

**Application Number**

P/2016/0955

**Site Address**

Land At Edginswell (land At A3022 And At Junction Of Edginswell Lane And Newton Road),  
Torquay.

**Case Officer**

Mr Scott Jones

**Ward**

Shiphay With The Willows

**Description**

Variation of condition P1 of P/2007/1743 to allow amendments to the appearance, footprint and internal layout of the car showroom and alterations to the layout of the parking and car display area (the proposed development to which the application relates is situated within 10 metres of relevant railway land)

**Executive Summary/Key Outcomes**

The application is for a minor material amendment to a car showroom granted detailed planning permission as part of the wider mixed use (Edginswell Business Park) consent granted in June 2008 (P/2007/1743). The location and size of the building are substantially unchanged. The proposal seeks minor modifications to the elevations and a slightly revised parking layout.

The site of the proposed showroom is an undeveloped plot that sits to the north of Orchard Way and the west of a footpath that links the business park with the adjacent bridge over the rail line to the north. To the southwest of the plot there is a balancing pond built as part of the wider drainage infrastructure for the business park and watercourses run along the western and northern borders of the site. Trees line the northern watercourse which form part of a wider green landscape feature and ecological corridor that principally follows the rail line.

In regard to the minor changes sought the footprint of the building is unchanged at 35m wide (E-W) by 31m deep (N-S). The location is also unchanged with the building being set central within the depth of the plot and abutting the western edge of the site. The building height is principally unchanged with a predominant height of just over 6m with slightly layered elements above and below this height. The palette of materials is maintained as a mix of horizontal claddings panels, render and glass however the arrangement of these materials within the elevations is slightly modified. The impact of the changes to the elevations is limited and the character of the building is maintained as are the key principles of the design. The scheme retains the east elevation as the principal frontage in order to address the entrance to the business park with a well-detailed elevation. In addition, the south east corner of the building remains well detailed as an "active" corner that confidently addresses the entrance point to the site. The less

prominent elevations are treated similarly to the extant scheme and the change in detail is nominal. The north elevation contains greater detail and visual interest than the extant scheme and this will present a more attractive building when viewed from Riviera Way to the north.

The parking layout proposed retains the core principles of the extant scheme with parking to three sides of the building over similar footprints. Revised plans have been received that remove a parking space to the south of the building in order to ensure that the previously approved landscaping bank can be provided adjacent to Orchard Way. In addition, two spaces have been removed to the north of the building in order to address concerns in regard to the rooting protection zone of the adjacent trees. Under the extant permission 40 visitor and employee spaces were provided along with a used car display area 51m long by 12m deep, which provided space for the display of approximately 42 cars. The current proposal retains 40 visitor and employee spaces, provides 5 "demo" parking spaces, and revises the used car display to an L shape forecourt for approximately 45 cars. These amendments present an acceptable parking layout that closely mirrors the extant scheme.

The cosmetic changes to the showroom are considered acceptable as they would not demonstrably alter the character or appearance of the previously approved building. The parking layout also closely accords with the approved scheme and the amendments would not have a demonstrable visual impact, or affect the functionality of the plot in terms of movement and parking.

Further plans have been submitted that seek to clarify that the extent of development to the north is comparable to the approved scheme in order to address the concerns of the Environment Agency and the Council's Arboricultural Officer. The Council's Ecology Consultant is also considering whether the amendments could present any additional harm on protected species.

Following the submission of revised plans the Councils' Arboricultural Officer supports the scheme. Members will be updated on matters of flood risk and ecology at Committee.

Subject to the above issues being adequately resolved the proposed amendments are considered acceptable and aligned with Policies DE1 (Design), SS2 (Future Growth Area), SS5 (Employment Space), SDT3 (Torquay Gateway) of the Torbay Local Plan.

This proposal will provide new investment and employment opportunities on a vacant site which has extant consent for a car showroom and is located within the Future Growth Area. It is consistent with Policy SS4 that supports the regeneration of Torbay, improvement in its economic performance and delivery of employment space.

## **Recommendation**

Conditional approval subject to:

1. The resolution of flood risk and ecological matters to be delegated to the Executive Head of Business Services,
2. Completion of a deed of variation to the original S106 legal agreement linking the amendment to the original agreement, and
3. Conditions to include those listed at the end of this report that reflect the extant permission, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

## **Statutory Determination Period**

Extension of time agreed until the 16.12.2016.

