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Date: Monday, 09 August 2021

Governance Support  
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TQ1 3DR

Dear Member

## **PLANNING COMMITTEE - MONDAY, 9 AUGUST 2021**

I am now able to enclose, for consideration at the Monday, 9 August 2021 meeting of the Planning Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
8.	<b>Land At Quinta Playing Fields, Quinta Road, Torquay TQ1 3RN P/2021/0560</b> Revised Report	(Pages 106 - 113)
9.	<b>Land At White Rock Playing Field, Davies Avenue, Paignton TQ4 7AW P/2021/0564</b> Revised Report	(Pages 114 - 121)
10.	<b>Land At Barton Cricket Club Playing Field, Barton Road, Torquay TQ2 7NY P/2021/0561</b> Revised Report	(Pages 122 - 129)

Yours sincerely

Teresa Buckley  
Clerk

## **TORBAY COUNCIL**

Application Site Address	Land At Quinta Playing Fields Quinta Road Torquay TQ1 3RN
Proposal	Installation of 10m high, emergency landing illumination beacon for Air Ambulance.
Application Number	P/2021/0560
Applicant	Mr Toby Russell – Devon Air Ambulance
Agent	Not applicable.
Date Application Valid	30/06/2021
Decision Due date	25/08/2021
Extension of Time Date	Not applicable.
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 responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	Emily Elliott

### **Location Plan:**



### **Site Details**

The site is Quinta Playing Field. The proposed lighting column is located in the southern part of the site, by the sports pavilion, adjacent to a large, level open area of the playing fields which is the prime location for the proposed landing site. This site offers good access by air and good access to the local community. There is also parking at the site suitable for a land ambulance and/or other emergency services. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

### **Description of Development**

The proposal seeks permission for the installation of 10m high, emergency landing illumination beacon for Devon Air Ambulance.

### **Pre-Application Enquiry**

None sought.

### **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 Adopted Torquay Neighbourhood Plan 2012-2030

### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice 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**

No previous relevant planning history relating to the site.

### **Summary of Representations**

The application was publicised through site notice and neighbour notification letters. 1 letter of objection has been received.

Concerns raised include:

- Loss of light
- Not in keeping with local area

- Privacy/overlooking
- Impact on local area
- Noise

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Forum:**

No response received.

## **Planning Officer Assessment**

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

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Flood Risk and Drainage

#### **1. Principle of Development**

The proposal is for the installation of 10m high, emergency landing illumination beacon for Devon Air Ambulance. To support night-time operations, Devon Air Ambulance is working with communities and organisations across Devon to develop a network of surveyed floodlit “community landing sites” that can be used during the ‘hours of darkness’ and over 167 of these sites have already been established. Using sites like this when it’s dark means Devon Air Ambulance can land in the heart of a community and reach patients more quickly and safely than if they had to land in a ‘dark field’. One of the most important components of these sites is the use of remotely controlled floodlighting: as well as making landing and take-off easier and safer, this lighting also helps paramedics and other emergency service personnel as they move on/off a site and as they assess and load a patient into the aircraft.

The site is within a designated Local Green Space as defined by Policy TE2 of the Torquay Neighbourhood Plan. Policy TE2 states that development is ruled out, other than in very special circumstances. It is considered that the proposal does not appear to have an impact on the Local Green Spaces and does not impinge on the designation as it is de minimis in nature.

In the context of development within the built up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Impact on Visual Character**

Paragraph 126 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

An objector has raised concerns that the proposal would have a negative impact on the local area and would not be in keeping with the local area. The lighting design of the proposal consists of a 10 metre painted steel column (hinged to enable lowering/raising for maintenance), 2 x 150 Watt LED Floodlights (dimensions 220mm H / 250mm D / 330mm W), 'T' shaped bracket for floodlights (700mm W), GSM switch (to remotely operate the lights), low voltage PVC armoured cable and assorted electrical fittings.

