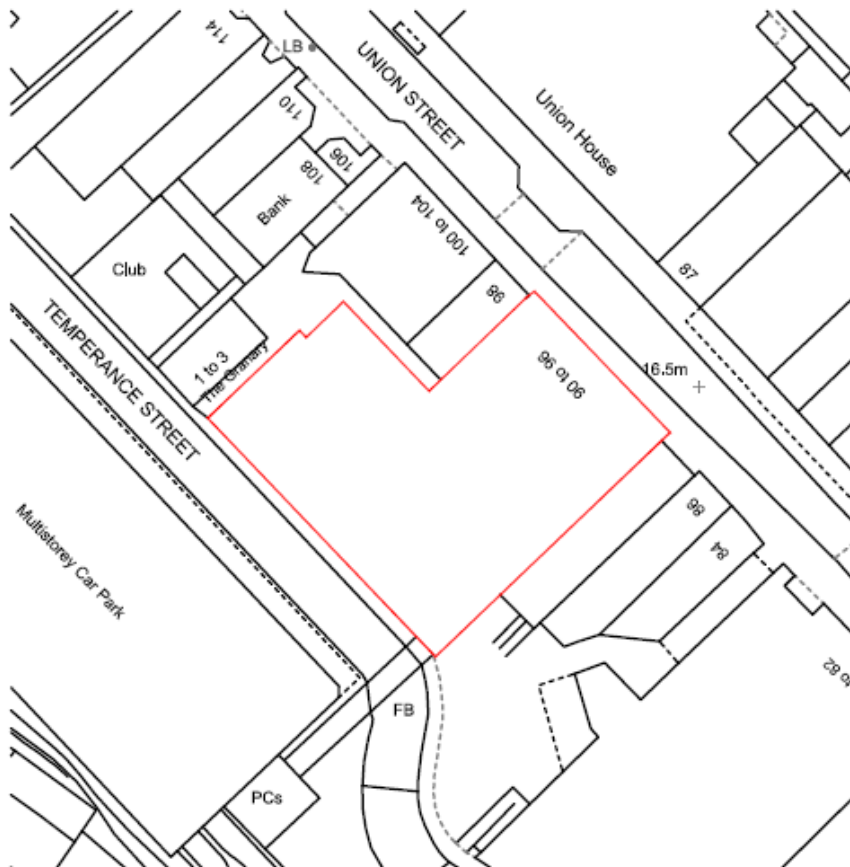




Application Site Address	90 - 96 Union Street Torquay TQ1 3YA
Proposal	Change of use from A1 (shops) to D2 (Cinema) including restaurant.
Application Number	P/2019/0358
Applicant	Merlin Cinemas
Agent	Mr Craig Johns – Craig Johns Architecture
Date Application Valid	19/06/2019
Decision Due date	18/09/2019
Extension of Time Date	
Recommendation	Conditional approval, subject to the completion of a legal agreement and resolving any outstanding flood risk matters. The final drafting and addition of conditions, the negotiation and completion of the legal agreement, and addressing any outstanding or new material considerations that may come to light, to be delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	This is a major planning application.
Planning Case Officer	Robert Brigden

Location Plan:



Site Details

The site comprises a three-storey building, formerly in use as a department store, located on the south-western side of Union Street in Torquay town centre. The building includes a sub-surface basement, with three floors above, and forms part of the primary retail frontage. The site also includes part of the covered pedestrian link to Lower Union Lane car park, which is located to the south-west on the opposite side of Temperance Street.

The site is located in Flood Zones 2 and 3.

Description of Development

This planning application proposes the material change of use and internal conversion of an existing retail premises (use class A1), formerly in use as a department store, to a multi-screen cinema (use class D2). The proposal would include the following elements:

- Thirteen screens ranging in size from 23 to 120 seats;
- At basement level: four screens, a party room, kitchen, several store rooms, a staff area, and toilets;
- At ground-floor level: Main entrance from Union Street, kiosk area, three screens, a restaurant, ice cream bar, toilets, and store rooms;
- At first-floor level: six screens, a private bar, offices, and toilets.
- At second-floor level: plant.

