

Application Number

P/2012/0280

Site Address

Edginswell Business Park
Orchard Way
Torquay
Devon
TQ2 7FA

Case Officer

Mrs Helen Addison

Ward

Shiphay With The Willows

Description

Application for full planning permission for a Tesco store (4451 sq mts / 47,910 sq ft) total sales area), of which 2795 sq mts convenience goods space and 1160 sq mts comparison goods space, including a customer café; 977 sq mts (10,516 sq ft) office development (2 no. buildings); associated infrastructure (including new roundabout on Orchard Way and widening of Newton Road between Orchard Way and Riviera Way); new access; 442 parking spaces (of which 371 for Tesco); and landscaping. Outline application for development of a B1 office building (2090 sq mts) with associated parking and access (all matters reserved except layout and means of access) (Departure from Local Plan) Extinguishment of a public right of way Re advertisement

Executive Summary/Key Outcomes

The application is for the construction of a Tesco store (approx 77,000 sq ft/7,000 sq m), with associated access improvements and parking (371 spaces) and three office buildings.

Tesco has suggested that the proposal would also:

- Provide approximately 200 jobs in the Tesco store and café;
- Enable three office buildings to come forward, totalling just over 3,000 sq m (approx 30,000 sq ft), which would provide approx. 130 jobs;
- Secure a financial contribution (as yet unspecified) to be used for promoting future development and strengthening Torquay and Paignton town centres.

As part of the proposal, Tesco has offered to:

- To bid for the development of a new store within the Union Street redevelopment proposal
- To bid for the development of a new store at Paignton at Victoria Square or a nearby site

- To keep all central area Tesco stores in Torquay and Paignton trading until the larger redevelopment schemes are delivered

There are a number of key issues against which this proposal must be assessed:

1. Existing Local Plan policy

This site is allocated for B1 office development in the Torbay Local Plan 1995-2011. As such this proposal does not comply with existing Local Plan policy. In accordance with the NPPF, the Council has previously explored alternative uses of the site but these have not been forthcoming. Recent confirmation of funding for the South Devon Link Road is a 'game changer' for this gateway site, which should now be extremely attractive to investors for business park/employment purposes. The proposal would result in loss of a substantial area of the site for employment purposes. There is no over-riding reason to allow such a loss.

2. The availability of town centre sites

The existing Local Plan identifies town centres as the focal points for retail provision and requires proposals for new retail provision, outside town centres, to show that need cannot be met elsewhere. The Local Plan is consistent with the NPPF on this issue. Whilst the applicants contend there are no other suitable sites within the town centre, Members will be aware of proposals to bring forward the Town Hall Car Park site in Torquay, which could provide for a similar sized food store.

3. Retail/town centre impact

The proposal includes convenience (mainly food) floor space, totalling 2797 sq m, and comparison goods space totalling 1160 sq m. This level of provision is in excess of Torbay's needs, as evidenced in the recently updated (Sept 2011) retail study. The proposal will have a negative impact on existing food retail provision in town centres and local centres. The availability of convenience goods, on the scale proposed, would have a negative impact on Torquay Town Centre in particular, compounding the town centre's recent poor trading performance, and would undermine efforts to regenerate the town centre.

4. Emerging/refreshed planning policy

A new Local Plan is being prepared, but carries little weight in planning terms. However, the Council has adopted guidance (Future Retail Development in Torbay, Jan 2010) which acknowledges that a thriving retail sector in Torbay is essential to economic success. Importantly, it supports the provision of local food provision, alongside other services, in new or existing local centres (e.g. White Rock; Three Beaches). These local centres are vital to sustainable, well balanced communities in the Bay. The proposed Tesco store would not be consistent with this approach, is not in a 'gap area' for food retail provision and is likely to have a negative impact on local centres.

5. Other material considerations (e.g. design; highway impact; S106

requirements)

The site is important, in design terms, as a gateway site to Torbay. Its importance as a gateway site has been enhanced by confirmation of construction of the South Devon Link Road. The proposed development is poor in terms of design quality and will not make a positive contribution to local distinctiveness or place making. The applicant has failed to demonstrate that the proposed store and offices can operate without a negative impact on the highway network, but further information has been requested. The applicant has also failed to satisfy the Council's requirements in terms of planning contributions.

Recommendation

It is acknowledged there are some benefits to the proposal that may be attractive to Members, such as the potential for 200 jobs in the retail sector and the construction of approximately 30,000 sq ft of office space. It is not considered these benefits outweigh the harm, particularly over the long term, that could be caused by this proposal.

The reasons for refusal are set out at the end of this report. These follow the issues set out in the Executive Summary and relate, primarily, to the policies / principles set out in the existing Local Plan, more recently adopted retail policy and the National Planning Policy Framework.

However, Members may wish to instruct officers to explore the potential for an improved offer by the applicants for the site and mitigation. It is recommended that such instruction should only be accompanied by a recommendation from Members of 'minded to refuse', for the reasons set out in this report.

Site Details

The application site relates to part of the Edginswell Business Park site and is bounded by Hamelin Way to the west, the railway line and the A3022 Riviera Way to the north and properties accessed from Edginswell Lane to the south. The site is currently undeveloped. The site area is approximately 3.88 hectares (9.6 acres).

To the east, three office buildings have recently been constructed, one of which is in use by the NHS as a Renal Unit. Vehicular access to the site is via Orchard Way off the Newton Road. The ground levels on the site are lower than Hamelin Way and the A3022 and the site slopes from east to west. There are wooded embankments on the northern and western boundaries.

In the Torbay Local Plan 1995-2011 the site is allocated for Employment. There are designated wildlife sites along the railway and along the eastern side of the site. A buffer zone is shown around the north, south and east boundaries for strategic landscaping. Trees in the area are covered by TPO 2001.08.

Detailed Proposals

The application is submitted in full for a supermarket with a gross floor area of 7,149 m² (76,948 ft²). Of this floor area 4451 m² would be used for sales, of which 2795 m² would be for convenience goods and 1160 m² comparison goods and a customer café. The proposed store would stand on stilts above a car park for 371 vehicles. This would include the provision of 20 dedicated disabled spaces and 18 parent and child spaces. 46 cycle parking spaces would also be provided.

The floor area of the store excludes the area for cage marshalling and Dot Com marshalling which are 366 m² and 147 m² respectively. The service yard would be located to the south east of the store and would be accessed via a ramped road used exclusively by service/delivery vehicles. The service yard would be approximately 27 metres deep by 75 metres in width.

