

**Application Number**

P/2011/0881

**Site Address**160A Torquay Road  
Paignton  
Devon  
TQ3 2AH**Case Officer**

Mrs Helen Addison

**Ward**

Preston

**Description**

Demolish structure and form new furniture showroom

**Executive Summary/Key Outcomes**

The application is to demolish the existing building on the site and to construct a two storey retail unit. The proposed shop would have a modern contemporary appearance that would respect the scale of adjoining properties.

**Recommendation**

Subject to the signing of a S106 Legal Agreement in respect of improvements to the cycle route in the vicinity of the site, in terms acceptable to the Executive Head of Spatial Planning, within 3 months of the date of this committee meeting. Conditional approval. (Conditions at end of report).

**Site Details**

The application site relates to a single storey rendered building with parapet roof situated on the east side of Torquay Road, south of the junction with Kings Road. The property was most recently used as the Brunel Business Centre and is currently vacant. There are access lanes that run along the northern and eastern boundaries of the property that provide access to the rear of neighbouring buildings. In front of the building on Torquay Road there is on street parking provision.

The site forms the end of a terrace of two storey properties that are largely in commercial use at ground floor level. A number of these have been extended. There is no allocation relating to the site in the Torbay Local Plan 1995-2011. The grounds of Oldway mansion extend to the opposite side of Torquay Road.

**Detailed Proposals**

The application is for demolition of the existing building and for construction of a two storey retail property that would be attached to the adjoining building 160

Torquay Road. The proposal would have a modern appearance with a large glazed shop front surrounded by clad walls. A set back mansard roof is proposed with glazed panels. There would be two parking spaces at the rear of building. Colours of materials would to be agreed with officers at a later stage.

### **Summary Of Consultation Responses**

*Highways:* Consultation response awaited.

*Senior Transport Officer:* Advises SPD should be applied to provide a bus shelter with associated highway works south of the site as well as improving local cycle routes. Also requests 2 staff cycles should be capable of being parked securely and under cover as well as public cycle parking at the front of the site.

### **Summary Of Representations**

5 letters of representation received. The following issues are raised;

Want to ensure that access to car and garage is maintained at all times during redevelopment.

Bins should not be placed adjacent to rear wall of development

Concern about impact on access road

Proposal will remove an eyesore

Details of deliveries should be considered

Does applicant have the right to use the access lane?

These are re-produced at Page P.200.

### **Relevant Planning History**

P/1985/2806            Use As Resource Centre

PER - 19/12/1985

P/1984/2063            Use As Unemployed Centre

PER - 11/09/1984

P/1982/2722            Use Centre For Unemployed

PER - 06/01/1983

P/1982/1205            12 Two-Person Flats

UNK - 02/08/1982

P/1982/1177            Retention Lt. Industrial Use

PER - 01/07/1982

P/1981/2399            Temporary Light Industrial use

PER - 24/09/1981

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

The main issues are the principle of retail use at this site, whether the design, siting and appearance of the building would be appropriate for this location, and highways and S106 contributions.

### **Principle and Planning Policy -**

Policy S6 in the Torbay Local Plan 1995-2011 relates to development outside shopping centres. This sets out a number of criteria for considering proposed retail development. It includes the need for a sequential approach to be used in selecting the location. In the design and access statement it is indicated that the applicant has spent 3 years searching for a site. A report has been submitted by the applicant identifying other sites that have been considered and explaining why it has not been possible to proceed with these sites.

In the light of this report it is considered that the applicant has demonstrated that there are no other suitable sites within a town centre, district or local centre that could reasonably meet the need. The applicant notes that the site is on a major road network, and is easily accessible by public transport, and is located close to both Preston District Centre and Paignton Town Centre.

The adjoining properties to the south have a retail character and the proposed use would be consistent with the overall character of the area.

Negotiations have been carried out at pre application stage in respect of the design of the proposed building. The appearance has been revised so that it respects the siting and scale of the adjoining terrace. This has meant setting the roof of the building back so that the highest part of the building does not project in front of the eaves level of the adjoining terrace.

The proposed building would have a modern appearance. In the design and access statement reference is made to the appearance of the new Sainsburys building on the opposite side of the road. As this site is not within the conservation area there is an opportunity for a modern and innovative design solution. In order to ensure that the detail of the building is of high quality conditions should be imposed requiring details of the windows, doors, reveals and materials. In principle the proposal would appear to meet the objectives of Policies BES and BE1 in that the development would enhance the appearance and character of the area.

