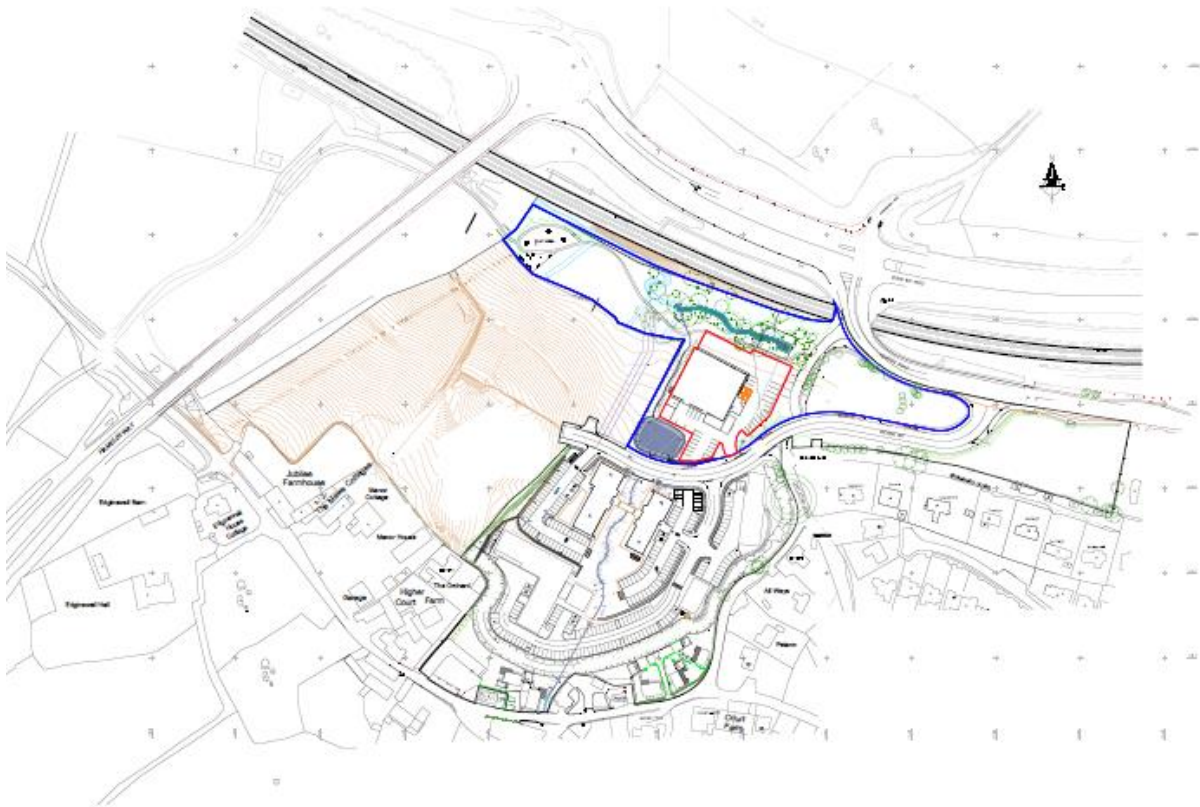




Application Site Address	Orchard Way, Edginswell Business Park, Torquay
Proposal	Reconfiguration of car park – retrospective
Application Number	P/2020/0024
Applicant	Eden Vauxhall
Agent	
Date Application Valid	
Decision Due date	
Extension of Time Date	
Recommendation	Approval.
Reason for Referral to Planning Committee	Request by Ward Cllr and agreement by Chairman
Planning Case Officer	Scott Jones

Location Plan



Site Details

The plot sits within the Edginswell Business Park and holds a recently built car showroom. The plot sits to the north of Orchard Way, the spine road through the business park.

To the south west corner of the plot there is a balancing pond. To the west there is a watercourse that runs north along the entire edge of the site. To the north there is a tree lined watercourse that runs east towards a culvert close to the north east corner of the site. To the east the site abuts a footpath. The trees that line the watercourse that runs close to the northern boundary are protected under a group Tree Preservation Order (TPO).

In terms of other notable designations the site sits at the edge of the identified Landscape Connectivity Zone associated with the South Hams SAC linked to the Greater Horseshoe Bat. In the Torbay Local Plan 2012-30 the site is within a Future Growth Area. Part of the site is also identified as being a Flood Risk Area and a Local Wildlife Site (OSWI - Other Site of Wildlife Interest). The site sits within a wider identified Growth Area within the Torbay Local Plan and there is also an adopted Masterplan for area, the Torquay Gateway (Edginswell) Masterplan.

Date of Officer Site Visit: W/C 17.02.2020.

Detailed Proposals

Retrospective permission is sought for changes to the car park layout, identified by the applicant as to improve the customer experience and operating efficiency of the site.

