

GARFIELD ROAD SITE

Part of the Victoria Centre, Paignton

SUPPLEMENTARY PLANNING DOCUMENT

January 2020

Ref 1748



Architects | Urban Designers

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1.0 INTRODUCTION

1.1 ABOUT THIS DOCUMENT

The development of this site is one of a number of town centre projects that are vital to the pace and success of the regeneration of Paignton's town centre.

This Supplementary Planning Document (SPD) provides a framework for the residential development of a site on Garfield Road, which is part of the Victoria Centre. It is a 0.39ha site fronting onto Garfield Road in the heart of Paignton. The existing site is dominated by a four storey car park adjacent to the wider shopping centre and a second multi-storey car park of similar scale. Redevelopment of the site is based on the demolition of the existing car park.

This SPD provides guidance on the height, scale, massing and broad design principles of the development of the site. It is not prescriptive, in as much as it does not attempt to design a development – that being the developer's role – or to provide detailed design guidance, which might stifle innovation.

The framework for development, provided by this SPD, is based on a clear understanding of the site and its context; an assessment of options for development of the site, culminating in a series of parameter plans and illustrations to guide development. This understanding and assessment necessarily includes the whole of the Victoria Centre, as it is the Council's ambition (as land owner) to secure comprehensive redevelopment of the whole of Victoria Centre. Consequently, the development associated with this SPD must not prevent the later phases of development.

The purpose of this SPD is to accelerate delivery of new homes on the site, establishing the principle of residential development, securing community support and as an adopted planning document, thereby providing more clarity and certainty for a developer. Preparation of the site for development, including production of this document, has been greatly assisted by the Government Land Release Funding.

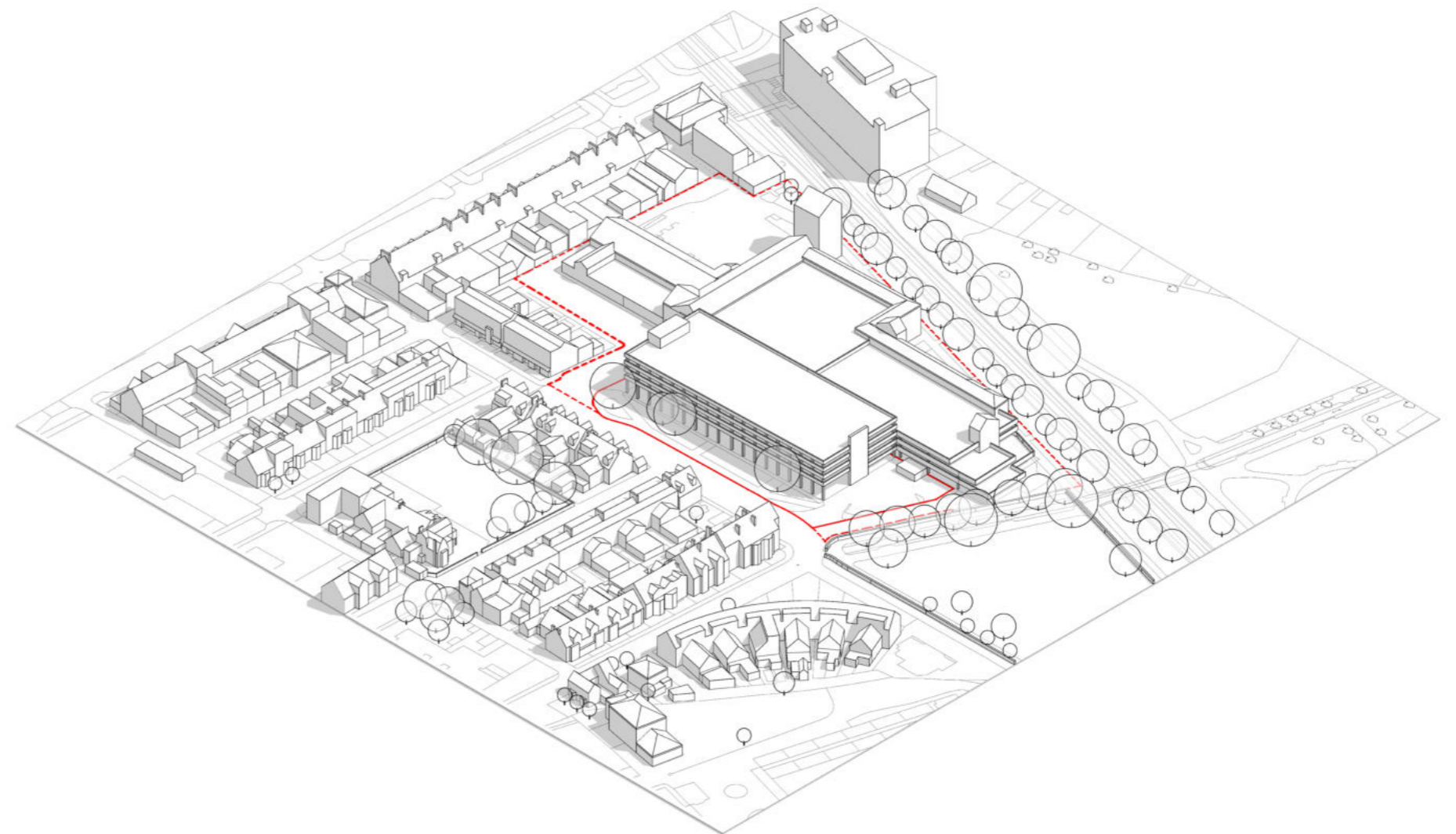


Image 1.1: The existing site shown within the solid redline, with the wider Victoria Centre marked with a dotted line.

1.2 PAIGNTON

Paignton has evolved, largely as a result of philanthropy, private investment and good design, from a rural community of the C18th, latterly to a tourist destination, as part of the renowned English Riviera. Paignton has experienced significant decline in recent years with a lack of major investment and consequent challenges for the community. The Council has committed resources, including its land, to support the necessary regeneration of Paignton Town Centre. The development of the Victoria Centre, forms part of the Council's town centre regeneration programme.

Paignton is home for 44,189 people. It is Devon's 4th largest town, behind Plymouth, Exeter and Torquay. Paignton's population will grow by 10% by 2030.

Paignton is part of Torbay's UNESCO designation as a Geopark – the world's only urban Geopark. It has outstanding natural assets.

The small footprint of Paignton town centre ensures that all the core services - retail, transport, library and leisure – are within a 10 minute walk. Paignton town centre is very well served by rail, bus, coach and road infrastructure – right into the heart of the town. Over 670,000 trips occur via Paignton Railway Station, an increase of 57% from 2008. An enhanced half hourly train service will, from December 2019, meet growing demand within the travel to work area. There is a direct rail service to London.

The offer and experience within the town centre is improving, based around a large percentage (76%) of independent retailers each offering a reason to come to Paignton.

Torbay is one of the country's top 10 visitor destinations, welcoming over 4.5m visitors every year, with an annual visitor spend of over £435m. Paignton attracts over 1.4m day visitors and over 380,000 staying visitors, spending over £140m every year.

Paignton is the historic and cultural heart of Torbay which includes; Palace Theatre, Paignton Picture House - (Europe's oldest purpose built cinema), Doorstep Arts (a National Portfolio Organisation - one of the country's leading community theatres) and a very high concentration of listed buildings.

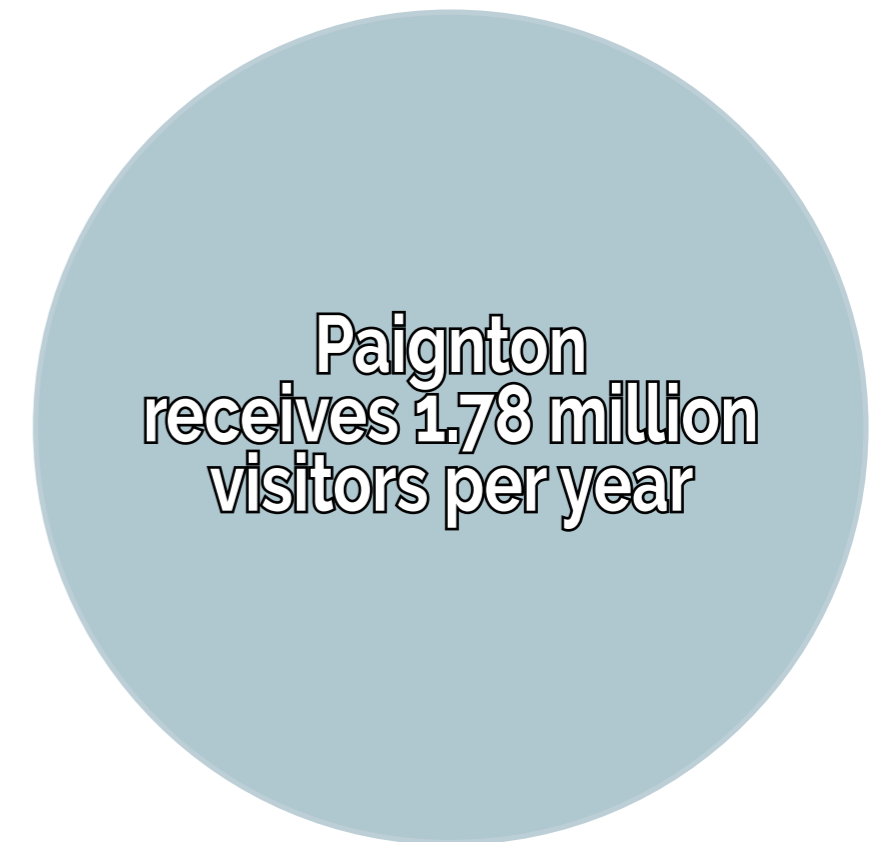
The South Devon Highway provides reliable connections to the motorway network, reducing travel time from the M5 and enabling improved access to national and international destinations: Exeter Airport in 30 mins; Bristol Airport in 90 mins; Plymouth Port in 60 mins.

South Devon College, a Gold educational establishment located in

West Paignton, seeks to achieve university status with 1,000 Higher Education students by 2025. It plans student accommodation, with initial demand for 120 student beds. This is a game changing opportunity to make the town centre attractive for young people and education.

The Council's Local Plan and the community's Neighbourhood Plan identify the need to deliver homes in Paignton Town Centre, including this site.

Collectively this provides a great opportunity for a refreshed and successful town centre that is well-connected, offers a great experience and is home to a much larger number of people than at present.



1.3 SUPPLEMENTARY PLANNING DOCUMENTATION

INTRODUCTION

Supplementary Planning Documents (SPDs) are non-statutory documents that add a further layer of detail to the Local Plan. They can be used to provide further guidance for development on specific sites, or on certain issues. Such documents are capable of being a material consideration in planning decisions, but do not form part of the development plan.

This SPD has been prepared specifically in relation to the site currently occupied by older of the two car parks at Victoria Centre. The car park fronts onto Garfield Road.

However, development of the site has to ensure that future phases of development can be delivered. So this SPD also acknowledges the wider site and potential future development.

This SPD takes the form of a Development Brief, setting out key parameters for development of the site. It does not provide detailed designs for a future development, as this is a role for a developer and their architect at the planning application stage and too much detail in the SPD could stifle good, innovative design.

This SPD has been prepared within the identified planning policy context and has been subject to public consultation. Once examined and adopted, it will provide a strong and clear development direction for the regeneration of the Victoria Centre site in the centre of Paignton, helping to accelerate delivery of new development. This Brief will therefore play a key role in guiding future development.

TOWN CENTRE TRANSFORMATION

Residents, businesses and representative groups have, since 2015, set out what they want to see happen in Torbay's town centres.

In April 2017 Torbay Council agreed a Transformation Strategy for Torbay's Town Centres, based on the community's proposals. See <https://www.investintorbay.com/wp-content/uploads/2017/05/Transformation-Project-Town-Centre-Regeneration-Appendix-1.pdf>. The Strategy also helps to deliver a number of other strategic plans, such as the Economic Strategy, Culture Strategy, Local Plan, Destination Management Plan and Neighbourhood Plans.

The Strategy sets out how the Council, working with partners, can ensure town centres are successful, offering a better experience for consumers whilst celebrating the USP of each place. The Council has set out an approach to regeneration that includes use of Council assets and resources to deliver improvements in town centres, which secures further investment in town centres.

Victoria Centre is one of the priority sites the Council has identified in its town centres regeneration programme – see: <https://www.investintorbay.com/town-centres-regeneration/>. The Council has considered a range of development options. It has secured £900,000, from Ministry of Housing, Communities and Local Government, to unlock the site subject of this SPD. The Council wants to ensure there is a contract in place for development by April 2020.

The development of this site is important to town centre regeneration for a number of reasons, such as ensuring there are more people living in the town centre, helping to generate footfall and spend in the town centre, and supporting an evening economy.

Other projects in Paignton, included in the Council's programme, are public space improvements to Paignton Station Square, redevelopment of Crossways, a new civic hub including improvements to the train and bus stations and a new health & wellbeing facility alongside Paignton Library. Further details of proposals for Paignton town centre can be viewed at:

<https://www.investintorbay.com/town-centres-regeneration/>

1.4 SITE CONTEXT

The site is located within the centre of Paignton. Shops, restaurants, parks, the seafront, the library, the train and bus stations are all within a (level) 5 minute walk.

The site is very accessible by car, with a number of roads leading to it from the east and south.

The site is part of the Victoria Centre, which includes a Lidl foodstore and a number of smaller retail units, a second multi storey car park and Victoria Square.

There is housing and small hotels to the east and south of the site. The attractive Victoria Park is immediately to the north and the railway line is to the west of the Victoria Centre. A new 3* hotel is proposed on the seafront to the east.

The site once formed part of Victoria Park and there is now a need to ensure development of the site helps to link Victoria Park with the high street and other parks.

All key transport links,
shops and amenities
are within a 5 or 10
minute walk
from the site