## **Site Details**

Undeveloped plot that sits within Edginswell Business Park that benefits from an extant approval for a car showroom. The plot sits to the north of Orchard Way (the spine road through the business park) and there is a formed stub entrance that demarks an access point.

To the south west corner of the plot there is a balancing pond. To the west there is a watercourse that runs north along the entire edge of the site. To the north there is a tree lined watercourse that runs east towards a culvert close to the north east corner of the site. To the east the site abuts a footpath.

The trees that line the watercourse that runs close to the northern boundary are protected under a group Tree Preservation Order (TPO).

In terms of other notable designations the site sits at the eastern end of an identified Strategic Flyway associated with the South Hams SAC linked to the Greater Horseshoe Bat. In the Torbay Local Plan 2012-30 the site is within a Future Growth Area. Part of the site is also identified as being a Flood Risk Area and a Local Wildlife Site (OSWI - Other Site of Wildlife Interest).

## **Detailed Proposals**

This application is for the variation of the plans condition to allow a number of minor amendments to be made to an approved car showroom and the associated parking layout granted consent under planning reference P/2007/1743 by notice dated 06.06.2008. This consent has been part implemented is therefore extant.

The approved building was set towards the western edge of the plot at the edge of an easement required for a watercourse. Visitor and servicing parking was

provided to the north and south of the building and there was an extensive used car display parking area to the east of the building. The layout presented approximately 82 parking spaces surrounding the building. The building was square, being 35m wide by 31m deep. The majority of the building was just over 6m high with smaller elements slightly higher and lower than this height. The building was principally single storey however there was a partial mezzanine floor within its fabric. The elevations were largely horizontally laid silver cladding panels with contrasting elements of render and elements of glazing. The eastern elevation featured a large expanse of aluminium curtain walling that presented an extensive active frontage for the internal showroom area.

The proposal maintains the footprint and location of the building and presents largely cosmetic changes to the facades and revised parking arrangements. The building height is once again layered but with a predominant height of just over 6m. The materials are again a mix of horizontal panels, render and glazing however the arrangement of the palette has changed. The most active and principal frontage remains the eastern elevation where glazing predominates. The corner of the building closest the entrance is again treated as an active glazed corner to address the arrival point in to the plot.

The parking arrangement is modified but reflects the location and scale of the previously approved layout. To the south of the building the parking layout is similar to that of the extant scheme. 29 spaces were previously approved in this location and the proposal seeks 26. Revised plans have been submitted that removed a parking space close to the entrance in order to increase the space available for landscaping. To the east of the building the used car display area has been reconfigured in order to provide some parking adjacent to the building. The overall area has not been increased. To the north of the building the parking has been reconfigured to provide an area for the displaced used car display area from the east of the building. In total the current proposal provides 40 visitor and employee spaces and space for approximately 50 used and demo cars. This compares to the extant scheme which provided 40 visitor and employee spaces and a display area for approximately 42 cars.

### **Summary Of Consultation Responses**

#### **Environment Agency:**

Recommend refusal as the car parking bays to the north of the site appear to encroach within the easement distance previously agreed relating to the watercourse and its channel, as detailed within Condition 16 of the parent permission. Comments on the additional plans submitted are awaited.

#### **Drainage/Engineers:**

Provided that the amendments do not encroach any nearer to the watercourse than previously agreed there is no objection.

Arboricultural Officer:

Following the submission of the additional plans the previous concern in regard to the potential for development impact within the Root Protection Areas to the north has been addressed. The proposal is acceptable for approval on arboricultural merit.

Green Infrastructure Co-ordinator:

Comments awaited.

Council's Ecological Consultant:

Comments awaited.

Natural England:

No comment.

Strategic Planning:

Consider that the proposals are broadly similar to the approved scheme and hence there is no objection on transport grounds. Cycle parking and electric charging facilities in-line with new Local Plan aspirations should be achieved.

Environmental Health:

No objection.

**Summary Of Representations:**

Three letters received.

One letter acting on behalf of the Hawkins Trust who developed the office buildings support the proposal as it is in line with the existing consent and will be part of the wider employment strategy for the area.

One letter supports the proposal but raises concerns on wildlife in the area.

One letter objects to the proposal on traffic grounds as there is already heavy usage of Orchard Way from the various uses in the area.

**Relevant Planning History:**

**P/2007/1743:**

Mixed use development comprising business use class B1, car showroom, retail warehouse and residential and public house/restaurant (class A3/A4) with associated highway works and car parking (in outline) - Approved - 06.06.2008.

