

**Application Number**

P/2012/0633

**Site Address**

Land Off Brixham Road, Rear Of Torbay  
Garden Centre Incorporating Yannons  
Farm, Adjacent To Little Preston, Short  
Preston And Woodlands  
Paignton  
Devon

**Case Officer**

Mr John Burton

**Ward**

Blatchcombe

**Description**

Approval of all reserved matters for a 6257sqm pharmaceutical manufacturing unit (use class B1) with associated external buildings.

**Executive Summary/Key Outcomes****Background**

This application is submitted as a reserved matters proposal linked to the outline consent for residential development and employment space at Yannons Farm, west Paignton. Although the indicative masterplan layout for the outline envisaged a number of smaller employment units being built on the site, the scheme for one large employment unit will fulfil the brief and in fact will secure the delivery of the entire quantum of employment space at an early stage in the development.

**Key Outcomes**

The proposal for 6257sqm of employment space in the form of a pharmaceutical manufacturing unit (PMU) would consolidate the existing operation that currently supplies approximately 200 products to 1400 customers across the UK and Europe, including the NHS. The current operation (which is spread across three sites in Torbay; the Hospital site in Torquay, Kemmings Close in Paignton, and Woodview Road in Paignton) employs some 85 people.

The new facility will accommodate existing employees and provide opportunity for the growth of the business. The core business will remain the production of terminally sterilised liquid medicines for injection, oral use, instillation and external use, with a new aseptic unit and a small non-sterile manufacturing capability. However, the new building will enable the core business to expand and grow and further diversification of the product range to take place. As such this scheme will ensure the retention and expansion of jobs in the skilled manufacturing sector within Torbay.

**Summary of current position**

The application has been subject to much discussion and negotiation at pre-application enquiry stage, and consequently none of the important consultees have raised objections. At the time of compiling this report, comments are awaited in terms of the landscaping proposals and the visual impact from surrounding land and officers are negotiating to try and improve the sustainability of the building and the operation itself. The results of these further discussions will be reported to Members at the committee meeting. However, it is believed that any issues in these regards can be overcome. A full Planning Obligation including financial payment to offset costs arising from this development was dealt with at the outline stage.

### **Recommendation**

Approval of part discharge of the relevant outline conditions (1, 4, 9, 11 and 15); Subject to further officer consideration of landscaping and visual amenity issues, further information on drainage, further details on highways issues (travel plan).

The conditions remain to be satisfied for the rest of the site and the rest of the development as approved in the outline consent.

### **Site Details**

The application site is part of the land at Yannons Farm off the main Brixham Road (A3022) in Paignton. The site as a whole rises towards the south west with land beyond the ridge to the west being designated as an Area of Great Landscape Value (AGLV). To the north of the site is the existing Sainsbury's superstore off Yalberton Road, and to the south of the site lies South Devon College and the former Nortel employment site. The application site itself is part of a wider employment land allocation (E1.16c) within the Saved Adopted Torbay Local Plan (1995-2011).

The outline approval for a mixed use development at Yannon's Farm included an element of employment (B1) floorspace, and this application is submitted to address this. The site proposed for the employment allocation is towards the middle of the development site as a whole, immediately due south of the Sainsbury's store. The site falls by approx. 11 metres from the south to the north (towards Sainsbury's).

This application site is part of a much larger area which currently has consent for a mixed use development including housing, employment uses and a local centre.

### **Detailed Proposals**

The outline approval for a mixed use development on land at Yannon's Farm, granted in October 2011, included approximately 5,600 Sq. M. of employment (B1) floorspace. The applicant for that permission (Cavanna Homes) has since entered into negotiations with the South Devon Healthcare Foundation Trust with

a view to them using this allocation.

At the present time, the manufacturing, warehousing and quality control laboratory, which together form the PMU business are located across three separate locations in Torbay. These are the Hospital site in Torquay, Kemmings Close in Paignton, and Woodview Road in Paignton. The existing sites are small and congested and have no opportunity to increase the floorspace of the facilities. With new standards and legislation being introduced and the need to supply a growing market, the local N.H.S. Trust needs to relocate to meet growing demand. This application site meets their requirements.

