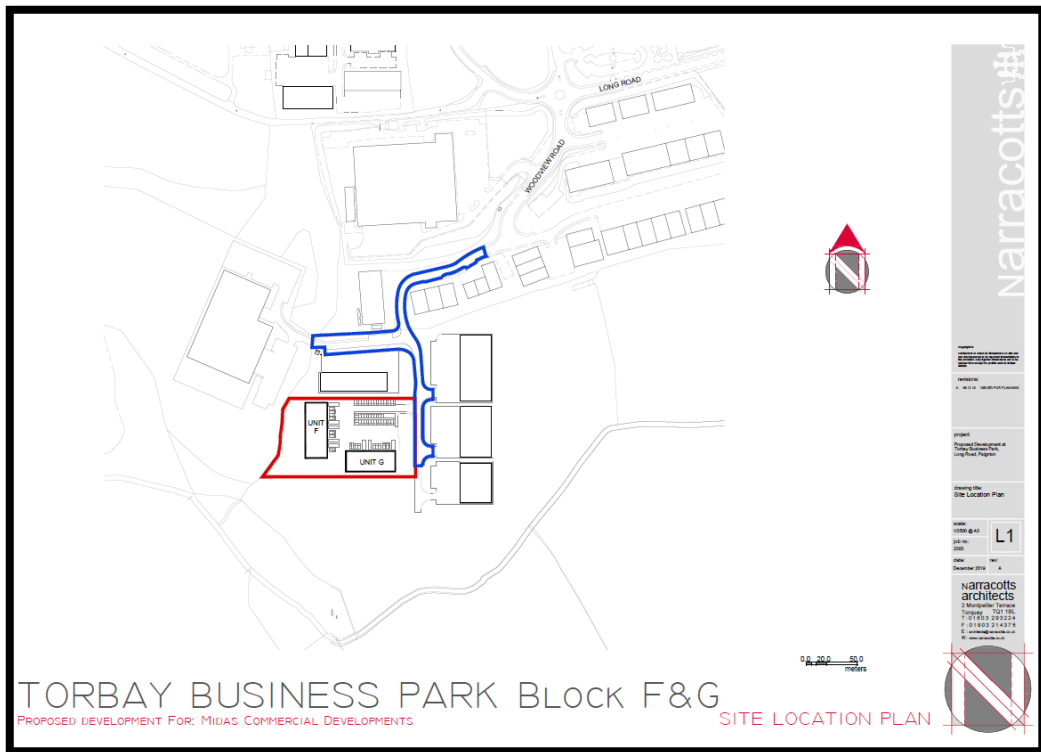




Application Site Address	Land Adjacent To Unit 36, Torbay Business Park, Woodview Road, Paignton
Proposal	Construction of two commercial Units (reference 'F' and 'G') to provide 2044m ² floor space. Unit F to be sub-divided into 5 smaller units. Unit G to be sub-divided into 3 smaller units. Buildings are surrounded by circulation space, car parking and hard standing to facilitate lorry deliveries and dispatches.
Application Number	P/2019/1307
Applicant	
Agent	Narracotts
Date Application Valid	11.12.2019
Decision Due date	11.03.2020
Extension of Time Date	
Recommendation	Conditional approval
Reason for Referral to Planning Committee	Major Planning Application
Planning Case Officer	Mr. Alexis Moran



Site Details

The application site is to the south west and west of the existing industrial units on Woodview Road. The site is separated from proposed residential units associated with application references P/2011/0197 and P/2013/1229 by the proposed ridge top park as part of the wider plans for the Whiterock site.

To the south and west of the site is open countryside and the South Devon AONB. To the north and south west of the site are areas of woodland associated with Shopdown Copse and St Peters Copse (identified as Other Sites of Wildlife Interest and an Unconfirmed Wildlife Site within the Torbay Local Plan 2012-2030).

The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head. The site is also situated within a Mineral Safeguarding Area and Flood Zone 1, Critical Drainage Area.

Two industrial buildings associated with the original outline consent have been constructed under approved reserved matters application P/2013/1009 and two have been constructed under application P/2017/1042 which are to the north and to the east.

Access to the site is from the newly constructed access road from Wood View Road, as approved as part of the outline permission and the permission for Units A and B (P/2013/1009/RM), later extended as part of the permission for Unit C (P/2017/1042).

