

Application Number

P/2012/1123

Site Address250 Babbacombe Road
Torquay
Devon
TQ1 3TA**Case Officer**

Matt Diamond

Ward

Wellswood

Description

Alterations to the building associated with its conversion to a supermarket and extension to the internal mezzanine floor by 282 sqm for ancillary plant and offices [non sales area]; together with new hard and soft landscaping, car park layout and site access arrangements (following demolition of greenhouse extensions, 297 sqm).

Executive Summary/Key Outcomes

The proposal is to carry out alterations to the building at 250 Babbacombe Road, Torquay in order to convert it into a supermarket and extension of the internal mezzanine floor by 282 sq m for ancillary plant and offices. In addition, the greenhouse used by the garden centre in front of the building would be demolished and the car park layout rearranged with new hard and soft landscaping. The garden centre would cease operating on the site. The access onto Babbacombe Road would be widened to provide a wider entry lane and two exit lanes.

The building would be re-clad in new materials and a new wave form feature canopy roof built over the building entrance to enhance its appearance and quality. In addition, the existing asbestos sheet roofing would be removed and a new roof structure and membrane applied. An external steel staircase would be built at the rear of the building to provide access to the roof. External plant and refrigeration equipment would be placed at the rear of the building.

The applicant presented draft proposals to the Torbay Design Review Panel at pre-application enquiry stage. The DRP were critical of the design ambition demonstrated given the important setting of the site, adjacent to the Geopark, wildlife corridor and quarry walls. The applicant revised the external design of the building in the application, but did not change the landscape design of the car park, which the DRP said was little more than introducing trees where parking spaces allow and lacked real design intent.

Although the proposed design of the building would be an improvement on the existing and enhance the built environment, it is considered that following the DRP comments the applicant has not gone far enough to demonstrate that the opportunities available for improving the character and quality of the area have been taken – in particular, the design of the roof and its impact on the adjacent scheduled monument and other surrounding designations. This is also the case in regard to the proposed design of the car park, which lacks design quality given its setting in a former quarry and the wildlife corridor passing through it. The applicant has made an effort to enhance biodiversity on the site, which is welcomed, and further biodiversity enhancements should be explored

together with opportunities for sustainable drainage in a redesign of the car park. This could also explore opportunities for education, noting the presence of the scout hut adjacent to the site, on issues such as local history and ecology. Therefore, the application should be refused in accordance with Policy BE2 of the Local Plan and paragraphs 58, 61, 62 and 64 of the NPPF.

The widening of the access onto Babbacombe Road is acceptable. If the application is approved conditions would be required for a Noise Impact Assessment and BREEAM assessment.

As the current permitted use of the premises is a garden centre and for the sale of DIY materials, an application to convert the building into a supermarket, i.e. internal additions of checkouts, preparation areas and reconfigured warehouse/unloading area, should only be approved after the restriction to its use has been lifted. Otherwise, the proposals wouldn't 'function well' with the permitted use of the building, contrary to paragraph 58 of the NPPF. The application should also be refused for this reason.

Recommendation

Refusal for the following reasons:

1. The design of the building does not take the opportunities available for improving the character and quality of the area and the way it functions, in particular the design of the roof and its impact on the adjacent scheduled monument and other landscape and environmental designations surrounding the site, contrary to paragraph 64 of the NPPF.
2. The proposed design of the building does not function well in terms of its current permitted use as a garden centre and for the sale of DIY materials, due to the addition of more checkouts, preparation areas and reconfigured warehouse/unloading area, contrary to paragraph 58 of the NPPF.
3. The landscape proposals are poorly designed given the site context and have failed to take the opportunities available for improving the character and quality of the area and the way it functions, in particular reinforcing the wildlife corridor through the site. Therefore, the landscape proposals do not accord with Policy BE2 of the Local Plan or paragraphs 58, 61, 62 and 64 of the NPPF.