The store would be at first floor level and would be accessed via travelators or lifts. There would be a bus stop and recycling centre located at the site entrance.

The height of the proposed store would be approximately 13 metres, the width approx. 94 metres and the typical depth 71 metres.

Submitted in full is a proposal for two office buildings Office D (Vesta House) approx. 689m² net on two floors (790m² gross) and Office E (Edesia House) approx. 157m² (187 m² gross). These two buildings have already received planning permission under the second phase of the masterplan.

Submitted in outline is a proposal for a B1 office of 2090 m² gross floor area (Sarritor House), which has not previously received planning permission. The proposed building would be three storeys high. 71 car parking spaces would be provided.

The primary access to the site would be from Riviera Way A3022 via improved junctions with Newton Road and between Orchard Road and Newton Road. It is proposed to widen Newton Road up to the junction with Riviera Way to allow a two lane approach. A new roundabout is proposed at the junction of Edginswell Lane and Collaton Road.

The new South Devon Link Road will terminate adjacent to the application site on Hamelin Way, but will not link directly into the site.

If planning permission were granted Tesco state in their submission that they would commit to the following obligations:

- To bid for the development of a new store within the Union Street redevelopment proposal
- To bid for the development of a new store at Paignton at Victoria Square or a nearby site

- To keep all central area Tesco stores in Torquay and Paignton trading until the larger redevelopment schemes are delivered
- Working with local employment providers to deliver as many jobs as possible (around 200 in the Tesco store)
- Financial contribution to address other impacts.

The application has been screened by the Council under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and it was concluded that no Environmental Impact Assessment is required in support of the proposals.

Summary of Consultation Responses

SWW: No comments.

Teignbridge Council: No objections.

Network Rail: Holding objection. Requests more information relating to drainage and how the proposed car parking would increase the run off amount/rate into the watercourse.

Environment Agency: No objection in principle but identifies a number of issues that need to be resolved prior to determination of the application, particularly that there must be no encroachment within 7 m of the Edginswell Stream/Aller Brook.

Torbay Town Centres Company: Objects to the application on the grounds:

- The application is a major departure from the site's current designation
- There is no established need for the facility, as there is significant provision within the area
- An objective of the NPPF is to ensure the vitality of town centres
- The Torbay Local Plan supports the principle of town centre development rather than outside of existing centres.

Torbay Local Access Forum: Objects to the plan for the 3 storey office block as the parking area would be built across part of the adopted highway network on land that belongs to Torbay Council.

Senior Historic Environment Officer: The area of the business park including the area of this application was subject to a detailed archaeological assessment in April 2004 and followed up by further work in July 2007. The assessment and evaluation should be revisited to ascertain if further environmental archaeological deposits should be taken from the surviving deposits before their removal during development.

Torbay Friends of the Earth: Object to the application on the grounds that

the proposal is contrary to the Torbay Local Plan 1995-2011, there are too many supermarkets in the area, the site should be retained for office jobs, detrimental impact on town centre, detrimental impact on sense of community and number of jobs created likely to be reduced after a year or so.

Strategic Transportation: Raises a number of concerns about the Transport Assessment including that it appears to underestimate the level of traffic generation and has requested further information in support of the application. The agent has been asked to revisit the trip generation and either provide significantly more justification for the traffic levels forecast or adjust the traffic levels up to a more realistic level. As this hasn't been done recommends refusal on the basis of inadequate assessment and insufficient highways mitigation.

Natural England: The site lies at the extremity or a wider corridor of land identified as of potential strategic significance as a flyway for greater horseshoe bats associated with the South Hams SAC. The ecology report should take reasonable account of this and recommend that the landscaping associated with the project includes the creation and maintenance of new habitat suitable for commuting and/or foraging greater horseshoe bats, e.g. native broadland planting that is not affected by artificial illumination at night.

Environmental Health Officer: Comments awaited.

Landscape and Tree Officer: Comments awaited.

Summary Of Representations

A considerable number of letters of objection have been received and are available for inspection on the Council's website and in the Members room. A letter of objection has also been received from the Edginswell Residents Association which is endorsed by the Chairman of the Shiphay and The Willows Community Partnership. The Edginswell Residents Association has submitted a petition against the proposal with 50 signatures. An objection has been received from Wilkinson Hardware Stores Ltd. A small number of letters of support have been received. The issues raised in objection to the proposal include:

- no need for the store as there are other supermarkets in the area e.g. M and S, Asda, Lidl, Sainsburys
- Would result in traffic problems
- Increased noise
- Increased pollution
- Major departure from local plan which designates site for B1 office use and a high quality business park
- Adversely affect the environment of Edginswell and change its character
- Detrimental to town centre
- Additional traffic will impact on busy hospital and fire station
- If the proposal is built there will be problems for local road users

- The visual impact of a Tesco store at the gateway into Torquay would be devastating to the local community
- Deliveries would occur 24 hours per day
- Site is important as a gateway to Torquay
- There is a 'finite' purse of retail expenditure and any increase in growth by one outlet is matched by a decrease elsewhere
- There are locations available in the three town centres of Torquay, Paignton and Brixham for a supermarket and an investment like this would have great benefits for the towns
- The NPPF requires LPAs to apply a sequential test to planning applications for main town centre uses that are not in an existing centre
- No mitigating strategy to address noise and light pollution apart from a sound proof fence. Dot.com delivery vans will need refrigeration units charged at 6 am with deliveries continuing until 11 pm
- Previous buildings on the site have not led to major job creation but to job relocation
- The height of the office buildings should be restricted to two storeys
- People will not want to see a large store at the entrance to Torquay
- Torquay desperately needs employment for its residents and unemployed youth that is not low grade, low paid and part time
- Will turn the town centre into a ghost town
- The local plan states that within that context any development should be in harmony with the Edginswell envelope
- Large retailers may return as little as 5% to the local economy compared with at least 50% of turnover from local retailers returned to the local economy
- Rapid depletion of green areas in this village.

The issues raised in support of the proposal are:

- Compliment the approach to Torquay
- Edginswell is no longer a rural hamlet
- Would provide additional jobs
- Application is sensitive to the area
- Design and layout appears sensitive to its surroundings and a significant amount of landscaping is shown to help screen and soften the impact to the adjacent residential area
- Supports inward investment.

