

Application Number

P/2018/1055

Site Address

Shelter Adjacent Cantina Kitchen And Bar
Youngs Park Road
Paignton
TQ4 6BU

Case Officer

Miss Emily Elliott

Ward

Goodrington With Roselands

Description

Conversion of shelter to function room to be used in association with Cantina Kitchen and Bar.

Executive Summary/Key Outcomes

The application relates to an established café, bar and restaurant situated at the northern side of Youngs Park. The proposal would result in the conversion of a public shelter to a function room to be used in association with Cantina Kitchen and Bar. The proposal would result in the extension of the existing bar and eatery use.

The proposal would result in the expansion of an existing business in a popular tourist area close to Goodrington beach that will improve the facilities available to tourists within a Core Tourism Investment Area. The applicant has stated that the proposal would maintain the equivalent of 50 full time jobs. It is considered that the design and appearance of the proposal would make a positive contribution to the appearance and character of the area. The application site is located within Flood Zone 3b, which has the highest probability of flooding, but is in accordance with policy nevertheless.

Therefore, it is deemed that the proposed development would be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Recommendation

That planning permission is granted, subject to the conditions detailed below and the completion of a legal agreement to secure a sustainable transport contribution of £3,249. The final drafting of conditions, the completion of the legal agreement, and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

Reason for Referral to Development Management Committee

As the development is on Council owned land and four objections have been received, the Council's constitution requires the application to be referred to the Development Management Committee for determination.

Statutory Determination Period

17.12.2018.

Site Details

The site comprises a detached building situated at the northern end of Young's Park, Paignton. The building is currently in use as a public shelter and features archways, with a flat roof and a hip-roofed tower. The Cantina Kitchen and Bar is located to the east of the site. A public footpath runs along the front entrance of the site and Cantina Kitchen and Bar. The site is located within a Core Tourism Investment Area as designated in Policy TO1 (Tourism, Events and Culture) of the Local Plan and the site is also designated as an Urban Landscape Protection Area in Policy C5 (Urban Landscape Protection Areas). The site is located within Flood Zone 3. The site is within 250 metres of the Roundham Head SSSI.

Detailed Proposals

The application is for the conversion of an existing public shelter to be used as a function room in association with Cantina Kitchen and Bar. The proposal will enable Cantina Kitchen and Bar to increase its capacity and ensure that the business can accommodate the increase in demand for functions. The conversion will provide Cantina Kitchen and Bar with an additional 207.5 square metres of space. The proposal would infill the existing arches with aluminium windows and doors and will provide external lighting to the arches. The conversion would form a kitchen, function room, toilets and storage.

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")

Material Considerations

- Emerging Paignton Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy 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:

Summary Of Consultation Responses

Conservation Officer: In conservation terms there is only one issue to be

addressed: the glass doors and windows. Drawing 1645 EL 001 shows that neither the doors nor the windows are appropriate for their openings: the lintels have disappearing corners at the arcs above the springing of the arches; the doors have different proportions in their tripartite divisions from those of the windows; the central door has much thicker sections than the windows' mullion divisions. In any case the lintel height to all openings has been determined by the demands of standard doors, but these are a mismatch to the harmonious proportions of the reveals of this shelter.

The simplest solution is simply to have full-height bi-partite doors; and for the windows, which are non-opening, a single sheet, or two panes centrally divided to mirror the bi-partite doors - and they should all be set centrally in the reveal not stepped behind it in a separate plane behind the arcade wall. D01 in room GO5 should not be treated differently. The glass doors should fill the whole reveal, like D02/03/04/05/06/07; they can be subtly obscured to conceal the contents of the store room.

Since receiving the revised plans - To begin with the major design failure is that both the alternate door openings, and the sealed window units ignore the arch reveals: they are hinged from a subsidiary parallel stud wall inside the body of the structure. Further the irregularity of appearance is a visual affront: thick mullions for the door openings alternate with thin ones for the window units, both unit types having a central lintel between the jambs which has no aesthetic or visual relationship to any other forms. The whole approach is that of a shop fit, but this is a piece of architecture, very public architecture, which needs to be treated correctly. Any architect would start with the reveals, form frames within them and then design doors and glazed panels across the axes of the arch, which in this case, because of the low springing heights precludes any lintel, and should be simply bi-partite from threshold to soffit. I cannot recommend the proposals at all, and suggest that they are refused in their entirety - not conditioned.