**P/2008/1682:**

Mixed use development comprising business uses (B1); cafe/restaurant (A3) and specialist renal clinic (D1) with associated landscaping works, car parking and vehicle/pedestrian access - Approved 23.03.2009.

**P/2013/0677:**

Formation of an (A1) Tesco store (inc. customer cafe) and approximately 977 sq.m. B1 office development on plots Vesta and Edesia at Edginswell Business Park associated infrastructure, retaining structures, access, parking and landscaping and outline planning application for the development of a B1 office building of 2090 sq.m on the Sarritor plot, A3/A5 unit with associated access and parking - This is a departure from the Local Plan - Refused 24.09.2013 / Appeal Dismissed.

**Key Issues/Material Considerations:**

The main issues are the principle, visual impact, impact upon the amenities of adjacent occupiers, impact upon the highway network and parking provision, impact upon ecology, impact upon trees, and impact upon drainage and flood risk.

**Principle**

Construction of a car showroom on the site has been approved under the previous parent permission (P/2007/1743) and as the permission is extant it could be built out. This application is for a minor material amendment to the appearance, footprint of the building and the car park layout.

The site is designated as being in a wider growth and employment area in the Local Plan.

Having considered the policy aspirations of Policy SS2 (Future Growth Areas - SS2.1 - Edginswell) and Policy SS5 (Employment Space - Edginswell Business Park) of the Local Plan, with consideration of the extant permission, the principle of the development is considered acceptable.

**Visual impact**

The change to the external appearance of the showroom is relatively minor and would not harm or alter the overall character of the development compared to the extant scheme.

The location, size and height of building are principally unaltered and hence the scale and how the massing relates to its surrounds will be no different than the approved scheme. Any impact will come from the slight changes to the detailed design, which is considered below.

The materials proposed are similar to those approved as the proposal maintains a mix of cladding panels, render and glass. The revised treatment retains a principal frontage facing east which is important in order for the building to adequately address the approach in to the business park. The proposal also retains an active and visually interesting south east corner, which is also important in design terms in order that the building confidently addresses the

entrance point off Orchard Way. The remaining elevations are more simply detailed with less glazing and this mirrors the approach of the extant scheme and is considered acceptable. To the north the elevation facing Riviera Way is more finely detailed than the extant scheme and would present an enhanced facade in terms of visual interest in terms of casual views of the site when viewed from the north.

Precise details of the materials have not been specified and as the Local Plan presents an emphasis on high quality design (Policies DE1 and SDT3) it is important to achieve good quality materials. It is proposed that these could be secured by condition requiring the submission and approval of all external materials to be used.

The proposal is considered acceptable and would not present any detriment to the built environment in comparison with the consented scheme subject to a condition to secure acceptable materials. The scheme accords with Policies DE1 and SDT3 of the Local Plan.

#### **Impact upon the amenities of adjacent occupiers**

The use, scale and form of development remains closely aligned with the consented car showroom and the amendments that are sought are not considered to present any additional impact upon local residential amenity.

The revised proposal for the showroom is considered compliant with the aims and objectives of Policy DE3 (Development Amenity) of the Local Plan.

#### **Impact upon the highway network and parking provision**

The use and the scale of the car showroom remains aligned with the consented scheme and hence the proposal would not present any additional burden upon the highway network or additional pressure upon parking.

The number of non "used car display" parking bays is retained at 40 and hence there is no reduction in parking provision on the site.

The amended scheme details two disabled parking bays which is an improvement on the consented scheme.

Cycle parking is not demarked and the Council's Future Planning Team has advised that at least 6 covered secure spaces should be provided for staff and 4 for visitors.

With the scale and form of development being aligned with the consented car showroom the amendments that are sought are not considered to present any unacceptable impacts upon the highway network. A condition should be attached to secure adequate cycle parking and electronic charging facilities.

The revised proposal for the showroom is considered compliant with the aims

and objectives of Policy TA1, TA2 and TA3 of the Local Plan.

### **Impact upon ecology**

The consented scheme considered the ecological context and planning conditions are attached to the parent permission to secure development being completed in accordance with the recommendations of the submitted ecological enhancement strategy and ecological up-date report. There is also a requirement to submit lighting detail under Condition 02 of the extant permission in-part to ensure that development is acceptable in regard to the interests of ecology.