Description of Development

This planning application seeks permission for the construction of two Employment buildings (B2 general industrial & B8 Storage and Distribution), which will provide a total of 2043.87 sq. m (GIA) of floor space within 2 separate buildings (Units F & G).

Unit F is to be 8.1m in height by 21.5m wide and 54.2m long, Unit G is to be 8.1m in height by 20m wide and 48.5m long. The proposed building would be finished in blue, white silver and grey galvanised steel and smooth composite cladding with blue engineering brickwork plinths. The proposed ridge heights accord with the previously approved outline application (P/2011/0197).

The proposed provides 62 parking spaces for Units F and G (including of 8 disabled spaces), as well as 8 lorry bays. The level of parking complies with Torbay Local Plan requirement for B2 use. Cycle storage for a total of 16 bikes within a central covered and lockable store is to be provided. External storage areas have been indicated in areas where they are set at low level and not prominent from public viewpoints.

Access to the site is from the newly constructed access road from Wood View Road, as approved as part of the outline permission and the permission for Units A and B (P/2013/1009/RM), later extended as part of the permission for Unit C (P/2017/1042).

The applicant has advised that the proposal is likely to provide 55 new jobs.

It is proposed to retain existing hedges on the site and to provide new tree planting.

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

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

P/2017/1042 Construction of two Use Class B2 industrial manufacturing units, to provide 2255.9m² (GIA) of floor space, external lighting, circulation space, car parking and hard standing. APPROVED 16.11.2018

P/2017/0848 Variation of condition on application P/2016/0880: Erection of Class B2 industrial building of 6,000 sqm floor space to include parking, external lighting, hardstanding and circulation space. Condition 13: Surface water drainage (revised drawings submitted). APPROVED 13.09.2017

P/2016/0880 Erection of Class B2 industrial building of 6,000 sqm floor space to include parking, external lighting, hardstanding and circulation space (proposal / description amended 8 September 2016) APPROVED 03.03.2017

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

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

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

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

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

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

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

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

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

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

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m²A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) APPROVED 29.04.2013

Summary of Representations

None received

Summary of Consultation Responses

Community Safety – no objection

AONB Officer – no comment

Natural England – no objection

Torbay Development Agency - *We fully support this much needed next phase of development of Phase 6, Torbay Business Park, Woodview Road, Paignton.*

We currently have over 500,000 sq ft of demand for employment space. To meet the needs of our local growing businesses and the needs of continued inward investor enquiries, we need these sites to come forward quickly so we can support the

Council's growth aims as set out in their economic strategy 2017-2022. As an area with the lowest level of GVA (Gross Value Added) per employee in England, bringing forward such employment sites is essential if we are to unlock and realise Torbay's growth potential, providing much needed employment for local residents.

Strategic Transport – no objection, subject to the footpaths connecting up.

Wales & West Utilities – no development should be built over plant or enclose apparatus owned by WWU.

Torbay Council's Drainage Engineer - *providing the surface water drainage is constructed in accordance with the submitted hydraulic design I have no objections on drainage grounds to planning permission being granted.*

Torbay Heritage advice - *It appears that whilst there are heritage assets (including a Scheduled Ancient Monument and Listed Buildings) in the wider area, the distances, gradients and vegetation between these and the application site should result in no adverse impact upon the setting of identified heritage assets.*

South West Water – No objection

RSPB – No comment

Torbay Council Senior Tree and Landscape Officer - *The AMS and TPP are agreeable with all recommendations within the documents to be adhered to throughout the development.*

The soft landscaping is a reflection of the existing landscaping in the neighbouring areas in terms of quantity and is adequate for the site and context.

Torbay Council Ecology Consultant:

Overall impact assessment

Subject to compliance with the proposed mitigation and monitoring measures it is considered there would be no significant long-term negative effects on biodiversity receptors and the development would be compliant with relevant biodiversity legislation and policy.