The layout and positioning of the lighting column has been carefully considered and has taken into account various factors: a) aviation safety - not creating glare for the aircrew when they approach to land under predominant wind conditions from the SW, b) practical / land use - not creating an inconvenient obstacle for those using / managing the playing fields, c) access - it is near to the main access point onto Quinta Road and d) visual - it is in an area located by the sports pavilion and near a storage shed and a hedge/fence which will help to create a backdrop. The column will be painted a green colour so that it will more easily blend into the surrounding environment, a planning condition is recommended to ensure that the column is RAL6009 Fir Green to blend in with the surrounding environment.

It is considered that the proposal is acceptable with regards to its impact on the character and appearance of locality. Subject to the aforementioned planning condition, the proposal is considered to be in accordance with Policy DE1 of the Local Plan, and Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

## **3. Impact on Residential Amenity**

Paragraph 130 of 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. Policy DE3 of the Local Plan states that development should not unacceptably impact upon the amenities of neighbouring occupiers in terms of their outlook, privacy, or access to natural light.

An objector has raised concerns regarding residential amenity, in particular noise, loss of light and privacy/overlooking. It is important to note that the lights would only be used in the case of an emergency situation, when the Air Ambulance was required to land on the fields. These lights would be controlled by telephone and would be switched off as soon as they were no longer required. It is therefore unlikely that they will be used regularly, and for prolonged periods of time. Impact on residential amenity through light disturbance would be minimal. The lighting poles are slim and set away from residential boundaries, as such there would be no loss of light to neighbours. The infrequent use of the site means that there would be no significant loss of privacy to neighbours.

In summary, given the separation distance between the site and residential properties and limited periods of operation, Officers do not consider that the proposal would have an unacceptable impact on the amenity of any nearby residents. A planning condition is recommended to ensure that the proposed development shall only be used for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Subject to the aforementioned planning condition, the proposal is not considered to result in any serious detriment to amenities of neighbours by loss of privacy, outlook or access to natural light and therefore the proposed alterations are considered acceptable given the context. The proposal is considered to comply with Policy DE3 of the Local Plan.

#### **4. Impact on Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should 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 located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

#### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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: Not applicable.

CIL: Not applicable.

### **EIA/HRA**

ERA: 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: Not applicable.

### **Planning Balance**

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and it will provide significant public benefit. The proposal is in accordance with the Development Plan, including the Torquay Neighbourhood Plan. As such it is concluded that the planning balance is in favour of supporting this proposal.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to flood risk. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

### **Officer Recommendation**

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

### **Conditions**

### **Materials**

The lighting column of the development hereby approved shall be externally finished in RAL6009 Fir Green and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

### **Usage**

The development hereby approved shall be used only for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Reason: In the interests of residential amenity, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

### **Lighting Use**

The light on the lighting column hereby approved shall only be switched on when needed to guide the landing or taking off of Air Ambulances and during activity at the site associated with the emergency situation. The light shall be switched off at all other times.

Reason: In the interest of amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030

### **Informative(s)**

1. 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 worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity  
ER1 – Flood Risk  
ER2 – Water Management  
TE2 – Local Green Spaces  
TH8 – Established Architecture

## TORBAY COUNCIL

Application Site Address	Land At White Rock Playing Field Davies Avenue Paignton TQ4 7AW
Proposal	Installation of 10m high, emergency landing illumination beacon for Air Ambulance.
Application Number	P/2021/0564
Applicant	Mr Toby Russell – Devon Air Ambulance
Agent	Not applicable.
Date Application Valid	30/06/2021
Decision Due date	25/08/2021
Extension of Time Date	Not applicable.
Recommendation	Conditional approval subject to the conditions detailed below and delegated authority to Officers to resolve outstanding ecological matters. 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 responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	Emily Elliott

### Location Plan:



### **Site Details**

The site is White Rock Playing Field. The proposed lighting column is located in the south-western part of the site adjacent to a large, level open area of the middle of the western football pitch which is the prime location for the proposed landing site. The site offers good access by air and good access to the local community via Brixham Road and Davies Avenue. The site forms part of the built-up area but is not otherwise subject to any designations within the Torbay Local Plan. The site is located within the Sustenance Zone and Landscape Connectivity Zone of the South Hams Special Area of Conservation for Greater Horseshoe Bats.