According to the submitted information, the proposal would employ ten people on a full-time basis, and forty on a part-time basis. The site does not include dedicated parking, however, there is access to public car parks located in the vicinity, the nearest being Lower Union Lane, which is connected to the site by a covered pedestrian link.

Pre-Application Enquiry

None.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Torbay Local Plan ("The Local Plan")
- The Torquay Neighbourhood Plan

Material Considerations

- 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:

Relevant Planning History

There is an extensive planning history dating back to the 1970s relating to the site's use as a department store.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. No representations have been received from the general public.

Summary of Consultation Responses

Torbay Council Strategic Planning:

Although the former BHS store is within the primary shopping frontage, it's at the edge of the primary frontage. A cinema is a suitable town centre use, which will enhance the vitality, viability and function of the town centre and is likely to increase footfall up Union Street, as well as bringing a prominent site back into use and contributing to regeneration of the town centre. It will also enhance the night time economy in the area. On this basis, although the proposed cinema introduces a non-Class A1 use into the primary retail frontage, I do not consider that there is a conflict with Policies TC1 or TC4 of the Adopted Torbay Local Plan taken as a whole. Indeed the proposal is likely help regeneration of the town centre. I can't see that the proposal conflicts with the Adopted Torquay Neighbourhood Plan.

It may be appropriate to impose a planning condition limiting the use to a cinema (with ancillary food and drink etc. uses) rather than allowing an open Class D2 use. Whilst a range of Class D2 uses would be acceptable, a condition would allow the LPA to retain control over the nature of the use.

I believe that flooding and transport issues have been addressed separately. A cinema is a less vulnerable use, but it would be appropriate for resilience measures to be considered.

The cinema will operate in the evenings and is also likely to be licenced, so it would be appropriate to seek a contribution for CCTV as per the Planning contributions SPD.

Drainage Engineer:

Comments awaited. Members will be provided with an update during the Planning Committee Meeting.

Devon and Cornwall Police:

I would like to advise that in the main the police support the proposed change of use, but some strong concerns have been raised by the local policing team, specifically with regard to public safety.

The main concern being the area behind the building (Temperance Street into Lower Union Lane) which is dark and an area the police frequently have to attend to deal with drug and criminal related offences and antisocial behaviour. The level of lighting and lack natural and passive surveillance are likely to be contributory factors for the unwanted behaviour and activities to occur.

It is my understanding that there is some CCTV in the vicinity but given that the aforementioned car park is likely to be used by customers of the proposed cinema it is requested that the existing system is either upgraded or a new system is installed with compatible and appropriate lighting. The CCTV should provide good coverage of the rear of the building and all linked pedestrian routes to the car park. These reasonable requests are likely to reduce crime, the fear of crime and ASB and thus encourage its legitimate use.

With regard to the car park its self, it is appreciated that this does not form part of the planning application but the police would be reassured if the applicant were willing to make some improvements such as installing CCTV and lighting in the most vulnerable areas of the car park such as the stairwells and the linked pedestrian route, as this would go some way in improving public safety. The police report that the stairwells in the car park are frequently used for drug taking and drug offences with the associated paraphernalia left lying around and the stairs frequently smell of urine. Suitable and regular cleaning of these areas would significantly improve public safety and reduce the fear of crime thus encourage legitimate use and benefit all concerned. It is suggested that perhaps patrols from the night security of the car park could be extended to cover lower union lane?

Would there be an option of securing financial contributions from the applicant so these measures can be put in place?

To ensure that any new CCTV or upgrades are fit for purpose when measured against the above requirements and any potential risk a clear Passport to Compliance will need to be obtained by the applicant prior to installation so that the system and each camera have a clear purpose and that the needs of the user are being met.

Unfortunately I am not in a position to advise how to go about procuring or installing a monitored CCTV system but local accredited and approved CCTV installers can be searched for at: www.nsi.org.uk or www.ssaib.org .