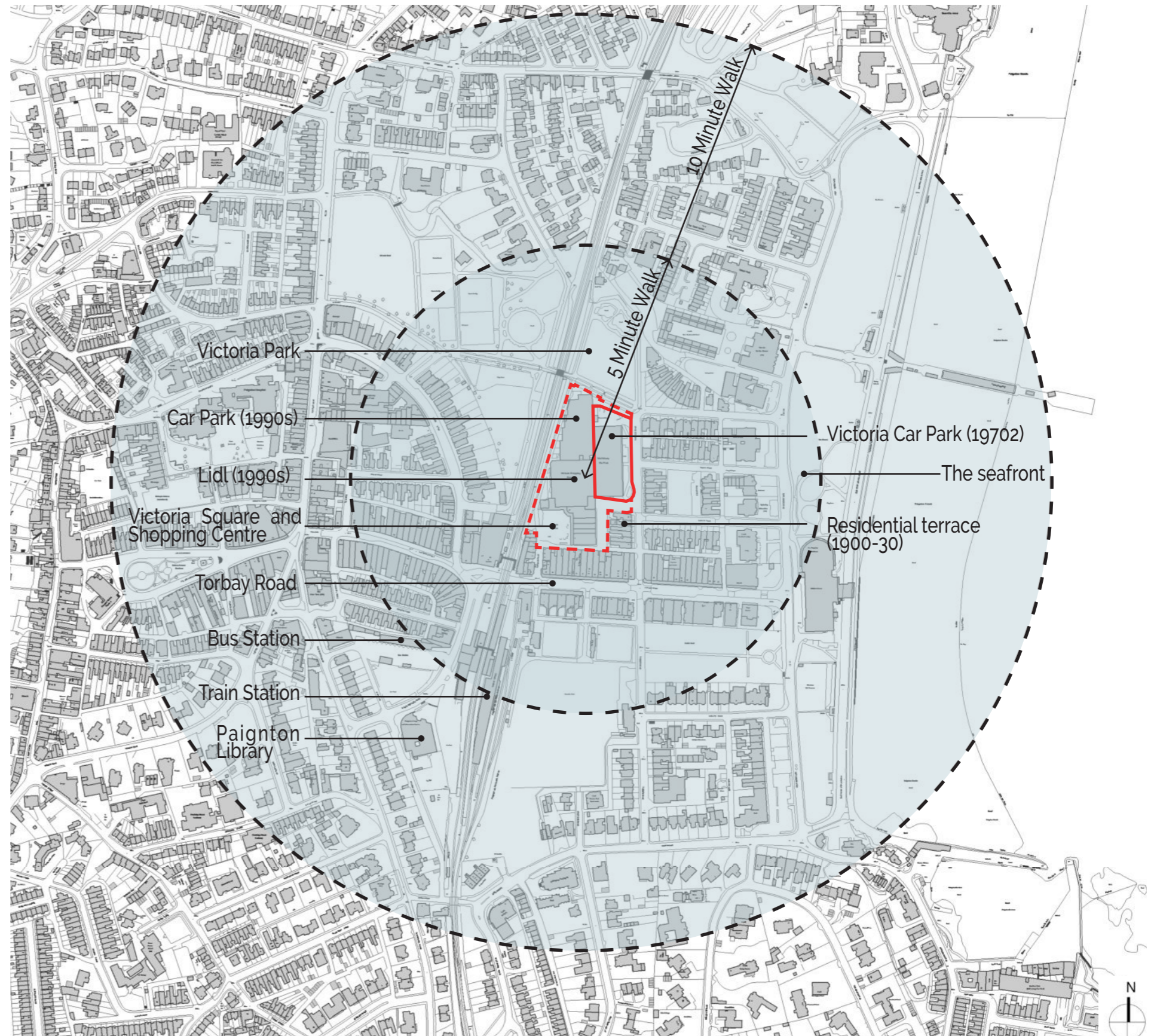


Image 1.2: The wider context

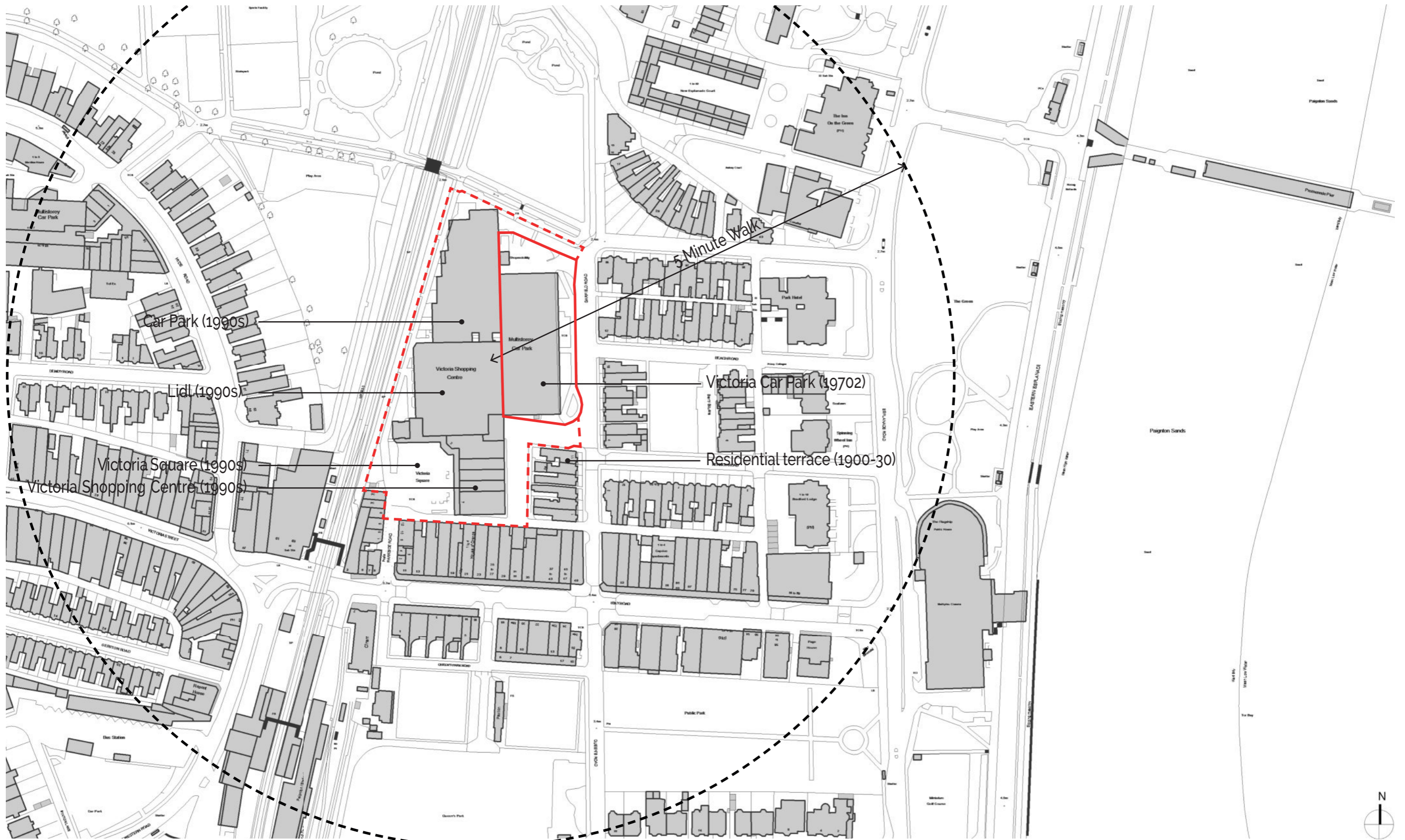


Image 1.3: The immediate context

1.5 SITE DESCRIPTION

The site has an area of approximately 0.39ha, with a width of approximately 100m and a depth of approximately 40m. A site survey is available.

The site abuts an adjoining multi storey car park to the west. This car park is 4-5 stories in height. A strategy to screen this car park from public view should be considered as part of all development proposals.

There are four existing trees within the site boundary, development proposals should seek to either retain these trees or mitigate their loss by re-providing green space on the site.

In addition there is a service road and service courtyard to the south of this, access to this area will need to be retained and considered as part of any development proposal.

The site photographs which follow provide key views illustrating appearance, scale and massing of the existing buildings in addition to key views and built context in proximity to the site.

The wider site is occupied by the Victoria Centre which is generally set level and occupied by a local shopping precinct with a food supermarket and an associated multi storey car park. The buildings date from around 1970's to present day and do not exhibit architectural quality. Indeed, the quality of external space, particularly the main public square is poor in terms of urban design. There are obvious opportunities to improve the urban fabric through careful design and redevelopment.

The surrounding context generally comprises red brick and render victorian/edwardian terraces, rising to 3 storeys establishing a linear urban grain around the site.

The site offers development opportunities to capture key views across the town and to the sea if a proposal with sufficient height is achieved. This would capture expansive vistas along the Riviera coast and to the town and Victoria Park.



PHOTO 01:
View north up Garfield Road



PHOTO 02:
View west along Beach Road

The site offers the potential to capture views out to sea and across Victoria Park



PHOTO 03:
View south down Garfield Road



PHOTO 04:
View looking north east along the coast towards Torquay



PHOTO 05:
View looking north/ north west across Victoria Park towards Shorton



PHOTO 06:
View north along service road to the rear of the supermarket



PHOTO 07:
View looking south towards Queen's Park and Paignton Harbour, which can both be seen if stood at the edge of the building towards the site's southern boundary



PHOTO 08:
View looking north east along the coast towards Torquay

1.6 PLANNING POLICY

The planning policies relevant to this site are included in the NPPF, Torbay Local Plan, Paignton Neighbourhood Plan and Paignton Town Centre Masterplan. All locally produced plans and strategies can be viewed at <https://www.torbay.gov.uk/council/policies/planning-policies/>. A full review of relevant policies is included as an appendix to this SPD. The following sets out a summary of the key issues relating to this site.

The Council requires a policy compliant development, as a minimum. Some relevant detail of those policies is included in the Appendix to this SPD.

KEY POLICY ISSUES

The following are the key policy issues to be considered as part of any redevelopment of the site:

a. 100% residential v mixed use

The Council considers that this site can be developed solely for residential purposes, for up to 100 apartments. This will complement the existing variety of uses within Victoria Centre. In the longer term, redevelopment of Victoria Centre could also deliver a wider variety of uses. However a developer may wish to include more than just residential use on this site. That could include, for example, cycle storage and repair for those people visiting the sea front and town centre; community use (s); office space.

b. Affordable housing

A minimum of 20% affordable housing should be provided on site.

c. Design

A creative, site specific approach is required to ensure that the options presented achieve good design solutions. For example, the redeveloped scheme will require its own identity, as well as continuity and quality public realm. In addition, it should be permeable and inviting.

The site is located in a visually prominent part of the city centre and as such any future development proposals should deliver high quality design, tailored to the locality.

This SPD sets out a framework for a detailed design solution.

d. Amenity

The amenity of existing occupiers, specifically of residents on Garfield Road, will need to be considered. A planning application will need to show how this is being achieved. This SPD indicates some development options that should protect amenity, but further assessment – as part of more detailed design work – will be required.

The amenity of future residents is also important. Residents should have a good living environment, access to outdoor space and adjoining / surrounding uses should not have a negative impact on their amenity.

Additionally, a planning application should set out how the health and well-being of existing and proposed residents will be encouraged / enhanced.

e. Flood risk

The site is within Flood Risk Zone 3 and a Critical Drainage Area.

Whilst the site benefits from flood protection, a development proposal must be supported by a flood risk assessment. The development will need to avoid residential use at ground floor level. Under-croft parking, storage, non-residential uses could be located at ground floor level.

The Critical Drainage Area designation means that surface water run-off from a development should be equivalent to green field run-off rates.

f. Parking

On-site parking must be provided. The precise numbers of spaces will be a product of the nature of a development proposal. Sheltered accommodation, for example, will require less parking than open market residential development.

The town centre location of the site, plus its proximity to public transport, may mean there is some flexibility in relation to overall numbers of parking spaces.

The starting point for discussion about car parking provision on site is provided by Appendix F of the Local Plan. See: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Electric charge points are likely to be required as part of a development.

g. Access and connectivity

It is important for development of this site to reinforce the links between green spaces, such as Victoria Park and Queens Park, between the town centre and the sea front, and between the site and public transport nodes.

h. Socio-economic impacts

It will be important for the development to provide beneficial socio-economic impacts during construction and occupation / operation.

During construction this is likely to include use of local labour and skills, use of local suppliers, training and apprenticeships, local targeted recruitment.

During operation / occupation this is likely to include impacts on the town centre, other local economic benefits such as job creation and spend.

i. Energy and 'green' credentials

The development should include low carbon design, how energy consumption will be reduced through design and how energy efficiency will be achieved.

The development could include green roofs, roof garden space and garden courtyard(s), helping promote Paignton as a garden town by the sea.

j. Delivery

The Council expects a development to be delivered at pace. Pace of delivery, in terms of timing of a planning application, start on site and completion of development, is likely to be defined in a contract for sale / lease of the site and through the planning process.

The sequencing and timing of development should be included in a planning application.

RELEVANT LOCAL PLANNING APPLICATIONS

• P/1980/1571-Victoria Multi storey car park-Use part as an exhibition hall-Approved 12/08/1980.

Relevant surrounds:

Victoria Shopping Centre

• P/1991/1147-Use of open square as a general retail market

Tuesdays and Saturdays-Refused 01/09/1991.

- P/2004/2009-New shop-front-Approved 25/01/2005.

3 Victoria square

- P/2019/0032- Change of use from existing A1-(shop) to D2-(play centre) with ancillary cafe area (Retrospective)-Approved 08/03/2019.

5 Victoria Square

- P/2011/0088-Change of use from A1 to A3-Approved 15/03/2011.

Garfield Road

No.9

- P/2003/1908-Change of use from guest house to private residential house-Approved 06/01/2003.

No.7

- P/2008/0339- Certificate of lawfulness for an existing use as house in multiple occupancy consisting of 3no. 1 bedroom flatlets and 3 no. studio bedsits-Approved 19/11/2019.

SITE DESIGNATIONS SUMMARY

- The site is included in the Paignton Neighbourhood Plan as part of a wider Strategic Site ref. PNPH 13 (Victoria Square/Multi Storey Car park) requiring mixed use development.

- The site is located within Flood Zone 3, which is land assessed as having a 1 in 100 or greater annual probability of river flooding, or a 1 in 200 or greater annual probability of flooding from the sea in any year (ignoring the presence of defences). The site and surrounds are indicated as benefiting from flood defences.

1.7 OPPORTUNITIES AND CONSTRAINTS

HEADLINE OPPORTUNITIES

Based on the initial planning policy review the following key considerations have been identified:

- Removal of largely redundant multi-storey car park
- Delivery of significant residential development
- Delivery of 'future proofed' development (e.g. low /zero carbon, flood free)
- Opportunity to improve street scene and link green spaces
- Make the most of 360 degree views from the site, across the town and Bay
- Screen the remaining car park
- Support the delivery of more comprehensive development of Victoria Centre
- Support town centre regeneration in Paignton.

HEAD CONSTRAINTS

- Scale of houses in the immediate vicinity of the site
- Combined sewer running under the site requires 'bridging'
- Mature trees in Victoria Park, to the north, may limit developable area
- Retained multi storey car park to rear of site
- Service access for Lidl to south of site
- Access to multi-storey car park to north of site
- Flood risk

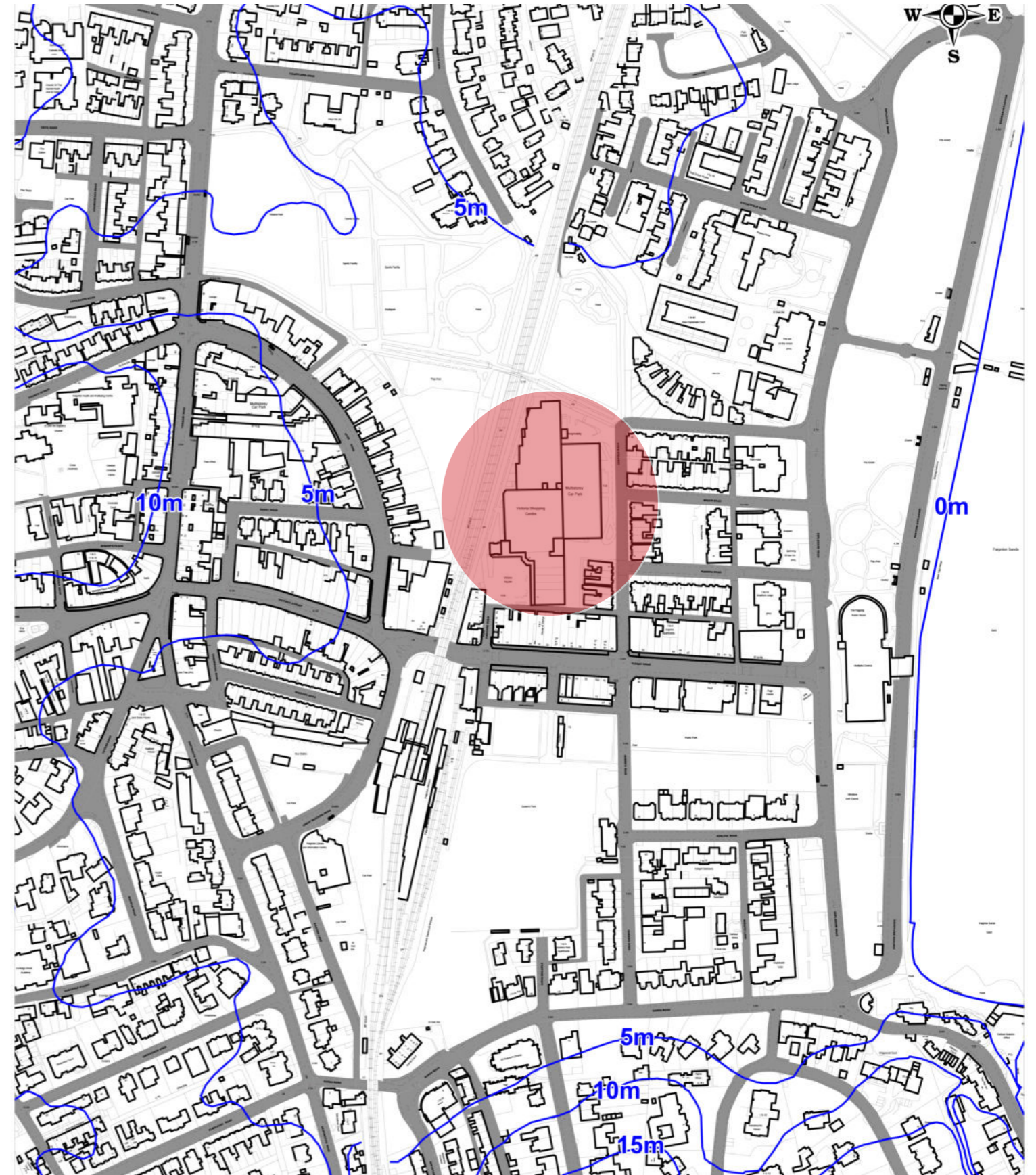


Image 1.4: The site is level, as illustrated by this contour map.