Conclusion : *No Biodiversity Objection: subject to the findings and recommendations of the submitted assessment documents and recommended conditions.*

Recommendation:

1. *Works to proceed in strict accordance with the following submitted documents:*

- *Ecological Assessment, Units F & G Torbay Business Park [Tyler Grange, dated November 2019];*
- *Arboricultural Method Statement and Tree Protection Plan [Evolve Tree Consultancy dated November 2019];*
- *Landscape Proposals Dwg no. 12277/P01 [Tyler Grange, dated October 2019];*

- *Ecological Constraints and Opportunities Plan Dwg 12277/P06 [Tyler Grange, dated October 2019];*
 - *External Lighting for Planning Torbay Business Park Units F& G [Hoare Lead, dated 26 November 2019].*
2. *A pre-commencement condition to be attached requiring the submission and approval of a Construction Environmental Management Plan (CEMP) – Biodiversity as a condition of planning approval.*
 3. *A condition to be attached requiring the submission and approval of a Landscape and Ecological Management Plan (LEMP) prior to occupation.*
 4. *A condition to be attached requiring the submission of a mitigation compliance report prior to occupation.*
 5. *A standard condition that light spill shall not exceed 0.5 lux within 10 m of the existing western boundary hedge or adjacent woodland.*
 6. *A standard condition that no additional external lighting shall be installed without prior written approval of the location planning authority.*

Reason: *To ensure no harm to protected sites, habitats and species in accordance with the Conservation of Habitats and Species Regulations 2017, NPPF and Policies SS8, SS9, C4 NC1, SS2 of the Torbay Local Plan.*

Key Issues/Material Considerations

Planning Officer Assessment

Principle of development

The matters for consideration are:

1. Principle of Development
2. Economic Benefits
3. Design and Visual Impact
4. Impact on Amenity
5. Trees and Ecology
6. Flooding and Drainage
7. Highways Impact
8. Other Considerations

1. Principle of Development

The application is for full planning permission for the erection of two industrial buildings, on land that was included in the outline consent for development at White Rock under P/2011/0197. This outline permission has now expired. The application site relates to two separate buildings units F and G and relates to the western bowl of the wider White Rock site.

Policy SS5 of the Torbay Local Plan 2012-2030 supports the provision of new employment space and the improvement of existing employment space in West Paignton. Similarly policies SS2 and SDP3.5 support the creation of a range of employment opportunities in this area. The Torbay Development Agency supports the provision of this employment use. Additionally, Policy PNP21 of the Paignton Neighbourhood Plan aims to secure the provision of new employment opportunities.

The site is identified within the Torbay Local Plan as Countryside Zone and shown as a potential development site for consideration in the Neighbourhood Development Plan, primarily for employment investment (site CDSP18). The Paignton

Neighbourhood Plan Policy PNP21 seeks secure jobs growth in White Rock and the surrounding areas, and refers to planning applications having secured 36,800 sq m of employment floorspace at White Rock. As the site is not allocated for employment development the application it could be considered a departure from the Torbay Local Plan 2012-30.

However, other material considerations are relevant. Whilst the previous permission does not bind the Authority, it was made under a similar policy framework and there is a need to ensure consistency in decision making. The site has been partly built out, and is within the SDP3.5 Strategic Delivery Area. The NPPF and Torbay Economic Strategy place weight on securing employment development, and Torbay has a pressing need to improve the jobs market, which has been identified as a serious problem for adult social mobility in the Bay.

The provision of employment uses within the site has been established by the earlier outline application (P/2011/0197) for the wider Whiterock site. Whilst this application has now expired, it remains a material consideration which, as there have been no significant changes in circumstances (i.e. the allocation of the land still remains as countryside zone), may be afforded significant weight.

Additionally, the continued provision of employment uses in this location continues to be supported by current Local Plan policies (notably SPD3.5) and is important for economic recovery and growth in Torbay. Although the proposed development is contrary to the Torbay Local Plan 2012-30 by reason of being located within the allocated 'Countryside Zone', on balance the principle of industrial uses on this site remains acceptable and should be supported.

Consequently, the principle of the proposed development is acceptable.

2. Economic benefits

Policy SS1 (Growth strategy for a prosperous Torbay) of the Local Plan states that development should reinforce Torbay's role as a main urban centre and premier resort. Policy SS4 (The economy and employment) supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses; it encourages new businesses and investment into the area in order to create new jobs; and it promotes the expansion and diversification of the economy of the Bay.

