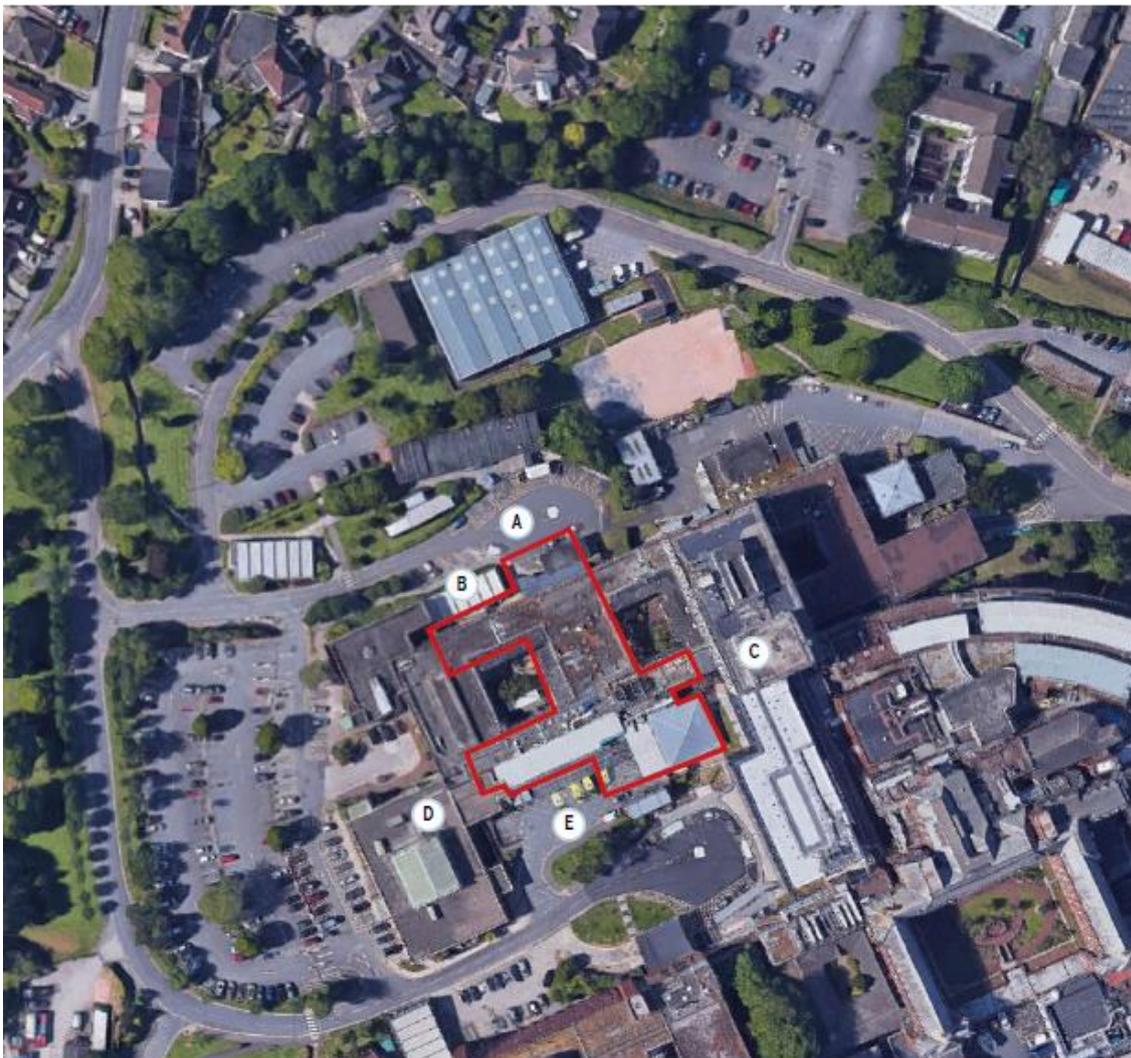




Application Site Address	Torbay Hospital, Newton Road, Torquay. TQ2 7AA
Proposal	Alteration & extension to Emergency Department & associated works
Application Number	P/2019/0992
Applicant	Torbay And South Devon NHS Foundation Trust
Agent	KTA
Date Application Valid	30.09.2019
Decision Due date	30.12.2019
Extension of Time Date	N/A
Recommendation	Approval
Reason for Referral to Planning Committee	Major development
Planning Case Officer	Scott Jones

Location Plan –



## **Site Details**

The application site is part of the larger Torbay Hospital site on the western outskirts of Torbay near to the residential areas of Shiphay and Edginswell. The site concerns a central area of the hospital complex that currently consists of low level buildings. The southern part of the application site is located north of the main reception entrance and spreads further north to encompass the existing outpatients' entrance. The area of the site is approximately 85m by 64m and covers an irregular footprint as illustrated on the location plan above.