Site Details

The site address is 250 Babbacombe Road, Torquay. The site area is 1.18ha. The site abounds a public footpath and woodland to the south, Walls Hill public open space to the east, an industrial works and scout hut to the northwest and Babbacombe Road to the southwest. The area beyond Babbacombe Road to the west is residential; there is also housing beyond the scout hut and industrial works to the northwest. The site is 520m from the edge of Babbacombe Local Centre, as defined in the Adopted Torbay Local Plan 1995-2011, to the northwest, measured from the site entrance along Babbacombe Road. In addition, the site is 910m from the edge of Wellswood Local Centre, as defined in the Adopted Torbay Local Plan 1995-2011, to the south, measured from the site entrance along Babbacombe Road.

Babbacombe Road is a major road linking Torquay town centre, about 2km from the site along Babbacombe Road to the south, and St Marychurch District Centre, about 1.2km from the site along Babbacombe Road to the northwest. Babbacombe Road is a bus

route and there are a number of bus stops within easy walking distance of the site.

There are numerous national and local designated areas on and around the site:

- Warberries/Walls Hill wildlife corridor passes through the site to the north
- Prehistoric field system at Walls Hill scheduled monument adjoins site along east boundary
- Area of Great Landscape Value (AGLV) adjoins site along east boundary
- Coastal Preservation Area (CPA) adjoins site along east boundary
- Hopes Nose to Walls Hill Site of Scientific Interest (SSSI) in close proximity to the site to the east
- Coastal Protection Zone (CPZ) in close proximity to the site to the east
- Asheldon Copse – Anstey Cove Road County Wildlife Site (CWS) in close proximity to the site to the south
- Palace Hotel (northern edge) Urban Landscape Protection Area (ULPA) in close proximity to the site to the south

The site comprises the former Focus DIY store in the southeast corner and associated car park to the north. The store is currently vacant. In addition, there is a garden centre in front of the store building, which is currently operating as a business. Vehicular access is provided via a two way access on Babbacombe Road.

Detailed Proposals

The proposal is to carry out alterations to the building in order to convert it into a supermarket and extension of the internal mezzanine floor by 282 sq m for ancillary plant and offices. In addition, the greenhouse used by the garden centre in front of the building would be demolished and the car park layout rearranged with new hard and soft landscaping. The garden centre would cease operating on the site.

The vehicular access onto Babbacombe Road would be widened from 20m to 30m to provide a 6m wide access lane and two egress lanes in both directions. The number of car parking spaces would increase from 159 to 168, with the addition of 5 more disability spaces making 9 disability spaces in total and the loss of 1 light goods vehicles/public carrier vehicles space. 7 of the car parking spaces would be parent and child spaces. 1 car parking space and 1 disability space would be available for use of the scout hut. 9 cycle stands would be provided in front of the supermarket entrance allowing 18 cycle spaces. A drop-off/pick-up lay-by would be provided in front of the building entrance for two cars. A gated service yard would be provided adjacent to the building in the northeast corner of the site, with space available in the car park for HGVs to reverse into the service yard. A recycling area would be provided adjacent to the access on Babbacombe Road to the north. Two trees would be removed adjacent to the access and a few more in the northern part of the site. 4 trolley bays would be provided in the car park.

The building would be re-clad in new materials. Most significantly, the mirror effect glazing on the front elevation would be replaced by white composite cladding and timber effect panelling. These materials would also clad the northwest elevation facing the car park. The mirror effect glazing that wraps around the southeast elevation would be re-clad in white composite cladding. The remainder of the southeast elevation and the rear elevation would remain part metal vertical cladding and part brickwork, but the brickwork would be painted white.

The existing asbestos sheet roofing would be removed and a new roof structure and membrane applied (Kingspan topdeck). New roof lights would be installed. A high level, wave form feature canopy roof would be built over the building entrance coloured green. The building entrance would be reconfigured and narrowed, but remain in the same place. A metal cladding strip coloured green would be provided around the top edge of the front, northwest and part of the southeast elevations. An external steel staircase would be built at the rear of the building to provide access to the roof. A 1.1m high metal railing would be built on top of the roof perimeter for safety. External plant and refrigeration equipment would be placed at the rear of the building.

The gross internal area of the building would be 3,534 sq m. The nett sales area would be 1,971 sq m, with the remaining ground floor used for: checkouts, preparation areas (presumably for bakery/delis), warehouse and unloading area.

