

**Application Number**

P/2017/0685

**Site Address**

Land Adjacent To Brixham Road South Of The Premier Inn Hotel.

**Case Officer**

Carly Perkins

**Ward**

Blatchcombe

**Description**

Development of Innovation Centre (Use Class B1a and B1b) with associated parking and landscaping

**Executive Summary:**

The application site is approximately 0.76ha in size and is located to the west of Brixham Road which is part of the Torbay Major Road Network. The site is located to the south of the existing Premier Inn Hotel and Beefeater Restaurant and north of the proposed White Rock Local Centre. A retail store and student accommodation building has been approved in this location under reference P/2016/0411. The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The site is within the White Rock development area granted consent in 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197. Various applications for residential, retail, student accommodation and office development have also gained approval including consent for an innovation centre (use class B1) in 2012 under application reference P/2012/0706.

The site is located within Flood Zone 1, Critical Drainage Area and the greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head.

There are 8 unprotected trees within the application site.

The proposal is for full planning permission for the erection of a 4 storey use class B1 (offices and research and development) building of 3,834sqm of gross floorspace. 2,343sqm of this space is net lettable B1 floorspace (providing 42 separate offices/laboratories) and this is supported by 131sqm of meeting rooms and breakout spaces providing a total of 2,474sqm net floorspace. The proposed building is intended to build on the success of the existing innovation centres to provide new opportunities for the development of companies and job creation. The applicant has advised that it is intended to provide 160 new jobs as a result of the development.

The building would be situated adjacent to Brixham Road with the car parking area on the western side adjacent to the Premier Inn car park. It would have a similar position relative to Brixham Road as the Premier Inn. The building would be one

storey higher than the adjoining hotel. The applicant has advised that the intention is that this should be seen as the 'flagship' building amongst the others in this locality. Consequently it will have a bold presence in the townscape. As such the proposal will make a positive contribution towards providing a strong frontage to Brixham Road which was an objective identified in the Design and Access statement for the outline White Rock consent.

The proposed building is largely 4 storey with the exception of the entrance core which provides access to the roof. The proposed materials for the building are render, brick plinth, zinc panels, curtain walling, zinc vertical standing seam cladding, brise soleil and PPC aluminium. It would have a modern appearance with a flat roof. The design comprises three elements which break up the overall mass of the building. These comprise two main linear office blocks and a central atrium. Ground floor level would relate to the car park area. Due to changes in topography on the site, steps and a graded path are proposed from Brixham Road. The design concept is considered appropriate in this location and the proposal would enhance the existing townscape, strengthening the appearance and identity of this part of Brixham Road.

The proposal includes 97 parking spaces (including 5 designed for use by disabled persons) and 24 cycle spaces. Vehicular access to the site is via Waddeton Road, off Long Road. Should application reference P/2016/0411 for the retail store and student accommodation on the adjoining site be implemented access could also be achieved from Waddeton Road via Whiterock Way. Pedestrian access is proposed directly from Brixham Road and via Whiterock Way.

The tree report submitted in support of the application states that the proposals will result in the loss of 8 of unprotected trees. 19 additional trees are proposed as part on an on-site landscaping scheme.

The principle of providing new employment floorspace through the provision of a high quality building in this location is supported, and is consistent with objectives in the Torbay Local Plan to secure economic regeneration and inward investment to Torbay. A number of issues are outstanding. These are currently being considered further by the applicant and further information is expected to resolve these issues. Subject to the submission of revised plans to show the additional cycle parking and a revised landscaping scheme, consideration of the submitted ecological surveys and resolution of the mitigation measures required, submission of a transport assessment, revised drainage information and conditions, the proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030, specifically Policies SS4, SS5, SS8, SS11, DE1, DE3, TA1, TA2, TA3, NC1, C4, ER1, ER2 and appendix F of the Torbay Local Plan 2012-2030.