2.0 SITE ANALYSIS

2.1 LAND USES

The land uses surrounding the site reflect the town's character and historic development.

The central spine of Torbay Road and Victoria Street is made up of retail and leisure uses along Torbay Road, largely reflecting its proximity to the beach, and retail within the pedestrianised section of Victoria Street.

To the east of the site is a mix of residential and holiday accommodation.

The Council is seeking, with partners, to diversify uses on the high street and to provide better quality public space. This will improve people's experience of the town centre, increase footfall, dwell time and spend. New residential developments within the centre of town will support transformation of the town. Development at the Victoria Centre, will help generate footfall and spend within the town centre.

The town centre is dominated by retail and hospitality uses

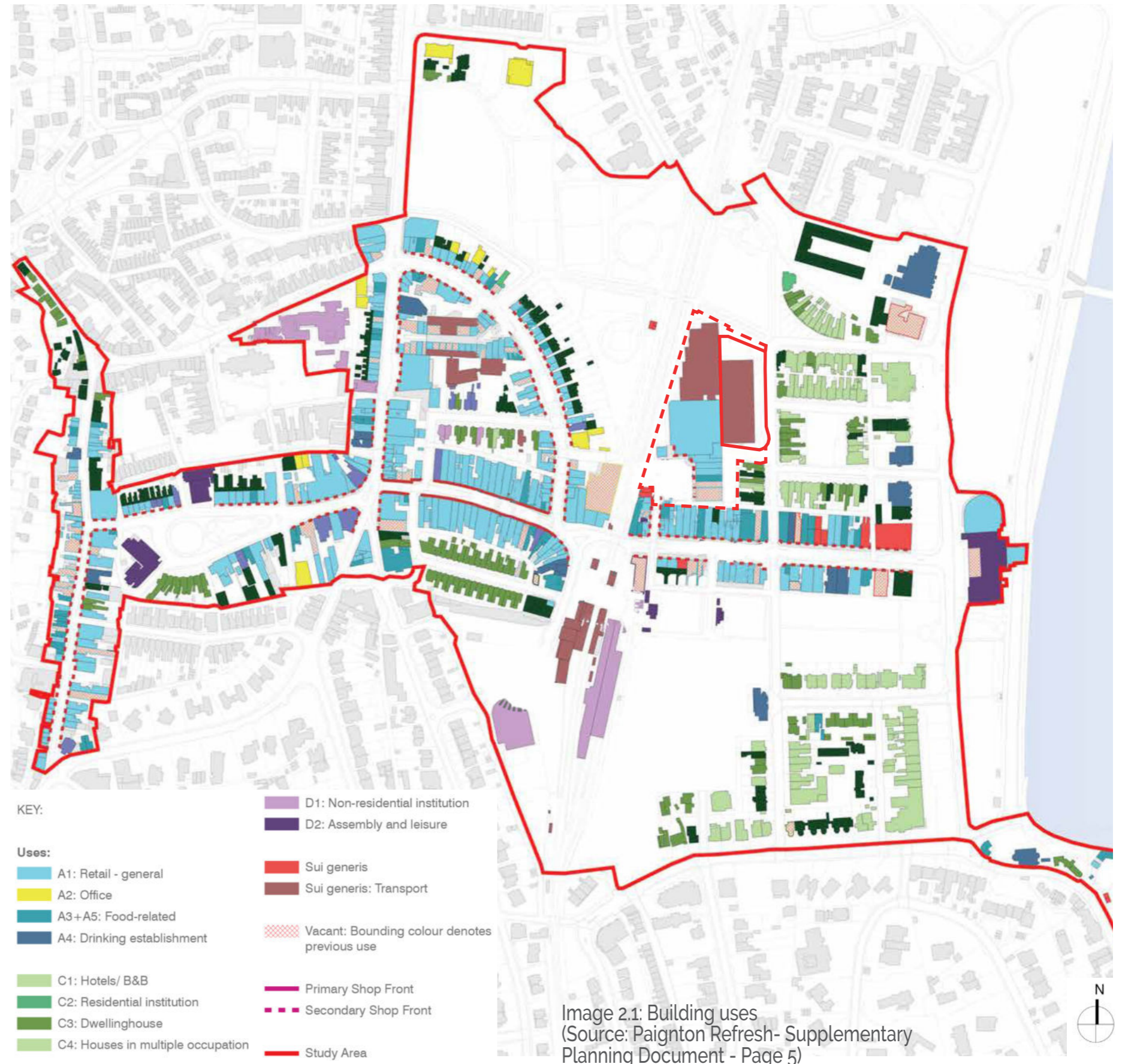




Image 2.2: Paignton Town Centre
(Source: Paignton Refresh- Public Consultation)

2.2 BUILDING HEIGHTS

The context is dominated by a late C19 and early C20 red brick and rendered residential vernacular. The majority of these buildings are terraces and are two or three storeys in height, many of which have seen numerous loft conversions and extensions, incorporating large box dormers which considerably increase their massing. Large late C19 hotels and villas also dominate the seafront.

Some five to six storey mid C20 flats and office buildings are also present within the immediate context.

The buildings which currently occupy the site are amongst some of the tallest and most substantially massed within the area, reaching four to five storeys in height, with large dominating footprints.

The Paignton Refresh Masterplan for the town identifies the site as a site with the opportunity to add height, capitalising on the central location and capturing views of both the sea and Victoria Park.

Furthermore, the Torbay Building Heights Strategy identifies the site as an area containing buildings in excess of 15 metres, amongst the tallest in the town.



Image 2.3: Indicative Building Heights
(Source: Paignton Refresh- Supplementary Planning Document - Page 17)

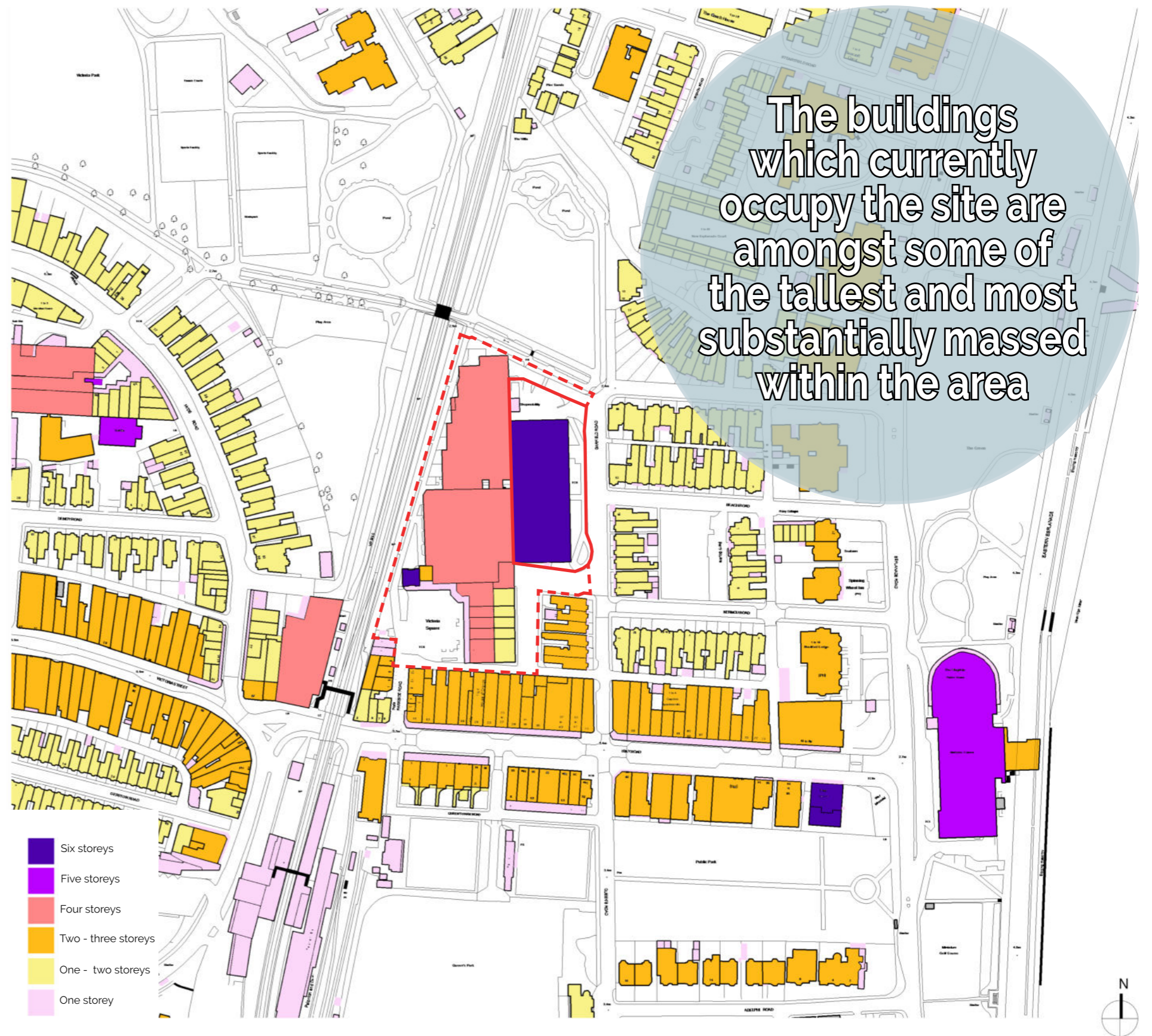


Image 2.4: Building heights

2.3 PARKS AND PUBLIC OPEN SPACE

The site occupies the south eastern corner of Victoria Park, and prior to its development over the last century it was part of the park.

Several other public and private parks are also within walking distance of the site, including Paignton Seafront and the beach.

Development of the site should, as such, seek to provide visual and physical links between Victoria Park, Queens Park and Torbay Road. This might include tree planting along Garfield Road, enhanced footways, accessible green space as part of the development, green roofs or roof gardens.

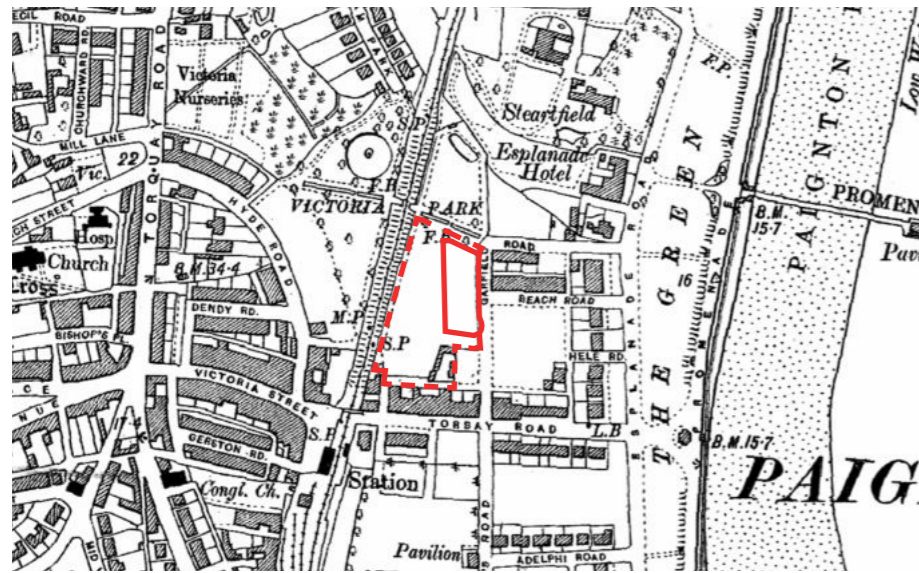


Image 2.5: The site circa 1900 when it remained part of Victoria Park

The site was
formerly part of
Victoria Park



Image 2.6: Parks and Open Space (Source: Paignton Refresh- Supplementary Planning Document - Page 8)

2.4 VEHICULAR MOVEMENT & SERVICING

PARKING

The existing site accommodates a multi storey car park identified as 'Victoria Car Park East'. This car park provides space for shopmobility, coach parking and high sided vehicles, all of which are being relocated by the council as part of its work to prepare the site for development. Victoria Car Park East abuts a second car park to the west, referred to as 'Victoria Car Park West'. Both car parks are accessible from Garfield Road in the north eastern corner of the site.

Development will take place on the footprint of Victoria Car Park East, which is scheduled for demolition. As a result, any proposal for development must ensure that access to Victoria Car Park West is maintained.

SERVICING

Lidl and several retail units are located to the south of the site. These buildings are serviced from Garfield Road via a servicing yard within the south eastern corner of the site. Development will also have to ensure access to these servicing bays is maintained.

Applicants may look to include proposals for alternative traffic flows along Garfield Road as part of development proposal.

Access to the car park and Lidl's service yard should be retained during and after construction

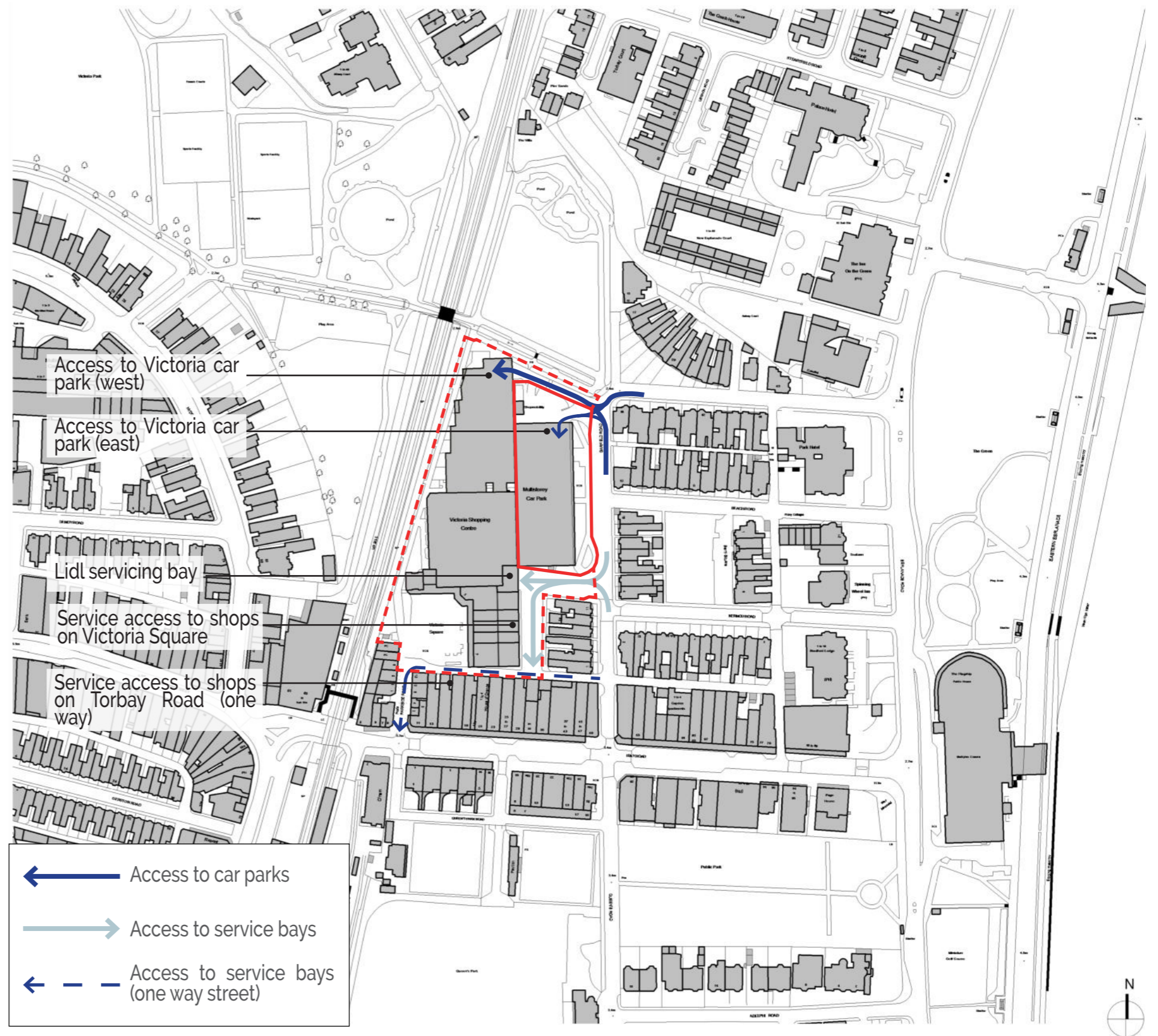



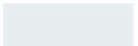
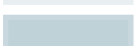



Image 2.7: Vehicular servicing and movement

2.5 PEDESTRIAN MOVEMENTS

The site is located minutes from both the main high street and the seafront, two areas which see high volumes of footfall. There are also direct links between Victoria Park and the seafront, resulting in a key pedestrian route running past the site's northern boundary.

