

**Application Number**

P/2013/1009

**Site Address**Land Adjacent To Torbay Business Park  
Whiterock  
Long Road  
Paignton**Case Officer**

Mr Alistair Wagstaff

**Ward****Description**

Reserved matters application for P/2011/0197 including: appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition unit 31, relocation of 10 parking space for units 33-34

**Executive Summary/Key Outcomes**

This Reserved Matters application seeks detailed consent for:

- 1) the demolition of unit 32 of Torbay Business park to facilitate the new access to the new Employment Site,
- 2) the provision of the access road in to the employment site from Woodview Road with replacement parking for units 33 and 34 of Torbay Business Park, and;
- 3) the provision of two mixed use (B1, B2, B8) industrial buildings (Unit 1, 2412 sqm and Unit 2, 1872 sqm).

The submission is a reserved matters following the granting of outline planning approval for the development under planning reference P/2011/0197.

This is the first phase of development for the proposed employment space within the Western Bowl at White Rock. In effect it will act as an extension to the Torbay Business Park and will provide significant employment floorspace. The determination of this reserved matters application will enable the agreed works (to service and deliver employment on this site) to proceed ahead of the delivery of residential development in the Eastern part of the site. It is important that a decision is made in this case as soon as practicable, in order that work can commence on the development of the employment units, as required under the terms of the s106 legal agreement for the outline consent.

The key matters under consideration are the appearance, scale, access and landscaping for the proposed development. In relation to these matters the proposed building and access route are considered suitable and to comply with the relevant local and national planning policies subject to condition dealing with car park provision and as such the application is recommended for Conditional

Approval.

### **Recommendation**

Conditional Approval; delegated to the Executive Head of Spatial Planning in order to deal with any issues or matters of detail raised in consultation responses, if received after the Committee decision.

### **Statutory Determination Period**

13 weeks expires 8 November 2013, this application must be determine within 13 weeks in order to maintain performance on statutory determination dates.

### **Site Details**

The application site comprises a 39 hectare plot of land bound to the east by Brixham Road and to the north in part by buildings off Long Road and in part by Long Road itself. The southern boundary of the site also comprises the Authority boundary between Torbay and South Hams. At present there are a number of buildings to the east of the site and recently constructed road infrastructure which has been constructed in connection with earlier approvals at the site. The developed and previously developed portions of the site comprise 6.8 hectares. The site comprises two topographical 'bowls' one to the west and one to east of the site, with higher ground towards the centre of the site.

To the south and west are a number of wooded areas; Waddeton Road Plantation, Shopdown Copse and Peter's Copse. A number of hedgerows cross the site.

The eastern section of the site is allocated in the Saved Local Plan for new employment uses surrounded by strategic landscaping. The remainder of the site is within the Countryside Zone and the majority of the site (excluding the area to the north east adjacent to Long Road and accessed via Waddeton Close) is within an Area of Great Landscape Value. Brixham Road, running north/south to the east of the development site, is part of the Major Road Network.

This reserved matters application, while submitted with red line covering the whole site is actually limited in terms of the development proposed, which falls within the Western Bowl area and location of the new access to the site which is gained from Woodview Road.

### **Detailed Proposals**

This Reserved Matters application seek detailed consent for

- 1) the demolition of unit 32 of Torbay Business park to facilitate the new access to the new Employment Site,
- 2 the provision of the access road in to the employment site from Woodview Road with replacement parking for units 33 and 34 of Torbay Business Park, and;

3) the provision of two mixed use (B1, B2, B8) industrial buildings (Unit 1, 2412 sqm and Unit 2, 1872 sqm).

This submission follows the outline approval under reference P/2011/0197 for the following, which was approved on 21 February 2013:

Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m<sup>2</sup> gross employment floorspace, a local centre including food retail (up to 1652m<sup>2</sup> gross) with additional 392m<sup>2</sup> A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping

### **Summary Of Consultation Responses**

*Environment Agency:* No objections, if the site is developed in parcels the Drainage Strategy must be adhered to.

*South West Water:* No Objections

*Arboricultural:* No arboricultural constraints to the removal of the hedge section to allow the formation of the access road therefore we offer no comment on this element of the proposal.