### **Description of Development**

The proposal seeks permission for the installation of 10m high, emergency landing illumination beacon for Devon Air Ambulance.

### **Pre-Application Enquiry**

None sought.

### **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 Adopted Paignton Neighbourhood Plan 2012-2030

#### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice 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**

No previous relevant planning history relating to the site.

### **Summary of Representations**

The application was publicised through site notice and neighbour notification letters. 2 letters of objection from 1 individual has been received.

Concerns raised include:

- Drainage

- Loss of light
- Overdevelopment
- Sets precedent
- Impact on local area
- Noise
- Traffic and access
- Trees and wildlife

## **Summary of Consultation Responses**

### **Paignton Neighbourhood Forum:**

No response received.

### **Planning Officer Assessment**

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

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Ecology
5. Impact on Flood Risk and Drainage

#### **1. Principle of Development**

The proposal is for the installation of 10m high, emergency landing illumination beacon for Devon Air Ambulance. To support night-time operations, Devon Air Ambulance is working with communities and organisations across Devon to develop a network of surveyed floodlit “community landing sites” that can be used during the ‘hours of darkness’ and over 167 of these sites have already been established. Using sites like this when it’s dark means Devon Air Ambulance can land in the heart of a community and reach patients more quickly and safely than if they had to land in a ‘dark field’. One of the most important components of these sites is the use of remotely controlled floodlighting: as well as making landing and take-off easier and safer, this lighting also helps paramedics and other emergency service personnel as they move on/off a site and as they assess and load a patient into the aircraft.

The site is within a designated Local Green Space as defined by Policy PNP1(b) of the Paignton Neighbourhood Plan. Policy PNP1(b) states that new developments will only be supported in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to these local green spaces by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is considered that the proposal does not appear to have an impact on the Local Green Spaces and does not impinge on the designation as it is de minimis in nature.

In the context of development within the built-up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Impact on Visual Character**

Paragraph 126 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

An objector has raised concerns that the proposal would have a negative impact on the local area, would set a negative precedent and constitute overdevelopment. The lighting design of the proposal consists of a 10 metre painted steel column (hinged to enable lowering/raising for maintenance), 2 x 150 Watt LED Floodlights (dimensions 220mm H / 250mm D / 330mm W), 'T' shaped bracket for floodlights (700mm W), GSM switch (to remotely operate the lights), low voltage PVC armoured cable and assorted electrical fittings.

The layout and positioning of the lighting column has carefully considered and has taken into account various aspects: a) aviation safety - not creating glare for the aircrew when they approach to land under predominant wind conditions from the SW, b) practical / land use - not creating an inconvenient obstacle for those using / managing the football pitch, c) access - it is near to the main access point onto Brixham Road and d) visual- it is in an area with a trees/bushes and fence line which will help to create a backdrop. The column will be painted a green colour so that it will more easily blend into the surrounding environment, a planning condition is recommended to ensure that the column is RAL6009 Fir Green to blend in with the surrounding environment.

It is considered that the proposal is acceptable with regards to its impact on the character and appearance of locality. Subject to the aforementioned planning condition, the proposal is considered to be in accordance with Policy DE1 of the Local

Plan, and Policy PNP1(c) of the Neighbourhood Plan, and the guidance contained in the NPPF.

### **3. Impact on Residential Amenity**

Paragraph 130 of 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. Policy DE3 of the Local Plan states that development should not unacceptably impact upon the amenities of neighbouring occupiers in terms of their outlook, privacy, or access to natural light.

An objector has raised concerns regarding residential amenity, in particular noise and loss of light. It is important to note that the lights would only be used in the case of an emergency situation, when the Air Ambulance was required to land on the fields. These lights would be controlled by telephone and would be switched off as soon as they were no longer required. It is therefore unlikely that they will be used regularly, and for prolonged periods of time. Impact on residential amenity through light disturbance would be minimal. The lighting poles are slim and set away from residential boundaries, as such there would be no loss of light to neighbours. The infrequent use of the site means that there would be no significant loss of privacy to neighbours.