**Recommendation:**

Conditional Approval, subject to the expiry of the consultation period and no new issues being raised, submission of revised plans to show the additional cycle

parking and a revised landscaping scheme, consideration of the submitted ecological surveys and resolution of the mitigation measures required, submission of a transport assessment, clarification regarding deliveries and refuse collection, the submission revised drainage information and completion of a HRA screening. Final drafting of conditions to be delegated to the Executive Head of Business Services.

**Recommended conditions:**

1. Landscaping
2. Details of plant
3. Parking provision
4. Cycle storage provision
5. Electrical charging
6. Waste storage provision and waste management plan
7. Materials
8. Large scale details
9. Travel plan
10. Lighting
11. Drainage
12. Construction method statement
13. Nest Boxes
14. No external storage
15. Biodiversity mitigation (method statements, relocation and translocation of reptiles and crickets)
16. No vegetation clearance in bird nesting season
17. LEMP
18. Contamination
19. Hard landscaping and boundary treatments
20. Secured by design

**Reason for Referral to Development Management Committee:**

The application is a major application and is therefore required by the constitution to be determined by DM committee. The Council currently owns the majority of the application site and is in the process of acquiring additional land. The application has also submitted on behalf of the Council by the Torbay Development Agency.

**Statutory Determination Period:**

13 weeks, the decision date is the 4th October 2017.

**Site Details:**

The application site is approximately 0.76ha in size and is located to the west of Brixham Road which is part of the Torbay Major Road Network. The site was previously occupied by an office/industrial building and Roundhouse building which has since been demolished. The site is located to the south of the existing Premier Inn Hotel and Beefeater Restaurant and north of the proposed White Rock

Local Centre. A retail store and student accommodation building has been approved in this location under reference P/2016/0411. Vehicular access to the application site is from Waddeton Road, via Long Road and Brixham Road. The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The site is within the area the subject of the White Rock development granted consent in 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197. Various applications for residential, retail, student accommodation and office development have also gained approval as part of the wider White Rock development. One of the permissions was for an innovation centre (use class B1) in 2012 under application reference P/2012/0706 which was proposed in a similar location to this current proposal.

The site is located within Flood Zone 1, Critical Drainage Area and the greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head.

There are 8 unprotected trees within the application site.

The site is fairly level with the exception of the area adjacent to Brixham Road where the land slopes up towards Brixham Road.

### **Detailed Proposals:**

The proposal is for the erection of a 4 storey use class B1 building of 3,834sqm of gross floorspace. 2,343sqm of this space is net lettable B1 floorspace (providing 42 separate offices/laboratories) and this is supported by 131sqm of meeting rooms and breakout spaces providing a total of 2,474sqm. The proposal includes 97 parking spaces (including 5 designed for use by disabled persons) and 24 cycle spaces. Vehicular access to the site is via Waddeton Road, via Long Road but should application reference P/2016/0411 for the retail store and student accommodation on the adjoining site be implemented access could also be achieved from Waddeton Road via Whiterock Way. Pedestrian access is proposed directly from Brixham Road and via Whiterock Way. Refuse storage is also proposed within the site.

The proposed building is largely 4 storey with the exception of the entrance core which provides access to the roof. The proposed materials for the building are render, brick plinth, zinc panels, curtain walling, zinc vertical standing seam cladding, brise soleil and PPC aluminium. The design of the buildings comprises three elements which break up the overall mass of the building. These comprise two main linear office blocks and a central atrium. The tallest part of the proposal is the entrance core which sits alongside the Premier Inn Hotel site and provides a focal point for the wider building. This forms the entrance from Brixham Road and from the car park area and Waddeton Road entrance.

The building would be situated adjacent to Brixham Road with the car parking area on the western side adjacent to the Premier Inn car park. It would have a similar position relative to Brixham Road as the Premier Inn.

The tree report submitted in support of the application states that the proposals will result in the loss of 8 of unprotected trees. 19 additional trees are proposed as part on an on-site landscaping scheme.