Policy SS11 (Sustainable communities) explains that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

The applicant advises that the development would create 55 new full time jobs and the Torbay Development Agency (TDA) supports the application, noting that they *“fully support this much needed next phase of development of Phase 6, Torbay Business Park, Woodview Road, Paignton.”*

The TDA have advised that there is demand for over 500,000 sq ft of employment space in Torbay and that sites such as the one proposed are required to support the Council's growth aims as set out in their economic strategy 2017-2022.

The TDA's consultation comments conclude that as an area with the lowest level of GVA (Gross Value Added) per employee in England, bringing forward such employment sites is essential to unlock and realise Torbay's growth potential, providing much needed employment for local residents.

Bearing this in mind it is considered that proposed commercial units would correspond with the aspirations of Policies SS1, SS4 and SS11 of the Local Plan and Policy PNP21 of the Paignton Neighbourhood Plan.

3. Design and Visual Impact

The National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. New development should be sympathetic to local character and history, including surrounding built environment and landscape setting.

Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high-quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Criterion 3 refers to development that helps to develop a sense of place and local identity and criterion 10 refers to delivering development of an appropriate type, scale, quality, mix and density in relation to its location.

Following on from this, Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

The proposed buildings are considered to be of an appropriate scale and are consistent with other employment buildings within the business park. The proposed building would be finished in blue, white silver and grey galvanised steel and smooth composite cladding with blue engineering brickwork plinths. The appearance of the units in terms of elevations, materials and colour are in keeping with similar developments within this location. The ridge heights are consistent with the ridge heights of the outline approval.

The buildings are surrounded by circulation space for future maintenance, car parking and hardstanding to facilitate lorry deliveries and dispatches.

The proposed landscaping for the site is appropriate to the site's context and limited visibility within the wider local landscape. It provides for retention of the existing

hedge to the west and new tree planting to ensure that the visual impact of the proposal is negligible. The soft landscaping is a reflection of the existing landscaping in the neighbouring areas in terms of quantity and is considered to be adequate for the site and context.

Given the proposal's siting, layout, scale, and overall design, it is considered that they would not result in any unacceptable harm to the character of the area and it is considered that the proposal is in accordance with Policies DE1 and SS11 of the Local Plan and the guidance contained in the NPPF

4. Impact on Amenity

The proposals are to be sited to the west of the approved residential development (P/2011/0197 and P/2013/1229). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution.

The proposed building is positioned some distance from proposed residential dwellings and is separated by a proposed ridge-top park and is not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing.

Due to the distance (some 410 metres) separating the proposal from neighbouring dwellings, the lighting proposed and any noise as a result of the operation of the building is not considered to result in a nuisance to current or future residential occupiers of Whiterock.

The proposal is deemed to comply with Policy DE3 of the Torbay Local Plan.

5. Trees and Ecology

Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features. The site is currently very limited in terms of its landscape features.

It provides for retention of the existing hedge to the west and new tree planting to ensure that the visual impact of the proposal is negligible.

As previously noted the proposal retains the existing hedge to the west and the landscaping for the site is appropriate to the site's context and is a reflection of the existing landscaping in the neighbouring areas.

The Council's Senior Tree and Landscape Officer has confirmed that the submitted Arboricultural Method Statement and Tree Protection Plan are acceptable and a condition will be added to ensure the documents are adhered to at all times throughout the development.

The proposed development will have minimal impact on the green infrastructure that surrounds it and the Council's arboricultural officer has confirmed that it complies with Policy C4 of the Local Plan.

Policy NC1 seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of terrestrial and marine environments, and fauna and flora, commensurate to their importance.

The application lies within 6.2 km of South Hams SAC and is within the Berry Head SAC Sustenance Zone. No non-statutory designated sites lie within the application boundary. White Rock County Wildlife Site (CWS) lies 40m to the north designated for its broadleaved woodland and old neglected orchard. Waddeton Woods CWS which includes Shopdown Copse is located 96 m to the south west.

The site is dominated by species-poor semi-improved grassland with tall ruderal vegetation. A small section of species-rich hedgerow is located to the west of the site.

The site has potential to support species of bats, breeding birds, badger and common reptiles and surveys have been completed following standard guidelines.

Bat activity surveys identified no roosts within the application site and bat activity across the site has been found to be low with common pipistrelle most frequently recorded, with occasional *Myotis* species and low numbers/individual rare bat species including greater horseshoe bat.