The site area currently includes one and two storey linked buildings that sit relatively close to much taller elements of the hospital, with a number of these buildings being from four to six storeys high. It forms part of the mid/late 20<sup>th</sup> century grouping of buildings, away from the original brick hospital buildings that date from around the 1920s, and the Grade 2 listed chapel.

In terms of designations the site is within a Critical Drainage Area.

## **Description of Development**

The proposal seeks to reconfigure and extend the existing Emergency Department to provide a facility for improved rapid and comprehensive assessment, diagnostic and early treatment service in a co-located area. The proposed development will be over 4 levels and provide 1678sqm of new build, 465sqm of refurbishment and 262sqm of existing accommodation being demolished.

In terms of new structures the proposal principally seeks upper floor extensions at the northern and southern sections of the development area, with more limited reconfiguration generally linked to the centre core in-between. The northern extension will have 3 floors with an additional roof storey which will be slightly recessed, housing plant. The ground floor will be brick finished with the upper floors finished in bronze aluminium cladding. The recessed roof floor will be finished in light grey aluminium louvres. The extension will be 26.3m wide with 3 storeys rising to 14m, rising to 17m with the plant storey. The southern extension close to the main reception is to a lesser scale with one storey finished in grey aluminium cladding with a recessed roof storey, again for plant, finished in grey aluminium louvres. This extension is 34.2m wide and 8.5m to the top of the plant storey. The accommodation will provide the following:

### **Level 2**

- New ambulatory entrance and enlarged cafe area

### **Level 3**

- New majors department providing 12 no. trolley bays, 1 no. isolation room and a fit to sit area with 6 no. reclining patient chairs
- A remodelled and extended resus area providing 6 no. resus bays
- New paediatrics department providing 6 no. trolley bays
- New minors reception and waiting area
- New minors department providing 3 no. assessment rooms and 7 no. trolley bays

### **Level 4**

- New male and female staff accommodation
- New office accommodation serving the clinical spaces at level 3
- New plant over the extension to the south

### **Level 5**

- New plant over the north extension

### **Relevant Planning Policy Context**

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

#### Development Plan

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

#### Material Considerations

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

### **Relevant Planning History**

**Pre-Application:** None directly related to this application.

**Applications:** The hospital has been subject to numerous applications to extend and improve its facilities over the years.

### **Summary of Representations**

None.

### **Summary of Consultation Responses**

**Torquay Neighbourhood Forum:** No comment.

**Highway Authority:** No comment.

**Torbay Council Drainage Engineer:** Standing advice applies as there is limited new footprint. Comments awaited on proposed controlled discharge solution.

**Torbay Council Community Safety Team:** No objection.

**Torbay Council Arboricultural Officer:** The submitted arboricultural information provides all the necessary information to enable the development to proceed. Recommend conditions for 1) tree protection as per the submitted tree protection statement ref TH/A394/0719 and, 2) Any further arboricultural method statements to be submitted and approved prior to the works taking place.

**South West Water:** No comment.

## **Key Issues/Material Considerations**

### **Planning Officer Assessment**

1. Principle
2. Design and Visual Impact
3. Residential Amenity.
4. Transport and Highway Safety.
5. Ecology and Biodiversity
6. Drainage and Flood Risk

#### **1. Principle**

With regard to the Development Plan Policy SC1 of The Local Plan outlines the importance for development to contribute to improving the health and well-being of the community. The improvement of hospital services is considered aligned with this policy aspiration. The Neighbourhood Plan is silent on the development of health facilities within its health and well-being policies. With regard to other material considerations the NPPF guides that the purpose of the planning system is to contribute to the achievement of sustainable development and relative to this the planning system has three overarching objectives, one being the social objective. The provision and enhancement of health facilities is considered aligned with the social objective of sustainable development, as supported within the NPPF.

For the reasons above the enhancement of the health facilities provided within this established hospital site is considered to be supported in principle through planning policy.

The principle of the development in the context of it being brownfield development should also be considered. Policy TS4 of The Neighbourhood Plan states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. In the absence of significant adverse impacts the policy indicates that the development should be supported.

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

With regard to the Development Plan Policy DE1 of The Local Plan, this outlines that development should be well-designed, respecting and enhancing Torbay's special qualities. The Neighbourhood Plan, through Policy TH8, cites that development must be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings. With regard to other material considerations the NPPF guides that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development (Para 124). It also guides 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 (Para 130).