**Summary Of Consultation Responses:**

Senior Strategy and Project Officer: Application reference P/2016/0411 was for a retail store with student accommodation above. This included 97 parking spaces to serve the development and 14 parking spaces to serve the student accommodation, plus an additional 12 spaces which were to be transferred to the innovation centre development. The plans for this site however appear to overlap those submitted for the retail and student accommodation proposals, resulting in the double counting of parking spaces. Either these are to serve the innovation centre or the retail/student accommodation and not both.

As this site is a local centre, the out of centre guidelines for parking standards can be relaxed. A 15% reduction would be appropriate and therefore a ratio of 1 space per 34.5sqm would apply. The gross floor space of the building is 3834sqm and therefore 111 parking spaces would be required. The submitted application form suggests that 97 spaces are provided, however the overlap of parking spaces with those of application reference P/2016/0411 suggests that approximately 30-40 spaces will not be available for both application sites. This point will need to be clarified. Electrical charging points will also need to be provided, a minimum of two points are suggested. In terms of cycle parking, 1 cycle space per 2 employees should be provided, currently 24 spaces are provided. This is not sufficient, the policy guidelines require 80 covered and secure spaces to be provided. Confirmation has been requested regarding how deliveries will be dealt with.

A condition is recommended requiring the submission of a travel plan. Any Travel Plan will need to demonstrate a 30% modal shift and SMART targets. There may be opportunities for shared parking facilities but this would need to be secured through condition and monitored through a Parking Management Plan/Strategy.

A transport assessment is required to assess the proposed access.

Urban Design Consultant: The strategic design approach adopted for this site is supported. Section AA, BB and CC do not describe how the external levels are resolved. The hard landscaping scheme reveals a combination of retaining walls and sloping planting beds, this is an acceptable solution given the constraints. The argument put forward that this building should be seen as a flagship building amongst others that make up the local centre is accepted and although it will have a bold presence the dominance is helpful for this important employment use. The

restrained palette of materials is supported, some disappointment that opportunities to make the building more locally distinct have not been taken.

Senior Environmental Health Officer: Comments awaited.

RSPB: The application has been submitted for determination without full information on the current ecological value of the site. Recommendations of the Preliminary Ecological Appraisal are supported for further survey work. The application should not be determined until the results of this survey work and any related mitigation proposals are available to form part of the application. The site supports a small but species rich area of semi improved grassland, categorised as lowland meadow in the PEAA financial contribution from the developer for biodiversity offsetting for the loss of this and other habitats of wildlife value on site is recommended. The site is likely to be too small to support a breeding territory, it does appear to have some suitable habitat and therefore foraging curlew cannot be ruled out. There are no proposals for biodiversity enhancements, it is recommended that at least 10 integral nest sites for swifts are incorporated into the construction. There is also potential for biodiversity enhancement via the provision of a green roof or green wall as well as revisions to the planting scheme to prioritise native and non-invasive non-native plants which provide opportunities for wildlife.

South West Water: No objection. No development shall be permitted within three metres of the sewer and ground cover should not be substantially altered.

Wales and Waste Utilities: Wales and West Utilities have pipes in the area and their apparatus may be affected and at risk during construction works.

Arboricultural Officer: The scheme is suitable for approval on arboricultural merit however further dialogue on the landscaping plan is required in relation to species variation and plant numbers. Further detail of tree pit design per tree size, nursery stock size, staking method, prescribed watering volumes etc.

Drainage Engineer: Hydraulic design for the surface water drainage design is required prior to determination. The proposed drainage strategy must comply with the previously agreed White Rock Development Water Drainage Strategy together with the requirements of the Torbay Critical Drainage Area.

Environment Agency: The Environment Agency's Standing Advice and Lead Local Flood Authority should be consulted.

Natural England: No comments. Natural England have not assessed the application for its effects on protected species and have referred the Council to their Standing Advice. Reference is made to SSSI Impact Risk Zones.