Torbay Development Agency: Supports the application for the conversion of shelter to function room to be used in association with Cantina Kitchen and Bar. This exciting new development, of a mainly unused shelter, will provide an improved food and drink offer all year round for one of Torbay's most popular beaches. Cantina has dramatically improved the food and drink offer for the area, serving quality and locally sourced produce, including seafood from Brixham Fish Market. The business is recognised locally and regionally receiving excellent ratings on TripAdvisor.

On Paignton's popular Goodrington Sands, the new development will make more efficient use of the shelter structure, bringing well needed investment. Of particular importance, the new function room will support the development of the visitor economy, currently worth £435m, attracting 4.5m visitors a year. The investment aligns to ambitions of the English Riviera's Destination Management Plan 2017-2021 including:

- o Attracting new visitors
- o Attracting investment
- o Increasing visitor spend

Although not mentioned in the application, we hope the new development will also create new jobs in Paignton, a welcome investment to support the local economy and develop skills. We would encourage the business to continue its links with South Devon College to develop Apprenticeships in the visitor economy and to also attend the annual Torbay Jobs Fair to employ local talent.

Arboriculture Officer: There is an established group of palms to the rear of the proposal which offer a significant back drop to the shelter. There is a new waste pipe system to be installed to the rear and this would appear to be in conflict with the trees. We would be concerned over the installation of the pipe and impact on tree health.

To overcome this concern I would recommend that:

1. The waste pipe is redirected into the park, and not along the rear of the proposal within the rooting area of the palms.
2. The application is supported by a landscape plan which addresses hedges and new planting.

Drainage Engineer: No objections. The proposed development lies within Flood Zone 3 and a site specific flood risk assessment has been submitted with the application. This site specific flood risk assessment identifies the sources of flooding together with proposed mitigation measures. Providing the conversion incorporates the mitigation measures identified within the site specific flood risk assessment there are no objections on drainage grounds to planning permission being granted.

Environment Agency: No objections to the proposed development. The flood risk assessment and maps indicate that the site lies within flood zone 3 and highlights the history of flooding in this area in 2004. The area of Youngs Park was also affected by wave overtopping from Storm Emma earlier this year. However, it is considered that the intended use of the converted building is 'less vulnerable' as it is at present. As the primary risk is from tidal inundation it is reasonable to assume that there would be sufficient time to react to rising water levels. However, we would recommend the provision of a door to the north of the building leading to the higher ground. We would also endorse the advice regarding preparation of a flood plan and signing up for flood warnings.

Paragraph 7-038 of the Planning Practice Guidance (PPG) and paragraph 160 of the NPPF are clear that access and egress needs to be part of the consideration of whether new development will be safe. Paragraph Reference ID: 7-039-20140306 of the PPG provides further guidance. If you are minded to approve the application on the basis that other material considerations outweigh the flood

risk, you may wish to consult internally with your Emergency Planners to determine their views on safe refuge as an alternative to safe access and egress. They will need to confirm that they can incorporate the additional occupants into their emergency evacuation plans.

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. It would also be advisable for the applicant to prepare a flood plan which outlines how the business will respond to a flood.

Community Safety Officer: No objections.

Strategic Appraisal Officer: The proposed development does not overlap with any designated conservation site. It is not within the South Hams SAC sustenance zone or strategic flyway as designated by Natural England (2010). The interrogation of Magic Maps shows that a component of the Lyme Bay and Torbay Marine SAC reefs Feature is approximately 360m, at its nearest point, from the site. The nearest sea cave is approximately a mile to the south east from the site.

Appropriate pollution control measures (for both water and air) should be applied in accordance with Defra guidelines <https://www.gov.uk/guidance/pollution-prevention-for-businesses> throughout the construction phase and where appropriate, method statements should be followed for high-risk activities, such as refuelling and use of concrete. With these measures in place, there would be no likely adverse effects on the SAC as a result of the potential spread of dust, sediments or other water or air borne pollutants.

Strategic Transport Officer: Since the space is below 500sqm a retail impact assessment will not be applicable (Policy TC3). The proposal is for less than 300sqm and therefore CIL is also not applicable.

The function facility for 98 covers will provide the opportunity to provide larger scale events and I therefore recommend the provision of a proportionate Travel Plan with 'SMART' targets seeking 30% modal shift for staff and customers (Local Plan Policy TA2 and TA3 -Appendix F apply) Secured and covered cycle parking for the maximum level of staff at any one time (1 per 2 staff) would be appropriate. A parking Management Plan setting out limited on-street parking and therefore to encourage use of the nearby public pay and display car park (during times of its operation) and discourage inconsiderate parking should also be provided. Both can be conditioned prior to occupation (use).

