

Application Number

P/2013/1239

Site Address

Land Adjacent To Newton Road
Edginswell
Torbay
Devon
N/A

Case Officer

Mrs Helen Addison

Ward

Shiphay With The Willows

Description

Construction of a public house/family restaurant (Use Class A4) with managers accommodation (Use Class C3) and staff facilities at first floor level plus car parking, landscaping and all associated development

Executive Summary/Key Outcomes

This application is for the construction of a two storey pub/restaurant with a 55 space car park. The access to the site would be from Orchard Way, close to the junction with Riviera Way.

The proposal will generate some 15 full-time and 25 part-time jobs. The scheme will provide a leisure/commercial use to support the business park and surrounding development. There are a number of residential properties in the vicinity of the site, however, it is considered that the development will not have a detrimental impact on those neighbouring residents given their relative location and subject to the imposition of appropriate conditions.

The design of the building follows negotiations with officers and is contextual to the site and its surroundings, with a 2 storey dominant element and adjacent single storey wings. The external appearance of the building would reflect a traditional style with the use of brick, render, large chimneys and a slate style roof.

There are a number of ecology, landscape, trees, highways and general responses awaited at the time of writing this report and updates on these matters will follow in the run up to and at the committee meeting. Further public representations will also be reported verbally at the meeting.

Recommendation

Subject to no new issues being raised during the consultation period that expires on 12th December, that have not been considered by the Development Management Committee, conditional planning permission be granted.

Statutory Determination Period

The eight week target date is 11th January. The decision should be issued within this time period.

The application has been included on the agenda for this meeting as the January meeting falls after the expiry of the eight week target date.

Site Details

The application site relates to a plot of vacant land situated on the south side of Newton Road that measures approx. 85 metres in width by 43 metres in depth. The site is on the east side of the junction with Orchard Way, which leads into the Edginswell Business Park. It is clearly visible in the street scene.

The ground levels on the site are slightly lower than road level. The site is relatively flat, although the levels do drop towards the south east corner. There is a post and rail fence along the boundary with Newton Road. Close to this there is an open drainage feature along the northern edge of the site. On the southern boundary with Edginswell Close there are a number of mature trees. There is a bus shelter and bus lay by adjacent to the site on the Newton Road. A vehicular access point to the site has been formed on Orchard Way.

The surrounding area is in a variety of uses. There are residential properties to the south in Edginswell Close and to the east of the site. On the eastern boundary of the site is a South West Water pumping station. To the west is the Edginswell Business Park. In the Torbay Local Plan 1995-2011 the site is shown as having a wildlife designation.

Detailed Proposals

The application is for the construction of a restaurant and public house with a three bedroom managers flat at first floor level. 55 car parking spaces would be provided within the curtilage. The proposed building would be predominantly two storeys high with single storey elements on the western side of the building.

The design would be relatively traditional with pitched roofs over and projecting gable features. The applicant advises that the architectural style is derived from historical precedents including the coaching inn, tavern and public house. The design is intended to give the appearance of buildings that have developed organically over time. The use of smaller building elements, elevational

articulation, varied local vernacular details and materials are used to break up the elevations and add interest to the external form and appearance. The applicant also advises that raised roofs and contrasting roof tiles will be used to break up and give variety and visual interest to the roofscape. Chimneys are proposed to enhance the design and external appearance. Materials would be render, brick and contrasting slate style roof tiles.

The main entrance would be on the western side of the building adjacent to the car park. It would have a porch 'form' to aid recognition from within the site and around the building.

Two sitting out areas would be provided on the north and west sides of the building. There would also be a small outside play area. Of the 55 parking spaces 3 would be disabled spaces and 8 cycle spaces are also proposed. A service yard would be provided in the south east corner of the site to be used for storage of waste and recyclable waste.

At ground floor level a bar area, kitchen, seating areas and toilets are proposed. At first floor level the manager's accommodation is proposed with additional offices and toilet facilities.

A preliminary landscape masterplan has been submitted in support of the application.

Summary Of Consultation Responses

In order that the application can be determined within the 8 week target period it has been included on the agenda before the consultation period has expired. Responses are anticipated from; Highways, Environment Agency, South West Water, Arboricultural Officer and Drainage. The majority of these should be available by the time of the Committee meeting.