Police Designing Out Crime Officer: Recommendations are made in relation to

access and movement, structure, surveillance (including natural surveillance of the external seating area, bin store and substation, use of monitored CCTV, avoidance of concealed and recessed areas and careful use of landscaping), ownership and physical protection (well-designed security features), activity (safe storage of materials, choice of surface materials) and management and maintenance (anti-graffiti finishes). It is also recommended that the car park is designed and constructed to the standards and specifications of the Safer Parking - Park Mark aware scheme.

Ecological Consultant: A bat survey should be completed and submitted to inform the design and detailed mitigation strategy. A breeding bird survey should be carried out to identify if Cirl Buntings are using the site. A reptile survey should be undertaken to identify slow worm populations and inform mitigation. The removal and loss of 0.206ha of species rich semi-improved neutral grassland should be mitigated and compensated for and biodiversity offsetting implemented. An ecological constraints and opportunities plan should be submitted once the detailed design is agreed. A LEMP, sensitive lighting plan and method statement for the removal of grassland should be submitted by condition.

**Summary Of Representations:**

3 representations have been received (2 support, 1 objection). Issues raised:

- o The application will remove an eyesore
- o Application will support economic growth and provide quality economic space
- o No more building works are required in this area
- o Traffic and access
- o Overdevelopment.

**Relevant Planning History:**

P/2012/0706 Development Of Innovation Centre Phase 3 for Torbay (IC3) (Use Class B1) APPROVED 30.08.2012

The site falls within the area covered by the wider White Rock scheme approved under 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) APPROVED 29.04.2013

**Planning History for the remainder of the White Rock site:**

P/2013/1009 Reserved matters application for P/2011/0197 including appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition of unit 31, relocation of 10 parking spaces for unit 33-34 APPROVED 16.10.2013

P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED

P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 APPROVED

P/2015/0918 Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED

P/2015/1061 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 REFUSED

P/2015/1229 Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development - EIA NOT REQUIRED

P/2015/1126 Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development REFUSED 13.04.2016

P/2016/0094 Erection of 42 dwellings and associated infrastructure REFUSED 24.08.2016

P/2016/0188 Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park APPROVED

P/2016/411 Reserved matters for a food retail store including parking and other associated works (relates to P/2011/0197) APPROVED

P/2016/0842 EIA Screening in relation to one industrial unit of 6,000 sqm floorspace - EIA NOT REQUIRED

P/2016/0880 Erection of Class B2 industrial building of 6,000 sqm floor space to include parking, external lighting, hardstanding and circulation space APPROVED

**Key Issues/Material Considerations:**

The key issues to consider are the principle of the proposed development, the impact on the character and appearance of the area, the impact on neighbouring amenity, access and parking, trees and landscaping, biodiversity and drainage.

**Principle of the Proposed Development:**

The site is identified within the Torbay Local Plan (SDP3.5) as a committed



strategic mixed use employment/housing development that will provide 8.5ha of employment land, around 1,200 jobs and around 350 dwellings largely over the first half of the Plan period. Whilst this proposal is a new full application the previous planning history on this site remains a material consideration. Outline consent has been granted for the mixed use development of the site and full consent was granted for an innovation centre in this location in 2012. The principle of development in this location was established by this application and the general position of the proposal is in accordance with the indicative layout agreed within both of these applications.

Policies SS4 and SS5 of the Torbay Local Plan 2012-2030 support the provision of new employment space and the improvement of existing employment space in West Paignton. Similarly policies SS2 and SDP3.5 support the creation of a range of employment opportunities in this area. Consistent with this, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Criteria 9 specifically refers to contributing to the success of the local labour market by improving provision of and access to jobs and widening the pool of available labour.

Consequently, the principle of the proposed development is acceptable and compliant with local plan policy.

**Character and Appearance of the Proposed Development:**

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high-quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Criteria 3 refers to development that helps to develop a sense of place and local identity and criteria 10 refers to delivering development of an appropriate type, scale, quality, mix and density in relation to its location. Explanatory paragraph 4.5.27 states that sustainable communities are places where people want to live, work and relax. It continues by stating that sustainable communities are those that meet the diverse needs of existing and future residents, are sensitive to their environment and contribute to a high quality of life, they are safe and well planned, built and run. Following on from this, Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a

distinctive and sensitive palette of materials and whether they positively enhance the built environment.