Since CIL is not applicable, Sustainable Transport Planning Contributions need to be considered. Using a ratio of 1 space per 33 sq m for the proposed internal gross floor area, this would still would create a demand of 6 car parking spaces. I note that whilst this is not a town centre site, as noted above, the site is within the CTIA and many visitors will use sustainable transport. I have therefore applied a 20% reduction as would be applied to town centre proposals. This would result in a shortfall of parking for the new (internal) floor space. Since the additional parking cannot be achieved onsite, a S106 sustainable transport contribution would be appropriate (I have calculated this to be £3,249). This could be used to invest in signage and improvements to the SWCP and pedestrian and cycle routes in the vicinity.

The Planning Contributions & Affordable Housing Supplementary Planning Document also considers the contribution to employment/economic impact of the proposal and it would be reasonable to discount any new additional FTE jobs created. The previous proposal benefited from this discounting process. The Planning Contributions Document indicates 1 FTE per 15-20 sqm for this type of use.

A construction management plan (CMP) should be submitted to ensure that public areas on the footway and promenade are not unduly obstructed. This could be conditioned.

Summary Of Representations

The application was publicised through a site notice and neighbour notification letters. 36 neighbour notification letters were sent to those neighbours which the development could affect. 4 letters of objection and 52 letters of support have been received.

Issues raised by the objectors:

- Impact on local area.
- Noise.
- Traffic and access.
- Odour.
- Loss of a public facility.

Comments in support include:

- It provides facilities.
- Impact on the local area.
- Makes tourist facilities better.
- Provides/retains jobs.
- It removes an eyesore.
- Removes anti-social behaviour.
- It's shown in the Local Plan.

Relevant Planning History

P/2017/1160: Single storey wraparound extension with two roof lights, front entrance ramp, new entrance doors and installation of storage unit (revised plans received 11.01.2018). Approved 27/02/2018.

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

1. Principle of the Development
2. Visual Impact
3. Impact on Amenity
4. Highways Impacts
5. Flood Risk
6. Ecology
7. Other Considerations

1. Principle of the Development

Policy TO1 Tourism, Events and Culture of the Local Plan supports in principle the improvement of existing and provision of new tourist accommodation and attractions, particularly proposals that make positive use of Torbay's marine environment, culture, heritage, biodiversity and Geopark. Furthermore, Policy TO1 will be achieved via the retention, improvement and creation of new, high quality tourism and leisure attractions, facilities and accommodation in sustainable, accessible locations with a particular focus on Core Tourism Investment Areas (CTIAs), which include Goodrington Sands and Clennon Valley in Paignton. Given that the application site is located within the Goodrington Sands and Clennon Valley CTIA, and as the proposal involves the improvement of an existing tourist facility, it is deemed that the principle of the development is acceptable, subject to compliance with other relevant Local Plan policies.

Policy SDP1 of the Local Plan states that the role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting the area's environmental assets. In addition, Policy SS1 Growth Strategy for a Prosperous Torbay of the Local Plan states that development should reinforce Torbay's role as a main urban centre and premier resort.

Policy SS4 (The Economy and Employment) of the Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses, it encourages new businesses and investment in order to create new jobs, and it enables expansion and diversification of the economy of the Bay. The Local Plan seeks to promote growth in sectors that are particularly important in Torbay, including tourism, hotel and catering. The applicant has detailed in the submitted Design and Access Statement that the proposal would develop the existing building at the north end of Youngs Park currently trading as Cantina Bar and Kitchen to

provide increased capacity and better all year round capacity and operational facilities.

A restaurant (Class A3 use) is designated as a main town centre use in the Glossary of the National Planning Policy Framework (NPPF). Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, however, this test should be balanced against other benefits of the proposal, including the improvement of existing tourism and leisure facilities in a core tourism investment area. Letters of support state that the proposal will make tourist facilities better and it provides and retains jobs. Policy TO1 (Tourism) of the Torbay Local Plan states that Torbay's tourism offer will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination. Policy TO1 details further that Torbay Council wishes to see the quality of accommodation improved with a wider range of new and refurbished facilities and services. This will be achieved through the following measures:

- Supporting in principle the improvement of existing and provision of new tourist accommodation and attractions.
- The retention, improvement and creation of new, high quality tourism and leisure attractions, facilities and accommodation in sustainable, accessible locations with particular focus on Core Tourism Investment Areas (CTIAs)

Given that the application site is located within the Goodrington Sands and Clennon Valley CTIA as designated in Policy TO1, and the proposed extension would improve the provision of tourist attractions, it is considered that the principle of the proposed development is acceptable, and in accordance with Policy TC3 (Retail Development) of the Local Plan, and the guidance contained in the NPPF.