The scale and design of the development is considered acceptable given the context. The scale of the building will sit comfortably beside the existing large buildings that form part of the immediate visual context. Although the development is significant it will be

lower than adjacent elements of the wider hospital building group that will more widely frame the proposed development. This context (of larger buildings) provides an arrangement where the building will sit comfortably within the locality and where its scale does not raise concern.

With regard to design the development form and detail is considered to harmonise well with the fairly utilitarian feel of the wider building group. These display an evolving character of development spread through many decades. The proposed elevational designs are considered to offer sufficient visual interest to ensure that the structure will appear as a focal point for the site and its users.

In terms of the proposal as a whole it is considered that the scheme is well conceived and accords with the policy aspirations cited above. As such the proposal is considered to be in accordance with design policies contained within the Development Plan and guidance contained within the NPPF.

The conclusion above has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority pay special regard to the desirability of preserving or enhancing the setting of listed buildings. In this respect the development would have no impact upon the setting of the listed chapel due to the visual disconnect and existing character of the wider hospital setting.

### **3. Residential Amenity**

Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Neighbourhood Plan is largely silent on the matter of amenity. With regard to other material considerations, the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (Para 127).

The proposal is set centrally within the hospital site some distance from its borders and adjacent residential occupiers. Considering the location and building arrangement the proposal will not affect the amenity of occupiers of nearby properties/occupiers.

For the above reasons the proposed development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policy DE3 of the Torbay Local Plan and guidance contained within the NPPF.

### **4. Transport and Highway Safety**

Policy TA1 of the Torbay Local Plan in-part seeks to promote development in locations that are easily accessible and safely reached by foot, cycle, public transport, other sustainable transport or car. Policy TA2 of the Local Plan seeks that major developments should provide a good standard of access for walking, cycling, public and private transport. Policy TA3 of the Local Plan requires all new development to make appropriate provisions for car, commercial vehicle and cycle parking. Policy THW5 of the Torquay Neighbourhood Plan states that to encourage use of sustainable forms of transport, new development proposals will be supported where they are

located on or near to public transport routes wherever possible and appropriate. With development in sustainable locations and promoting accessibility and sustainable travel options, but caveats that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 109).

The Design and Access Statement submitted as part of the application does not cite an increase in the employment numbers via the development, but rather that it will improve facilities currently provided by the hospital. Because of this and as the proposal does not impact on the current parking facilities of the hospital, the movement and highway considerations focus on the construction impacts and the (assumed) increased patient capacity. Both of these matters are not expected to present any demonstrable harmful impact in terms of highways and movement patterns when considering the much larger scale of the hospital. As there is a functioning bus route that serves the main reception to the south of the development it is considered expedient to seek information on the construction requirements, compound needs, location, etc, in order to ensure any impacts upon the bus route, general movement and parking facilities, are limited.

The proposal is therefore considered acceptable on highway and movements grounds, and in accordance with the Policies TA1, TA2 and TA3 of the Local Plan, Policy THW5 of the Neighbourhood Plan, and guidance contained within the NPPF.

## **5. Ecology & Biodiversity**

With regard to Policy NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. In regard to other material considerations the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 170).

The application is accompanied by an ecological assessment that concludes that as the development site is principally limited to buildings and hardstanding there is little opportunity for wildlife other than potentially nesting birds and a low potential for bats. In order to ensure that there are no impacts on nesting birds it is considered reasonable to attach a planning condition to ensure that all works impacting roofs should be undertaken outside of the bird nesting season unless previously checked for the absence of nests by a suitably qualified ecologist (March-September inclusive). There is an advisory note on a precautionary approach regarding the low potential for bats and an informative note on any forthcoming decision notice is considered proportionate.

With regard to the policy aspirations towards securing a net gain in biodiversity the accompanying ecology report discusses this matter but does not progress to a detailed proposal. It is suggested that a planning condition to secure proposals to

achieve a net gain in biodiversity, to be secured prior to the first use of the development, would be an appropriate response to the policy position.

With regard to trees on the site there is a submitted assessment that concludes that the proposals are considered to be sustainable from an arboricultural point of view subject to the provision of the tree protection measures detailed within the Tree Protection Plans and that all works being undertaken in accordance with the Arboricultural Method Statement. This conclusion is supported by the Council's Arboricultural Officer.

Having considered the submitted assessments, subject to conditions to secure enhancement features and tree protection measures, as suggested, the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Torbay Local Plan, the Torquay Neighbourhood Plan, and advice contained within the NPPF.