Relevant Planning History

1987/1367 Retail Superstore Development with Car Parking, Access Roads and Petrol Filling Station (In Outline). Refused 4.11.87

1987/2003 Retail Superstore Development with Car Parking and Access Roads (In Outline). Withdrawn.

P/1988/0587 Erection of retail food store, car parking, petrol filling station, access

roads, landscaping and associated works (in outline). Refused 2/9/1988. Subsequent appeal dismissed by letter dated 26.2.90.

- P/2001/0787 (Phase 1) Erection of new building for high tech company for use classes B1 (business) and B8 (Storage/distribution) with vehicular and pedestrian access. Refused 12/4/2002.
- P/2001/0788 (Phase 2) Erection of new buildings for use classes B1 (business) and B8 (storage/distribution) (employment units) and supporting C1 (travel Inn), A3 (food and Drink) and D2 (Leisure uses) with vehicular and pedestrian access (in outline). This is a departure from the Local Plan. Refused 12/4/2002.
- P/2002/0154 Erection of 60 bedroom 'Travel Inn' hotel and integral 'Brewers Fayre' restaurant/public house on lower, ground, first, second and third floors with vehicular/pedestrian access from Edginswell Lane and car parking. Refused 12/4/2002.
- P/2004/0884 Development of business park comprising business uses (B1) and a car show room, associated landscape works, alterations to adjoining highways and car parking (revised scheme to previous refusal). Refused 10/8/2004.
- P/2004/2118 Development of business park comprising business uses (Class B1) and a car showroom, associated landscape works, alterations to adjoining highways and car parking (revised scheme to previous refusal) (In outline). Approved 20/1/2006.
- P/2006/1011 Development of phase 1 of business park comprising mixed use of offices, buildings, infrastructure (class B1 use) with vehicular/pedestrian access. Refused 24/10/2006.
- P/2006/1116 Highway works/associated with planning application P/2004/2118. Approved 26/9/2006.
- 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 6/6/2008.
- 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 23.3.09.

Key Issues/Material Considerations

The key issues to be considered are the principle of the proposed uses on the site, the retail impact, the visual impact, highways, impact on neighbours, trees, landscape and ecology, drainage, flood risk and sustainability.

Principle and Planning Policy -

In the Torbay Local Plan 1995-2011 the application site is subject to Policy E1.2B which requires new development to be principally class B1 use (offices and light industrial) with limited B8 use (warehouse and distribution). In the explanation to the policy, clarification reveals that the intention is for the site to be used as a well- designed 'high tech' site.

Under application reference 2007/1743 planning permission was granted on the site for a mix of B1 and non B1 uses. The non B1 uses included a retail warehouse with an additional garden centre area which had a retail floor space of 2144 m² with 140 m² of offices, two car showrooms a pub/restaurant and residential development. In support of this application a report was submitted to look at the possible range of uses that could result in a viable scheme. The report concluded that to develop the site purely for office uses would not result in a viable scheme and as such it was necessary to consider an appropriate level of 'pump priming' to bring the development forward. In the light of this report planning permission was granted for a number of non B1 uses on the site. It should be noted that the approved retail unit was for bulky non food retail, such as a DIY store, and use for bulky non food sales only was controlled by condition.

The proposal, the subject of this application, includes the provision of three office buildings on the site. The principle of constructing these office buildings would be consistent with Policy E1.2B of the Torbay Local Plan 1995-2011, and is therefore not contentious (although there are a number of issues, such as siting that would require further consideration). Two of these office buildings have previously been granted planning permission under application reference 2008/1682MPA. Consequently the main policy issue to be considered is the principle of the proposed 7149m² Tesco store.

The recently introduced National Planning Policy Framework (NPPF) has at its heart a presumption in favour of sustainable development. This is described as a golden thread that should run through decision making. Sustainable development is defined as meeting three key dimensions of achieving an economic role, a social role and an environment role. The economic role is defined as contributing to building a strong, responsive and competitive economy, the social role as supporting strong, vibrant and healthy communities and the environmental role as contributing to protecting and enhancing the natural and built environment. It is advised that these three roles should not be undertaken in isolation, because they are mutually dependent.

Paragraph 22 of the NPPF advises that planning policies "should avoid the long term protection of sites allocated for employment use where there is no prospect

of a site being used for that purpose". It continues that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard..... to the need for different land uses to support sustainable local communities".

This principle of taking a flexible approach to development on land allocated for employment purposes is consistent with the Council's earlier approach to previous applications on the site where a mix of uses has been approved to provide "pump priming" for the provision of offices on the site. Furthermore, this is consistent with the approach the Council has taken to other employment allocations in Torbay including policy E1.16 at Yannons Farm and E1.19 at White Rock.

The Council supports the principle of considering alternative uses other than employment, in order to deliver viable development that includes a significant quantum of employment space. However this does not mean that just any alternative use would be appropriate on the site.

In the case of this proposed out of town centre retail development it is appropriate to consider the NPPF guidance on "ensuring the vitality of town centres", as a large out of town store could have an impact on existing town centres. The NPPF advises that Local Planning Authorities should "recognise town centres as the heart of their communities and pursue policies to support their viability and vitality". The most sustainable location for a large retail development is in the town centre because it would encourage economic activity in the town centre and thereby increase its attractiveness through investment and commitment to improving shopping provision. For an application of this size it is necessary for a sequential test to be carried out that assesses the suitability of sites within the town centre and then edge of centre locations for the proposed use, and only if suitable sites cannot be provided in a town centre, district, local centre or edge of centre location should an out of centre site be considered. A retail impact assessment is also required to consider the impact of the proposal on the vitality and viability of existing centres, up to five years from the time the application is made.

The relevant policies in the Torbay Local Plan 1995-2011 to the principle of locating the Tesco store on this site include **Policy E1.2B**, which is discussed above and seeks to restrict the use of the land to B1 and B8 uses and Policy E6.

Policy E6 relates to the retention of employment land. It identifies a number of criteria for considering the change of use or redevelopment of employment land. This policy seeks to retain land allocated for employment purposes unless there are overriding reasons in the public interest to allow the loss of employment land.

Whilst the applicants contend that the store is required to deliver the residual

office accommodation on the site, there is no financial assessment submitted with the application to confirm that this is the case. The site is serviced and there are existing employment uses within it. Furthermore, the site's advantageous location at the gateway to Torquay combined with the forthcoming South Devon Link Road provides substantial opportunity for investment in business uses on this site. Advice from Torbay Development Agency shows that, over the last 12 months, there have been around 150 property enquiries for around 1.2M sq ft of space in Torbay. Consequently, the Council believes the whole site will come forward for employment purposes, in accordance with the Local Plan.