The Design and Access Statement submitted as part of outline application reference P/2011/0197 which established the principle of this development in 2013 set specific design parameters for development in this location based on an assessment of the site context. This stated that the Brixham Road corridor is poorly defined for much of its length and that previous developments have not addressed the importance of this corridor and have, for much of its length, avoided any positive frontage on to this route. The outline application aimed to create a positive principal frontage to the Brixham Road with a scale of development (3-4 storeys) that helps to define the corridor.

Whilst this proposal is not bound by this outline permission, the proposed innovation centre building continues to reflect the principles set out as part of the approved outline consent. The location and height of the development reflects the parameters of the outline application with 4 to 4.5 storeys fronting on to Brixham Road which were identified as principle frontages within the outline design and access statement. The material choices and architectural details help to break up the mass of the overall building. The material choices appear to be of good quality and this can be secured through the imposition of conditions requiring the submission of materials and large scale details for approval. In line with the comments from the Council's Urban Design Consultant, the strategic design approach for this site is supported. The proposals are considered to comply with Policy DE1 of the Torbay Local Plan 2012-2030.

#### **Impact on the Wider Landscape and Biodiversity:**

Whilst this proposal is not bound by the outline permission, off-site landscape mitigation and enhancement works secured by this permission and including significant belts of woodland planting on land to the south of the White Rock site will provide a strong landscape buffer between the development and undeveloped countryside to the south. The proposed development is separated from the wider countryside by the residential development approved under references P/2014/0071 and P/2013/1229. In light of the structural planting proposed to the south which will act to contain the site once established, the proposals are not considered to result in significantly greater impact in views from the AONB to the south or views from the South Hams.

The tree report submitted in support of the application states that the proposals will result in the loss of 8 of unprotected trees. In terms of on-site landscaping there are 19 trees proposed within the proposed layout. Policy C4 of the Torbay Local Plan states that proposals for new trees will be a specific requirement of proposals in Strategic Delivery Areas and Policy DE1 states that proposals will be assessed against their ability to meet certain design considerations, with one identified as being the provision of high quality soft landscaping.

In line with comments from the Arboricultural Officer, the trees on site are of poor quality and the principle of their removal was established by the approved outline application P/2011/0197. The submitted landscaping scheme proposed species of limited longevity, only localised aesthetic value and that are inappropriate for planting in an engineered environment such as that proposed. Species variation is required to a type that is of greater value to the site user and the wider landscape with a larger final canopy size and planted size. Further information is required, particularly in terms of tree pit design per size, prescribed watering, staking method, replacement of losses, tree nursery stock type and specification of soil etc.

A revised landscaping scheme has been requested from the applicant. Subject to this being acceptable and the imposition of a condition requiring the implementation of an acceptable landscaping scheme, the proposed landscaping is considered acceptable and consistent with local plan Policies DE1 and C4.

The proposed development site falls within a greater horseshoe bat sustenance zone associated with the SAC roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. The permanent loss of existing or potential habitat within the sustenance zone and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony. Paragraph 118 of the National Planning Policy Framework (NPPF) states that in terms of biodiversity, if significant harm resulting from a development within a SAC cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. It is recognised that the development needs to be screened in terms of the Habitat Regulations Assessment, which has to be carried out prior to the decision being issued. Natural England has stated that they have no comments to make on the application. The application site is located approximately 7km from all the designated SAC component parts, the proposal is unlikely to affect any statutorily protected sites or landscapes.

Policy NC1 of the Torbay Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance. The policy continues to state that development should not result in the loss or deterioration of irreplaceable habitats or wildlife corridors. Where development in sensitive locations cannot be located elsewhere, the biodiversity and geodiversity of areas will be conserved and enhanced through planning conditions or obligations. It also notes that all developments should positively incorporate and promote biodiversity features.