As employment has already been approved in outline for the Yannon's Farm development this application is a submission of Reserved matters in respect of the employment allocation. The conditions that need to be met are as follows:-

*Outline consent condition 1*      The siting, design and external appearance of the proposed building, the datum level at which it is to be constructed, the colour, type and texture of all external materials including hard-surfaced areas, the means of access from any public highway, vehicle parking, landscaping, and all other works, including boundary treatment.

*Outline consent condition 4*      Details of a sustainable urban drainage system (or such other surface water drainage scheme as may be agreed).

*Outline consent condition 9*      Details of the works to the off site sewer infrastructure as agreed with the utility provider.

*Outline consent condition 11*      A Tree Protection Plan (TPP)

*Outline consent condition 15*      A lighting scheme

Details have now been submitted in order to satisfy the above conditions. They show a single building with a gross floor area of approximately 6257 m. sq. This will allow initially for about 100 people to be employed. However the scheme also allows for a further expansion of 500 m. sq. of floorspace to meet a planned future increase in production. The building is shown spread over two floors. The manufacturing process occurs towards the front of the building at ground floor level, with the office space and laboratories located above on the first floor. Both storeys at the rear of the site (adj. Sainsbury's) are taken up with warehousing. The building is shown set into the ground at its southern end and slightly raised above the existing contours at its northern end, in order to minimise cart away during construction.

Staff car parking is located to the south and east of the building, with the service yard to the north of the building. A landscaping scheme is proposed along the highway frontage to the south and the west in order to soften the appearance of

the structure. An existing hedgerow on the east of the site is shown as being retained. The plans show parking for 100 cars with 5 dedicated disabled bays close to the entrance to the building.

### **Summary Of Consultation Responses**

*Devon and Cornwall Constabulary* The proposals have been developed using 'Secured by Design' guidance and in consultation with the Devon and Cornwall police and the Home Office Drugs Licensing and Compliance Unit. It is the Police Architectural Liaison Officer's opinion that every opportunity has been taken from the start to reduce the crime and ASB impact of this proposal.

*Torbay Local Access Forum* Has concerns as to whether this proposal would affect Public Rights of Way and access to the countryside in general.

*Environment Agency* Comments that the site is in flood risk zone 1 and is a development of under 1 hectare, therefore standing advice applies. This basically states that the management of surface water run-off and drainage from new development must not increase flood risk either on-site or elsewhere, Government policy strongly encourages a sustainable drainage system (SUDS) approach to achieve these objectives.

*Strategic Transportation and Highways* Further observations awaited and will be reported to members at their meeting.

*Drainage* The Council's Service Manager (drainage) requires further information before he could confirm that the conditions could be discharged. That information has been requested, and the response will be reported to Members.

*Environmental Health Officer* Observations awaited

*Highways / Transport* Observations awaited

### **Summary Of Representations**

So far 2 letters of representation have been received - one expressing concern and one in favour. The main concerns are:-

Details seem vague,  
Size and coverage seem big,  
Potential for emissions from unit affecting the locality  
Point of access isn't clear,  
Potential for increased noise,  
Trees would lessen impact.  
Loss of fields would be a shame

Positive comments include :-

Would create more jobs  
Need for jobs in the area  
Should be implemented as soon as possible

These representations are re-produced at Page P.200.

### **Relevant Planning History**

- P/2010/0289      Mixed use development to form approx 220 dwellings, approx 5,600 Sq. M. gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline) - advertised as a departure from the Torbay Local Plan. Conditional approved granted 4/10/2011
- P/2007/1421      Junction improvements and formation of new access to facilitate access to land to the west (Resubmission Of P/2006/0678). Approved 14.11.2008

### Relevant Policies

Saved Adopted Torbay Local Plan (in so far as the policies are consistent with the NPPF)

- ES    Employment strategy
- E1    New employment on identified sites
- E1.16c Yalberton Road, Paignton
- E6    Retention of employment land
- BES   Built Environment Strategy
- BE1   Design of New Development
- BE2   Landscaping and design
- T25   Car parking in new development
- T26   Access from development onto the highway
- L8    Protection of hedgerows, woodlands and other natural landscape features
- L9    Planting and retention of trees
- L10   Major development and landscaping
- EPS   Environmental protection strategy
- EP1   Energy efficient design

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

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

The principle of employment uses at this new mixed use development has already been established with the outline consent and is in accordance with Local Plan policy. The Saved Adopted Torbay Local Plan designates the land for employment purposes [E.16(C)], and so the current proposal is in line with adopted policy.