Victoria Square also experiences high levels of footfall and forms a key formal public space.

-  Primary pedestrian throughfare
-  Secondary pedestrian throughfare
-  Pedestrian link from key transport hub or car park
-  Primary pedestrian space
-  Secondary pedestrian space
-  South West Coastal Path

<https://www.southwestcoastpath.org.uk/walk-coast-path/days-out/railways-walks/walks-riviera-line/walks-paignton-station/#>

The development should enhance pedestrian links

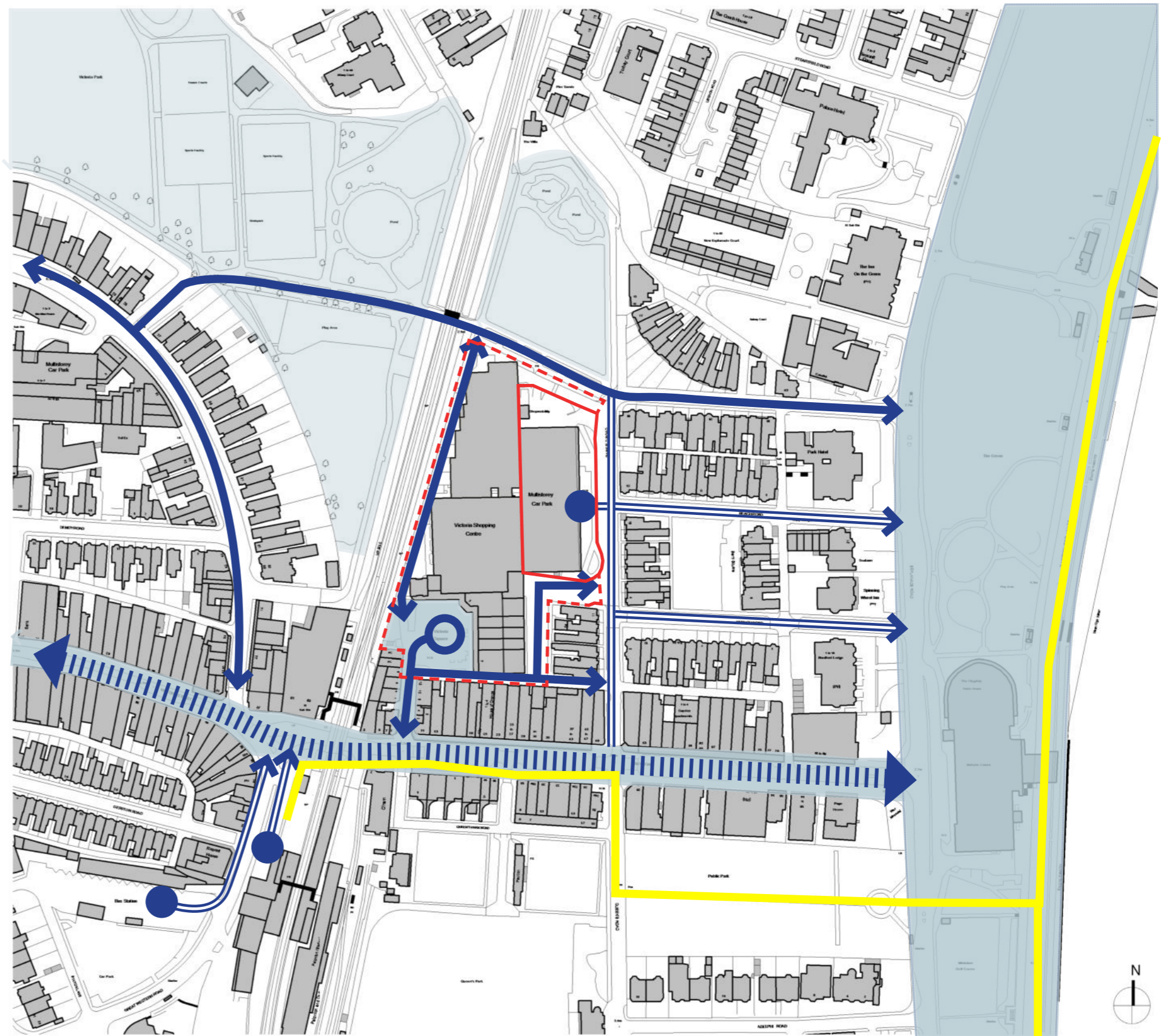


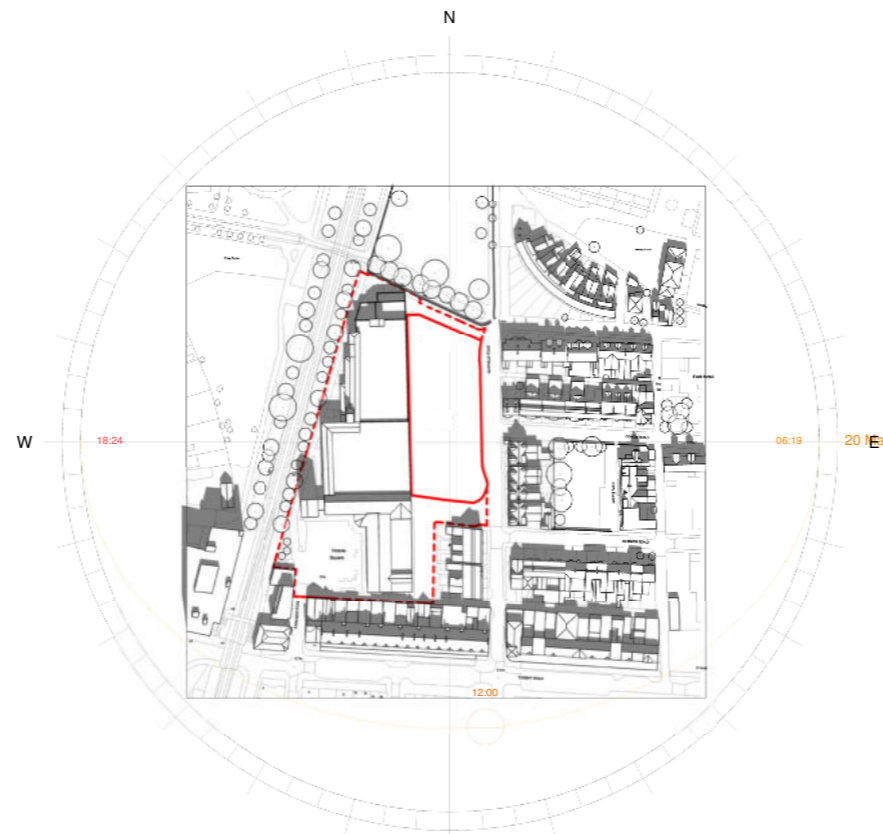
Image 2.8: Pedestrian movements

2.6 DAYLIGHTING ANALYSIS

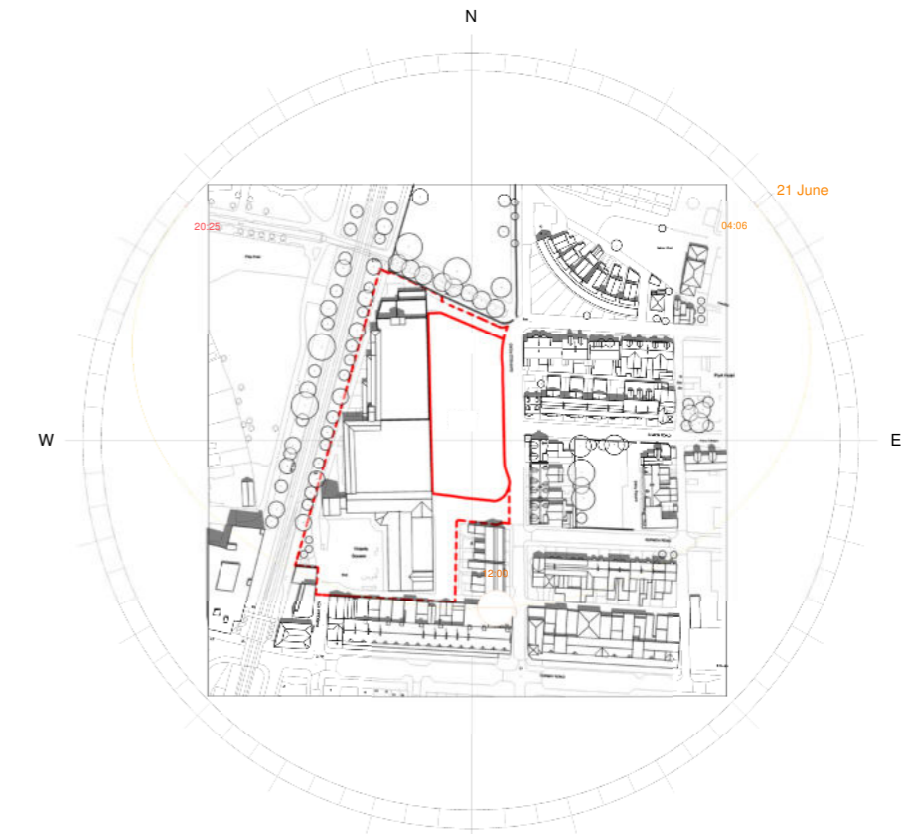
The main frontage of the site faces east towards the sea and Garfield Road. As a result, the site benefits from unbroken natural light until the early afternoon, at which point the site is partially shaded by Victoria Car Park West.

Surrounding storey heights to the east and south are not sufficient to cast any shadows on the site.

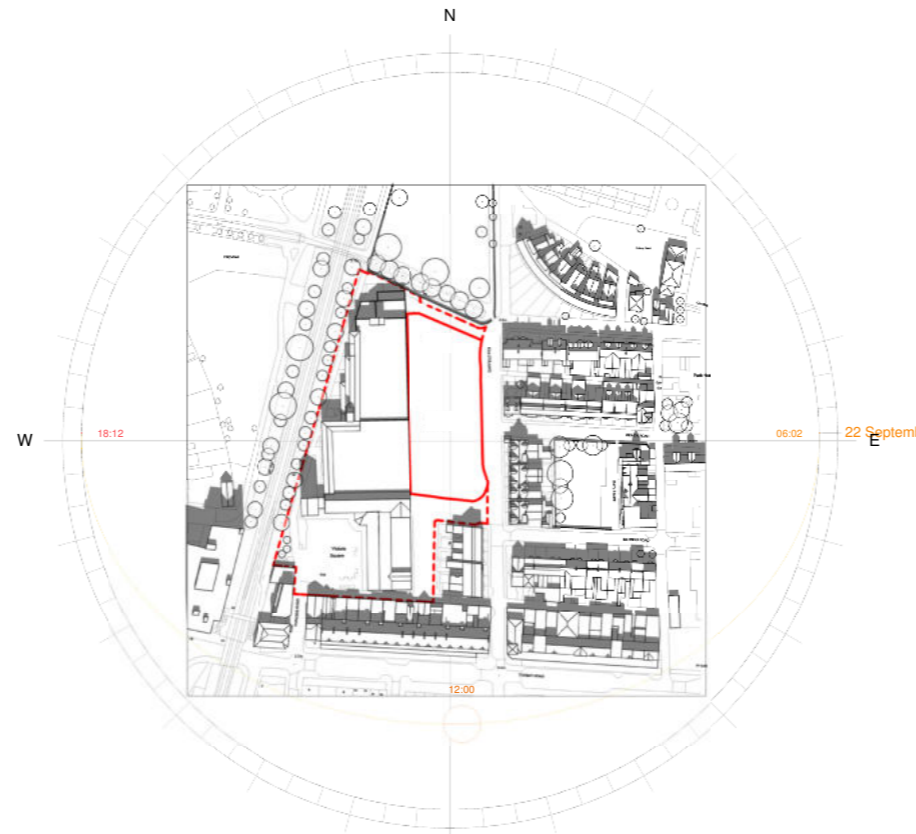
Overshadowing is not an issue on the site



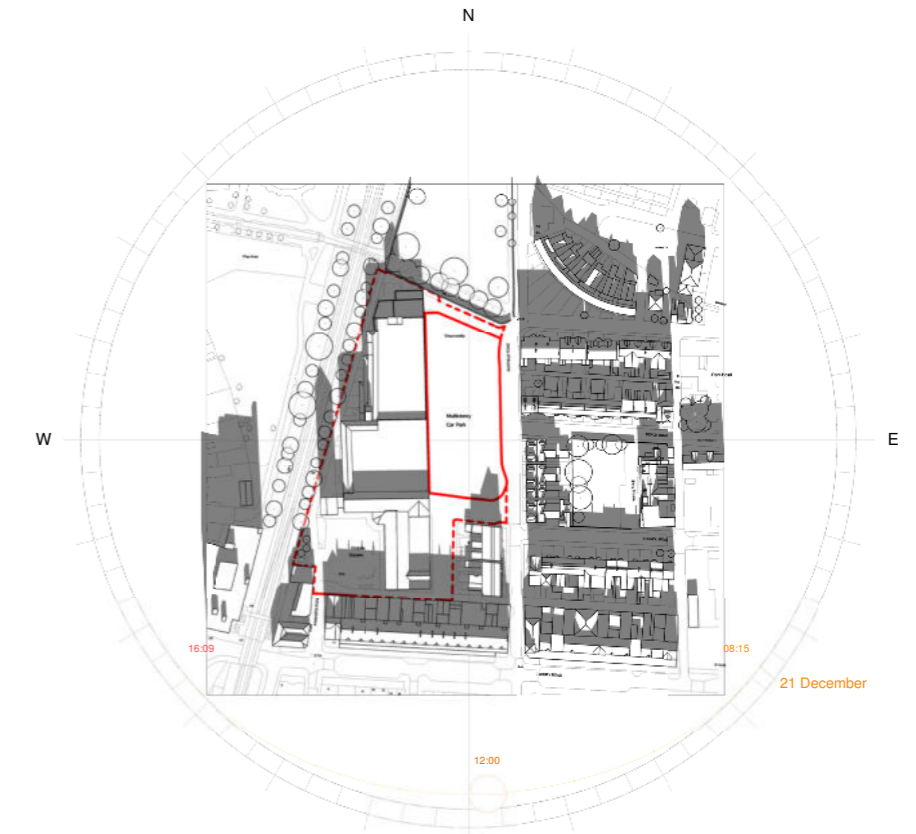
1. Spring Equinox



2. Summer Solstice



3. Autumn Equinox



4. Winter Solstice

2.7 HISTORIC GRAIN

Paignton has developed from a self-sufficient rural settlement in the C18th, to 'The Town of Golden Sands' in C19th and a 'Garden Town by the Sea' today, due largely to the arrival of rail in 1859 and investment by key individuals, such as Dendy (a businessman), Bridgman (an architect / designer) and Singer (philanthropist). Attractive public parks, an integral part of the town's development, remain today, but the last 50 years has seen some fairly brutal interventions – many of which are now redundant.

Prior to its development the site remained an integral part of Victoria Park. The site was largely undeveloped until the late 60s/ early 70s, when a small surface car park was introduced.

With a growing demand for parking this car park was soon replaced with the much larger multi storey that currently occupies the site. This structure can be clearly seen on the 1981 historic map.

With the new multi storey car park setting the precedent for development, the Victoria Shopping Centre development soon followed.