The ecological surveys submitted state that no evidence of badger setts or other field signs were found during the survey and the species appears to be absent from the immediate locality. No further work with regard to badgers has been

recommended by the applicant's ecologists. The submitted ecological survey states that it is highly unlikely that the site supports breeding Cirl Bunting, as suitable habitat does not exist within it. The survey does however note that the remnant grassland within the site could support foraging cirl buntings and has therefore recommended an additional survey. It also notes that other common species of breeding bird are likely to utilise scrub and planted trees for nesting during the spring/summer period and therefore timing of vegetation clearance should be undertaken outside of bird nesting season. The survey notes that the site lies within the Devon Great Crested Newt consultation zone but there do not appear to be any ponds within 500m that could support this species, therefore no further surveys are recommended. The survey also states that the remnant meadow habitat may support reptiles such as slow worms and invertebrates such as great green bush crickets. A reptile survey to inform a mitigation strategy has been recommended. The survey notes that bat surveys have been carried out over the summer months to inform site design and mitigation. Biodiversity offsetting has been recommended by the surveys in light of the presence of a fairly species-rich NERC S41 priority habitat (lowland meadow) that would be lost to the development.

Comments from RSPB and the Council's Ecological Consultants, have requested that the additional surveys recommended within the submitted ecological appraisal be carried out and submitted. These have now been submitted and comments are awaited from the Council's Ecological Consultants. The Members will be verbally updated at the Committee. Conditions requiring the provision of nest boxes have been recommended by condition.

**Access and Parking Provision:**

Vehicular access to the site is via Waddeton Road, via Long Road but should application reference P/2016/0411 be implemented access could also be achieved from Waddeton Road via Whiterock Way. A new section of road is already in situ, enhancing Waddeton Road and including a roundabout with access in to the development site.

Whilst the application is not bound by the outline application reference P/2011/0197, the access to the site largely reflects that agreed at outline stage with access from Waddeton Road. A transport statement has been submitted with the application but in line with comments from the Council's Strategy and Project Officer, a transport assessment will be required in order to assess the impact of the development on the highway network and to ensure a safe access is achieved to the development. This along with confirmation of how deliveries and refuse collection will work has been sought from the applicant. The Members will be updated at the Committee meeting.

The proposal includes 97 parking spaces (including 5 designed for use by disabled persons) and 24 cycle spaces. The Local Plan states that, within local centres, a minimum requirement will be negotiated taking into account the impact of the use

and existing parking provision. There are no existing public parking spaces within the immediate vicinity, and on-street parking locally is already under pressure within the nearby housing estates. Policy TA3 in the Torbay Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development and that development proposals will be expected to meet the guideline requirements as set out in Appendix F. Appendix F states that in local centres, a minimum level of parking provision will be negotiated taking into account the impact of the use and existing parking provision.

Both the previous outline consent and the full consent for the innovation centre in this location remain material considerations. The 2012 approval for an innovation centre of 4,500sqm of gross internal floorspace, under application reference P/2012/0706 included only 44 car parking spaces and 26 covered cycle spaces, substantially less than proposed now serving a lesser area of gross internal floorspace. The previous outline consent (P/2011/0197) included a supporting Transport Statement which stated that the parking provision for the development would not exceed the maximum standards set out in the adopted Local Plan 1995-2011 (at the time of the outline consent). At the time of the outline consent, policy T25 of the Torbay Local Plan 1995-2011 stated that parking provision should be provided at a maximum level of 1 parking space per 30sqm of gross office floor space and therefore 108 spaces maximum. At the time of both of these approvals, within the Local Plan (1995-2011) there was no differentiation between out of centre and local centre proposals. The current Local Plan 2012-2030 however recognises this hierarchy defining local centres as areas of shops and similar uses generally serving only the immediate area. In line with this, they tend to be located within or adjacent to residential estates and accessible by a range of transport modes including walking, cycling and public transport. There is therefore a case for a lower level of parking provision than that required for out of centre retail proposals which are subject to a different standard.