Policy SS sets out the overall shopping strategy for Torbay. It seeks the provision of a comprehensive range of shopping facilities. The town centres are identified as the main focal points. Proposals for new shopping provision should establish that there is a need for the facility which cannot be accommodated within an existing centre. Policy S6 is relevant to retail development outside town and district centres. This policy supports a sequential approach to site selection, identifies the importance of not having a detrimental impact on the vitality and viability of existing shopping centres, requires the site to be accessible by public transport and where the site is allocated for employment use it should have no significant adverse affect on employment opportunities. The Local Plan's approach to retail provision in the Bay is consistent with the National Planning Policy Framework.

The submitted sequential site assessment report argues that in order to enhance consumer choice and bring strong competition to the convenience sector of the market, which is currently dominated by Sainsbury's at the Willows, it is necessary for a new store to compete in terms of accessibility, scale, prominence and car parking. The applicant puts forward a case that the size of the store needs to be comparable to Sainsbury's to provide a competitive choice for consumers. The report suggests that there is a deficiency in the Torbay convenience retail sector, especially in terms of those stores that can provide a main food offer. It makes the point that a proposal that is not comparable with the competition would be unviable. The sequential site assessment is therefore based on the need to provide a minimum site area of 1.87 ha. A number of sites are considered in both Torquay, including the Town Hall Car Park, and Paignton and the report concludes that none are large enough to accommodate the application proposals.

The Council has instructed a retail consultant (GVA Grimley) to provide advice in respect of this scheme. The consultant affirms the officers view that a number of the sites considered by the applicant in relation to the sequential test can indeed be ruled out. However, the consultant advises in line with officers concerns that the weight which can be attached to the applicant's assessment in relation to some of the other larger sites is called into question by the lack of flexibility over the size of store required and the potential for a smaller supermarket to meet the same requirements as the application proposal, but on a more centrally located

site.

The assessment fails to properly consider the Lymington Road car park site at the rear of the Town Hall as a potential town centre superstore site and also fails to appropriately justify ruling out the Victoria Square, Paignton and Union Street, Torquay schemes. The Council considers the Lymington Road site is deliverable in the next 5 years for food retail purposes. Members have instructed the TDA and Council to promote the site.

The retail assessment submitted in support of the application concludes that the “proposal would not significantly impact on the vitality or viability of Torquay town centre”. With regard to convenience (food) sales it is forecast that the proposed development would reduce sales in Torquay town centre by 2.9% and would reduce out of town retail turnover in Torquay by 15%. It is expected that the turnover as the Willows centre would be reduced by 22%. It is noted that even with this impact the Willows centre would be likely to trade at or above company average turnover levels. The impact on Paignton Town Centre is anticipated to be 2% and on Paignton out of town stores 9.3%. The impact on St Marychurch (which includes Waitrose) would be 5.2%. For comparison goods it is estimated that the impact on Torquay town centre would be 1.9%, 3.5% on the Willows Centre and 2% on Paignton.

The NPPF clarifies that impact relates both to investment and to vitality and viability. In this case, the Council’s retail consultants affirm that with the expenditure capacity for only one new supermarket in Torquay in the short to medium term and limited capacity to deliver one new supermarket in Torquay and Paignton, the proposed Tesco could have a detrimental impact on investment. In essence, it is likely that a large format out of town store on the edge of Torquay would cause considerable damage to town centre regeneration efforts.

Consultants further advise that the likely impact of the store on Torquay Town Centre is understated in the applicant’s submission. Due to the cumulative impact of other out of town developments, such as the Asda on the Newton Road and the approved Sainsbury’s extension at Paignton, there is likely to be a demonstrable town centre impact. This is compounded by recent trading performance in Torquay Town Centre, a centre that is feeling the strain of external competition and economic decline.

A number of local centres in the area are also likely to be detrimentally affected by the proposals, a concern that has been overlooked by the applicant in their retail impact assessment.

The full report from the retail consultant will be made available for members to read ahead of the committee meeting.

The Council has adopted guidance on retail policy in the document "Future Retail Development in Torbay - Clarification of Policy" January 2010, which is material to the determination of this application. Providing background information on retail matters is the "Retail Study Update" (September 2011). These documents acknowledge that a thriving retail sector is critical to the economic prosperity of Torbay. Retail has a vital role to play in Torbay, ensuring that people can meet their shopping needs locally as well as acting as a crucial part of the Bay's economy and attraction as a leisure and tourist destination.

In the "Future Retail Development in Torbay" it is recognised that there will be a need for additional convenience and comparison goods floorspace in Torquay. In order to deliver this floorspace a strategy of providing new convenience floorspace alongside town centre provision in identified gap areas through increasing floorspace in existing local centres or as part of new local centres in mixed use schemes such as White Rock Paignton is proposed. The idea behind encouraging new retail development into gap areas is to improve the spatial distribution of retail facilities and to improve accessibility for all residents. The gap areas are identified on the basis of accessibility to shopping facilities. The proposed Tesco store would not be consistent with this gap area strategy because it would result in additional provision in an area not identified as having a retail need and where substantial provision for weekly food shopping (in the form of the Sainsburys and Asda) already exists.

The Torbay Retail Study update, which is part of the evidence base to support the new Local Plan, identifies that vacancies in Torquay town centre are well above the national average. It suggests that there is a need to try and rebalance provision back towards the town centres. However, in respect of convenience goods it is concluded that a balanced scenario where the traditional town centre first approach is blended with the need to meet locational specific needs through the gap areas across Torquay is the most appropriate approach. With regard to comparison goods it is proposed that the majority of additional need should be accommodated within Torquay town centre, however it is recognised that an out of centre retail warehouse location could potentially be acceptable, subject to its impact and a variety of other planning considerations.

Further information on the impact of the proposed development on the town centre will be provided in the consultants report and made available to Members. The key point is that if the proposed additional retail floorspace was provided in a town centre location it would provide considerable additional investment in the town centre and demonstrate a commitment to regeneration of the town centre. This scheme threatens the ability of the town centre to attract the vital investment it clearly needs.