With regard to external lighting this should conform with the requirements of BS5489 2013 where possible. 'On building' bulkhead lights should be positioned so they are out of easy reach and be vandal resistant.

It is recommended that all easily reachable external elevations of the building are treated with an anti-graffiti finish.

It is noted that little if any is to be altered to the external aspects of the building but wherever possible please ensure that recessed or concealed areas, external doors for example, are avoided, as this will assist greatly in improving surveillance opportunities.

In compiling this response I also had to consider counter terrorism advice, specifically in respect of Crowded Places and Hostile Vehicle Mitigation (HVM) and the required safety and security measures in order to protect the public.

To remove a straight line approach to the front of the building, which could allow a vehicle to travel at speed in order to penetrate the doors and gain access into the building, vehicle mitigation measures such as installing bollards or planters to PAS 68 tested rating should be considered. These come in a variety of designs and if permanent bollards are not desirable, sliding or retractable bollards could be an alternative option. Further details can be supplied to the applicant if required.

Laminated glass would be recommended for the front of the premises/entrance area. Refuse bins should either be securely enclosed or positioned with a stand-off distance from the main building of 30 metres (if possible).

A condition is requested to secure measures for designing out crime.

Torbay Council Strategic Transport

Given the Town Centre location of this site it is accessible by sustainable transport with existing walking and cycling opportunities (cycling parking hoops provided immediately in front of the unit), as well as public transport nearby and a taxi rank opposite. Note the public transport provision between Torquay – Paignton – Brixham and Newton Abbot is 24 hours on Friday and Saturday nights. This route uses the main town centre.

Policy TA3 (and appendix F) states that there is no specified minimum parking requirement for main town centre uses. It is expected that existing car parks and on-street parking will be sufficient. In this case there are two car parks immediately behind (connected by a direct walkway and separate walkway) and another opposite through the Union Square shopping centre. There is also on street disabled badge holder provision alongside some general provision between 6pm and 8am. However, it should be noted that two of the three adjacent car parks are not open after 7pm which means only the 'Shoppers' car park (32 spaces) would be open for the hours of operation. There is another evening use (Bingo Hall) behind the application site which uses those spaces regularly. Although the current use exists within the town centre the situation is slightly different because of the intensification of the use proposed in this application and due to the much greater provision of on street parking in the adjacent to the existing site.

The design and access statement submitted with the application recognises that there is parking adjacent and states that as the use would be greater in the evening, there would not be a capacity issue within the car parks as there is little clash with the existing retail offer. I agree with that statement and that no further car parking is required, but it does further emphasise the need to ensure the car park is open in the evening, beyond 7pm.

Having discussed with colleagues, it is possible for the Lower Union Lane multi storey (that directly connected with a walkway) to be opened later/all night. This would require the relocation of gates which are already present on the bottom level.

Torbay Council Community Safety

I have some concerns regarding the possibility of noise from the new cinema affecting nearby residential properties ie flats above adjacent shops. As such, I would confirm that I have no objections subject to the inclusion of the condition below:

No development shall take place until a detailed acoustic report regarding the development has been submitted to and been approved in writing by the Local Planning Authority.

The report shall include a scheme of noise insulation measures to protect nearby residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from the showing of films.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Local Highway Authority

No objections.

Torquay Neighbourhood Forum

No comments received.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Local and Residential Amenity
4. Access Arrangements and Parking
5. Designing Out Crime
6. Flood Risk and Drainage

Planning Officer Assessment

1. Principle of Development

The proposal is for the change of use of retail premises (A1) to a cinema (D2), with ancillary elements such as a restaurant and private bar.