This is also supported by Policy TA1 of the Torbay Local Plan 2012-2030 which states that developments should ensure that the use of cars is reduced wherever possible and that the most sustainable and environmentally acceptable modes of transport are promoted as integral parts of developments. In line with this it is not considered appropriate to provide an oversupply of parking such that it would encourage use of the private car when the location of this development is such that it should encourage access via walking, cycling and public transport predominantly. In addition, the provision of additional parking spaces on this site, would limit the ability of the site to accommodate much-needed soft landscaping to the benefit of biodiversity and visual amenity, and would be at risk of appearing car-dominated.

In line with Policy TA3 and associated Appendix F, as this site is within a local centre, the out of centre guidelines for parking standards can be relaxed. The Council's Senior Strategy and Project Officer has suggested that a 15% reduction would be appropriate and therefore a ratio of 1 space per 34.5sqm would apply.

The gross floor space of the building is 3834sqm which would equate to 111 parking spaces. Whilst this would represent a slight shortfall in spaces, due to the nature of the building which is not necessarily open to the public, greater potential exists to encourage the use of sustainable transport, car sharing and car clubs. Opportunities for shared parking with nearby uses may also be possible. The submitted draft travel plan also notes the potential for these options to be encouraged.

Whilst additional parking on site would be beneficial, the Local Plan policy does not state a specific requirement but notes that a minimum will be negotiated. As above the previous approvals on the site, one of which represents a significant shortfall from current guidelines, are material considerations. Having considered this and in light of the availability of sustainable transport methods, commitment of the applicants to provide a robust travel plan, the desire to prevent a car-dominated development which is softened by landscaping and the economic benefits of the development in terms of employment generation, on balance, the proposed number of parking spaces is considered acceptable.

The provision of electrical charging spaces and a travel plan which set out how at least 30% of the potential users can gain access by foot, cycle or public transport, and how this will be implemented and monitored including SMART targets and an annual review has been requested by condition.

In terms of cycle provision, the proposed plans indicate that 24 cycle spaces are proposed. The design of these are not clear, but in line with Appendix F, these should be secure and covered. This provision would be below the recommended standards as set out in appendix F of the Local Plan. Policy guidelines suggest that 80 cycle spaces are required. This point has been raised with the applicant and comments on these requirements are expected. The Members will be updated at the Committee meeting.

### **Neighbouring Amenity:**

The proposals are to be sited to the north of the approved residential development (P/2013/1229 and P/2014/0071) and are separated by a plot of land indicated for a retail store and student accommodation as per application reference P/2016/0411. The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown as part of the outline application P/2011/0197. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposed building is positioned some distance from residential dwellings and is

separated by White Rock Way and Brixham Road. The proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing due to the separating distances involved.

The site sits to the south of the Premier Inn site and the submitted plans suggest that the expansion of the existing hotel may be proposed. If this occurs, the buildings will be positioned alongside each other in fairly close proximity. Whilst there may be some shadowing of the site to the north and potential to impact upon outlook of any south facing rooms as a result of the application, open aspects to east and west will still be achievable and as such on balance the impact on the amenity of the existing hotel site, should they choose to expand, is not considered to warrant the refusal of the application.

In terms of noise, the building will include some plant and extraction units. Comments are awaited from the Council's Environmental Health Officer, but conditions are recommended requiring details of any proposed extraction and ventilation to serve the building.

Subject to the inclusion of conditions, the proposals are considered acceptable in terms of residential amenity.

**Drainage:**

The application site is within the Critical Drainage Area as designated by the Environment Agency. Policy ER2 requires all development to seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water will firstly discharge to an adequate infiltration system, a main river or watercourse, a surface water sewer or highway drain or as a last resort a combined foul sewer where discharge is controlled to be at a greenfield discharge rate. The submitted drainage strategy is in accordance with the previously approved (under outline reference P/2011/0197) and implemented surface water strategy. The Council's Drainage Engineer has requested further details in order to confirm that the discharge rate complies with the original Whiterock drainage strategy, including hydraulic design and that there is no risk of flooding to other properties. This information has been requested from the applicant and the Members will be updated on this point at the Committee meeting.

