

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

### **External lighting**

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

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

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

### **Ecology – nesting season**

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

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

### **Ecology – biodiversity enhancement**

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

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

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

### **Energy**

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

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

### **Secured by Design**

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

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

### **Landscaping**

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

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

### **Landscape implementation**

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

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

### **Drainage**

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

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

### **Parking provision**

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

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

### **Electric charging facilities**

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

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

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

### **Cycle parking provision**

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

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

### **Travel Plan**

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

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

### **Waste provision**

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

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

### **Mezzanine additions**

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

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

### **External Storage**

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

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

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

**Boundary treatments / means of enclosure**

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

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

**PD Removal Business Uses**

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

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

**PD Removal Flues / Plant**

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

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

**Informative(s)**

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

**Relevant Policies**

**Development Plan Relevant Policies**

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

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

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