In the retail assessment it is argued that a minimum floor area of 1.87 ha is required to provide a viable store. As stated above the sequential site assessment report concludes that there are no other suitable sites available. A

key point that needs to be explored is whether a smaller sized store would be acceptable. The argument that only a store of comparable size to Sainsburys would be viable is not necessarily sound, and it could be argued that the location of the proposed store at Edginswell compounds the need for a larger store since it is located so close to the existing Sainsburys offer. A smaller, but nonetheless sizeable weekly shopping store would provide competition and the Council is not convinced that such a store would be unviable. If it is accepted that a smaller sized store would be viable then the Lymington Road site could provide an alternative location. This site is deliverable within a 5 year timescale. Within a ten year timescale the site at Union Lane could also be delivered. Both these sites are within the town centre and would constitute sustainable alternative locations.

Design/External Appearance -

Policies BES and BE1 in the Torbay Local Plan 1995-2011 promote positive enhancement of the built environment and require new development to conserve or enhance the built environment, ensuring that the integrity of local character and distinctiveness is protected. The NPPF promotes good design and identifies that “good design is a key aspect of sustainable development”. It is recognised that “securing high quality and inclusive design goes beyond aesthetic considerations” and “should address connections between people and places and the integration of new development into the natural, built and historic environment”.

This site is important in design terms as it is a gateway site and would be the beginning of the built up area of Torquay on the main approach road into the town. The principle industry in Torquay is tourism and it is vitally important that the first arrival point at this tourist destination has a positive visual impact. It is noted that the new South Devon link road will join the existing road network directly opposite this site, resulting in the site being clearly visible from the new road.

The existing ground levels on the site are beneficial to development because the ground levels are lower than surrounding levels on Hamelin Way and Riviera Way. This is beneficial because it reduces the visual impact buildings on the site through reducing their height. The layout allows a landscaped buffer around the majority of the building, although this would only be 6 metres wide along the south western boundary. The current character of the site is landscape dominated as it is located adjacent to open countryside and has mature landscape planting around the perimeter. It is important that these wooded banks are retained to assimilate any new development into the existing landscape and soften the visual impact of new buildings. Additional information on long distance views across the site has recently been submitted and advice from the landscape officer is awaited.

A principle concern is the external detailing and appearance of the proposed

Tesco store. It would have a flat roof with a number of 'windcatchers' projecting above the roofline, and would be predominantly finished in timber and curtain wall glazing. It is difficult to understand how this design would make a positive contribution to local distinctiveness as required in the Council's 'Urban Design Guide'. The external appearance would have little relationship with the recently constructed office buildings on the site, which have distinctive design elements of red/orange coloured mono pitch roofs with white rendered elements. Similarly there appears to be no reference in the design to the distinctive form of predominantly Victorian development in Torquay, the local materials palette or Torquay's setting and role as a prime marine tourist destination.

Good design practice would expect new buildings to respond to their setting and location, to use local materials, building methods and details to enhance local distinctiveness. It is important on this gateway site that a distinctive high quality building is delivered that positively identifies the arrival point in Torquay. The appearance of the proposed Tesco store is bland and utilitarian and lacks reference to its location in Torquay. In this case the proposed Tesco store would fail to make a positive contribution to the appearance, character and quality of the area and as such would be contrary to Policies BES and BE1 in the Torbay Local Plan 1995-2011.

Although the design of the proposed store is considered to be disappointing and below the standard that would be expected on this prominent site, it should be considered that this matter could be addressed subject to agreement with the applicant and could be overcome on this site. The application has not been considered by the Design Review Panel and this would provide an initial starting point for appraising and reviewing the external appearance of the building. With further work on the external appearance of the building it would be possible to design a building in this location that would meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011.

Planning permission has previously been granted for office buildings 05 and 06. The submitted plans show that building 05 would be dug deeper into the site than previously approved. Elevation plans have been requested to enable a comparison of the design of the building. The siting has moved to the north and the site plan shows the building projecting onto the pavement. This needs to be resolved by the architect before planning permission could be granted. The proposed elevation details for building 06 have been revised. The height of the building has been significantly increased by approximately 3 metres. The design principle of a curved steel roof remains consistent. However the materials palette has changed particularly from zinc standing seam roof to a copper coloured standing seam roof. The ground levels to the east of the site are higher than on the site and therefore the increase in the height of the proposed building would not be harmful to the amenity of the area. As the principle of this form of design has previously been accepted there is no particular issue with the external appearance of the building.

Submitted in outline is a proposal for a three storey office building close to the entrance to the site. Only a site plan and proposed section have been submitted. Design is a reserved matter. The key issues to be considered at this stage are the principle of siting an office building in this location and the proposed scale of the building, particularly whether a three storey building in this location would be acceptable.

Highways -

The application includes a number of improvements to the highway network, particularly widening of Newton Road up to the junction with Riviera Way, a new roundabout junction at Orchard Way/Edginswell Lane and a bus turnaround and lay-by including a bus shelter within the site.

A transport assessment has been submitted in support of the application. Officers do not agree with the data used by the applicant to project trip generation levels and is concerned that the projected trip generation significantly underestimates the level of trips likely to be generated on the local network. In addition the modelling work that has been carried out is based on survey data collected in July 2010 which was before ASDA, Dunelm and the Outlet stores all opened and therefore is now out of date. Officers have asked the applicant to revise their data, but Tesco has declined to do so and instead have focused on providing a justification for the submitted data. Officers take the view that the results of the traffic assessments appear to underestimate the impact on the junction of Newton Road and Riviera Way. As submitted the Transport Assessment (TA) indicates that with the proposed development this junction would operate within capacity. However if as suggested the trip generation rates are unrealistic and too low there is the potential that an increase in trip generation rates would result in the junction operating above capacity during peak periods.

Other shortcomings in the Transport Assessment including:

a) the South Devon Link Road not being included in the baseline assessment. The Transport Assessment asserts that only a small proportion of 'new' traffic will use the bypass, however given the convenient location of the proposed store there is the potential for a significant proportion of customers to travel along the South Devon Link Road from the Newton Abbot direction. The flow of traffic along Riviera Way will need to be assessed to ensure it is not affected by additional turning movements at the Newton Road junction.

b) no details of the level of servicing and delivery trips generated by the store have been submitted. Further information about the number and timing of HGVs and dot.com vans for internet shopping is required.

c) the proposal includes the widening of Newton Road up to the junction with Riviera Way, however, further road improvements would also be needed to provide the additional capacity required for this development, this includes extending the length of the right hand turn lane on Riviera Way.