Policy TC1 of the Local Plan states that: *“all future growth in retail and town centre uses should follow a town centre first approach, resisting out-of-town and out-of-centre retailing that would harm the vitality and viability of town centres.”*

Policy TC4 of the Local Plan states that within primary shopping areas and primary frontages, premises should predominantly be A1 retail uses, although A2 (financial and professional services) and A3 (restaurants and cafes) uses may also be permitted where they support the vitality and retail function of the area. However, this policy is also clear that changes of retail use in town centres can be acceptable in principle providing that they are of a scale and type appropriate to the centre in question, and where changes do not:

1. *Undermine the vitality, viability or character of the centre as a whole;*

The NPPF includes cinemas in its definition of main town centre uses and the proposal in question would occupy a currently vacant building. It is considered that the proposal would contribute positively to the vitality and viability of the town centre by providing an enhanced entertainment facility and tourism attraction. The proposal would be a larger and more modern version of the existing cinema located at Abbey Road, which the applicant would vacate to occupy the proposed facility. The character of the area would not be adversely affected as no significant external changes are proposed to the building.

2. *Cause unacceptable fragmentation and isolation of retail premises;*

Most of the premises located along the south-western side of Union Street are in A1 retail use and the proposal would not result in an unacceptable level of fragmentation or isolation of retail premises.

3. *Result in the over-dominance of non-retail uses within a frontage or centre.*

The majority of premises in the vicinity of the site are retail uses and it is therefore considered that the proposal would not result in an over-dominance of non-retail uses. Whilst the Torquay Neighbourhood Plan does not include any town centre policies, the proposal is considered to be in accordance with its aspirations, which includes enhancing the vibrancy of Torquay town centre.

As Use Class D2 includes other uses that may be less appropriate in the location

under consideration, and that a change to another D2 use would be permitted development, it is recommended that a planning condition be imposed to prevent this.

The proposal is considered to be acceptable in principle.

2. Impact on Visual Amenity

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 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character in terms of height, scale, and bulk; and reflect the identity of its surroundings.

The proposal would result in very minor changes to the external appearance of the application building, mainly comprising advertisement signs that would require separate consent. Any measures required to enhance security at or near the site, such as CCTV, lighting, and counter-terrorism measures, are capable of being designed in a way that would not result in unacceptable visual harm. The proposal would bring a disused building back to life and, in this sense, would result in a visual improvement.

Conditions and planning obligations are recommended to secure the details of necessary security measures and enhancements to the pedestrian link connecting Union Street to the Lower Union Lane car park.

Subject to the use of these conditions, given the proposal's visual appearance, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality, in accordance with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Local Residential Amenity

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

It appears that there are some dwellings located above shops in the vicinity of the site, and it is noted that the Local Plan and Neighbourhood Plan support the inclusion of such uses within the town centre, meaning that new residential properties could come into being in future near to the site. The level of amenity to be expected within an existing, busy town centre would be limited by the need to allow the centre to function effectively as a commercial, entertainment, and retail hub. Nevertheless, potential harm to neighbouring occupiers does need to be given consideration. The proposed cinema would make use of audio equipment, and it is noted that the proposal would

also include an ancillary restaurant and private bar, which would make up a small proportion of the overall building and would be linked to the main use as a cinema. The private bar, for example, is intended for cinema-related events.

The Council's Community Safety officers have raised no objections to the proposal subject to the use of a planning condition to secure the approval of an acoustic report with associated sound mitigation measures. This is intended to ensure that any noise generated by the proposal, through the use of audio equipment and in other respects, would not result in any unacceptable harm to existing or future residential uses located nearby, for instance, to the occupiers of any flats located above shops. It is recommended that this condition be imposed should planning permission be granted.

The proposal would give rise to potential noise impacts as a result of cinema-goers coming and going, however, the bulk of this activity is likely to be limited to day-time and early-mid evening hours. The latest film showings at the Vue cinema in Paignton are typically around 2130 at the weekends, and this is consistent with cinemas elsewhere. Even at that time of day, the number of films being screened is usually limited. As such, the outdoor activity at the site is likely to diminish considerably as evenings progress, with customers dispersing from the area, and any harm caused would need to be considered in the context of the site's town centre location. Policy TC5 of the Local Plan supports the principle of development that helps create a vibrant, diverse evening and night-time economy within town centres, and the proposal is considered to be consistent with this policy and its requirements.