Suitable bird breeding habitat is present and a range of mainly common species have been recorded within the site. Low numbers of curlew were recorded within the area, including the application site within habitat that will remain unaffected by the proposed development. Extensive breeding bird habitat is available locally and the site is not considered to be of ornithological interest.

No evidence of badger or badger setts was recorded within the site during any surveys completed during 2017 and 2019. Reptile surveys in 2017 recorded a small population of slow-worm on the site and in connected habitat. The majority of potential reptile habitat is off-site and will remain unaffected by the proposals. Appropriate mitigation will be undertaken to ensure no adverse impacts occur to any reptiles that could be present within the site.

Mitigation and enhancement measures are included in Section 4 of the submitted Ecological Assessment, External Lighting Plan, Soft Landscaping Proposals and the Arboricultural Method Statement and Tree Protection Plan and include:

- New native meadow grassland (0.24 ha)
- New amenity grassland (0.07 ha)
- New ornamental planting (50 sq m)
- Retention, protection, enhancement and management of existing hedgerow
- Tree protection during construction in accordance with BS 5837:2012
- A lighting scheme to ensure no light spill greater than 0.5 lux within 10 meters of the boundary hedgerow and adjacent woodland habitat
- A variety of bat boxes on trees in the wider area
- Timing of works outside of the bird breeding season or under ecological watching brief
- Phased habitat clearance under ecological supervision to protect reptiles

The developer has also entered into a Section 106 agreement with Torbay Council in relation to the planning consent for Units C & E to provide payment that will compensate for impacts to curlew buntings including those from Units F and G and will be used to enhance habitat for this species in the local area. The retained hedgerow is to be enhanced comprising a meadow grassland buffer offering foraging opportunities for curlew buntings and bats post development.

Subject to compliance with the proposed mitigation and monitoring measures it is considered there would be no significant long-term negative effects on biodiversity receptors and the development would be compliant with relevant biodiversity legislation and policy.

HRA/AA

A Habitats Regulations Assessment has been carried out on behalf of Torbay Council in relation to effects of the proposals alone or in-combination with other plans or projects on European sites. Subject to implementation of mitigation measures to retain and protect greater horseshoe bat commuting habitat and adjacent mitigation areas, the Council concludes the proposals will not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects.

E IA

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.

6. Flooding and Drainage

Policy ER1 (Flood risk) states that development must be safe for its lifetime, taking account of its future use, function and government projections of how the risk of flooding may change in response to climate change. Development proposals will be expected to maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is in flood zone 1, the Council's drainage engineer has confirmed that the submitted surface water drainage design has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or

land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. The proposal is therefore deemed to comply with Policies ER1 and ER2 of the Local Plan.

7. Highways Impact

Consultation comments from Strategic Transport state that they have no objection to the proposal and the submitted Transport Statement states that the trip generation of the proposed schemes both individually and combined is small and will have a negligible impact upon the operation of the highway network. It goes on to say that this is particularly relevant given the scale of highway mitigation introduced on Brixham Road to accommodate extension to Torbay Business Park.

In terms of car parking, the proposal includes 62 car parking spaces for the two units. Policy TA3 and associated appendix F of the Torbay Local Plan sets a parking standard of 1 space per 35 sqm, which would require 58 car parking spaces overall. Therefore the level of parking proposed accords with Policy TA3 of the Local Plan.

In terms of cycle provision, the proposed plans indicate 16 cycle parking spaces are proposed which, in line with Appendix F of the Local Plan, are secured and covered.

8. Other Considerations

S106

The developer has entered into a Section 106 agreement with Torbay Council in relation to the planning consent for Units C & E (P/2017/1042) to provide payment that will compensate for impacts to curlew buntings including those from Units F and G and will be used to enhance habitat for this species in the local area. No further contributions are required.

Mineral Safeguarding Area

The site is within the Mineral Safeguarding Area. This issue was assessed in detail at the outline application stage and the previous permissions are material considerations. The Local Plan continues to support the provision of employment uses in this location. Policy M3 of the Torbay Local Plan states that the Council will seek to safeguard important mineral resources and sites. Information submitted at outline stage which established the development of the site within the Mineral Safeguarding Area concluded that the development of this site would have a minor negative impact upon the opportunity to deliver open limestone extraction within the immediate vicinity of the site. On balance and having considered the environmental impacts of extraction in this location together with previous permissions on this site, the development of this site is not considered to result in a significantly detrimental impact upon mineral extraction in this location.