- d) there should be a commitment to implementing the suggested local traffic calming.
- e) the framework travel plan referred to in the Transport Assessment should be submitted and:
- f) no reference is made to the proximity of the site to Torbay Hospital. Newton Road is one of the main routes to the hospital for emergency vehicles and therefore needs to be kept free of congestion
- g) additional provision should be made for traffic accessing the site as well as egressing. In addition Officers consider the proposed roundabout junction would not be appropriate in scale for a minor road and a staggered priority junction would be preferable.

The proposal would provide 371 parking spaces to serve the Tesco store, of which 20 would be for disabled persons and 18 designated for parent and child use. 71 spaces would be provided to serve the office development of which 8 would be for disabled persons and 46 cycle parking spaces would be provided close to the Tesco store. This level of parking provision is considered to be acceptable to serve the proposed development and in line with policy.

The proposed parking area to serve Sarritor House, the office building submitted in outline, would involve the removal of a public footpath into the site which is adopted highway. A stopping up order would be required to close this footpath, which is well used by pedestrians accessing the existing office development and open space. It is disappointing that such a route has not been reinstated within the proposed scheme to improve access to the development for pedestrians approaching from the north.

Should planning permission be granted a S106 contribution would be required to mitigate the impact of the proposed development on local infrastructure. It is suggested that this could be spent in part on extending the existing bus route capacity into the site. In addition the Council has aspirations to build a new station at Edginswell to provide local rail links to the hospital and employment areas. This would have the potential to be used by staff and therefore it would be appropriate for a contribution to be made towards this project. In addition a contribution would be used to improve cycle links in the area.

Impact on neighbours -

The proposed Tesco store would be sited close to the boundary with a number of properties in Edginswell to the south west of the site. There is an approximate 8-10 metre difference in ground levels between these properties and the site of the proposed store. It is proposed to construct a new retaining wall close to the site boundary between the two levels as part of the application. It is noted that the service area which is approximately 30 metres from the nearest dwellings would be raised to the floor level of the store, which would be nearly 4 metres above the parking level of the store. The layout plan notes that there would be acoustic fences around the service yard and access ramp. Because of the difference in

ground levels there would be a line of sight from adjacent dwellings to the service area.

In support of the application an acoustic report has been submitted to assess the impact of the proposed development on local residents. The report is based on a worst case scenario of the store operating on a 24 hour basis. It is proposed that a delivery management plan should be implemented to minimise noise emissions from servicing of the store, particularly in the early morning. Conditions are also recommended for details of plant such as refrigeration, condenser units, air handling units etc to be submitted in order to control noise output and to agree noise amelioration measures and management during construction. The report concludes the following a) that the changes in traffic noise would be “imperceptible and therefore of negligible impact”, b) there would not be a noticeable detrimental effect on the noise climate during the day and c) at night time during the peak hour of activity the guidelines would be exceeded by up to 4 dB at the nearest property, however, this would be below existing peaks for noise at night and would not exceed the existing peak or ambient noise climate from 0600 hours. In the light of this final point it is recommended that delivery hours should be specifically agreed with the Local Planning Authority. The Council’s Environmental Health Officer has been consulted on the proposal and her consultation response is awaited.

It is noted that the acoustic report has only assessed the impact of the proposed development on properties in Edginswell village and no consideration has been made on the impact on properties in Edginswell Close, which are close to the access to the site and therefore have the potential to be affected by HGV movements into and out of the site. Particularly as the new roundabout would be close to these properties and would result in HGVs having to stop and start in navigating the roundabout.

Local residents have also expressed concern about the dot com vans that have to run their refrigeration units for an hour at the beginning of the day. This is likely to commence at 6am.

Trees and Landscape -

A Landscape and Visual Assessment has been submitted in support of the application. In addition a document with further long distance views across the site has been submitted. The Landscape and Visual Assessment notes that the vegetation on the site is predominantly rough grassland and scrub. There is a small copse of tree planting in the western corner of the site. Similar clusters of small groups of trees are located on the north eastern boundary, associated with the watercourse that runs parallel between the northern site boundary and the railway. There is an attenuation pond in the centre of the site that connects to the watercourse via a ditch running in a northerly direction. This pond forms part of the SUDs scheme associated with the existing business park.

Within the Landscape Character Assessment of Torbay, May 2010, the site is identified as located within the Landscape Character Type 3B: Secluded Valley. The assessment identifies that this area is characterised by steep valley landforms with narrow valley floors. This forms a secluded character due to the enclosing topography and complex network of narrow sunken lanes enclosed by high hedge banks which contain views across fields and out to the surrounding landscape. The area is identified as being settled with the buildings and settlements displaying a variety of sizes, ages and styles. The Landscape and Visual Assessment identifies that the site is characterised by a number of urbanising elements which create an urban fringe nature. These are said to consist of the road and railway corridors to the north and west which form robust, defensible edges to the site and create a degree of separation from the wider rural setting. The existing commercial buildings on the site, which provide a larger scale, contemporary built form being located within the immediate setting of the application site. The existing built edge to the east and south, which is located on the rising landform of the valley and ensures that the presence of the built form characterises the site.

It is argued in the Landscape and Visual Assessment that the site's topography and its situation within the lower region of the valley, surrounded by three ridgelines reinforces the degree of localised visual containment. The combination of the localised vegetation and topography compartmentalises the site from the wider landscape. It is concluded that the visual environment within which the site is set has the capacity to accommodate a degree of change, which would have a limited effect on the localised and wider visual environment.

Detailed planting plans are submitted as part of the application and details of groups of trees that would be felled along with indicative indications of tree protection fencing. The landscape treatment proposed includes:

- Retention of the existing treescape along the south western boundary
- Retention of other existing trees located close to boundary lines, and their reinforcement by additional native tree planting that will be underplanted with native shrubs
- Planting of trees and ornamental shrubs to the frontage of the Tesco store and associated car park
- Creation of an area of wildflower meadow to the east of the car park
- Planting of native wetland tolerant tree species and marginal planting surrounding the pond and ditch.

Both the Landscape and Arboricultural Officers consultation responses are awaited. A key consideration will be an assessment of the magnitude of change between the consented scheme and the current proposal. It will be necessary to assess whether the proposed development can be integrated into the landscape setting without detriment within the wider receiving environment. The scale of the proposed Tesco store is significantly larger than the previously approved

buildings on the site, which comprised smaller scale office, retail and car showrooms, with greater space around the buildings. Consequently the impact in views across the site and from long distance views would be to increase the urban character of the site through the increased scale of development that is now proposed. This scale of building would also reduce scope for a more characteristic urban/rural fringe form of development, such as exists in the business park with buildings set in a strong landscape.