The applicant has requested opening hours of 0800 to 0300 daily. It seems unlikely that the proposal would regularly open at the earlier and later ends of this range; the hours have been requested to allow the facility flexibility to hold special events from time to time where there is demand. The Council's Community Safety officers have raised no objections to this, and a condition is recommended to limit the opening hours to those requested. The proposed private bar and restaurant (if alcohol is sold) would be subject to a separate licencing regime, which may limit their opening hours further.

Additional security measures within the public realm and enhancements to the pedestrian link connecting the site to a neighbouring car park will be secured through the use of planning conditions and obligations, and are discussed further on in this report.

Subject to the use of the aforementioned conditions, it is considered that the proposal would not result in unacceptable harm to local or residential amenity and, as such, is in accordance with Policy DE3 of the Torbay Local Plan.

4. Access Arrangements and Parking

Policy TA3 (and appendix F) of the Local Plan states that there is no specified minimum parking requirement for main town centre uses. The site is located in a highly

sustainable and central location, with easy access to public transport, taxis, and public parking facilities. It is noted that the nearest public car parks currently close at 1900 and that this would limit the parking provision available to the proposal during the evening hours. The Council's Strategic Transport officers have raised no objections to the proposal subject to the nearest car park, at Lower Union Lane, being adapted to allow additional parking beyond the current closing time. This upper floors of this car park are currently gated off beyond 1900, leaving only the first-floor and an adjoining street-level car park for public use, and these would need to serve other facilities in the area during the evenings, in addition to the proposed cinema.

The Lower Union Lane car park is owned by the Council and it is understood that adjustments can be made to allow the upper levels of the car park to open later. It is anticipated that a financial contribution would need to be secured to allow for the necessary changes. A condition is also recommended to secure the details of a car parking management strategy, to ensure that the cinema is not brought into use until acceptable parking arrangements have been negotiated and agreed with the Council.

Subject to the use of these conditions and obligations, it is considered that the proposal would have adequate access and parking arrangements, in accordance with Policies TA2 and TA3 of the Torbay Local Plan, and Policy TH9 of the Torquay Neighbourhood Plan.

5. Designing out Crime

Devon and Cornwall Police have raised no objections but have outlined concerns about safety and security in the vicinity of the site, particularly during the evening and night-time hours. The Police support the proposal in principle, subject to the provision of enhanced security measures, namely external lighting and CCTV, along with counter-terrorism measures to the front of the proposed entrance. The latter are likely to comprise bollards or similar obstructions to prevent vehicles being driven into the building's entrance, along with the use of laminated glazing.

Conditions are recommended to secure details of improved CCTV and external lighting provision in and around the site, along with counter-terrorism measures, which will need to be installed prior to the proposal being brought into use. A condition is also recommended to secure enhancements to the pedestrian link, which runs through the site from Union Street towards the Lower Union Lane car park. This link is currently in a poor state of repair. Further to these conditions, financial contributions should also be secured, through the completion of a legal agreement, towards the enhancement of that part of the pedestrian link owned by the Council (the western part of the link), and the provision of CCTV and lighting within the linked car park and public realm, as appropriate.

Subject to the use of these conditions and the completion of a legal agreement to secure the aforementioned obligations, it is considered that the proposal would be

sufficiently safe and secure for its future users and would adequately design-out opportunities for crime and anti-social behaviour.

6. Flood Risk and Drainage

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 Flood Zones 2 and 3, and a site-specific flood risk assessment has been provided.

The proposed development is considered to be appropriate in this location and there are no sequentially preferable locations given the nature of the proposed use and its location. Having regard to the sequential test, the proposal is considered acceptable and in accordance with national planning policies and guidance.

Advice is still awaited from the Council's Drainage Engineer in relation to the safety of the proposal. Members will be provided with an update during the Planning Committee meeting, however, as acceptable drainage arrangements are likely to be achievable in principle, it is recommended that this matter be delegated to planning officers to resolve following the committee meeting.

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.