This application relates to the physical development works to the building and site to convert it into a supermarket. However, Condition 5 of planning permission ref. 83.353 to develop the DIY store restricted the use of the building as a garden centre and for the sale of DIY materials and for no other purposes. Therefore, a separate application (ref. P/2012/1124) has been submitted to remove this condition, which would allow the building to be used as a supermarket. Please note that approval of this application would not allow the building to be used as a supermarket.

In addition, Proposed Elevations drawing no. 11.050 PL08 Rev A states that the signage shown on the drawings is indicative only and will be subject to a separate planning application, which has not yet been submitted.

Summary Of Consultation Responses

Some of the following responses have been reproduced at Page T202.

Torbay Design Review Panel (based on an earlier iteration of the scheme at pre-application stage):

- Encouraged a much more ambitious attempt to reconfigure the site
- Believe applicant should test more radical options for reusing the steel frame
- Would like to see greater emphasis on all aspects of 'green' design
- Without a clearer brief that may encourage a smaller, but higher quality facility then weaknesses for pedestrians will persist and the relationship between the store, servicing and the car park will all be less than optimum
- The context – in terms of the physical parameters of the surroundings and the demographics of the potential customer base ought to be studied and could provide useful stimulus in establishing a much more bespoke response to the challenge of this site

South West Water: No objection.

Environment Agency: No objections, but suggests a condition to incorporate a sustainable drainage scheme into the drainage design.

Engineering/Drainage: No objections.

Natural England: Not likely to have an adverse effect on SSSI. LPA should assess and consider other possible impacts on: protected species, local wildlife sites and local landscape. Biodiversity enhancements are encouraged.

Highways/Strategic Transportation: A logistics delivery plan on how the store will be serviced is required. This must state that St Marychurch and Hele Road would be avoided. This is essential for air quality issues and local congestion. It is incorrect of them to state that this proposal will not lead to an increase of HGV activity on the site, given the length of time that has lapsed since the DIY store closed, and this should be addressed by a sensitive, effective logistics plan.

Requested sustainable transport contributions of £40,000.00 for provision of a cycle link southbound on Babbacombe Road, £6,500.00 for a new bus shelter northbound on Babbacombe Road and £35,000.00 towards highway safety improvements at the Babbacombe Road/St Anne's Road junction.

Supports Travel Plan in appendices of Transport Assessment. Failure to implement Travel Plan would lead to the need to consider parking restrictions on Babbacombe Road. As the store will be popular, it is likely there will be an initial surge in use which may cause some disruption on and off the road, but this will likely settle down shortly and find a natural balance as has occurred at Asda on Newton Road.

Highways raise no objection in principle regarding the site junction and visibility issues, and have not commented upon any issues with the operation of the existing junction at Perinville Road.

Torbay Local Access Forum: Stated no comments.

Building Control: Stated no comments.

Torbay Development Agency: Objected stating 13 grounds of objection. These relate to the principle of allowing the building to be used as a supermarket. Fails the sequential test of town centre first - there are emerging proposals for a viable store on a suitable and available site in the town centre; therefore, the application is not sequentially sound. The entire available convenience capacity identified by GVA would be required by the emerging proposal in the town centre. The RIA submitted with the application is fundamentally flawed: the sequential analysis is flawed and it does not adequately address the impact of the application on the emerging scheme on the Town Hall car park. Will do nothing to strengthen the town centre convenience offer.

Community Safety: Require a Noise Impact Assessment by condition.

Arboricultural Officer: No response.

Refuse Collection & Disposal: No response.

Torbay Coast and Countryside Trust: No response.

Summary Of Representations

Due to the close relationship between planning applications P/2012/1123/MPA and P/2012/1124/VC, the summary of representation is reported for both applications

together and has been re-produced and placed in the Members Room.

121 representations were received supporting the proposals and 35 objecting. Of the representations supporting the proposals, 113 were signed proforma letters drafted by the applicant's communications consultants.