2. Visual Impact

Paragraph 124 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 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 Design 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 C2 (The Coastal Landscape) of the Local Plan specifies that in the developed areas of coast, development will be permitted where it provides benefit to Torbay's economy and does not unacceptably harm the landscape character and appearance of natural, historical or geological assets.

The application site is located within an area designated as an Urban Landscape Protection Area in Policy C5 Urban Landscape Protection Areas of the Local Plan. Policy C5 specifies that development within Urban Landscape Protection Areas (ULPAs) will only be permitted where:

1. It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and
2. It makes a positive contribution to the urban environment and enhances the landscape character of the ULPA.

In terms of operational development, the proposal would result in what are considered to be modest changes to an existing structure. It should be noted that the Council's Conservation Officer has objected to the scheme due to the proximity of the site in relation to the Roundham and Paignton Harbour Conservation Area. The concerns are noted, however the external alterations to the public shelter will be visible from the elevation facing away from the Conservation Area. Therefore, it is considered that the proposed works would not adversely affect the character and appearance of the existing building and the surrounding area. In addition, it is deemed that the extension would make a positive contribution to the urban environment and enhance the landscape character of the ULPA. It is deemed that it would not have a significantly adverse effect on the character of the ULPA. There would not be any harm to the conservation area.

Objectors have raised concerns with regards to the proposal having a negative impact on the character of the area. Letters of support state that the proposal will have a positive impact upon the local area and it will remove an eyesore. It is considered that in terms of the proposed use, the proposal would not manifest itself in any way that would result in harm to the character of the area. A condition is recommended to secure details of the proposed fenestration works.

Given its siting, scale, and design it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality. As such, it is considered that the proposal would comply with Policies DE1, C2 and C5 of the Local Plan, and the guidance contained in the NPPF.

3. Impact on Amenity

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposal is to convert an existing public shelter into a function room for Cantina Kitchen and Bar. The letters of objection include issues arising around noise, odour and loss of a public facility. Letters of support state that the conversion of the public shelter will remove anti-social behaviour. The Council's Community Safety Officer has raised no objection to the proposal. Given its siting, scale, and design, it is considered that the proposal would not result in any

unacceptable harm to the amenities of neighbours.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

4. Highways Impacts

There is a public car park located on the south western side of Youngs Park and a National Cycle Network runs through the middle of Youngs Park. Objectors have raised concerns regarding traffic and access, however due to the close proximity of a pay and display public car park and cycle network it is considered that the concerns are mitigated. The Council's Strategic Transport Officer has stated that the proposal provides a function room and therefore the opportunity to provide larger scale events and therefore requests the provision of a proportionate Travel Plan with 'SMART' targets seeking 30% modal shift for staff and customers. The proportionate Travel Plan can be conditioned and would be the scheme acceptable with regards to Policies TA2 (Development Access) and TA3 (Parking Requirements) of the Local Plan. (Local Plan Policy TA2 and TA3 - Appendix F apply).

The Council's Strategic Transport Officer has stated that there should be adequate provision of secured and covered cycle parking for the maximum level of staff at any one time, to which one cycle space per two staff would be appropriate. The Council's Strategic Transport Officer has requested that a Parking Management Plan be submitted and approved, setting out how street parking will be limited, and the use of the nearby public pay and display car park will be encouraged. The provision of cycle parking and a Travel Plan would also be intended to reduce the use of private motor vehicles.

The Planning Contributions & Affordable Housing Supplementary Planning Document considers the contribution to employment/economic impact of the proposal and it would be reasonable to discount any new additional full time equivalent jobs created. The Planning Contributions & Affordable Housing Supplementary Planning Document indicates that there is 1 full time equivalent employee per 15-20 square metres for the proposed use, however the application form states there will be 50 full time equivalent employees.

With the provision of a proportionate Travel Plan, cycle parking and a Parking Management Plan, which can both be secured by way of condition, the proposal is considered to accord with Policies TA2 and TA3 of the Local Plan.

5. Flood Risk

Policy ER1 Flood Risk 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 in Flood Zone 3. The

application is accompanied by a site specific Flood Risk Assessment. The Council's Drainage Engineer raises no objection to the proposal and states that the submitted site specific flood risk assessment identifies the sources of flooding together with proposed mitigation measures. The Council's Drainage Engineer has stated that providing the conversion incorporates the mitigation measures identified within the site specific flood risk assessment there are no objections on drainage grounds to planning permission being granted.