Local Finance Considerations

Planning permission should only be granted subject to the completion of a legal agreement to secure:

- A financial contribution towards the cost of enhanced lighting and CCTV in that part of the pedestrian link owned by the Council, and in/around the Lower Union Lane carpark and otherwise within the public realm, as required.
- A financial contribution towards the physical enhancement of that part of the pedestrian link owned by the Council.
- A financial contribution towards the cost of making alterations to the car park to allow for later night parking.

EIA

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

Sustainability

The proposal is located in a central and sustainable location, within walking distance of other town centre facilities and nearby residential areas, and easily accessible by public transport. The proposal would make use of an existing, vacant building within the built up area.

Planning Balance

The proposal would have a positive effect in relation to the vibrancy and vitality of Torquay town centre, providing an enhanced entertainment facility in a central and easily accessible location. No unacceptable harm has been identified, subject to the use of conditions and obligations, which would also ensure acceptable arrangements in relation to public security and parking provision.

Conclusions and Reasons for Decision

The proposal would contribute to the vibrancy of Torquay town centre, would not result in any unacceptable harm in terms of amenity or the character of the area. Acceptable arrangements can be achieved in relation to parking and access, along with security measures. Subject to the resolution of the outstanding flood risk matters, the completion of a legal agreement to secure the aforementioned obligations, and adherence to the conditions outlined below, the proposed development is considered acceptable, having regard to the adopted Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Conditional approval, subject to the completion of a legal agreement and resolving any outstanding flood risk matters. The final drafting and addition of conditions, the negotiation and completion of the legal agreement, and addressing any outstanding or new material considerations that may come to light, to be delegated to the Assistant Director of Planning and Transport.

Conditions or Refusal reasons

Limit to use as Cinema

The premises shall be used as a cinema and for no other purpose (including any purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no development consisting of the change of use of the premises to any other use shall be carried out.

Reason: To ensure the use of the premises is appropriate in the town centre, and in accordance with Policy TC4 of the Torbay Local Plan.

Noise

Prior to the first use of the cinema hereby approved, all necessary sound attenuation shall be fully installed in accordance with a detailed acoustic report have been submitted to and approved in writing by the Local Planning Authority.

The report shall include a scheme of noise insulation measures to protect nearby residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard whereby nuisance will not be caused to the occupiers of residential accommodation by noise from the showing of films.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings.

Once installed, the sound approved sound insulation measures shall be retained for the life of the development.

Reason: In order to safeguard the amenities of nearby occupiers, in accordance with Policy DE3 of the Torbay Local Plan.

Enhancement of pedestrian link

Prior to the first use of the development hereby approved, a scheme of enhancements to the public pedestrian link, running through the site from Union Street, shall be completed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The pedestrian link shall thereafter be retained as such.

Reason: In the interests of local amenity and to provide acceptable access to the neighbouring public car park, in accordance with Policies DE3 and TA3 of the Torbay Local Plan.

Designing-Out Crime

Prior to the first use of the development hereby approved, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include enhanced security measures, including external lighting and CCTV, and counter-terrorism measures relating to the main entrance of the proposal. The approved measures shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 and DE3 of the Torbay Local Plan.

Operating Hours

The use hereby approved shall only be open to the public between the hours of 0800hrs and 0300hrs daily.

Reason: In the interests of local amenity and in accordance with Policy DE3 of the Torbay Local Plan.

Parking

Prior to the first use of the development hereby approved, a car parking management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall evidence the availability of public car parking to serve the development during the proposed operating hours, including an agreement between the developer/operator and the Council for the provision of additional evening parking within the Lower Union Lane car park. The use shall thereafter be operated in accordance with the approved details.

Reason: To ensure adequate parking provision in accordance with Policy TA3 of the Torbay Local Plan.

Informative(s)

01. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.
02. 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.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

NC1 – Biodiversity and Geodiversity
TA1 – Transport and Accessibility
TA2 – Development Access
TA3 – Parking Requirements
TC1 – Town Centres
TC4 – Change of Retail Use
TC5 - Evening and night time economy
TH8 – Established Architecture
TH9 – Parking Facilities