The following were some of the issues raised in support of the applications:

- Building in need of regeneration
- Would improve appearance of building
- Would provide jobs for the area
- Would provide more choice and value
- Unlikely to harm shops in Wellswood or Babbacombe
- Would limit the outflow to The Willows
- Within walking distance of many residents

The following were some of the issues raised objecting to the applications:

- Not in keeping with local area
- Poor design – standard looking with slightly wavy roof
- Impact of traffic, including HGVs, on local highways
- Noise and vibrations from deliveries
- Already enough supermarkets in Torbay and local area
- Impact on shops in local/district centres
- Against Torbay Retail Study (2010/2011)
- Site suitable for housing, which is in more need
- Inappropriate for residential area
- Impact on wildlife corridor
- Staff parking on surrounding streets
- Light pollution
- Community Partnership not consulted
- Loss of garden centre
- Inadequate car parking for size of store
- Safety of pedestrians crossing road
- New roof profile over entrance would detract from view towards and from Walls Hill Downs

Relevant Planning History

83.353: Erection of D.I.Y. Home and Garden Centre, with ancillary parking and service areas, Walls Hill Quarry, Babbacombe Road, Torquay: Approved 23.09.1983

83.2843: Erection of greenhouse Extension, Walls Hill Quarry, 250 Babbacombe Road, Torquay: Approved 17/02.1984

ZP/2008/0267: Extensions To Site And Use As A Supermarket (pre-application enquiry): Approve 01.04.2008

ZP/2011/0698: Change of use and refurbishment of existing vacant unit to provide a food store of approx 3,500sqm with 175 car parking spaces (pre-

application enquiry): Pending Consideration

P/2012/1124: Variation of Condition 3 to enable deliveries to take place between 7am and 11 pm on Mondays-Saturdays and 8am to 6pm on Sundays and Bank Holidays and the removal of Condition 5 pursuant to planning permission reference 83.353 allowing the sale of all goods within Use Class A1, thereby allowing the premises to be used as a supermarket.: Pending Consideration

Key Issues/Material Considerations

The key issues are:

1. Design of the building
2. Landscape design of the car park
3. Alterations to access
4. Impact on biodiversity
5. Sustainability
6. Noise

1. Prior to submitting the application, the applicant presented draft proposals to the Torbay Design Review Panel. The DRP welcomed redevelopment of the site, but identified deficiencies in the existing layout and was concerned that the level of ambition by the applicant may not be sufficient to remedy these. The DRP disliked the existing form of the building and its placement on the site, and recognised that a store of this size would normally require a greater number of car parking spaces. Therefore, it encouraged a proper assessment of a sensible brief for the whole site before committing to refurbishing the existing building. It also suggested that a smaller building with adequate car parking and a better site strategy might be a sounder proposition, and allow more flexibility for a more creative response to the site and the wider context. As the proposals have not changed significantly since the draft proposals presented to the DRP, it is clear the applicant has not done this.

In regard to the design of the building, the DRP supported the idea to reuse the existing steel structural frame, but noted that strict adherence to the existing form and location of the existing frame severely limits opportunities for 'transformational' change on the site. Therefore, the DRP encouraged the applicant to explore adaptations and modifications of the frame to see if this would offer new opportunities. The DRP also questioned whether the floor to ceiling height as built was optimum and whether the applicant's decision to retain internal fabric was wise, as it limits opportunities to create active facades in prominent locations, i.e. the front elevation and northwest elevation facing the car park. Whilst the applicant has made some changes to the design of the building in response to the DRP comments, it is clear they have not explored options of modifying the steel frame as requested by the DRP. The applicant states that the reasons for this are for commercial viability and environmental pragmatism. The applicant also states that the height of the building corresponds to new build stores of this nature.

The DRP also commented on the design of the elevations of the building, stating that more inspiration needs to be taken from the site context, including the Geopark, wildlife corridor and quarry walls. It is these comments that the applicant has responded to by changing the materials of the external cladding to appear 'softer' and more sensitive to the environmental context, and the addition of a curved feature canopy roof over the

entrance of the building. It is considered that these are significant improvements on the design of the existing building and draft proposals presented to the DRP. However, the noted opportunity of creating a 'green' store, such as the new store in Dawlish, hasn't been fully realised. Whilst it is recognised that retaining the existing steel frame offers environmental benefits, the opportunity of creating an ecological habitat on the roof visible from adjacent footpaths or incorporating solar panels hasn't been taken.