Local residents have raised concerns about obstruction of the access lane that would run along the side of the building. The agent has responded and advised that the applicant would minimise disruption to local residents during construction. In addition the lane would, as a minimum, be reinstated to its

current condition following completion of the development. The agent has confirmed that the shop would operate on the basis of goods in the showroom predominantly being sold to order with goods intended to be distributed from the Company's existing storage facility in Torquay. It is estimated that there would be approximately 2 visits by lorry to the showroom per week each lasting roughly half an hour.

### **Economy -**

The proposal would result in the creation of four new full time posts in the retail sector and would provide a commercial use for the site, which has been vacant for an extended period of time.

### **S106/CIL -**

In accordance with the SPD the starting point for calculating contributions to mitigate the impact of the proposal on the immediate area would be;

Sustainable Transport	£31,816
Loss of employment	£22,740

**Total: £54,556**

In order for the contribution to be lawful it has to meet the tests of the CIL Regulations (Section 122) which are;

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The Senior Transport Planner advises that the S106 sustainable transport contribution would be required for the provision of a new bus shelter and a new cycle lane, which would involve the provision of signs and lines.

If the Council was challenged on this issue it could be difficult to justify that the provision of a new bus shelter would be required to make the development acceptable in highway terms. The business model is for a low volume of customers to visit the premises. A non food retail condition would be imposed on the grant of planning permission to prevent use by a supermarket / other food operator, which would generate a more intense use of the premises. As such the provision of a new bus shelter is unlikely to be justifiable in this instance.

However, it is considered that the proposed improvements to the cycle network could be justified to encourage a sustainable use of the site. The Senior Transport Planner has been requested to provide details of the works that would directly relate to the site and their cost.

Similarly there is a concern over the 'Loss of employment' contribution. This is due to the fact that in this case, the premises are vacant and have been for a number of years. Therefore the proposal would not result in an actual loss of jobs on the site. Furthermore, the calculations for loss of employment contributions are based on the principle of B class jobs being of higher value and paying a salary in excess of £20k per year. The calculation assumes that the floor space would support 8 office/light industrial jobs.

Information has been requested as to how many persons were employed at the site when it was in use in the past, it is uncertain whether 8 jobs could be feasibly be provided in this location under a B class use in the future. It is also noted in this regard that the TDA have advised that the site is probably better suited to the type of use proposed and not ideal for small business space.

In support of the proposal the application would result in an investment in the area and would create 4 new jobs. There would also be a considerable environmental enhancement which would be likely to have a positive impact on nearby businesses and the area generally.

Advice in PPS4 is for Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic growth. Given the sustainable location of the site, with good accessibility by public transport, its location on the cycle network and the quality of design which would improve the character and quality of the area, it would be inappropriate for the Council to impose costs that it is difficult to justify. As such it is considered that the only 106 contribution that should be sought in this instance is a contribution towards the provision of a cycle lane outside of the premises running down towards Lower Polsham Road.

### **Conclusions**

In conclusion, the proposal would result in investment in a run down property and the creation of a new retail unit in a sustainable location close to Paignton Town Centre. The proposed building would have a contemporary design, with a scale that would respect the adjoining building. The applicant has demonstrated that there are no other alternative sites available for type and scale of retail development within the town, district or local centres. The location is close to existing centres and within an area that has an existing commercial focus. The proposal would be consistent with the objectives of Policy S6 of the Torbay Local Plan 1995-2011.

### **Condition(s)/Reason(s)**

01. No development shall take place until samples of the materials including the curtain walling to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason; In the interests of visual amenity in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) reveals to window/door openings;
- (ii) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

03. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority (a) details of the curtain walling and its operation including whether there would be any opening sections and (b) details of how the junctions of the different materials would be addressed.

Reason; In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

04. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the use of the premises hereby approved shall not be used for the sale of food unless otherwise agreed in writing by the Local Planning Authority.

Reason; To safeguard the character of the area, in accordance with Policy SS of the Torbay Local Plan 1995-2011

05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and details of cycle parking on the site. The cycle parking shall be made available before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason; To encourage the use of a sustainable and environmentally acceptable mode of transport, in accordance with Policy T2 of the Torbay Local Plan 1995-2011.

## **Relevant Policies**

- S6 Retail development outside identified To
- BES Built environment strategy
- BE1 Design of new development
- T1 Development accessibility
- T2 Transport hierarchy
- SS Shopping strategy