The Environment Agency raises no objections to the proposal. The Environment Agency has stated that the flood risk assessment and maps indicate that the site lies within Flood Zone 3 and highlights the history of flooding in this area in 2004 and the area of Youngs Park was also affected by wave overtopping from Storm Emma earlier this year. The Environment Agency states that the intended use of the converted building is 'less vulnerable' as it is at present and as the primary risk is from tidal inundation it is reasonable to assume that there would be sufficient time to react to rising water levels. The Environment Agency recommends that a provision of a door to the north of the building leading to the higher ground for potential flood risk and endorse the advice regarding preparation of a flood plan and signing up for flood warnings.

Whilst the site is located within the floodplain, the National Planning Practice Guidance is clear that the sequential and exceptions tests do not need to be applied to non-domestic extensions of less than 250sqm in area. Subject to the proposed safety measures, forming part of the submitted FRA, are implemented, the proposal is considered to be acceptable in the proposed location.

The proposal is considered to be in accordance with Policy ER1 of the Local Plan and the guidance contained in the NPPF.

6. Ecology

It is concluded, given the scale, nature, and location of the proposal, and the proposed use of mitigation measures, that a Habitats Regulations Assessment is not required.

7. Other Considerations

The Paignton Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The relevant policies for this application are Policy PNP1(c) Design Principles and Policy PNP25 Clennon Valley.

Policy PNP1(c) requires development proposals to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials. The proposal is considered to comply with Policy PNP1(c) as the materials maintain those of the existing structure and infill the

arches with aluminium windows and doors, and the scale and bulk of the proposal is in keeping with the surrounding area. The proposal is therefore considered to accord with Policy PNP1(c).

Policy PNP25 states that development proposals will be supported that retain and enhance the natural landscape character of the valley, biodiversity and waterway flowing through; safeguard footpaths and facilities used by local residents; improve provision of facilities for tourists that widen the tourism offer; provide facilities that will be resilient to flood risk; and widen the provision of all-weather tourist attractions. The proposal improves the provision of an existing facility of Cantina Kitchen and Bar for tourists and addresses the flood risk. The proposal therefore complies with Policy PNP25.

The proposal is therefore considered to comply with the Paignton Neighbourhood Plan.

Local Finance Considerations

S106/CIL -

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

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

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA

development.

Conclusions

The proposal is considered to be acceptable, having regard to the Local Plan and all other material considerations.

Condition(s)/Reason(s)

01. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The submitted details shall include measures to prevent pollution into nearby watercourses and the sea. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - e) Wheel washing facilities.
 - f) Measures to control the emission of dust and dirt during construction.
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
 - h) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

02. Prior to the development hereby approved being brought into use, details of secure and lockable bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include information about the layout and the design of the facilities. These facilities shall be made available for use by users of the site in accordance with the approved details prior to the development being brought into use, and shall be maintained as such at all times.

Reason: To provide for and encourage sustainable forms of travel to and from the site, in accordance with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

03. Prior to the development hereby approved being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall provide details of the proposed means of encouraging the use of sustainable modes of transportation, including the provision of information to the site's users. The use hereby approved shall be undertaken in accordance with the approved details.

Reason: In the interests of road safety and sustainability, and in order to accord with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

04. Prior to the occupation of the development hereby approved, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall provide details about how the use of the nearby public pay and display car park will be encouraged. Once approved, the Parking Management Plan shall be implemented in full.

Reason: In the interests of road safety and sustainability, and in order to accord with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

05. No development shall take place until the proposed measures for preventing damage to existing trees and hedges, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interest of visual amenity and in accordance with Policies C4 and DE1 of the Adopted Torbay Local Plan 2012-2030.

06. Prior to the installation of the proposed windows and doors, details of the proposed materials and colour scheme, along with sections at a scale of 1:5 and elevations at a scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details 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 Adopted Torbay Local Plan 2012-2030.

07. The development hereby approved shall be undertaken in accordance with the mitigation measures contained in the flood risk assessment referenced "1250w0002 P1" received 18th October, 2018, and shall be

retained as such thereafter.

Reason: In the interests of flood safety and in accordance with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

Informative(s)

01. 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.
02. The applicant is reminded of their obligations in relation to pollution prevention and control, which is covered by separate legislation. Appropriate pollution control measures (for both water and air) should be applied in accordance with Defra guidelines <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Relevant Policies

DE1 - Design
DE3 - Development Amenity
TA2 - Development access
TA3 - Parking requirements
ER1 - Flood Risk
ER2 - Water Management
TO1 - Tourism, events and culture
SS4 - The economy and employment
C2 - The coastal landscape
C5 - Urban landscape protection areas
TC3 - Retail Development
SDP1 - Paignton
NC1 - Biodiversity and Geodiversity