Policy L10 in the Torbay Local Plan 1995-2011 requires necessary mitigation measures to be provided to minimise damage to the landscape and for landscaping measures to form an integral part of the development to reflect the character of the local landscape. As this site is located on the edge of the urban area it is important that a robust strategic landscape scheme is provided to assimilate new development on the site into the distinctive landscape in the area. This scheme should respect the existing landscape character of the site as described above.

It is noted that the site area does not extend to the boundary with Hamelin Way and Riviera Way. Land to the north east of the site to the boundary with Hamelin Way forms an important landscape buffer to the site and is within the Council's ownership. In order to provide a green edge and soften the impact of the proposed development into the landscape it would be appropriate to seek a contribution from the developer for additional strategic planting on this land and for long term maintenance.

Drainage and Flood Risk -

The NPPF advises that "when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere".

A Flood Risk assessment has been submitted in support of the application which indicates how flood risk and disposal of surface water would be managed on the site. The Flood Risk Assessment effectively determines that the site is located in Flood Zone 1 and therefore has a low probability of flooding. The application site consists of undeveloped land and therefore the proposed development will increase the site's impermeable area and will require attenuation to reduce the surface water run off rate. To achieve sustainable run off rates it is proposed to use:

- a) an attenuation pond to collect and store rainwater and:
- b) an underground Geolight cellular storage system located underneath the car park.

The Environment Agency has advised that there is no objection in principle to the proposed development, however, a number of issues are raised which require further work before planning permission could be granted. These include a request for a Surface Water Drainage Strategy Drawing, provision of an access route between the proposed stores access road and the floodplain of the

Edginswell Stream/Aller Brook, and the siting of the proposed Sarritor House needs to be reviewed as it is shown within a required 7 metre buffer to the Edginswell Stream/Aller Brook. This is an important flood defence outflow structure and compromising this could have implications for flood risk to residential properties in Newton Road. The agent has been requested to submit this additional information.

Ecology -

The NPPF requires Local Authorities when determining planning applications to aim to “conserve and enhance biodiversity”. An ecological survey has been submitted in support of the application. It is noted that there are no statutory nature conservation designations within or adjacent to the study area. The South Hams Special Area of Conservation (SAC) is located within the vicinity of the site. There are a number of Other Sites of Wildlife Interest (OSWI) identified within and adjacent to the study area. It is concluded in the report that the proposals will not result in any “likely significant effects” on the important features of the SAC and that there is no evidence to suggest that the proposed development would lead to any significant effects on any known protected species or ecological features of value at the national, county or local level.

The Ecological Assessment found the majority of the site to comprise rank grassland, tall herb vegetation, bramble and bare/recolonising ground, which supported a limited range of common species and was of overall low to negligible ecological value. The following recommendations are made in the report;

- Suitable safeguards to be put in place to protect offsite watercourse and associated corridor
- Construction safeguards and protective fencing installed to prevent damage to retained habitats (particularly the pond, drainage channel and boundary vegetation)
- New landscaping to incorporate enhancement measures using native planting
- Suitable measures to be put in place to eradicate Japanese Knotweed
- New lighting scheme designed to avoid additional light spill into the offsite watercourse corridor and maintain dark corridors for wildlife movement
- Mitigation measures in respect of reptile species (Slow Worm)
- Bird sensitive timing of vegetation clearance
- New bat and bird boxes attached to new buildings and/or retained trees within the study area.

Natural England (NE) has commented on the proposed development and has not raised an objection. Their consultation response advises that the ecological report should take into account the fact that the site lies at the extremity of a wider corridor of land identified as of potential strategic significance as a flyway for great horseshoe bats, associated with the South Hams SAC. NE also recommend that the landscaping associated with the development includes the

creation and maintenance of new habitat suitable for commuting and/or foraging greater horseshoe bats e.g. native broadleaved planting that are not affected by artificial illumination at night.

The Ecological Assessment identifies the broad principles needed to ensure that the proposed development would not have an adverse affect on biodiversity. The precise detail of the measures identified in the recommendations above would need to be addressed by means of conditions, for example, e.g. it is suggested that bat and bird boxes be provided but no specification, number or location of these boxes is provided.

Environmental Sustainability -

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which, it states, should be seen as a golden thread running through both plan making and decision taking. One of the twelve core principles in the NPPF is to “support the transition to a low carbon future in a changing climate”.

An Environmental Sustainability Statement is submitted in support of the application. This identifies that Tesco has committed to be on the path to be a low carbon business by 2020 and a zero carbon business by 2050. Tesco have carried out an extensive design and specification review trialling many new technologies. In the proposed store it is proposed that the following measures would be incorporated:

- Enhanced building fabric and energy specific efficient specification
- Incorporation of wind catchers and roof lights
- Drainage strategy that incorporates SUDS
- Potable water minimisation equipment
- Diverting of all store waste from landfill
- Incorporation of materials with a low environmental impact
- Incorporation of public transport and cyclist facilities
- Enhancement of the sites biodiversity value.

It is advised that there is a time lag between the submission of a planning application and commencement on site. Technologies have changed and advanced considerably over recent years and their improvements appear to be ongoing. In accordance with best practice, a technology review would take place prior to commencement on site so that the most appropriate equipment at the time can be utilised. This point is reasonable, however it is disappointing that there is no commitment to achieving a nationally recognised target such as BREEAM in the development. In order to ensure the proposed development incorporates the many sustainable initiatives as identified in the report (or suitable alternatives) it would be appropriate to impose a condition requiring this information to be submitted prior to the commencement of development.

Other matters raised by Consultees -

Further information in respect of Archaeology and drainage for Network Rail has been requested and remains outstanding.

An Air Quality Assessment has been submitted in support of the application and this concludes that the “development is not predicted to lead to the designation of, or the extension to, an Air Quality Management Area (AQMA)”. It is noted that this report has not taken into account the impact on the Kingskerswell AQMA which is close to the application site. The Environmental Health Officer’s comments on the report are awaited.

Economy -

The NPPF recognises that sustainable development contributes to building a strong, responsive and competitive economy. In the Planning Statement it is advised that the proposed development would create approximately 130 B1 office jobs and 200 jobs in the food store. This level of employment would evidently make a difference to the economy in Torbay, especially if these jobs were new jobs in the Bay. However the proposal should not be considered on the principle of job creation alone and the broader economic impact on the whole of Torbay, the social impact and the environmental impact are material considerations in the determination of the application.