Sustainability

The technical design of the buildings will seek to achieve best practice in terms of U-value characteristics of the key heat-loss routes, namely windows, doors, walls, floors and roof. In addition best practice in construction will seek to address issues such as cold bridging and air tightness.

The proposal includes energy efficient lighting and external storage to encourage recycling. It also has access to nearby public access.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide additional employment facilities while maintain the landscape and rural character of the area. The proposal would have an acceptable impact on the ecology of the area.

Community Infrastructure Levy

The proposal is for B1 employment use, Torbay Council collect CIL payments for new dwellings and for larger out-of-town/district centre retail and food and drink developments. Therefore the industrial units' proposal would not be liable for a CIL payment.

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.

Conclusions and Reasons for Decision

The proposal would provide additional jobs with minimal harm to the character of the area.

The proposal is considered to be acceptable, having regard to the Local Plan, Torquay Neighbourhood Plan, and all other material considerations, subject to the use of planning conditions.

Officer Recommendation

Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change.

Conditions

1. The development shall be undertaken in accordance with the Ecological Assessment (reference 12277_R02a_AH_HM, received 10.12.2019) which includes the *Ecological Constraints and Opportunities Plan* (Drawing ref: 12277/P06).

Reason: To secure a satisfactory form of development in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

2. External lighting equipment will be installed and maintained in full accordance with the proposals and specifications set out in the External Lighting Report (ref: 0308135-08-AFB revision P4 received 10.12.2019) for the operational life of the developments.

External light spill from the development during its operational life shall not exceed above 0.5 lux within 10 metres of the existing western boundary hedge or adjacent woodland and as specified in the aforementioned report and the Ecological Assessment (reference 12277_R02a_AH_HM, received 10.12.2019)

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with policies NC1 & SS8 of the Torbay Local Plan 2012 to 2030, and guidance in the NPPF.

3. No development shall take place (including demolition, ground works, vegetation) until a Construction Environmental Management Plan (*CEMP: Biodiversity*) has been submitted to and approved in writing by the local planning authority. The CEMP (*Biodiversity*) shall be prepared in accordance with specifications in BS42020; clause 10.2 and shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
 - e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority. Details of how mitigation measures have been adhered to shall be submitted to the Local Planning Authority prior to occupation of either of the buildings hereby approved.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with policy NC1 of the Torbay Local Plan 2012 to 2030, and guidance in the NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

4. Prior to the occupation of either of the buildings a Landscape and Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP. Details of how mitigation measures have been adhered to shall be submitted to the Local Planning Authority prior to occupation of either of the buildings hereby approved.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with policy NC1 of the Torbay Local Plan 2012 to 2030, and guidance in the NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

5. Notwithstanding the approved plans, no external lighting should be installed within the development unless previously approved in writing by the Local Planning Authority to ensure no adverse impacts on bats.

Reason: In the interests of biodiversity in accordance with Policies DE1 and NC1 of the Torbay Local Plan 2012 to 2030.

6. The development shall be carried out in strict accordance with the approved landscaping details (ref: 12277-P01, received 10.12.2019). All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of each building and any

trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within six months of each building being brought into use, and shall be retained for the life of the development.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with policy NC1 of the Torbay Local Plan 2012 to 2030, and guidance in the NPPF.

7. The development shall be undertaken in strict accordance with the measures in the approved tree protection plan and arboricultural method statement (ref: TPP & AMS, received 10.12.2019) which includes the implementation of tree and hedgerow protection measures pre-commencement and throughout the construction phase of the development.

Reason: To ensure trees are protected in the interests of biodiversity and visual amenity in accordance with policies NC1 and C4 of the Torbay Local Plan 2012-2030 and are required to be in place prior to commencement to duly protect the identified trees.

8. Prior to the occupation of either of the buildings, roosting and nesting features to support bats and birds shall be installed on the building or within the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and the roosting and nesting features shall be retained and maintained for the lifetime of the development.

Reason: To safeguard protected species and their habitats in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.0.

9. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be undertaken until the reasons why have been submitted to and approved in writing by the Local Planning Authority. The works shall not be undertaken except in the presence of a suitably qualified ecologist. If breeding birds are found or suspected, the works will not be permitted until the ecologist is satisfied that breeding is complete.