On balance, whilst the applicant has not carried out many of the suggestions and recommendations by the DRP, it is considered that the design of the building is an improvement on the existing building and therefore accords with Policies BES and BE1 of the Local Plan in that it enhances the built environment. However, the National Planning Policy Framework (NPPF), published in March 2012, is a material consideration in determining planning applications (Para 13) and it is considered that the applicant has not gone far enough to demonstrate that the opportunities available for improving the character and quality of the area have been taken (Para 64) – in particular, the design of the roof and its impact on the adjacent scheduled monument and other surrounding designations. It is also believed that there may be scope to improve the elevations still further given the site context and requirement to respond to local character and history (Para 58). Therefore, the application should be refused on this basis. It is noted that the NPPF states that local planning authorities should have regard to the recommendations from the DRP in assessing applications (Para 62).

Furthermore, an application to convert the building into a supermarket should only be permitted provided the restriction to its use as a supermarket has been lifted via an application to vary/remove conditions pursuant to planning permission ref. 83.353. Otherwise, the permission would be contrary to its current permitted use as a garden centre and for the sale of DIY materials. The NPPF states that 'decisions should aim to ensure that developments will function well...' (Para 58) and clearly the internal alterations to convert it into a supermarket wouldn't function well for the building's current use.

2. The DRP also provided comments on the landscape design of the car park stating that there is some reinforcement of the wildlife corridor, but otherwise the landscape strategy is little more than introducing trees where parking spaces allow. The DRP encouraged real design intent in the landscape proposals in concert with the building and noted that there are examples where this has been achieved elsewhere in Devon, i.e. Ottery St Mary. In addition, the DRP encouraged the applicant to carry out a detailed assessment of the potential catchment and customer profile for the proposal and to tailor the landscape design to this, e.g. organising pedestrian approaches for maximum ease and elegance should it be demonstrated that there is a higher proportion of older residents who might travel by public transport and walk to the store than typical elsewhere.

The landscape proposals for the car park have not been changed from the draft proposals presented to the DRP. It is considered that, whilst some effort has been made, the landscape proposals are poorly designed given the site context and have failed to take the opportunities available for improving the character and quality of the area and the way it functions, in particular reinforcing the wildlife corridor through the site. Therefore, the landscape proposals do not accord with Policy BE2 of the Local Plan or paragraphs 58, 61, 62 and 64 of the NPPF. Furthermore, there is no evidence that the applicant has carried out an assessment of the potential catchment and customer profile

for the proposal and taken this into consideration.

3. The vehicular access onto Babbacombe Road would be widened to provide a wider entry lane and two exit lanes in either direction on Babbacombe Road. The Highways department does not have any objections to the new access. Therefore, this aspect of the proposals is acceptable.

4. The local planning authority is unaware of any protected or Biodiversity Action Plan (BAP) species on the site and this has not been highlighted in the representations. However, as the site is adjacent to woodland, Natural England's Standing Advice states that bat, breeding bird, badger, dormouse, invertebrate and plant surveys may be required. As the existing building has been vacant for some time, the proposals would affect protected species if they are using the site, e.g. noise from traffic and light spillage. Therefore, further information is required from the applicant, possibly a phase 1 habitat survey, to establish whether protected species are using the site and would be affected by the proposals. There is little information in the application documents on this issue, although the Planning Statement states that the existing car park lighting would be upgraded, and angled and hooded where necessary to only illuminate the required areas and not disturb the adjacent wildlife habitats (Para 4.34). If the application is approved, the lack of information on this issue should be addressed via a pre-commencement condition.

Furthermore, both Natural England and the NPPF promote biodiversity enhancements. The Planning Statement states that the wildlife corridor would be improved through the introduction of soft landscaping consisting of a robust belt of native planting on the northern and southern boundaries. The service yard fence would also be planted with evergreen, flowering and fruiting species to create additional habitat within the site for feeding and nesting opportunities for birds and insects. The remaining landscape is more ornamental in character and would provide nectar for insects and berries for birds. Whilst these would be positive enhancements, there may be scope for further enhancements which should be explored in new landscape proposals for the car park.