An important element in the town centre's recovery, and to celebrating the town's cultural and historic USP, is the replacement of 'brutalist' development of the past with new developments that respect street form, connect or provide green space, but also help ensure Paignton is a 21st Century town fit for the future.

The site



Image 2.9: Paignton 1928 viewed from the north east
(Image Credit: Britain from Above)



Image 2.10: Paignton 1869
(Image Credit: Landmark Information Group)

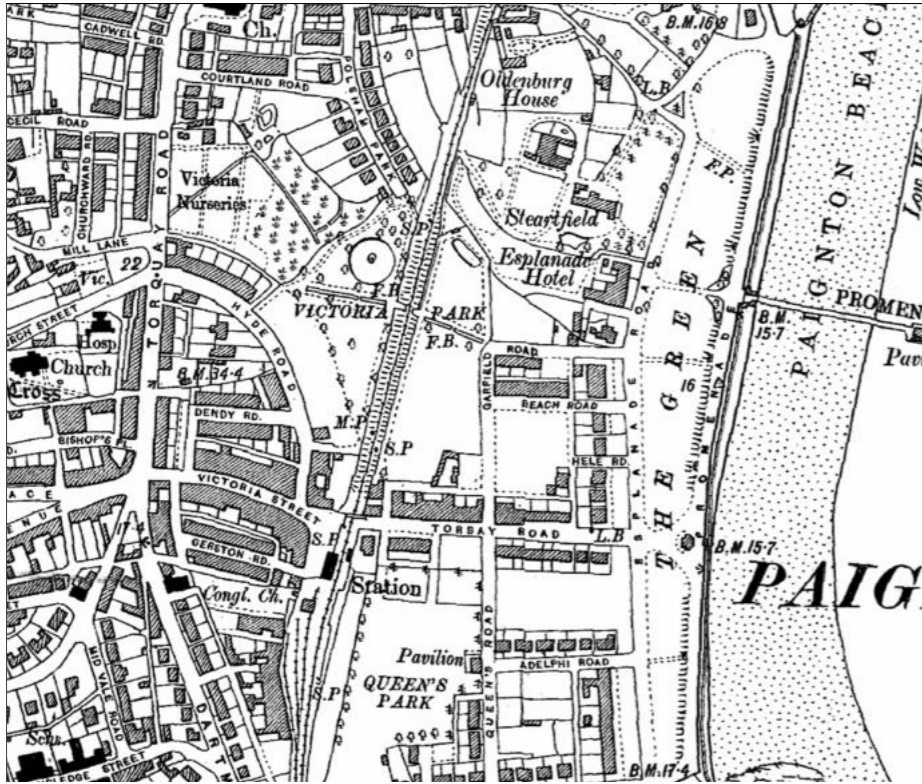


Image 2.11: Paignton 1906
(Image Credit: Landmark Information Group)

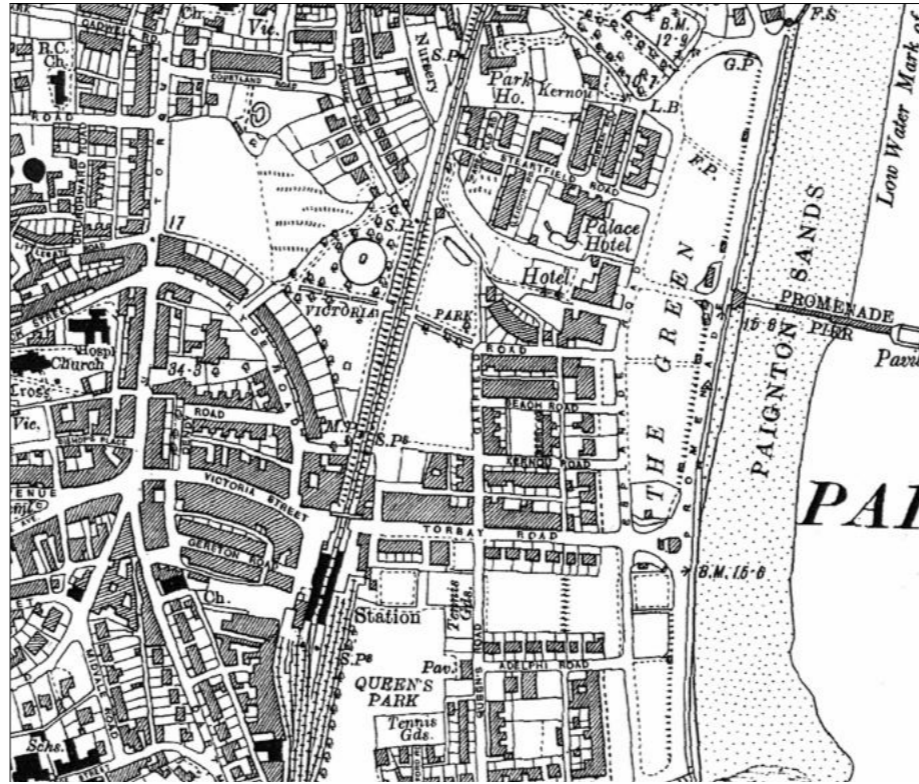


Image 2.12: Paignton 1933
(Image Credit: Landmark Information Group)



Image 2.13: Paignton 1954
(Image Credit: Landmark Information Group)

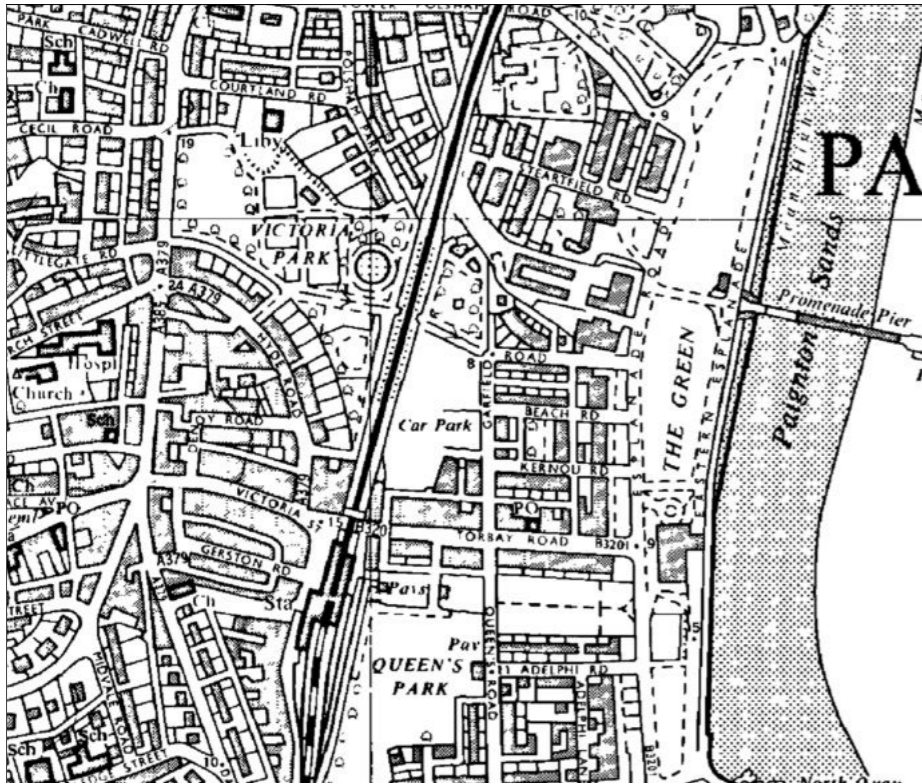


Image 2.14: Paignton 1972
(Image Credit: Landmark Information Group)

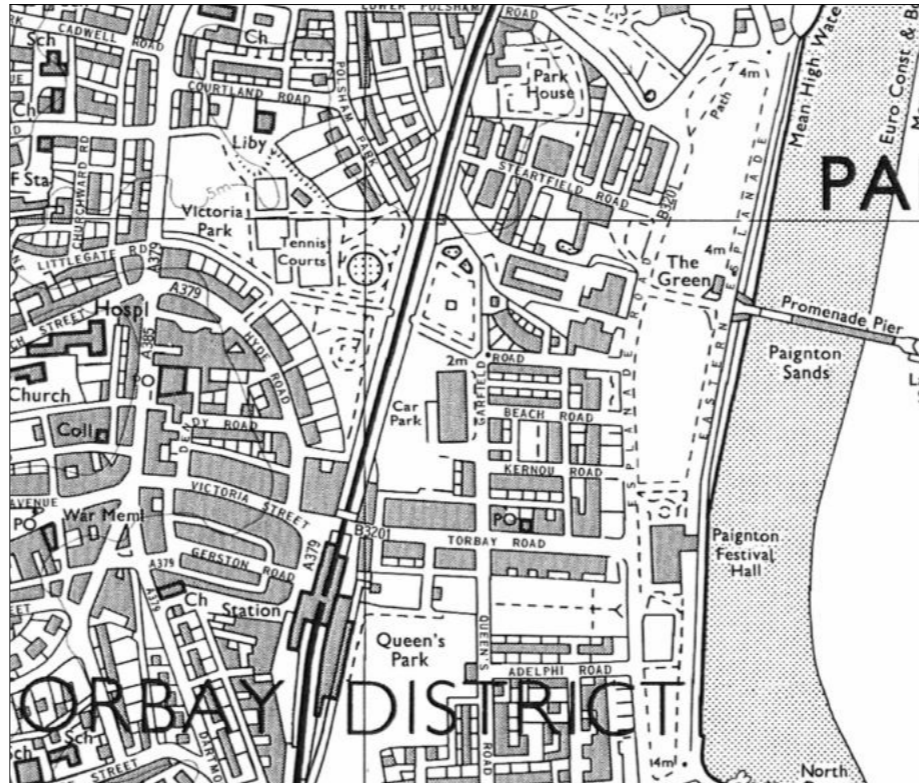


Image 2.15: Paignton 1981
(Image Credit: Landmark Information Group)

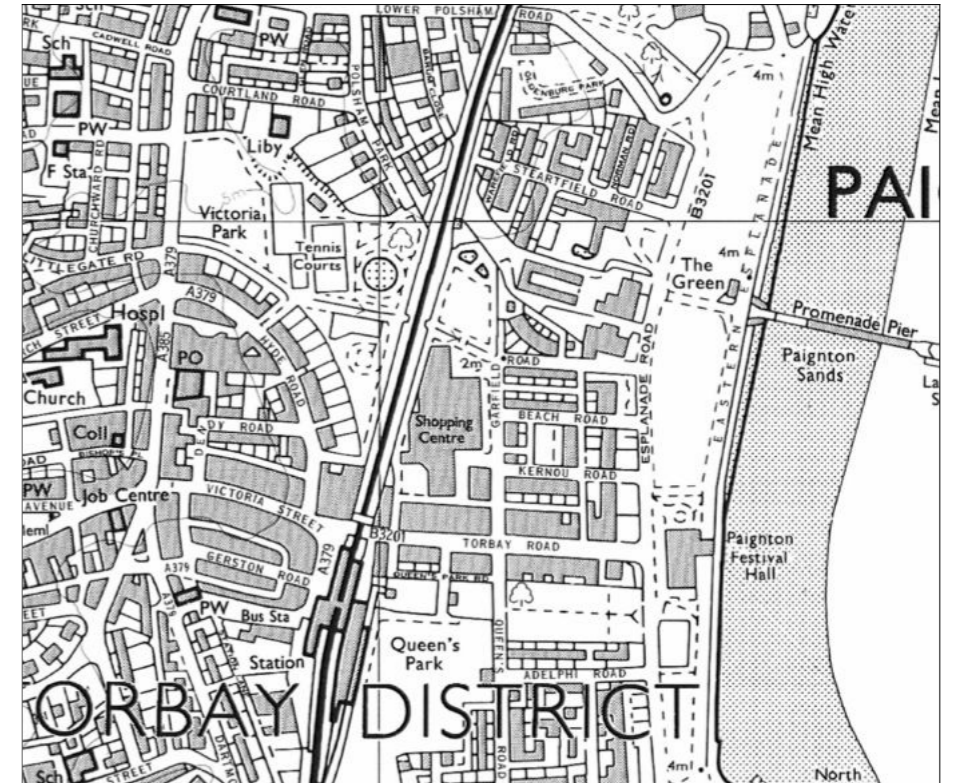


Image 2.16: Paignton 1990
(Image Credit: Landmark Information Group)

2.8 HISTORIC GRAIN - GROUND FIGURE STUDY 1869

The ground figure study of 1869 clearly illustrates sparse sporadic development across the town prior to the late Victorian building boom associated with Paignton's rise as a coastal holiday destination.

The buildings seen at this time consist of farms, smallholdings, mills and Villas. A small cluster of residential development in the form of terraces and detached houses can be seen to the west, clustered around St John's Church and Brethren's Chapel.

The site itself sits within farmland to the east of the town centre, it is likely that this land was used to grow cabbages, a crop which the town was famous for growing.

Image 2.17 (Right):
Paignton Ground Figure 1869

Prior to late Victorian
and early Edwardian
development the site
had agricultural ties



2.9 HISTORIC GRAIN - GROUND FIGURE STUDY 1906

By 1906 extensive development associated with the late Victoria coastal holiday boom can be seen with terraces forming to the east, south, and west of the site. By this date the site itself is no longer farmland but has now become a part of Victoria Park.



Image 2.18:
Paignton Ground Figure 1906

2.10 HISTORIC GRAIN - GROUND FIGURE STUDY 1933

The trend of development continues up to 1933 as the towns popularity continues to grow. By this date a row of 6 terrace houses can be seen against the site's south eastern boundary.



Image 2.19:
Paignton Ground Figure 1933

2.11 HISTORIC GRAIN - GROUND FIGURE STUDY 1954

Minimal change is visible between 1933 and 1954, however by 1954 the site's use as part of Victoria Park has been lost and turned over to parking.



Image 2.20:
Paignton Ground Figure 1954

2.12 HISTORIC GRAIN - GROUND FIGURE STUDY 1972

Similarly between 1954 and 1972 change is minimal, although by 1954 the entire area of the site has been turned into parking.



Image 2.21:
Paignton Ground Figure 1972

2.13 HISTORIC GRAIN - GROUND FIGURE STUDY 1981

By 1981 the most notable change in the site's history has taken place with the introduction of the Victoria Car Park East.



Image 2.22:
Paignton Ground Figure 1981

2.14 HISTORIC GRAIN - GROUND FIGURE STUDY 1990

More significant changes are evident by 1990, by which date the site is almost completely covered with buildings including the Victoria Car Park West and the Victoria Shopping Centre.



Image 2.23:
Paignton Ground Figure 1990

2.15 GROUND FIGURE PRESENT DAY

The present day ground figure study clearly identifies the split between old Paignton to the west, within which the Old Paignton conservation area lies, and the later Victorian and Edwardian developments to the east.

Old Paignton predominately contains C19th development, with a minority of buildings pre-dating this period. The parish church is one of the oldest buildings in the area pre-dating 1500.

The ground figure of the Victoria Car Park and the Victoria Shopping Centre clearly conflicts with the surrounding urban grain, this is primarily due to its size and massing. Vue Cinema to the east is the only building with a comparable footprint.

Although the site sits on the divide between the more sporadic urban grain of old Paignton and the linear late Victorian development along the seafront, due to the natural division created by the railway line to the west of the site, its immediate context relates more closely to the linear late Victorian development.

The significant
difference
between the site
and surrounding
urban grain can be
remedied through
redevelopment



Image 2.24: Ground Figure - Present Day

2.16 CONSERVATION AREAS & LISTED BUILDINGS

The site is not within a conservation area and does not include listed buildings. But there are three conservation areas close to the site:

- Old Paignton Conservation Area
- Polsham Conservation Area
- Roundham & Paignton Harbour Conservation Area

For more information please refer to Torbay Council's Conservation Area Character Appraisals.

Available at:
<https://www.torbay.gov.uk/planning-and-building/caa/>

There are two listings within the site's immediate context, both lie to the south of the site on Torbay Road.

The first is Torbay Cinema, a grade 2* listed cinema which officially opened in 1912. It is Europe's oldest purpose built cinema and was once frequented by Agatha Christie. It is owned by a community interest company and being brought back into full use as a community centre, cinema and café.

The second is a terrace of grade 2 listed buildings which are located next to the aforementioned cinema. Built between 1809 and 1900 the terrace consists of a row of shops with accommodation over.