*Strategic Transport/ Highways:* Information is required upon how car parking will be allocated, including the disabled spaces. A covered cycle shelter should be provided that can be shared between the two units – there is room upon the grass verge between the 2 sites with a shared use path (SUP) at least 3 metres wide that enables cyclists to safely access this shelter from Waddeton Road, and also gives consideration to future linkages beyond the site by ensuring the SUP is extended to the turning head.

*Highways:* Do not propose to adopt the new road that leads to the new units, nor to the new car park for Units 33-34.

Further Consultation Responses will be provided in advance of or at the Committee meeting if they are received.

### **Summary Of Representations**

None received, any new representation will be provided in advance of or at the Committee meeting.

### **Relevant Planning History**

There is a significant history to the Western Bowl and the wider application site in general, however, the most pertinent history to this application is the outline approval:

P/2011/0197

Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m<sup>2</sup> gross employment floorspace, a local centre including food retail (up to 1652m<sup>2</sup> gross) with additional 392m<sup>2</sup> A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) PER – 21/02/2011

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

The key matters under consideration are the appearance, scale, access and landscaping of the proposed development.

### **Principle and Planning Policy -**

Outline consent has already been granted for the development for Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m<sup>2</sup> gross employment floorspace, a local centre including food retail (up to 1652m<sup>2</sup> gross) with additional 392m<sup>2</sup> A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping.

That application had an approved indicative layout scheme, which was the subject of extensive consultation and the agreement of consultees. It was also subject to Habitats Regulation Assessment and had a detailed Environments Statement submitted to support the application.

This application did not have an advance request for EIA screening. As such as part of the determination of this application the Authority has under taken the screening exercise. Part 3, section 8 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 is a relevant consideration in this case, since the previous outline application supplied an Environmental Statement and since this application is in accordance with the principle of that earlier EIA application. As such, and following a screening process that included consideration of the likely impacts of the development on the environment, it has been concluded that the environmental information already before the LPA is adequate to assess the environmental effects of the development.

This EIA screening has been provided to the statutory consultees and their response is currently awaited.

An updated Habitats Regulations screening assessment is also being undertaken and the findings will be verbally reported at Committee.

Subject to no new information coming forward from these two process, it is considered that the principle of development is appropriate subject to it being in general conformity with the indicative layout previously approved and that the detailed conditions attached to that permission are adhered to. In this regard the access way in to the site is in the same broad location as shown in the indicative layout, which necessitates the demolition of one of the employment units no. 32 to ensure an adequate access is provided, without the demolition an adequate width of road suitable for large vehicles associated with B2 and B8 cannot be provided.

The proposed industrial units are also located in the same broad location as per the outline application. The current layout plan does not however show the proposed access pathway from the industrial area through the open space to the residential area. A revised plan is expected prior to committee showing its location. There is however adequate space available for the pathways to be provided and if a revised plan is not received this matter is capable of being dealt with by way of a condition.

#### **Appearance -**

Two industrial buildings are proposed showing 7 single level units being provided, each with dedicated lorry loading in front of commercial up and over door steel door (dark grey) they also include 2 steel personnel doors one on the front elevation and one on the rear. The walls of both units are to be to be horizontally laid silver Prisma coated trapezoidal profile cladding with a vertically laid HPS200 embossed Merlin Grey trapezoidal profile clad plinth. The rain water goods are to be dark grey coloured PVC coated galvanised steel. The roof will be slightly concaved. Visually the two building will read as a pair given their proximity and identical treatment. They will form the first buildings visible when entering the new employment park and are considered suitable in their visual appearance given their location and the wider context they will be read in when the business park is fully constructed.

The units will principally be visible from the existing Torbay Business park where they are faced by the backs of industrial units at a higher level as such this impact is considered acceptable.

In considering their wider impact, given their location in a sunken bowl in the topography they will be substantially screened from view aided by the existing vegetation and considering the planting to be agreed as part of both the off-site and on-site Landscape and Ecology Management Plans and as such they will sit comfortably within the wider site and its setting.

#### **Scale -**

Unit A is 67 m in length 36 m in depth and is 8.5 m in height, Unit B is 52 m in length, 36m in depth and again 8.5 m in height. The scale of the two units is similar to the unit size of premises in the neighbouring industrial estate and is

considered to be of an appropriate scale.