Natural England: Refers to standing advice on protected species. Advises biodiversity enhancement and landscape enhancement should be considered.

Summary Of Representations

One representation received to date that raises the issue of covenants on the land. It should be noted that a covenant is not a matter that can be pursued through the planning system and it not material to the determination of the application.

Further representations will be copied for Members and made available prior to the Committee meeting. Given that the expiry of the 21 day consultation period falls after the committee meeting, any decision would be subject to no new issues being raised in any further representations received after the meeting.

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) Land At Edginswell (Land At A3022 And At Junction Of Edginswell Lane And Newton Road) approved 6.6.08.

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. Land At Edginswell (Land At A3022 And At Junction Of Edginswell Lane And Newton Road)Torquay Approved 23.3.09.

Key Issues/Material Considerations

The main issues are the principle of the proposed development on this site, the design and external appearance of the proposed building, highways, impact on the amenity of adjoining occupiers, drainage, ecology and landscaping.

Principle and Planning Policy -

There is no specific allocation relating to this site in the Torbay Local Plan 1995-2011. The site is associated with the Edginswell Business Park due to its proximity and a historical inclusion in previous planning applications.

A commercial use would be considered appropriate in this location due to its association with the business park and its frontage onto the Newton Road. It is noted that under application reference P/2007/1743 a public house was previously granted outline planning permission on this site, (although this permission has now expired). The site is accessible by bus which is supported by Policy T1 in the Torbay Local Plan 1995-2011 that encourages access to non residential development by non car modes of transport. It is noted that the applicant advises that the proposed development would provide employment opportunities for approximately 30 people of which 15 would be full time.

Design and External Appearance -

The scale and appearance of the proposed building would be appropriate in this location. The traditional design approach would reflect the form of development in nearby Edginswell hamlet to the south of the site. The use of this design would reflect the character of the locality and would make a positive contribution to the character of the area. The scale of the building would be appropriate for the context and size of the site.

The building needs to be a minimum of two storeys in height to reflect the established form of development in the locality and to provide a clear sense of identity to the building and its location. The materials palette using red coloured bricks would reflect the sandstone buildings and boundary walls in Edginswell (subject to a condition to ensure that the specification of the material is acceptable). As such the design of the proposed building would be consistent with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 which seeks to ensure new development conserves or enhances the built environment.

Accessibility -

A Transport Statement and Travel Plan have been submitted in support of the application.

The proposal includes the provision of 55 car parking spaces to serve the site, 3 of which will be for disabled persons and eight covered cycle parking spaces. The site is on a bus route with a bus stop immediately adjacent to the site. In the Travel Plan the bus service to the site is classified as 'frequent' with an average of 13 buses per hour in each direction during peak daytime periods and 5 buses per hour during the evening and 5 buses per hour on Sundays. A number of the services that stop in this location link to nearby public transport hubs including Torquay and Newton Abbot. Torre Railway station is 2km from the site.

A pedestrian path from the bus stop on Newton Road to the main entrance is proposed in the application.

The Travel Plan states that from the predicted traffic flows as a result of the proposed development the site could generate in the region of 25 two way trips in the weekday PM peak and 36 in the Saturday peak. The Travel Plan states that the "likely level of traffic generated by the development proposal is modest and it is considered that the local highway network is capable of accommodating the likely increase".

The applicant advises that beer delivery comprises 1 HGV (articulated or large rigid) per week, which also takes away empty kegs, crates/pallets. A further vehicle collects recyclable materials (ie glass bottles) and refuse. Food deliveries comprise of a smaller rigid vehicle 3 times a week on alternate days delivering fresh produce and supplies for the restaurant. Delivery frequency can vary over the year to coincide with busier periods such as bank holidays and the summer months. A tracking plan for delivery vehicles within the car park has been submitted in support of the application.

The highway engineer's consultation response is awaited.

Impact on amenity of adjoining occupiers -

There are residential properties to the south of the application site in Edginwell Close and to the east of the site. The properties in Edginwell Close are separated from the site by the access road serving those properties and a number of garages between the site and the dwellings. The proposed building would be sufficient distance from these properties not to have an overbearing relationship. The properties to the east of the site are separated by a strip of land in use as a pumping station. The distance between the proposal and the dwellings to the east would mean that there would be no detrimental impact on residential amenity.