In summary, given the separation distance between the site and residential properties and limited periods of operation, Officers do not consider that the proposal would have an unacceptable impact on the amenity of any nearby residents. A planning condition is recommended to ensure that the proposed development shall only be used for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Subject to the aforementioned planning condition, the proposal is not considered to result in any serious detriment to amenities of neighbours by loss of privacy, outlook or access to natural light and therefore the proposal is considered acceptable given the context. The proposal is considered to comply with Policy DE3 of the Local Plan.

### **4. Impact on Ecology**

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

An objector has raised concerns regarding trees and wildlife. The site is within the Sustenance Zone and Landscape Connectivity Zone for the South Hams Special Area of Conservation for the Greater Horseshoe Bat. Devon County Council have been commissioned on behalf of Torbay Council to undertake a formal Habitat Regulations Assessment screening. An update will be given to Members at Planning Committee.

## **5. Impact on Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should 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. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. An objector has raised concerns regarding drainage. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan and Policy PNP1(i) of the Neighbourhood Plan.

### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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: Not applicable.

CIL: Not applicable.

### **EIA/HRA**

ERA: 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: Update to be provided to Members at Planning Committee.

### **Planning Balance**

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. Subject to the outcome of the formal Habitat Regulations Assessment screening, it is concluded that no significant adverse impacts will arise from this development and it will provide significant public benefit. The proposal is in accordance with the Development Plan, including the Paignton Neighbourhood Plan. As such it is concluded that the planning balance is in favour of supporting this proposal.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to flood risk. Subject to the resolution of a formal screening, the proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

### **Officer Recommendation**

Conditional approval subject to the conditions detailed below and delegated authority to Officers to resolve outstanding ecological matters. 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 responsible for Planning, Housing and Climate Emergency.

### **Conditions**

#### **Materials**

The lighting column of the development hereby approved shall be externally finished in RAL6009 Fir Green and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

#### **Usage**

The development hereby approved shall be used only for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Reason: In the interests of residential amenity, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

#### **Lighting Use**

The light on the lighting column hereby approved shall only be switched on when needed to guide the landing or taking off of Air Ambulances and during activity at the site associated with the emergency situation. The light shall be switched off at all other times.

Reason: In the interest of amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030

**Informative(s)**

1. 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 worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

**Relevant Policies**

- DE1 – Design
- DE3 – Development Amenity
- ER1 – Flood Risk
- ER2 – Water Management
- PNP1(b) – Local Green Space
- PNP1(c) – Design Principles
- PNP1(i) – Surface Water

## TORBAY COUNCIL

Application Site Address	Land At Barton Cricket Club Playing Field Barton Road Torquay TQ2 7NY
Proposal	Installation of 10m high, emergency landing illumination beacon for Air Ambulance.
Application Number	P/2021/0561
Applicant	Mr Toby Russell – Devon Air Ambulance
Agent	Not applicable.
Date Application Valid	30/06/2021
Decision Due date	25/08/2021
Extension of Time Date	Not applicable.
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 responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	Emily Elliott

### Location Plan:



### **Site Details**

The site is Barton Cricket Club Playing Field. The proposed lighting column is located along the western boundary of the cricket pitch adjacent to a large, level open area forming part of the cricket pitch outfield which is the prime location for the proposed landing site. This site offers good access by air and good access to the local community. There is also parking at the site suitable for a land ambulance and/or other emergency services. The site forms part of the built-up area but is not otherwise subject to any designations within the Torbay Local Plan.

### **Description of Development**

The proposal seeks permission for the installation of 10m high, emergency landing illumination beacon for Devon Air Ambulance.

### **Pre-Application Enquiry**

None sought.

### **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 Adopted Torquay Neighbourhood Plan 2012-2030

### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice 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**

No previous relevant planning history relating to the site.

### **Summary of Representations**

The application was publicised through site notice and neighbour notification letters. 1 letter of support and 1 letter of representation has been received.

Concerns raised include:

- Light levels
- Privacy/overlooking

Comments include:

- It provides facilities

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Forum:**

No response received.