**Other Issues:**

Policy SC1 of the Torbay Local Plan states that all developments creating over 1,000sqm of floorspace will be required to undertake a screening for a Health Impact Assessment and a full Health Impact Assessment if necessary, proportionate to the development proposed and to demonstrate how they maximise positive impacts on health and healthy living within the development and adjoining areas. A screening has been submitted and a further assessment is not considered necessary.

### **Human Rights and Equalities Issues:**

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. 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:**

The proposal would result in the provision of employment space which would benefit the local economy as a result of providing 155.9 jobs in the first year of operation followed by a subsequent 65.1 high skilled FTEs during the first 10 years of occupation and contributing an additional £10.52 million GVA per year to the local economy. It is estimated that as a result of the proposed development it will contribute an additional £114,391,309 net GVA towards the local economy over a 10 year period. 82.4 construction jobs are estimated as a result of the construction phase with a value of £7.7-8 million. The gross impact of the construction phase including wage income, corporate profit generated in the construction sector, spend on non-labour inputs, increase in output and income in the associated supply chain and increase in household income as a result of increased employment in construction is projected at £21.87 million.

### **S106/CIL:**

#### **S106:**

This development is not liable to S106 contributions in accordance with Policy SS7 and the Planning Contribution and Affordable Housing SPD. The SPD states that developments in Torbay will be assessed to identify where they generate net additional trips and therefore contribute towards sustainable transport. Table 4.3 of the SPD indicates Sustainable Transport contributions will be sought at a rate of £1,300 per 100sqm for B class employment but that mitigation will usually be provided for job creation/regeneration. In this case (without any mitigation) this would amount to £49,842 towards sustainable transport. Paragraph 3.17.5 of the SPD states that the cost of providing jobs is £8,000 per full time equivalent (FTE), as the development would create 155.9 full time jobs the mitigation would far exceed the sustainable transport contribution. Therefore nil contribution is



required from this development for sustainable transport.

Biodiversity offsetting is referred to in consultation responses from RSPB and the Council's Ecological Consultants. This is also referred to within the SPD. For small developments that involve a loss of local habitat, a contribution of £25 per sqm will be sought. For larger developments, contributions will be determined on a case by case basis. This will be given further consideration following the consideration of the recently submitted ecological reports. As a guide and based on the contributions required for small developments, the contribution amount would be £51,500 based on 2060sqm of species rich semi improved neutral grassland. This contribution would mitigate a site specific impact and is therefore a site deliverability matter which must be secured prior to determination and paid prior to the commencement of the development.

**CIL:**

There is no CIL liability in Torbay for this type of development.

**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.  
Date: 23.08.2017

**Proactive Working:**

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.

**Conclusions:**

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

The siting, size and design of the proposed building would be appropriate in this location and would enhance the townscape of the area.

A number of issues are outstanding. These are currently being considered further by the applicant and further information is expected to resolve these issues. Subject to the submission of revised plans to show the additional cycle parking and a revised landscaping scheme, consideration of the submitted ecological surveys and resolution of the mitigation measures required, clarification regarding deliveries and refuse collection, the submission revised drainage information and

imposition of conditions, the submission of a transport assessment, the proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030, specifically Policies SS4, SS5, SS8, SS11, DE1, DE3, TA1, TA2, TA3, NC1, C4, ER1, ER2 and appendix F of the Torbay Local Plan 2012-2030.

**Relevant Policies**

- SS4 - The economy and employment
- SS5 - Employment space
- SS7 - Infrastructure, phasing and employment
- SS8 - Natural Environment
- SS11 - Sustainable Communities Strategy
- DE1 - Design
- DE3 - Development Amenity
- TA1 - Transport and accessibility
- TA2 - Development access
- TA3 - Parking requirements
- NC1LFS - Biodiversity and Geodiversity
- C4 - Trees, hedgerows and natural landscape
- ER1 - Flood Risk
- ER2 - Water Management