The Council's Green Infrastructure Officer and Ecological Advisor are considering the ecological impact of the proposed scheme over the extant scheme and any material change in the ecological context. This includes due consideration of the development in regard to the Strategic Flyway for the Greater Horseshoe Bat associated with the South Hams SAC and Habitat Regulations Assessment requirements.

The comments of the Green Infrastructure Officer and Ecological Consultant will be reported to Members at the Committee. Natural England do not object to the application.

The proposed amendment to the approved car showroom has been considered in regard to any likely significant effect on the environment in accordance with the requirements of the Town and County Planning (EIA) Regulations 2011 and it has been determined that an Environmental Statement is not required.

Subject to the outstanding comments the amendments sought are not considered to present any additional impact upon ecology and the proposal is considered to accord with the aims and objectives of Policy NC1 of the Local Plan.

### **Impact upon trees**

There is a protected tree belt to the north of the development. The previous approval presented parking to the edge of this tree belt and a condition to secure suitable protection during construction was attached to the permission.

An initial appraisal by officers of the proposed layout over the consented scheme raised concern that elements of the revised parking encroached in to the rooting zone, beyond that of the approved scheme. Revised plans were submitted to seek clarity on the extent of the approved and proposed development and through this process two parking bays have been removed and a defined kerb line has drawn the development area slightly further south.

The Councils' Arboricultural Officer has considered the amended detail and now considers the scheme suitable for approval on arboricultural merit.



The proposal is considered to be aligned with the aims and objectives of Policy C4 (Trees, hedgerows and natural landscape features) of the Local Plan.

### **Impact upon drainage and flood risk**

There are watercourses to the west and north and the extant permission established an acceptable footprint of development and defined the required easements to each watercourse through the approved plans and conditions.

The Environment Agency object to the application on the grounds that the parking to the north of the site will encroach within an easement distance as approved within Condition 16 of the parent consent. It was also noted that the proposed layout would require further encroachment into this area to facilitate construction.

Revised plans have been submitted that seek to respond to the concern of the Environment Agency and provide clarity on the assertion that the proposal sits within the development footprint of the extant scheme.

Further comment from the Environment Agency is awaited and an update will be provided to Members at the Committee

In the event that the EA does not withdraw its objection to the proposed development the Secretary of State has to be notified prior to the decision being issued.

The Council's Drainage Engineer does not object to the proposal as long as it does not encroach any nearer to the watercourse than the previous scheme.

Subject to the Environment Agency's concerns being allayed the proposed amendments are considered suitable for approval on flood risk and drainage grounds, in accordance with Policies ER1 and ER2 of the Local Plan.

### **S106/CIL**

The existing Section 106 agreement will need to be tied to the new application through a deed of variation and this must be completed prior to the applications formal determination.

### **Conclusions**

The changes to the elevations of the building are minor and would have little impact on the appearance of the proposed development.

The amendments to the parking are also relatively minor and would also have little impact upon the character and appearance of the development or the functionality of the site in terms of movement and parking.

The impact of the changes upon flood risk and ecology needs to be duly considered and determined as acceptable prior to a positive determination.

Revised plans that seek to address highlighted concerns are currently being considered and Members will be updated at the Committee.

**Conditions to include the following matters:**

- Additional condition seeking the submission of details relating to the external material finishes
- Additional condition seeking the submission of details of cycle parking and electronic vehicle charging facilities
- Repeat condition of P/2007/1743 requiring the submission of details, to include hard landscaping, lighting, signage and means of enclosure
- Repeat condition requiring the provision of structural landscaping previously approved
- Repeat condition requiring the provision of wider landscaping within the first planting season
- Repeat condition requiring adherence to the approved ecological enhancement strategy
- Repeat condition requiring the provision of tree protection measures
- Repeat condition regarding Japanese Knotweed and Rhododendron growth strategy
- Repeat condition requiring the provision of car parking and cycling facilities
- Repeat condition regarding the restriction on use classes adhered to
- Repeat condition regarding no additional floor space created or inserted
- Repeat condition regarding no open storage or materials on any areas of approved landscaping, parking or circulatory space
- Repeat condition requiring adherence to the air quality monitoring assessment
- Repeat condition regarding archaeological investigations
- Repeat condition regarding visitor and staff parking retained at all times for those purposes
- Repeat condition regarding submission of all fencing walls and retaining structures
- Repeat condition regarding the retention of approved easements to watercourses
- Repeat condition regarding riparian corridor management details
- Repeat condition regarding finished floor levels details
- Repeat condition regarding surface water strategy.

**Relevant Policies**

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