The outline approval granted permission for approx 5,600 Sq. M. gross of

employment (B1) floorspace. Although this current proposal is for slightly more floorspace (an additional 657 Sq. M.) the approval did not specify a definitive figure and this current application is considered to be within the remit of the outline consent. The proposed use as a pharmaceutical manufacturing unit is defined as a B1 use (Use Classes Order) and so the proposed use is also in line with the outline consent.

### **Use**

The intended use as a pharmaceutical manufacturing unit would consolidate the existing operations, that currently supplies approximately 200 products to 1400 customers across the UK and Europe, including the NHS. The current operation (which is spread across three sites in Torbay; the Hospital site in Torquay, Kemmings Close in Paignton, and Woodview Road in Paignton) employs some 85 people.

The new facility will accommodate existing employees and provide opportunity for the growth of the business. The facility will accommodate the production suites and support areas for manufacturing, the quality control laboratory and warehousing and offices.

The facility will be equipped to produce both sterile and non-sterile products, the core business will remain the production of terminally sterilised liquid medicines for injection, oral use, instillation and external use, with a new aseptic unit and a small non-sterile manufacturing capability. However, the new building will enable the core business to expand and grow and further diversification of the product range to take place.

### **Scale -**

This is a matter that was reserved by the outline consent. This is a large building positioned in what will become a primarily residential area. Although the existing very large Sainsbury's building does lie immediately to the north.

To integrate the proposed building into the proposed surroundings, the southern elevation is shown built into the hillside and so only the upper part of the building would be visible. This will tend to reduce the scale and bulk of the building from its most public elevation. This will make it more appropriate in scale in comparison to the proposed housing development on the opposite side of the main spine road into the site (approved in outline, with details yet to be submitted). Consideration of the appearance of the building in scale from the wider landscape beyond (South Hams) has yet to be finalised and will be reported to Members at their meeting. However, it is known that the building would have very limited visibility from the south as there is a ridge leading up to the college playing fields that acts as a barrier to visibility.

### **Design -**

The south and west elevations are generally treated with a mini microrib panel

cladding system. Windows have been designed as slots within the cladding with brise soleil designed as a continuous element. This gives a horizontal nature to these elevations to help minimise the perceived vertical height of the building. The building is finished with a number of stair towers that stand proud of the building and are finished with a wood composite rainscreen panel. This is also considered to help break up the mass of the building.

The proposal was presented to the Design Review Panel for their advice in November 2011 when it was submitted as a pre-application inquiry. The Panel's report is reproduced at page P.200. The panel wholly supported the construction of a PMU in Torbay as a major employer in the area. The panel also considered that the PMU, as a light industrial use could be a good neighbour to the proposed adjacent residential developments.

It was felt that the position of the building on the site together with the landscaping proposed would help to minimise the presence of the building. The Panel particularly liked the high quality finish to the southern entrance elevation.

There were concerns expressed about having the access road to the east of the PMU, but this has been addressed by the architect who has now redesigned the proposal with the road to the west and the building set to front that road, with the parking behind (effectively shielded from view). The panel did express the need to consider the proposal from distant vantage points, this work has been carried out by the developer and is being assessed by Officers. In summary, the Panel looked favourably upon the proposal and the architect has responded positively to constructive suggestions made by the panel.

#### **Parking and access -**

A car park is shown to the south and east of the building providing off-street parking for 100 cars. 5 disabled parking spaces are shown dedicated near the entrance to the building. Secure cycle parking for 14 cycles is shown at the front with a defined pedestrian route into the building itself. The building has been designed to cater for movement of disabled people through the building.