The revised layout (ref: 151241-PL11) reduces the amount of service and demonstration car park spaces, but retains the total amount of customer parking. Previously the parking layout was consented to provide 14 customer spaces, 22 service parking spaces, 4 demo spaces and an area identified to enable 45 used car displays. The proposal presents a layout to provide 14 customer spaces, 16 service spaces, 4 demo spaces and a similar area retained for light commercial vehicle and used car displays.

Summary of Consultation Responses

Torbay Council Strategic Transport Officer

The planning application form indicates 12 spaces and 2 disabled spaces (presumably those spaces for customers/staff). However, in the Clarification Note 7th Feb 2020) indicates 15 customer spaces. It would be helpful to understand how the change layout affects both customer and servicing/sales in the context of the original permission (P/2016/0955 MVC).

The change in layout affects both customers parking, service bays and provision of LCVs etc., and so it would be helpful to understand if there is an effect on the overall operation of the site. I note the service bays lost on the western boundary (6 spaces?) plus reconfiguration of remaining spaces on the southern boundary to accommodate the 'car wash/valet' unit. Does, this car wash unit require explicit consent?

If the adjacent open carpark land (within the original permission) is affected by this reconfiguration, should it be incorporated within the current proposal? The showroom element has not (as yet) been delivered and the unmetalled area to the east appears to be used for additional vehicle parking/storage of approximately 50 to 60 vehicles (see google earth). Again, does this require explicit consent and should it be considered as part of the same planning unit? Some of the customer parking appears to be being used for display of vehicles (see Google Earth)? It would be helpful to clarify some of these aspects.

Torbay Council Highways Officer

No Objection.

Torbay Council Drainage Engineer

No Objection.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice.

1 representations have been received objecting as follows:

"This application is clearly a forerunner for an application to make permanent a car wash facility on site as an addition to the buildings making up the dealership. Car wash facilities have been provided since shortly after opening in an unsightly 'Gazebo' style structure for which there is no planning permission and which is recognised as unlawful by both the Planning Authority and by Eden themselves. This has been the subject of lengthy prevarication on both sides.

The original approval was for a scheme to 'pump prime' the "Prestigious Business Park" which is the aspiration of both the Local Plan and the Neighbourhood Plan. The design, as originally approved for BMW and Mini, was seen as the least damaging to that intention. The current use of the smaller site for significant car storage and advertising, by dint of elevated cars with advertising painted on them, contravenes everything that was intended by the original permission and makes an inappropriate entrance to the Business Park as a whole. This concern has been the subject of two years of correspondence between the Local Authority and the Shiphay Community Partnership.

It is important for both Business Park tenants and local residents that this gateway to the Business Park does not degrade the visual and overall aesthetic impact of this important site. There seem to be no logical grounds, other than pre application preparation, for this application and nothing to commend the change.

I wish therefore to oppose this application".

Officer Comment: The concerns appear to relate to a car wash area adjacent to the parking and parking issues for operations outside of the site area for this car show room, and do not relate to the development proposed which is limited to the revised parking layout only over a similar footprint.

Site Review Meeting Procedure

12.05.2020: email sent to Ward Members, Councillors Cowell and Loxton. Response Received from Cllr Cowell requesting the item is considered by the Planning Committee. Request agreed by Cllr Pentney as Chairman.

Relevant Planning History

P/2007/1743:

Mixed use development comprising business use class B1, car showroom, retail warehouse and residential and public house/restaurant (class A3/A4) with associated highway works and car parking (in outline). Approved 06.06.2008.

P/2008/1682:

Mixed use development comprising business uses (B1); cafe/restaurant (A3) and specialist renal clinic (D1) with associated landscaping works, car parking and vehicle/pedestrian access. Approved 23.03.2009.

P/2016/0955:

Variation of condition P1 of P/2007/1743 (Mixed Use Development Comprising Business Use Class B1, Car Showroom, Retail Warehouse And Residential And Public House/Restaurant (Class A3/A4) With Associated Highway Works And Car Parking (In Outline)) to allow amendments to the appearance, footprint and internal layout of one car showroom and alterations to the layout of the parking and car display area. This permission relates solely to those elements granted consent and have extant detailed planning permission under reference P/2007/1743 (two car showrooms and one retail unit). Approved 19.01.2017.

Key Issues/Material Considerations

The main issues are the principle, visual impact, impact upon the amenities of adjacent occupiers, impact upon the highway network and parking provision, impact upon ecology, impact upon trees, and impact upon drainage and flood risk.

Principle

Construction of a car showroom on the site has been approved under the previous parent permissions (P/2007/1743 and P/2016/0955) with similar layouts, with parking wrapping round a building set relatively deeply within the plot. There are no issues of principle relevant to this minor application that principally seeks the amended demarcation of the parking layout for sales vehicles and customers visiting the site.