As no other units are as yet constructed as part of the wider western bowl industrial area it is not possible to judge these building against them. Instead these building will set the scale for surround future buildings. As identified in the Appearance section considering their limited visibility and formation of development within a planned landscaped area they are not considered to be out of scale with the surrounding area.

### **Landscaping-**

This reserved matters application is the first part of the delivery of the wider business park, open space, local centre and residential development. A detailed off site LEMP has been secured through the 106 agreement of the Outline application. The Planning approval contained a condition requiring the provision of a detail 20 year on site LEMP also. These will provide the detail of the wider landscaping scheme for the site and the surrounding area. The submitted site lay out plan shows grassed frontage to both units with a range of tree planting, a more detailed landscaping plan has been requested specifying location, type, species, and size of the proposed landscaping. Subject to this plan being acceptable to members the landscaping scheme would be acceptable.

### **Access -**

As previously stated the new access follows that which was approved in outline. A more detailed location plan and sections have now been provided, from a planning prospective these new routes are given their proposed role and function considered acceptable. Formal responses have been received from Strategic Transport incorporating Highways views, it raise no objections to the scheme however it does require further information in relation to the allocation of car parking spaces and identifies the need for a dedicated cycle store and the need for it to connect to a shared use path way linking to Waddington Road. As stated above a revised drawing showing the location of the proposed pathway should be available prior to committee. A condition has also be included requiring the provision of a cycle store.

The access provided from the new route into the adjoining units is also considered satisfactory with adequate manoeuvrability space for large commercial vehicles and dedicated car parking is provided including disabled spaces. The planning consent is sought for an open B class use and as such the parking level is considered against that of T25 for each use. It is noted that the car parking falls below the level in this policy for B2 and B1 uses how these figures are maximum level of parking and as such given that there is 72 spaces available + 7 lorry bay parking the level of parking is considered suitable with approximately 10 spaces per unit. It is however important to ensure that parking is provided for all units and of a satisfactory level as such a planning condition will be included to require this detail.

## **S106/CIL -**

A detail 106 agreement was entered into as part of the Outline Application and as such it not required for the reserved matter stage.

### **Conclusions**

In relation to the appearance, scale and landscaping of the proposed development, the proposal are at present considered acceptable. Given the early time at which the officer report has been produced prior to the completion of the consultation period further updates will be required at the Committee to update Members of any representations, further consultations and the outcome of both the HRA and the response from consultees on the EIA screening process.

### **Condition(s)/Reason(s)**

01. Prior to the first use of the buildings here by approved details of a cycle store shall be submitted to and approved by the Local Planning Authority, the cycle store shown shall be made available from the first use of the buildings. The proposed cycle store shall have a dedicated Shared use path linking to the proposed pay way link to residential part of the development and Waddington Road.

Reason: to ensure the availability of sustainable transport modes and in accordance with policies BEs, BE1 and T3 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Prior to the first occupation of the building here by approved detail car parking plan showing the allocation of spaces per unit shall be submitted to and approved by the Local Planning Authority, the car parking spaces shall be made permanently available for the use of the unit they are allocated to.

Reason: to ensure satisfactory park for the units and in accordance with policies TS and T25 of the Saved Adopted Torbay Local Plan 1995-2011View Text in Word-Processor

03. The Car Parking shown on approved plan 2139 03 rev c dated Aug 2013 shown for units 34 and 33 shall be for the sole use of those units and no other purposes.

Reason to ensure satisfactory park for the units and in accordance with policies TS and T25 of the Saved Adopted Torbay Local Plan 1995-2011

### **Informative(s)**

01. The applicants attention is drawn to fact that should extraction and

ventilation system be required for any of the units separate planning permission will be required.

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- ES Employment and local economy strategy
- E1 New employment on identified sites
- E5 Employment provision on unidentified sit
- E9 Layout, design and sustainability
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T26 Access from development on to the highway
- T18 Major Road Network
- T22 Western Corridor
- NCS Nature conservation strategy
- NC1 Protected sites - internationally import
- NC5 Protected species
- LS Landscape strategy
- L2 Areas of Great Landscape Value
- L4 Countryside Zones
- L8 Protection of hedgerows, woodlands and o
- L9 Planting and retention of trees
- L10 Major development and landscaping
- EPS Environmental protection strategy
- EP3 Control of pollution
- T3 Cycling