#### **Economy -**

The local NHS trust is prepared to invest a lot of money into this project which will keep the drugs manufacturing process within Torbay. The site is more appropriate for a facility like this as it concentrates production and distribution into one site (instead of three) and will have good access to local transport routes. It is estimated that this facility would realise 100 job opportunities, around 85 of which will be retained from the three existing premises in Torbay. The scheme also includes provision for future expansion of the business.

Furthermore, the vacation of the other three sites would provide for serviced and available employment units to be taken up by other employers for other business purposes. Therefore the overall jobs potential arising from this proposal as a

whole will be significant to the Bay.

### **Climate change -**

The original sustainability appraisal was somewhat disappointing compared to officers' expectation, particularly in respect of the use of PV cells and having an ability to utilise the district heating facility currently being considered for the western part of Paignton (particularly Whiterock). The applicant has been asked to reconsider this element, and the LPA is expecting a positive response. This will be reported to Members at their meeting.

### **Environmental Enhancement -**

The ecological impacts of building on this parcel of open countryside were considered as part of the outline approval. Conditions were placed upon the consent to protect wildlife in general many of which have already been implemented. There is nothing specifically for this application to address in this regard.

### **Landscape and Visual Impact**

A Visual Assessment was submitted with the planning application and picks up on 6 key views of the site from the surrounding area. The report findings conclude that, due to the topography of the site and the surrounding land, due to the existing landscape screening and due to the existing and proposed surrounding development, the proposal remains largely obscured from views from the south. In views from the north the development will be seen in its context and read as a part of existing and forthcoming development, including the existing Sainsbury store, employment development at Yalberton and along the Brixham Road, and residential development. The landscape proposals and the cutting in of the building into the site will also assist in assimilating, what is a very large building into the site.

Notwithstanding the findings of the Visual Assessment, this large building has the potential to be prominent in local and distant views and as such the likely impact is being assessed in further detail by officers. Members will be informed at their meeting of findings in this regard.

### **Accessibility -**

Access is dictated by the layout which is being designed by the applicant for the housing element of the broader Yannon's Farm proposals. However, care has been taken to ensure that all access roads leading to the PMU will be capable of taking the larger forms of transport which are likely to be used as part of the operations.

In parking terms, the number of spaces proposed exceeds usual standards. It is questionable whether the parking level proposed would meet the tests of providing developments that encourage modal shift to more sustainable form of transportation. However, the local NHS Trust has a specific requirement in this



regard and does not want a diminution of the spaces shown. With most of the spaces being hidden from view behind the proposed building and judicious use of planting, the numbers need not be a visual problem.

### **Vibrant Town Centres -**

It is not considered that this proposal would have any adverse impact on Paignton Town centre, as it is a unique stand alone facility that cannot readily be placed in a town centre location.

### **S106/CIL -**

There are no s106 or CIL requirements as part of this application because it has been submitted as a Reserved Matters application to an outline consent. The financial payments due to offset costs that could arise from the proposal as a whole were rightly considered at the outline stage. In any event, the facility will provide jobs to mitigate against a requirement for sustainable transport contributions.

### **Conclusions**

The proposal can be considered as being a Reserved Matters application to the outline consent because it is of a similar size and same Use Class as that approved in outline. The proposal should be welcomed because it will provide approximately 100 jobs, a number of which will be new. There are no transportation difficulties with this proposal because the new road network surrounding the site will be designed to take on board the needs of the end user. The building has been well designed to try and assimilate it into what will become a primarily residential area, through careful setting out on site and use of materials.

The landscape setting of the building will need bolstering, and it will be important to consider the impact on views of this 'large' building from the open countryside beyond. It is not considered, however, given ongoing consideration, that this issue will be insurmountable. Consultees have responded positively and the scheme has been well received in general locally.

This application is recommended for approval on the basis of the considerations above, however, the implications of such a large building in what will become a primarily residential area requires due consideration. The PMU will be predominantly hidden from views from the south by the ridge, however, it is recommended that a member site visit is held in order to provide opportunity for a full understanding of the visual impact of the proposed building.

### **Relevant Policies**

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