Visual impact

The change to the external appearance of the plot is minor as the layout and extent of parking is demonstrably similar to the previously approved layout. Importantly it does not impact the previously approved landscaping subject to the parent permission/s between the building and the public realm, or the location or form of the building itself.

It is noted that there is an objection stating concerns on the wider parking adjacent and a car wash facility. These matters do not form part of this application. There is no direct comment on concern relating to the parking layout.

With very little change to the layout and resultant appearance of the plot the proposal is considered acceptable and would not present any detriment to the built environment in comparison with the previously consented scheme. The scheme accords with Policy DE1 of the Torbay Local Plan and advice contained within the NPPF.

Impact upon the amenities of adjacent occupiers

The location and scale of parking remains closely aligned with the previously consented layout to support the car showroom and the amendments that are sought are not considered to present any additional impact upon local residential amenity.

The revised proposal for the parking layout is considered compliant with the aims and objectives of Policy DE3 of the Torbay Local Plan.

Impact upon the highway network and parking provision

The applicant has detailed that the retrospective permission is sought for changes to the car park layout, being identified to improve the customer experience and operating efficiency of the site. It is furthered that the revised layout reduces the amount of service and demonstration car park spaces but retains the total amount of customer parking.

There is no objection from the Highway Authority however the Council's Strategic Transport Officer has raised some points relating to the changes.

Appendix F of the Torbay Local Plan cites that car sales, motor repair and service stations have an estimated requirement / guide of 1 visitor space for every 10 cars displayed for sale and 3 car spaces for each vehicle service bay. There is no parking policy relevant to commercial development within the Torquay Neighbourhood Plan.

Having considered the issues raised the amendments to the parking layout are considered to present an acceptable form of development. This conclusion is founded on the basis that the level of customer parking is retained and the reduction in demo and service parking is principally a matter for the internal operation of the site rather than presenting broader movement issues. The main demonstrable change in the layout is the reduction of service parking from 22 spaces to 16 spaces, which presents a reduction of 6 spaces. The reduction has no ability to impact the wider road network as there is restricted parking (double yellow lines) in the area and hence the change is only likely to impact the internal workings of the business. As the supporting information cites that the changes are to improve the customer experience and operating efficiency of the site it is deemed that there is no demonstrable reason not to support the amendments due to the lack of any wider impact. This assessment takes into account that the customer parking levels are above the local plan expectation but the service parking is lower, which would appear to accord with the dealership character of the site where there is likely to be a greater emphasis on car sales than car servicing.

With the scale and form of development being broadly aligned with the consented car showroom the amendments that are sought are not considered to present any unacceptable impacts upon movement or the highway network. The NPPF guides (Para 109) 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.

The revised proposal for the showroom is considered broadly compliant with the aims and objectives of Policy TA1, TA2 and TA3 of the Torbay Local Plan and advice contained within the NPPF.

Impact upon ecology

The changes to the parking layout do not present any further issues relating to ecology. All matters have been previously considered and addressed. Policy TE6 of the Torquay Neighbourhood Plan cites that all development within the Edginswell Future Growth Area or the Maidencombe area (including Sladnor Park) must have a Habitats Regulations Assessment as appropriate and be compatible with ecological requirements set out in the Habitats Regulations. The matter has been considered and a HRA is not considered necessary for this development.

The development is considered to accord with the aims and objectives of Policy NC1 of the Torbay Local Plan and the Torquay Neighbourhood Plan.

Impact upon trees

There is a protected tree belt to the north of the development however the changes to the parking layout do not present any further issues relating to trees. All matters have been previously considered and addressed.

The proposal is considered to be aligned with the aims and objectives of Policy C4 of the Torbay Local Plan.

Impact upon drainage and flood risk

There are watercourses to the west and north and the previous permission established an acceptable footprint of development and defined the required easements to each watercourse through the approved plans and conditions.

The Council's Drainage Engineer does not object to the proposal.

The development is considered in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

Human Rights and Equalities Issues

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced

and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106/CIL and Affordable Housing

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

The proposed development is unlikely to have a significant effect on the South Hams SAC/Lyme Bay and Torbay SAC. It sits within the identified Landscape Connectivity Zone but the site is urbanised. The minor layout change would not result in a likely significant effect.

Proactive Working

In accordance with the guidance contained in the National Planning Policy Framework the Council has worked in a positive and pro-active way and has concluded that the application is acceptable for planning approval/ imposed conditions to enable the grant of planning permission.

Conclusions

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and Torquay Neighbourhood Plan when considered as a whole and the application is recommended for approval. There are no other material considerations to indicate that planning permission should not be granted.