The issue of the impact of the proposal on the town centre is addressed above and further advice is contained in the consultants report. The applicant suggests that the proposed Tesco store would result in loss of trade to a number of other stores. It is likely that this loss could result in a reduction of jobs in competitors stores, and therefore the net number of additional jobs created is likely to be less than the figures stated above.

The use of the site by Tesco would reduce the amount of space available for office development. It is noted that a non food retail use and car showrooms have previously been granted planning permission on the site, however, since these previous consents there has been a material change in circumstances in that the South Devon Link Road (SDLR) has been approved and will be implemented.

The proximity of the application site to the SDLR means that it would be easily accessible and a prominent location which would be likely to increase its attractiveness for office use. The type of jobs that would be created by the retail element of the proposal would be predominantly part time, low paid with limited opportunities for personal development and advancement. In contrast office jobs are likely to require a higher skilled workforce and would provide higher value, which would have an indirect positive effect on the economy of Torbay. Using simple floor space : jobs ratio of the proposed development, it can be calculated that the Tesco store generates approximately 1 job per 400 sq ft, whilst the proposed office space generates 1 job per 230 sq ft. As such the quantity of jobs,

as well as the quality, is likely to be much greater through provision of B1 type space on the site than via food retail.

S106/CIL -

Section 122 of the Community Infrastructure Levy Regulations requires planning obligations to meet the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The provisions of these tests would need to be met in respect of any financial contributions sought for the decision to be legal.

In accordance with the SPD “Planning Contributions and Affordable Housing: Priorities and Delivery” the following S106 contributions would be applicable:

Sustainable Transport	
Tesco	£2,819,842
Office Development	£ 150,436
TOTAL	£2,970,278

These figures represent the starting point for calculating the contribution. It would only be lawful to request a contribution towards specific costed projects that are necessary to make the development work. This sum is likely to be less than the above calculation.

A contribution to offset the impact on the Town Centre would need to be calculated following receipt of additional information in the retail consultants report.

Offsite landscape works and maintenance would also form part of the s106 provisions.

Mitigation for the number of jobs that are created by the development would need to be applied to the above figures and this amounts to a mitigation figure of £845,900.

Conclusions

In conclusion, there is no objection to the principle of the three proposed office buildings on the site.

With regard to the retail element of the application the Local Planning Authority does not accept the conclusion of the submitted sequential test. In the opinion of the Local Planning Authority there are suitable sites available within the town

centre to deliver the proposed store. The proposed development would fail to ensure the vitality of the town centre and as such would be contrary to the objectives of para 23 of the NPPF.

Condition(s)/Reason(s)

01. The proposed 7149m² food retail store would be located on land designated for employment use in the Torbay Local Plan 1995-2011 and consequently would result in the loss of a 2.45 ha of serviced land that is available and highly suitable for employment use. Retention of the site for employment use accords with paragraph 21 in the NPPF, which seeks to promote investment in business. Accessibility to and prominence of, in commercial terms, the site will be significantly improved with delivery of the South Devon Link Road and this will increase the likelihood of an employment use being delivered on the site, given its prominent location at the entrance gateway to Torquay. The Authority is not convinced that a store of the proposed size is required to pump prime the remaining employment area. Loss of the site for employment purposes would result in the loss of opportunity to secure economic growth through the creation of jobs and prosperity in a struggling economically deprived area, characterised by seasonal low paid employment and as such would be contrary to Policies E1.2(B) and E6 in the Torbay Local Plan 1995-2011.

02. The submitted Sequential Site Assessment Report has failed to demonstrate that the applicant has complied with the requirements of paragraphs 24 and 27 of the National Planning Policy Framework and Policies SS and S6 of the Torbay Local Plan 1995-2011 in respect of the sequential approach. The applicant has failed to demonstrate that the town centre options have been thoroughly assessed as sequentially preferable alternatives to the application site. Furthermore, the applicant has not shown sufficient flexibility in relation to the site size and form such that appropriate alternatives have not been given due consideration. Council believes there are opportunity with Torquay and Paignton town centres which can meet the same needs of retail elements of the proposed development. In the event that the sequential test is achieved in this case, the Council has a retail strategy based on gap area analysis that determines that the application site would not be spatially preferable in any event.

03. The Retail Assessment fails to accurately assess the impact of the proposed retail store on the Torquay town centre and Paignton town centre, district centres and local centres. The proposed development by virtue of the inclusion of the retail store would have an adverse impact on investment in, and the vitality and viability of, Torquay Town Centre which would consequently have a detrimental effect on trade/turnover in the town centre, contrary to paragraphs 26, 27 of the NPPF and Policies SS and S6 of the Torbay Local Plan 1995-2011. The applicant has failed to prove that material considerations exist that warrant

approval of the application proposals contrary to these policies. Furthermore, the development would have a detrimental impact on other existing Town, local and district centres and the Council does not consider that the evidence submitted in relation to the retail impact assessment is robust.

04. The external appearance of the food retail store fails to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 60 and 64 of the NPPF that seek to ensure new development will positively enhance the built environment, ensuring that the integrity of local character and distinctiveness is protected. The proposed building lacks reference to the established built form and character of its setting in Torquay in terms of design, materials and quality of landscape provision and as such would fail to provide a high standard of development that would be fully integrated into the natural, built and historic environment in this very prominent gateway site that has a significant role as the arrival point to a major tourist destination. The bulk and scale of the building proposed would be prominent in this gateway location and run contrary to the prevailing urban fringe approach that has been taken to the existing development at the business park.

05. The applicant has failed to demonstrate that the traffic generated by the proposed development could be satisfactorily accommodated on the highway network by reason of inadequate assessment of likely traffic generation. As such the traffic arising from the proposed development would have a significant adverse impact on highway safety, capacity and free flow of traffic on the surrounding highway network. In addition the applicant has also failed to demonstrate that the proposed mitigation measures would adequately offset the potential increase in demand. The proposal is therefore contrary to Policy T26 in the Torbay Local Plan 1995-2011.

06. The applicant has failed to satisfy the sustainability aims of Policy CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of physical, social and community infrastructure necessary to make the development acceptable in planner terms and directly related to the proposal, by failing to secure planning obligations under Section 106 of the Town and Country Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy CF6 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

Relevant Policies

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