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

Policies ER1 and ER2 of the Torbay Local Plan seeks that development maintains or enhances the prevailing water flow regime on-site and further guides on a hierarchy for the management of surface water with sustainable drainage systems being prioritised. The Torquay Neighbourhood Plan is silent on the matter. In regard to other material considerations the NPPF provides guidance aligned with the Torbay Local Plan, including that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Para 165).

The site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within a Critical Drainage Area as designated by the Environment Agency. A Flood Risk Assessment has been submitted that states that as the accompanying geotechnical report suggests that constraints remove the opportunity for soakaways or similar and suggest a controlled discharge to the public surface water sewer or drain. As the Council's standing advice is to secure a sustainable model advice has been sought from the Council's engineers to corroborate this conclusion. If agreed a controlled discharge would be considered acceptable in accordance with the hierarchy outlined within The Local Plan. Members will be updated.

If agreed a planning condition should be attached to secure this method of drainage unless otherwise agreed by the Local Planning Authority.

The proposal is, subject to comments awaited from the Council engineer, for the reasons above considered in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the NPPF.

## **Sustainability**

Policy SS3 of the Torbay Local Plan establishes the presumption in favour of sustainable development. The site provides enhanced health care facilities at an established health care site that sits in a well-located and sustainable location.

Policy TS4 of the Torquay Neighbourhood Plan states that Development proposals for brownfield sites will be supported, providing there are no significant adverse impacts,

having regard to other policies in the plan. As expressed within previous sections of this report there are not identified 'significant adverse impacts'.

### **Local Finance Considerations**

**S106:** N/A.

**CIL:** N/A.

### **EIA/HRA**

#### **EIA:**

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

#### **HRA:**

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC and does not require a formal HRA.

### **Planning Balance**

The proposed works will provide a number of additional jobs through the construction of the building itself. Furthermore, the provision of the new building will ensure that existing staff can remain in their current positions and contribute to local household income and household expenditure. These matters weigh in favour of the development.

**Housing Supply:** N/A.

### **Statement on 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.

### **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 considered the need to work positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

## **Conclusions and Reasons for Decision**

For the reasons stated within this report the development is considered to be in accordance with the Development Plan when considered as a whole and in accordance with the NPPF when considered as a whole.

The NPPF guides on the presumption in favour of sustainable development and this means for decision making approving development proposals that accord with an up-to-date development plan without delay

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations that indicate otherwise in this instance.

The application is, for the reasons stated above and contained within this report, recommended for approval.

The above conclusion is also guided by advice contained within the NPPF (Para 38) that outlines that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. It also furthers that decision-makers at every level should seek to approve applications for sustainable development where possible. There are, for the reasons within this report, no substantive reasons to not grant planning permission.

## **Officer Recommendation**

Approval: Subject to;

1. Final drafting of conditions delegated to the Assistant Director of Planning and Transport, to include those listed within this report.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning and Transport.

## **Conditions**

### **1. Construction method statement**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) Where necessary the identification of further additional tree protection measures

#### e) Construction working hours

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policies C4 and DE3 of the Torbay Local Plan 2012-2030.

### **2. Tree Protection**

Prior to the commencement of development tree protection as per the submitted tree protection statement ref TH/A394/0719 shall be implemented in full and maintained at all times during the construction phase. Any further tree protection measures and arboricultural method statements submitted pursuant to Condition 1 shall also be implemented and maintained in full at all times during the construction phase.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030.

### **3. Drainage**

Prior to the first use of the development surface water drainage shall be provided in accordance with the submitted flood risk assessment, and shall be maintained at all times thereafter.

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

### **4. Nesting season - birds**

All demolition and/or the removal of any vegetation shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

### **5. Biodiversity measures**

Prior to first use of the development measures to enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the first occupation of the development and maintained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

### **Development Plan Relevant Policies**

SS1 - Growth Strategy for a prosperous Torbay  
SS3 - Presumption in favour of sustainable dev  
SS8 - Natural Environment

SS9 - Green Infrastructure  
SS11 - Sustainable Communities Strategy  
TA1 - Transport and accessibility  
TA2 - Development access  
TA3 - Parking requirements  
C4 - Trees, hedgerows and natural landscape  
DE1 - Design  
DE3 - Development Amenity  
ER1 - Flood Risk  
ER2 - Water Management  
NC1 - Biodiversity and geodiversity  
TS1 - Sustainable Development  
TS4 - Support for Brownfield and Greenfield development  
TH8 - Established architecture  
TE5 - Protected species habitats and biodiversity  
TH2 - Designing out crime  
TTR2 - Sustainable Communities  
THW5 - Access to sustainable transport