Reason: To ensure no harm to breeding birds in accordance with Policy NC1 of the Torbay Local Plan 2012 to 2030, and guidance in the NPPF.

10. Prior to the first occupation of either building, a framework for the preparation of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan. Within three months of the first occupation of each of the buildings hereby approved, a Travel Plan shall be submitted to, and approved in writing

by the Local Planning Authority. The plan shall include measurable outputs and arrangements for monitoring and enforcement.

Reason: In the interests of road safety and sustainability to encourage walking, cycling and public transport use by staff, and minimise peak time commercial vehicle movements in accordance with guidance in the NPPF and policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

11. Prior to the installation of any plant to serve the buildings, full details of the plant and equipment (to include the proposed flue and air handling units) to be used, including its location, scale, design and relevant noise and odour calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason: In the interests of protecting residential and visual amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

12. Prior to the first building being occupied, the cycle parking and waste storage shall be provided as approved and maintained as such at all times thereafter.

Reason: To promote cycling as an alternative mode of transport to the private car in accordance with Policy TA1 of the Torbay Local Plan 2012 to 2030, and to ensure appropriate space is provided for the storage and removal of waste, including recycling bins, in accordance with Policy W1 of the Torbay Local Plan 2012 to 2030.

13. Prior to the occupation of either building, a waste management plan (to include measures to prevent and minimise, re-use and recycle waste (including composting where appropriate), minimise the use of raw materials, minimise the pollution potential of unavoidable waste, seek alternative modes of transport to move waste, make provision for the storage and collection of waste and dispose of unavoidable waste in an environmentally acceptable manner) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason: To ensure that waste generation is minimised and reduced during the construction and operation of the development in accordance with policy W2 of the Torbay Local Plan 2012-2030.

14. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unsuspected contamination is satisfactorily dealt with without risk to health in accordance with policy ER3 of the Torbay Local Plan 2012-2030.

15. Prior to the first building being occupied, further information relating to footpaths, drop kerbs and crossing points associated with the development shall be submitted to the Local Authority. The development shall be completed in full accordance with the approved details and shall be completed prior to the occupation of the building to which they relate and thereafter permanently maintained.

Reason: In the interests of local amenity to ensure safe and suitable access for pedestrians in accordance with policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

16. Prior to the first use of either building the parking facilities for that building, as detailed on the plans hereby approved, shall be provided in full and made available for use, and thereafter permanently retained for the parking of vehicles for that building.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with policy TA2 and TA3 of the New Torbay Local Plan 2012-2030.

17. Other than within those areas shown on the approved plans, there shall be no open air external storage of materials or equipment within the site, materials and equipment shall only be stored within the building hereby approved.

Reason: In the interests of local amenity in accordance with Policies DE3 and SS8 of the Torbay Local Plan 2012-2030.

18. Prior to the occupation of either of the buildings the approved surface water drainage system for that building must be completed in accordance with the submitted plans. The surface water drainage system as detailed on these plans shall then be continually maintained thereafter.

Reason: As Torbay is designated as a Critical Drainage Area and to ensure that the development does not increase flood risk elsewhere in accordance with policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

19. The development shall proceed in strict accordance with materials indicated on the approved plans and shall be retained as such for the life of the development unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan
Reason: To ensure a satisfactory form of development and to comply with Policy DE1 of the Torbay Local Plan, and Policy PNP1 (c) of the Paignton Neighbourhood Plan.

Relevant Policies
Torbay Local Plan

SS1 - Growth Strategy for a prosperous Torbay
SS2 - Future Growth Areas
C1 - Countryside and the rural economy
M3 - Preserving and safeguarding of limestone resources and key local building stone
SS4 - The economy and employment
SS5 - Employment space
SS7 - Infrastructure, phasing and delivery of employment
SS8 - Natural Environment
SS11 - Sustainable Communities Strategy
DE1 - Design
DE3 - Development Amenity
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
NC1 - Biodiversity and Geodiversity
C4 - Trees, hedgerows and natural landscape features
ER1 - Flood Risk
ER2 - Water Management
SDP3 - Paignton North and Western area

Paignton Neighbourhood Plan

PNP1 – Area Wide
PNP1 (c) – Design Principles
PNP1 (e) – Commercial Development