## **Planning Officer Assessment**

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

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Flood Risk and Drainage

#### **1. Principle of Development**

The proposal is for the installation of 10m high, emergency landing illumination beacon for Air Ambulance. To support night-time operations, Devon Air Ambulance is working with communities and organisations across Devon to develop a network of surveyed floodlit “community landing sites” that can be used during the ‘hours of darkness’ and over 167 of these sites have already been established. Using sites like this when it’s dark means Devon Air Ambulance can land in the heart of a community and reach patients more quickly and safely than if they had to land in a ‘dark field’. One of the most important components of these sites is the use of remotely controlled floodlighting: as well as making landing and take-off easier and safer, this lighting also helps paramedics and other emergency service personnel as they move on/off a site and as they assess and load a patient into the aircraft.

The site is within a designated Local Green Space as defined by Policy TE2 of the Torquay Neighbourhood Plan. Policy TE2 states that development is ruled out, other than in very special circumstances. It is considered that the proposal does not appear to have an impact on the Local Green Spaces and does not impinge on the designation as it is de minimis in nature.

In the context of development within the built-up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Impact on Visual Character**

Paragraph 126 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The lighting design of the proposal consists of a 10 metre painted steel column (hinged to enable lowering/raising for maintenance), 2 x 150 Watt LED Floodlights (dimensions 220mm H / 250mm D / 330mm W), 'T' shaped bracket for floodlights (700mm W), GSM switch (to remotely operate the lights), low voltage PVC armoured cable and assorted electrical fittings.

The layout and positioning of the lighting column has been carefully considered and has taken into account various factors: a) aviation safety - not creating glare for the aircrew when they approach to land under predominant wind conditions from the SW, b) practical / land use - not creating an inconvenient obstacle for those using / managing the cricket pitch, c) access - it is near to the main access point onto Barton Road and from that Cricketfield Road and d) visual - it is by a hedge with taller trees which will help to create a backdrop. The column will be painted a green colour so that it will more easily blend into the surrounding environment, a planning condition is recommended to ensure that the column is RAL6009 Fir Green to blend in with the surrounding environment.

It is considered that the proposal is acceptable with regards to its impact on the character and appearance of locality. Subject to the aforementioned planning condition, the proposal is considered to be in accordance with Policy DE1 of the Local Plan, and Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

## **3. Impact on Residential Amenity**

Paragraph 130 of 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. Policy DE3 of the Local Plan states that development should not unacceptably impact upon the amenities of neighbouring occupiers in terms of their outlook, privacy, or access to natural light.

A letter of representation has raised concerns regarding residential amenity, in particular light levels and privacy/overlooking. It is important to note that the lights would only be used in the case of an emergency situation, when the Air Ambulance was required to land on the fields. These lights would be controlled by telephone and would be switched off as soon as they were no longer required. It is therefore unlikely that they will be used regularly, and for prolonged periods of time.

Given the separation distance between the site and residential properties and limited periods of operation Officers do not consider that the proposal would have an unacceptable impact on the amenity of any nearby residents. A planning condition is recommended to ensure that the proposed development shall only be used for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Subject to the aforementioned planning condition, the proposal is not considered to result in any serious detriment to amenities of neighbours by loss of privacy, outlook or access to natural light and therefore the proposed alterations are considered acceptable given the context. The proposal is considered to comply with Policy DE3 of the Local Plan.

#### **4. Impact on Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should 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 located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

#### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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: Not applicable.

CIL: Not applicable.

### **EIA/HRA**

ERA: 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: Not applicable.

### **Planning Balance**

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and the scheme will provide significant public benefit. As such it is in accordance with the Development Plan, including the Torquay Neighbourhood Plan. It is concluded that the planning balance is in favour of supporting this proposal.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to flood risk. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

### **Officer Recommendation**

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

### **Conditions**

#### **Materials**

The column of the development hereby approved shall be externally finished in RAL6009 Fir Green and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

### **Usage**

The development hereby approved shall be used only for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Reason: In the interests of residential amenity, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

### **Lighting Use**

The light on the lighting column hereby approved shall only be switched on when needed to guide the landing or taking off of Air Ambulances and during activity at the site associated with the emergency situation. The light shall be switched off at all other times.

Reason: In the interest of amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030

### **Informative(s)**

1. 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 worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management  
TE2 – Local Green Spaces  
TH8 – Established Architecture