There are no listed buildings on the site and it does not lie within a conservation area



Image 2.25: Conservation areas and listed buildings

2.17 FLOOD RISK

The site is within Flood Zone 3 and benefits from flood defences. Those flood defences are due to be upgraded in the near future. A financial contribution from the development will be required, to support delivery and maintenance of new flood defences. The Council may be able to use funding from MHCL (Land Release Funding) to cover the usual S106 requirements re flood defences.

A flood risk assessment will be required for any redevelopment proposal.

The site is also within a Critical Drainage Area, so the flood risk assessment and design of the development will need to show that surface water will be controlled and discharged at greenfield run-off rates. The flood risk assessment will also need to cover means of escape from the building, in the event of a flood.

Residential accommodation at ground floor level is not permitted. This SPD suggests undercroft parking and storage, as a means to secure on-site parking and remove flood risk. It may also be possible to use the ground floor for other uses.

The site is located
within Flood Zone 3

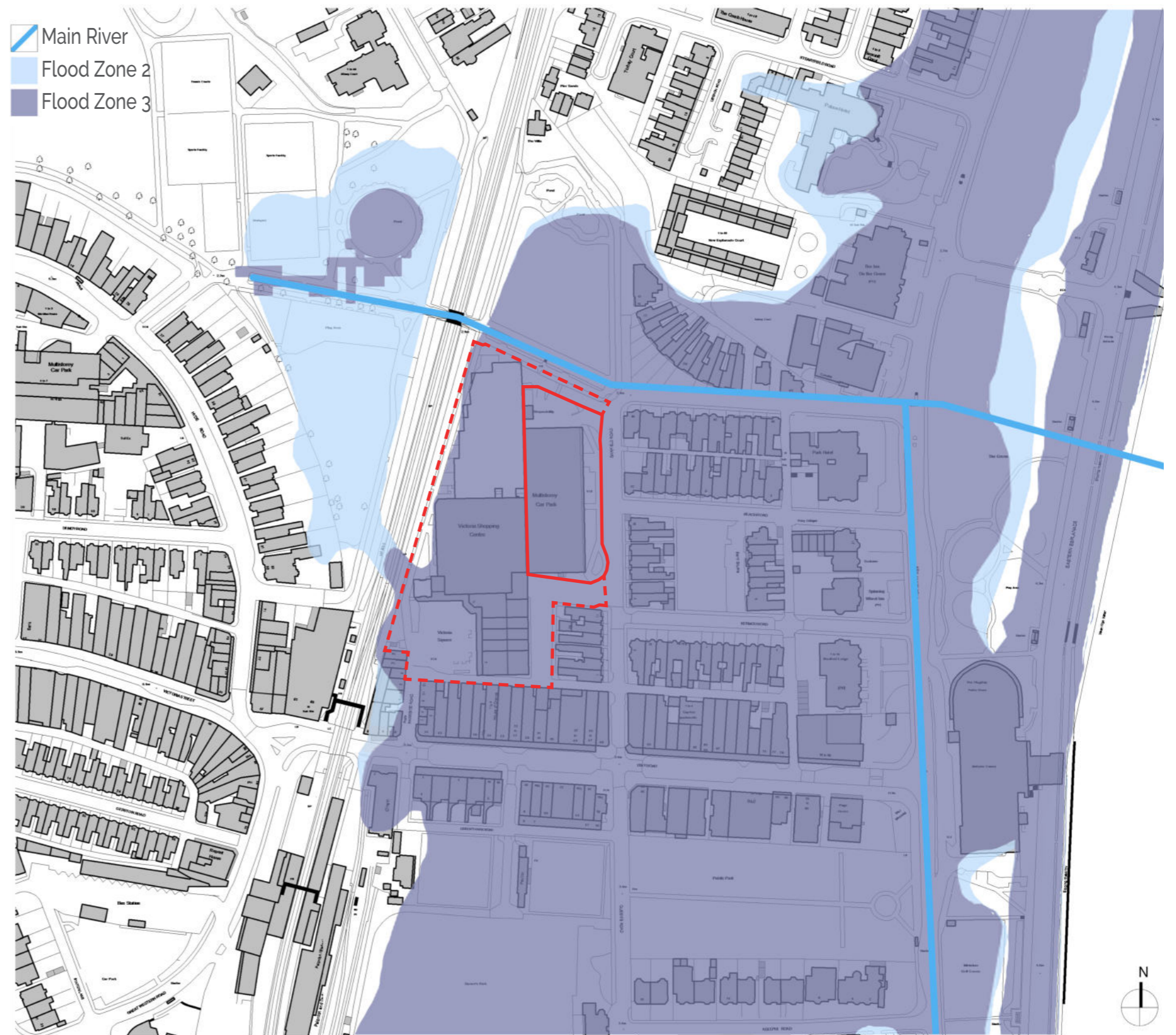


Image 2.26: Flood zones

3.0 DESIGN PRINCIPLES

3.1 AN UNCONTEXTUAL PRECEDENT

The existing buildings on the site present designs and a level of massing that does not sit comfortably with the surrounding context.

As a result design proposals should not use the existing buildings on the site as a precedent for future development.

Designs proposal should instead draw on the surrounding built context which includes a mix of late Victorian and Edwardian terraces.

The existing buildings on the site are not contextual
Proposals should draw on the surrounding built context

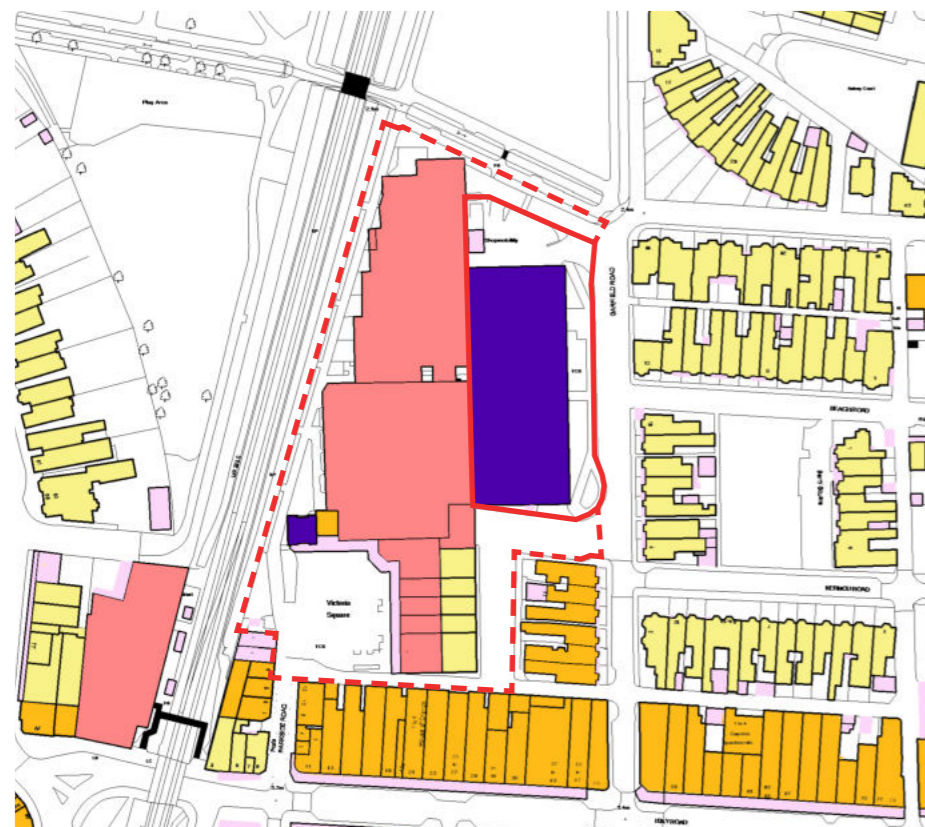


Image 3.1: Existing storey heights

- Six storeys
- Five storeys
- Four storeys
- Two - three storeys
- One - two storeys
- One storey

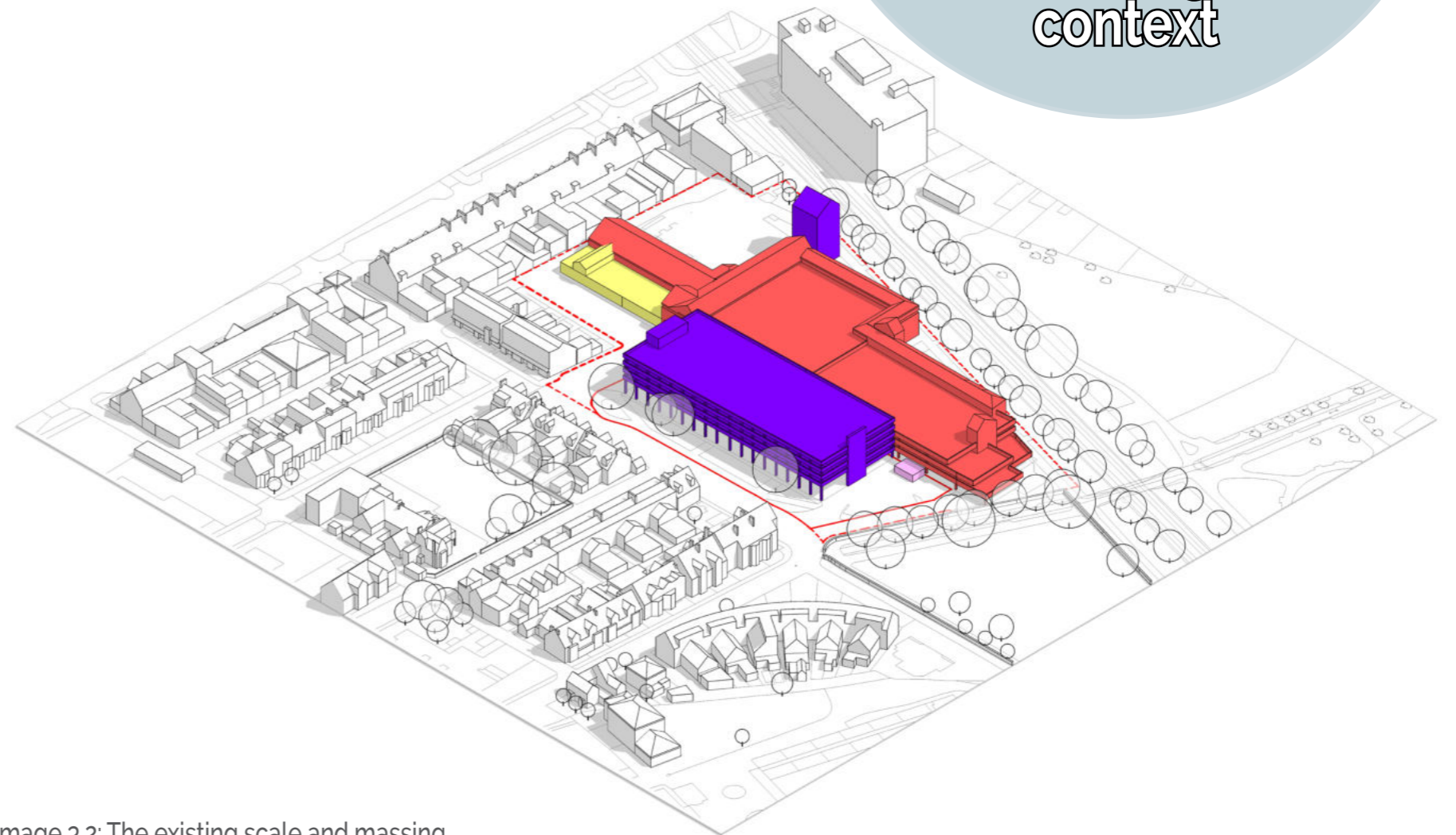


Image 3.2: The existing scale and massing

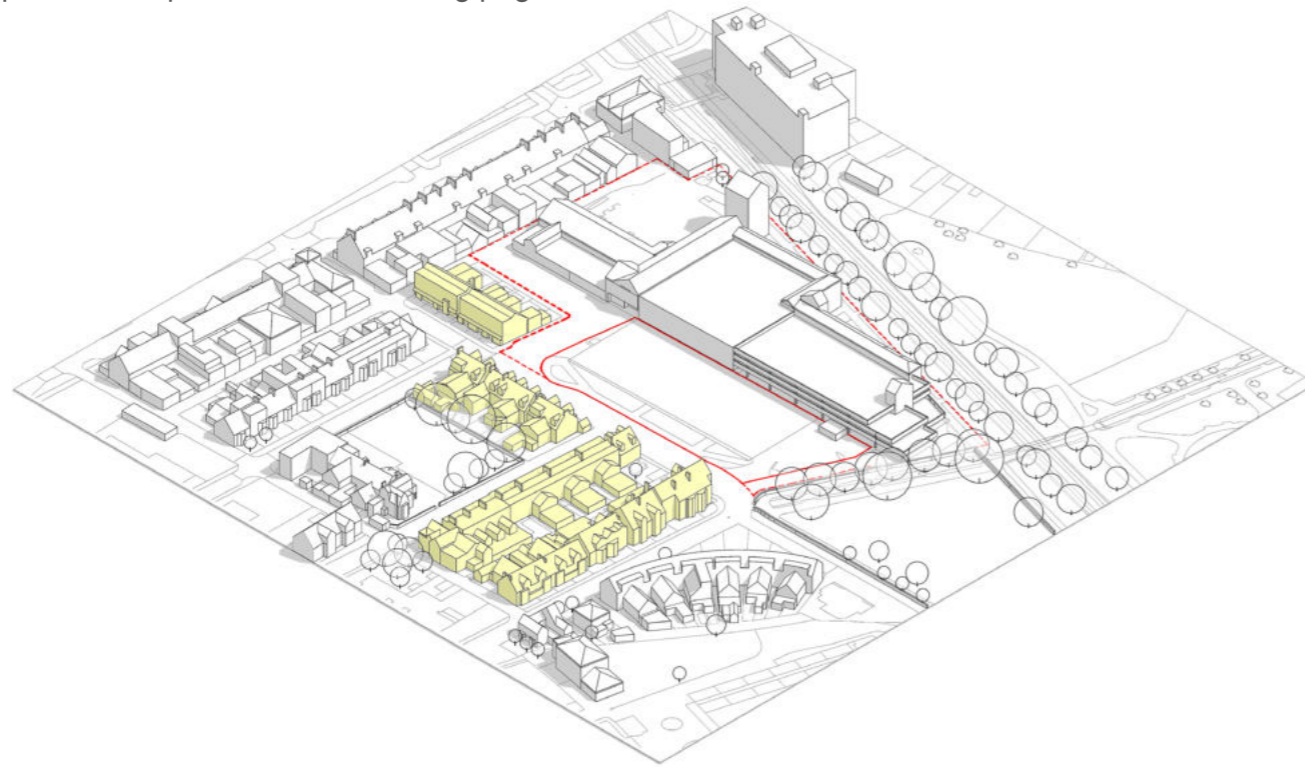
3.2 DESIGN CONSIDERATIONS - HISTORIC BUILDING LINES

One of the key design considerations for any proposal should be the site's historic built context.