Flood Risk -

The application site is partially located in Flood Zone 3 as identified on Environment Agency Flood maps. A flood risk assessment has been submitted by the applicant which states that the site is protected from flooding by a flood relief culvert provided as part of the main infrastructure works associated with the wider development of the Edginwell business park. To ensure the application site is protected from flooding a number of measures are proposed in the flood risk assessment which include;

- Retention of flood relief culvert, and extension of the culvert to a low point situated in the northeast corner of the site.
- In accordance with the flood risk assessment submitted with application reference P/2007/1743 for the wider mixed use development the ground floor level of the building will be raised by at least 0.6m.
- A piled foundation solution will be used.

Consultation responses from the Environment Agency, SWW and the Council's Drainage engineer are awaited.

Ecology -

In the Torbay Local Plan 1995- 2011 the site has a wildlife designation which is as a OSWI (other site with interest).

A phase 1 habitat survey and ecology report have been submitted in support of the application. This identifies the main habitats of the site as species poor unmanaged grassland and patchy bare ground with colonising vegetation. The southern and eastern boundary vegetation lies outside the site and would remain unaffected by the proposals.

In the habitat survey it is identified that a shallow buried water drain is being used by a badger. In the survey fresh badger runs and two small dung pits were identified. The habitat survey recommends a license is secured from Natural England to close the sett. Bat surveys indicate the use of the tree line by

pipistrelle bats and occasional use by lesser horseshoe bats and bats of the Myotis genus. Single passes of greater horseshoe bat and noctule bat were recorded. A recommendation is made with regard to the lighting scheme to minimise disturbance of the foraging/commuting habitat along the tree line and hedgerow along the south of the site. Reptile surveys revealed a small population of slow worms to be present on the site. It is recommended that the slow worms are relocated to a receptor site.

Landscape -

The submitted landscape masterplan shows five trees in the south eastern corner of the site would be felled. These trees are all sycamores. A tree survey report has been submitted in support of the application that contains an assessment of all the trees on the site. The landscape masterplan indicates new tree planting would take place in the south west corner of the site and within the car park. A number of new hedgerows would be provided, particularly adjacent to the northern boundary with Newton Road. The arboricultural officer's advice on landscape is awaited.

Energy efficiency and lighting -

A mechanical and electrical services energy recovery statement has been submitted in support of the application. In the report sustainable technology such as installation of a wind turbine and an air and ground source heat pumps are considered. It is concluded that neither of these options would be appropriate in this location. An air cooled heat pump with heat pump boilers is suggested as having good potential for generating a surplus of energy over time and would reduce the dependence on gas. This arrangement would be utilised for conditioning of the kitchen ventilation. In addition the hot water cylinder would be provided with a twin coil to allow the future installation of a solar panel array.

An indicative layout of lighting plan has been submitted and a plan showing car parking lighting levels. External lighting would be controlled by photocell 'ON' control and a time switch 'OFF' control.

S106/CIL -

The applicant advises that the proposal will create 15 full time jobs and 25 part time jobs. In accordance with the Council's SPD "Planning contributions and affordable housing: Priorities and Delivery" the mitigation for job creation would offset the requirement for any contributions.

Conclusions

In conclusion, the proposed development of a pub/restaurant would constitute an appropriate use in this relatively prominent location adjacent to the Edginswell Business Park. The site is on a frequent bus route that connects to the station and to the town centres of both Torquay and Newton Abbot. The scale and design of the proposed building would make a positive contribution to the townscape of the area.

The traditional appearance would reflect the form of buildings in the nearby Edginswell hamlet. The use of red coloured brick and render would be consistent with the materials palette in Edginswell. Subject to no adverse issues being raised by consultees or in representations the proposal would constitute an acceptable form of development on this site, that would accord with the objectives of Policies in the Torbay Local Plan 1995-2011.

Condition(s)/Reason(s)

01. landscape scheme submitted
02. landscape scheme implemented
03. parking provided and kept permanently available
04. alterations to culvert completed to specified timescale
05. external lighting plan
06. floor level to accord with submitted plan
07. details, timing and effort of reptile relocation submitted
08. European Protected Species licence if necessary
09. tree protection
10. Materials samples
11. Hours of opening
12. Footpath link from bus stop to be provided prior to first use of the site

Relevant Policies

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