5. The Design and Access Statement contains the proposed supermarket operator's corporate strategy on sustainability, but there is no specific detail on how the proposed development would achieve sustainable principles, such as reducing greenhouse gas emissions and energy efficiency. The DRP commented that the stated ambition at the presentation to achieve a BREEAM 'very good' is a weak ambition and many supermarkets go much further, although no commitment to achieve this can be found in the application submission. If the application is approved, a condition would be required for the applicant to submit details of how the building would achieve a BREEAM 'very good' rating, or preferably BREEAM 'excellent'.

In addition, the Environment Agency recommends a condition to incorporate a sustainable drainage scheme into the drainage design. This should be considered in combination with new landscape proposals.

6. If the application is approved, Community Safety has recommended that a condition is placed on the planning permission requiring the submission of a Noise Impact Assessment. This should consider noise from traffic, deliveries, plant and the refrigeration equipment.

S106/CIL -

A sustainable transport contribution of £81,500.00 is required for the following:

- Cycle link southbound on Babbacombe Road (£40,000.00)
- New bus shelter northbound on Babbacombe Road (£6,500.00)
- Highway safety improvements at the Babbacombe Road/St Anne's Road junction (£35,000.00)

However, as these infrastructure improvements would only become necessary after planning permission has been granted to vary/remove the relevant conditions pursuant to planning permission ref. 83.353 to allow the building to be used as a supermarket, any S106 Agreement securing these should be attached to a separate application to vary/remove the relevant conditions, i.e. planning application ref. P/2012/1124/VC.

Conclusions

In conclusion, it is considered that the design of the building and car park have not gone far enough following the comments from the DRP, and fail to take the opportunities available for improving the character and quality of the area and the way it functions, given the important site context. Therefore, planning permission should be refused in accordance with Policy BE2 of the Local Plan and paragraphs 58, 61, 62 and 64 of the NPPF. Furthermore, planning permission to convert the building into a supermarket should not be granted until the restriction to its use as a supermarket has been lifted via an application to vary/remove conditions pursuant to planning permission ref. 83.353. Otherwise, the proposed development would not 'function well' in terms of its current permitted use, which would be contrary to paragraph 58 of the NPPF.

The widening of the vehicular access on Babbacombe Road would be acceptable. Further biodiversity enhancements and sustainable drainage should be incorporated into a new landscape design scheme for the car park.

Condition(s)/Reason(s)

01. The design of the building does not take the opportunities available for improving the character and quality of the area and the way it functions, in particular the design of the roof and its impact on the adjacent scheduled monument and other landscape and environmental designations surrounding the site, contrary to paragraph 64 of the NPPF.

02. The proposed design of the building does not function well in terms of its current permitted use as a garden centre and for the sale of DIY materials, due to the addition of more checkouts, preparation areas and reconfigured warehouse/unloading area, contrary to paragraph 58 of the NPPF.

03. The landscape proposals are poorly designed given the site context and have failed to take the opportunities available for improving the character and quality of the area and the way it functions, in particular reinforcing the wildlife corridor through the site. Therefore, the landscape proposals do not accord with Policy BE2 of the Local Plan and paragraphs 58, 61, 62 and 64 of the NPPF.

Relevant Policies

SS	Shopping strategy
S6	Retail development outside identified To
CF2	Crime prevention
CF6	Community infrastructure contributions
LS	Landscape strategy
L2	Areas of Great Landscape Value
L8	Protection of hedgerows, woodlands and o
L9	Planting and retention of trees
L10	Major development and landscaping
NCS	Nature conservation strategy
NC2	Protected sites - nationally important si
NC3	Protected sites - locally important site
NC4	Wildlife Corridors
NC5	Protected species
EPS	Environmental protection strategy
EP1	Energy efficient design
EP3	Control of pollution
EP4	Noise
EP5	Light pollution
EP6	Derelict and under-used land
EP7	Contaminated land
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
BE9	Archaeological assessment of development
TS	Land use transportation strategy
T1	Development accessibility
T2	Transport hierarchy
T7	Access for people with disabilities
T18	Major Road Network
T25	Car parking in new development
T26	Access from development on to the highway
T27	Servicing