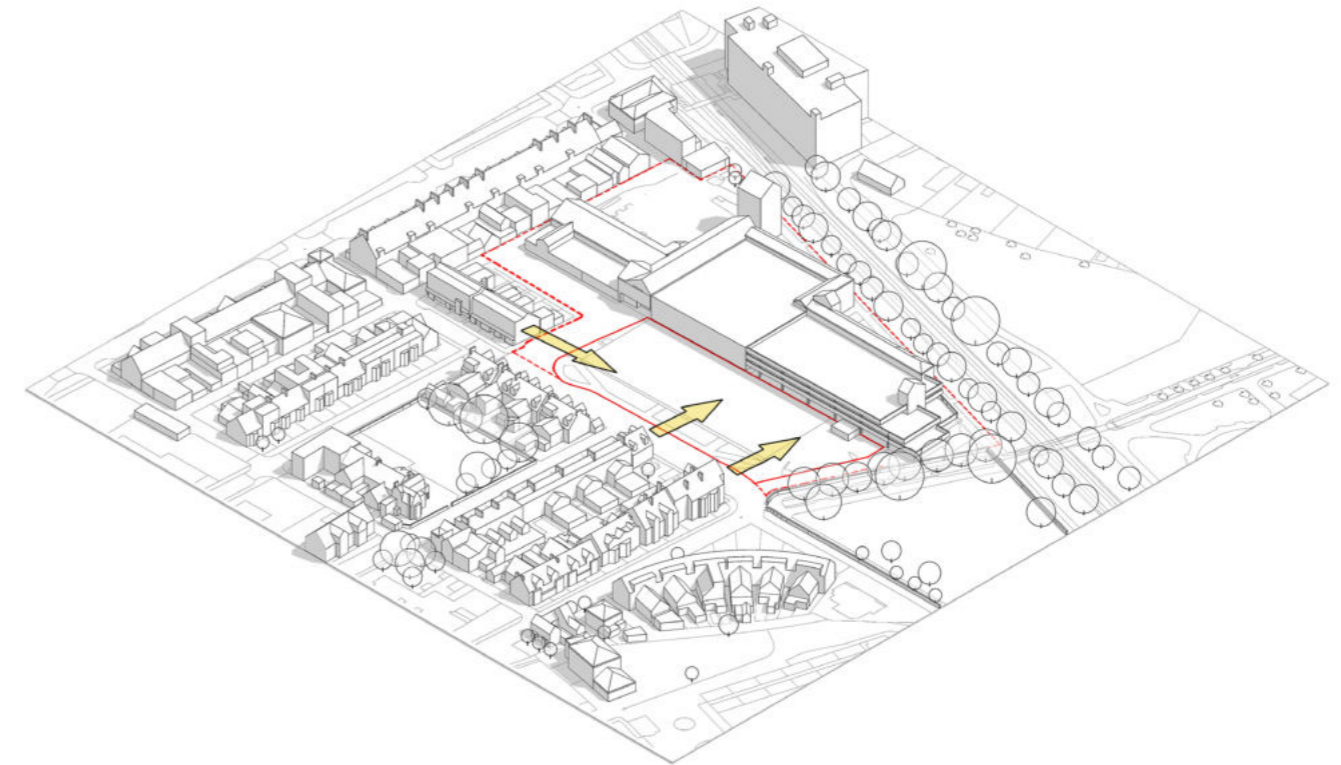
The existing buildings on the site provide a distinct contrast to the surrounding context and do not reflect the historic fabric of the town.

As a result, all design proposals should seek to provide a more contextual response to the site, drawing on historic building lines in order to reflect the existing urban grain.

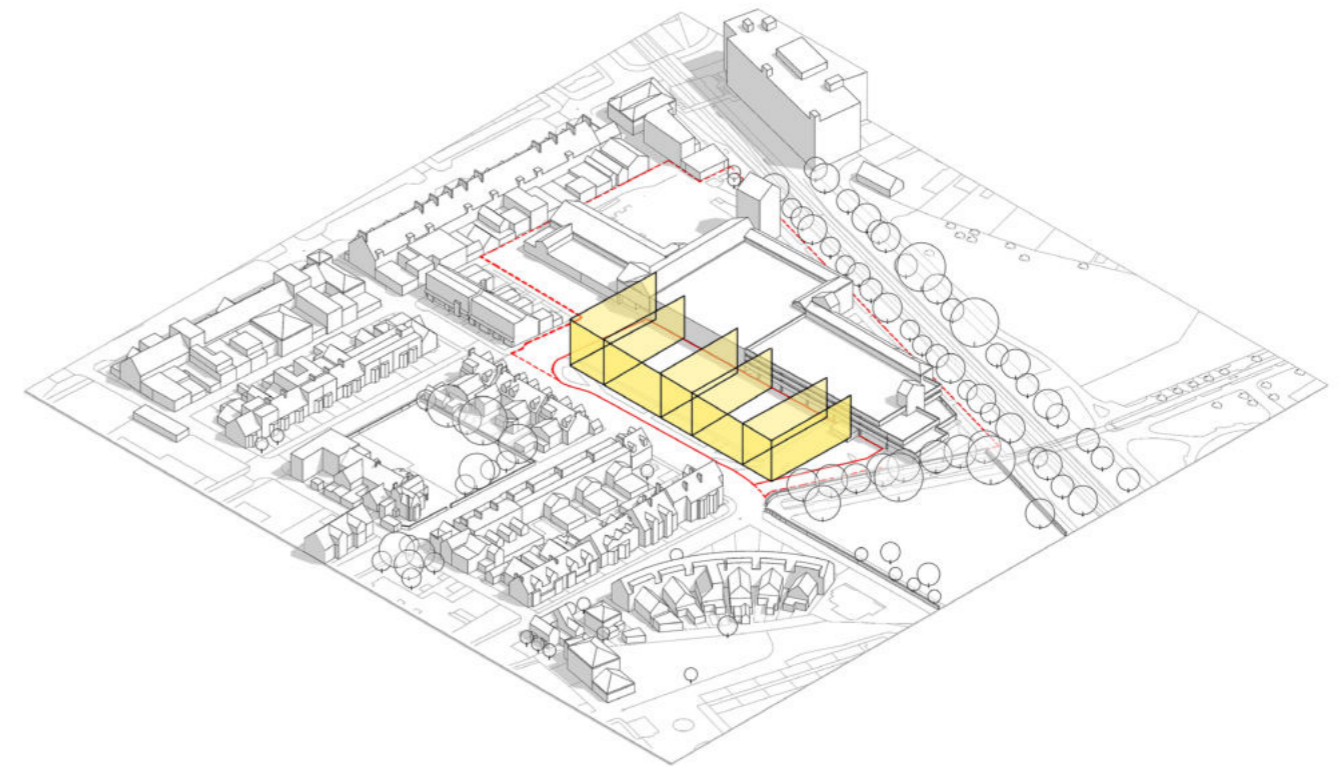
These building lines have informed the developable area outlined within the parameters plans on the following pages.



01. ESTABLISH ADJACENT HISTORIC BUILDING LINES



02. IDENTIFY OPPORTUNITIES TO STRENGTHEN THE HISTORIC BUILDING LINES



03. STRENGTHEN HISTORIC BUILDING LINES

Image 3.3: Strengthening building lines

3.3 DESIGN CONSIDERATIONS - REINFORCING PEDESTRIAN ROUTES

Proposals should seek to enhance and reinforce key pedestrian routes around the site. This should be achieved through physical enhancement of the streetscape along Garfield Road and by creating key visual connections and desire lines.

↔ Opportunities to reinforce key pedestrian routes

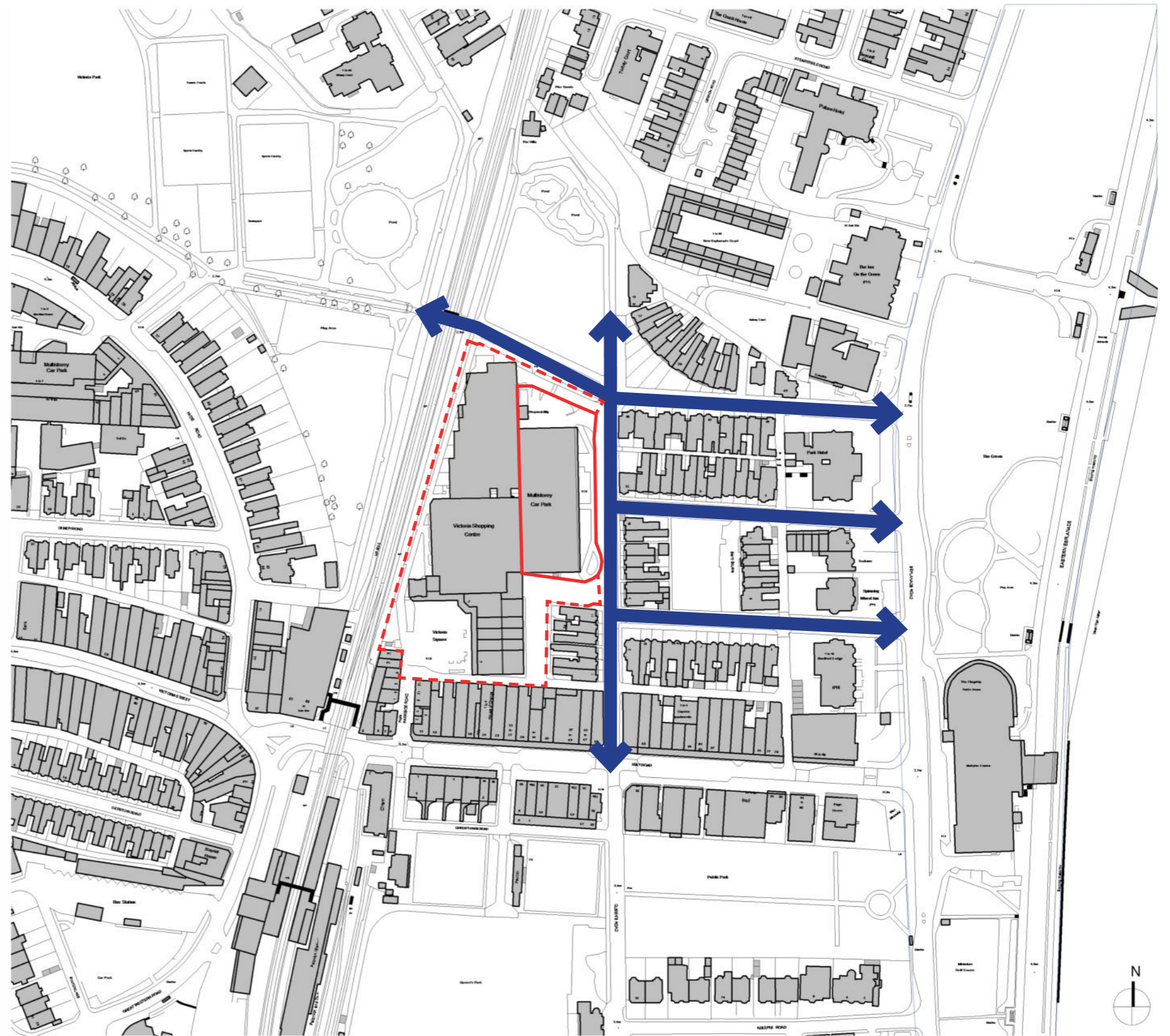
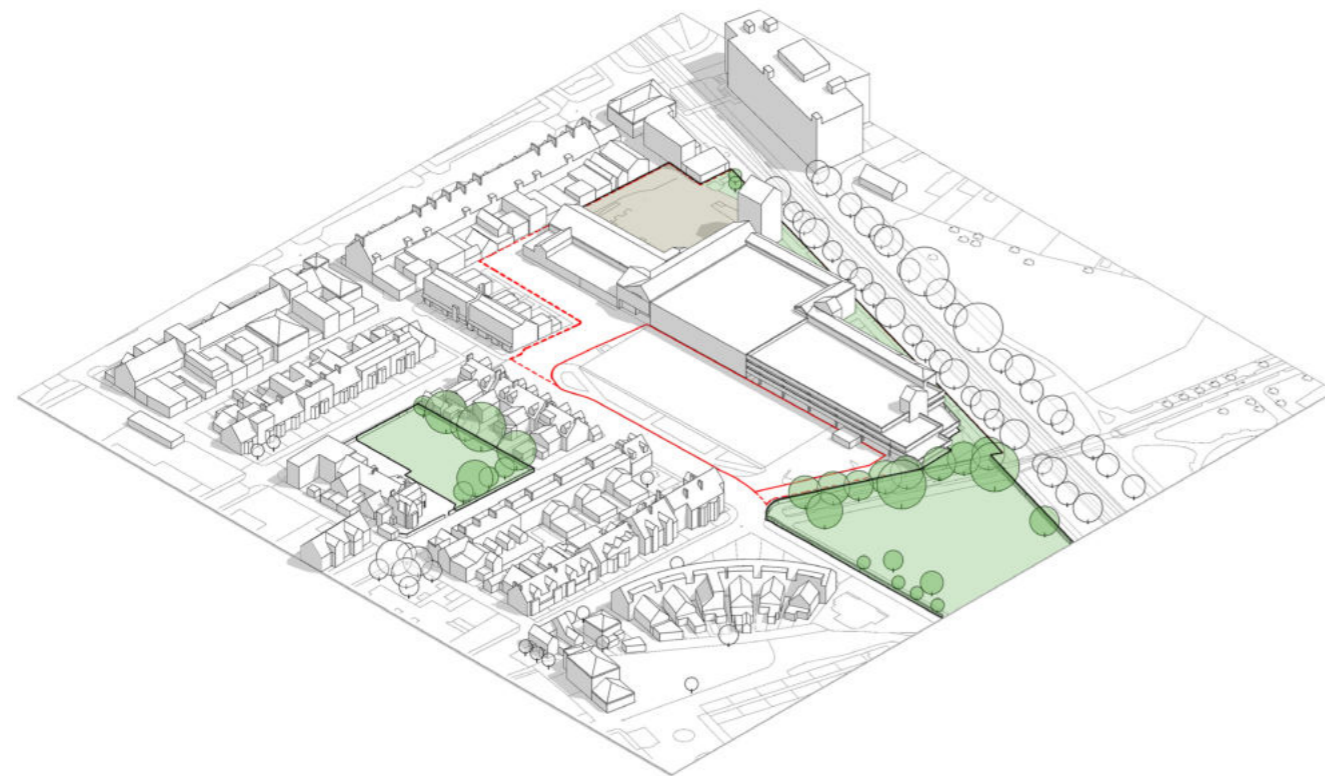


Image 3.4: Reinforcing pedestrian routes

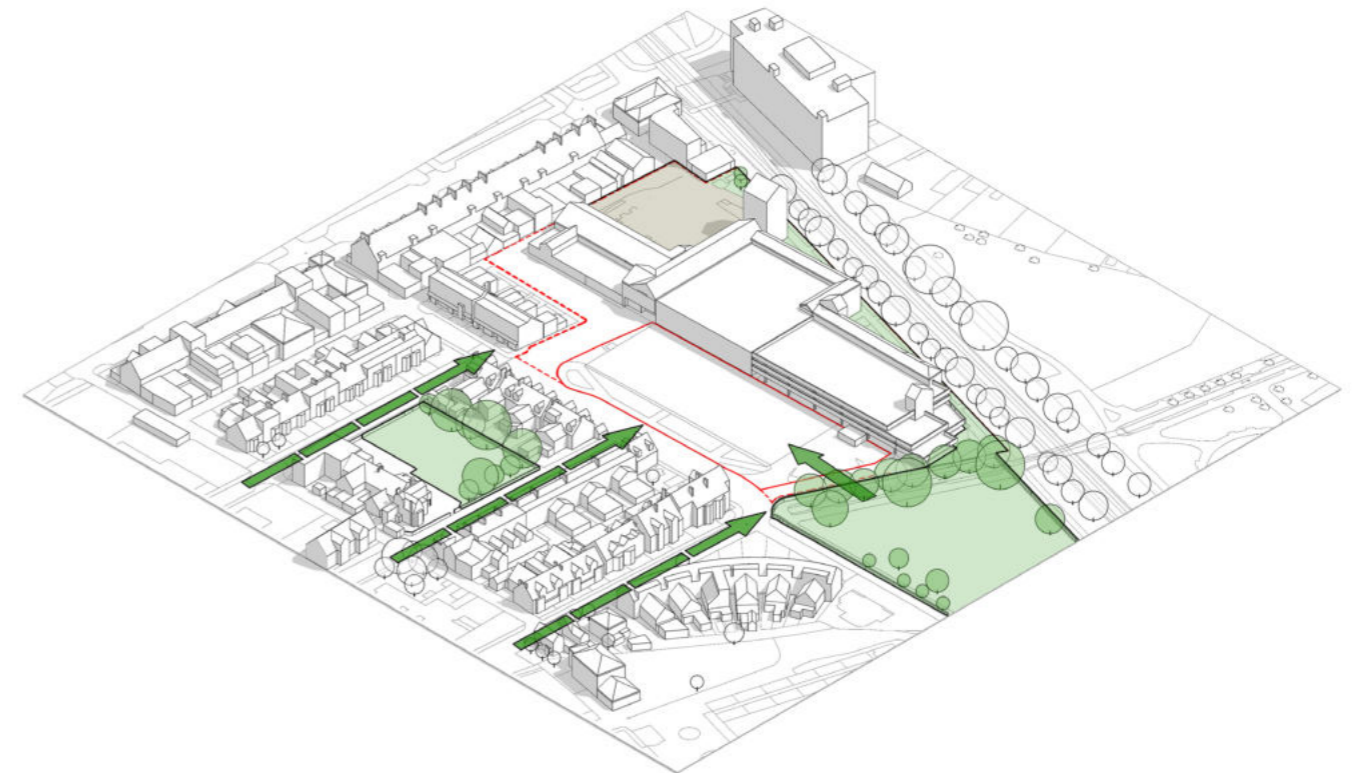
3.4 DESIGN CONSIDERATIONS - PARKS AND PUBLIC OPEN SPACE

As clearly seen on the 1906 historic map, prior to the site's development in the 1970's, the site was part of Victoria Park, providing amenity space for the town.

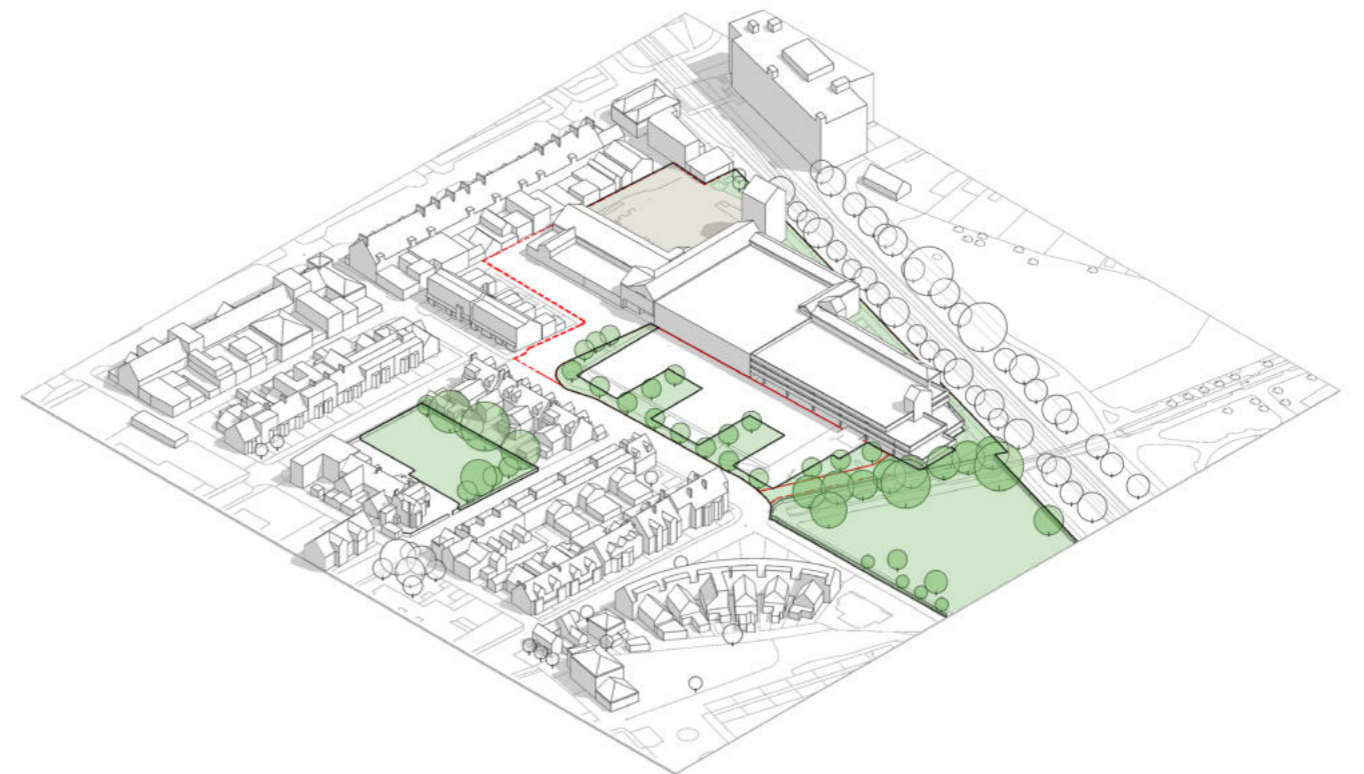
As a result, proposals should respect this historic use, and seek to provide a better relationship with, and connection to Victoria Park and other surrounding green spaces.



01. IDENTIFY ADJACENT GREEN AND PUBLIC OPEN SPACE



02. PROVIDE VISUAL AND PHYSICAL CONNECTIONS BETWEEN GREEN AND PUBLIC OPEN SPACES



03. ESTABLISH NEW GREEN AND PUBLIC OPEN SPACE

Image 3.5: Design diagrams -Establishing new green and public open space

The provision of new physical connections between green and public open spaces should be viewed as a key design consideration, addressed by introducing green corridors between these key spaces.

The development site provides a clear opportunity to implement this along Garfield Road.



Image 3.6: Green corridors
 (Source: Paignton Refresh- Supplementary Planning Document - Page 8) - (edited by KTA)

3.5 DEVELOPABLE AREA

In order to progress the masterplan and deliver a considered approach to development on the site parameters plans are required to set out building heights, mass and footprints. These parameters are intended to act as an 'envelope' in which development can take place.

The following plans set out those parameters. The masterplan illustrated shows the extent of building footprint within which, buildings should endeavour to be located.

Areas outside of this should be avoided so as not to adversely impact on the surrounding built environment.

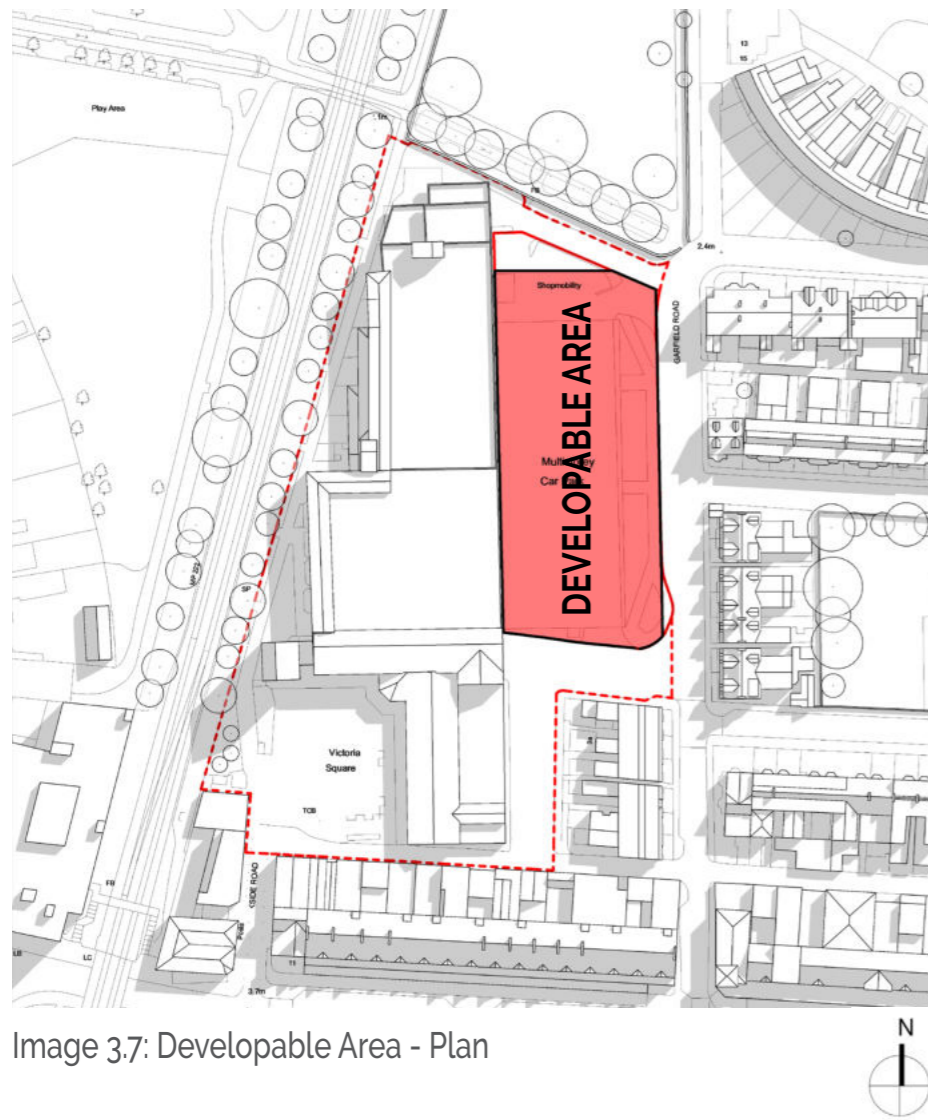


Image 3.7: Developable Area - Plan

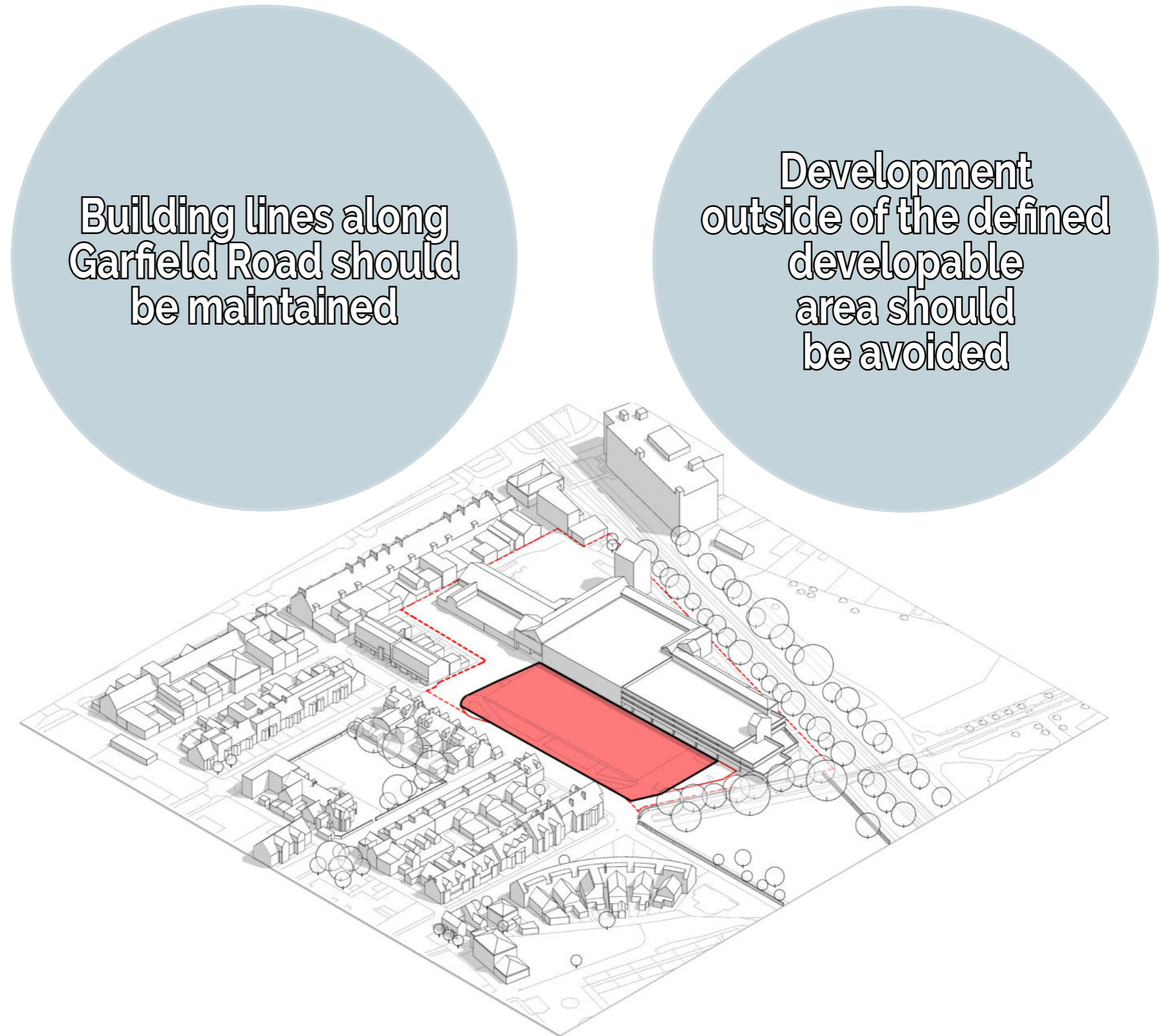


Image 3.8: Developable Area - 3D

3.6 BUILDING HEIGHTS

In order to ensure a scale and massing appropriate to the site's context is achieved, parameters have been applied to building heights on the site.

As a result, design proposals should endeavour not to exceed 5 storeys in height for any development fronting Garfield Road.

Additional height may be considered appropriate elsewhere on the site, but any storey height exceeding 7 storeys must be clearly justified. Note that the parameter for 7 storeys includes an allowance for any plinth or ground floor undercroft.

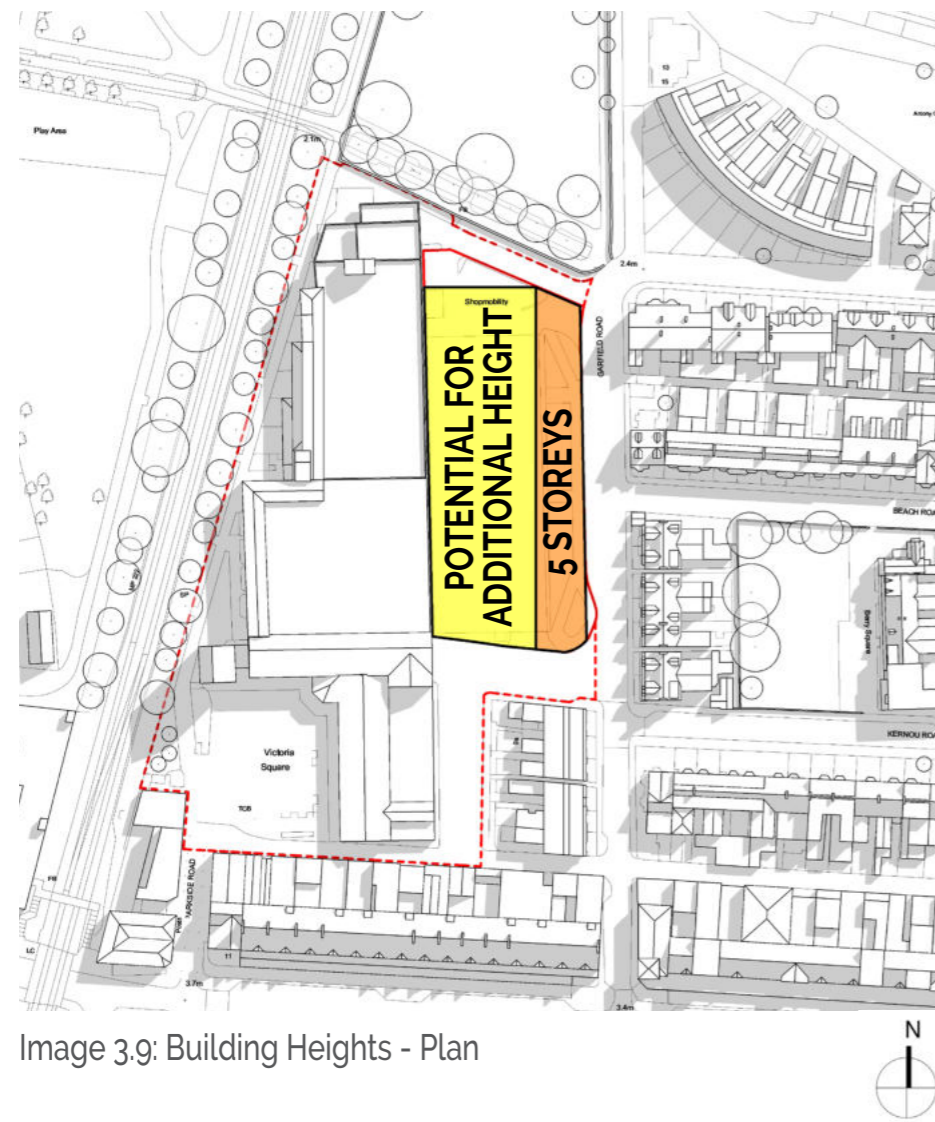


Image 3.9: Building Heights - Plan

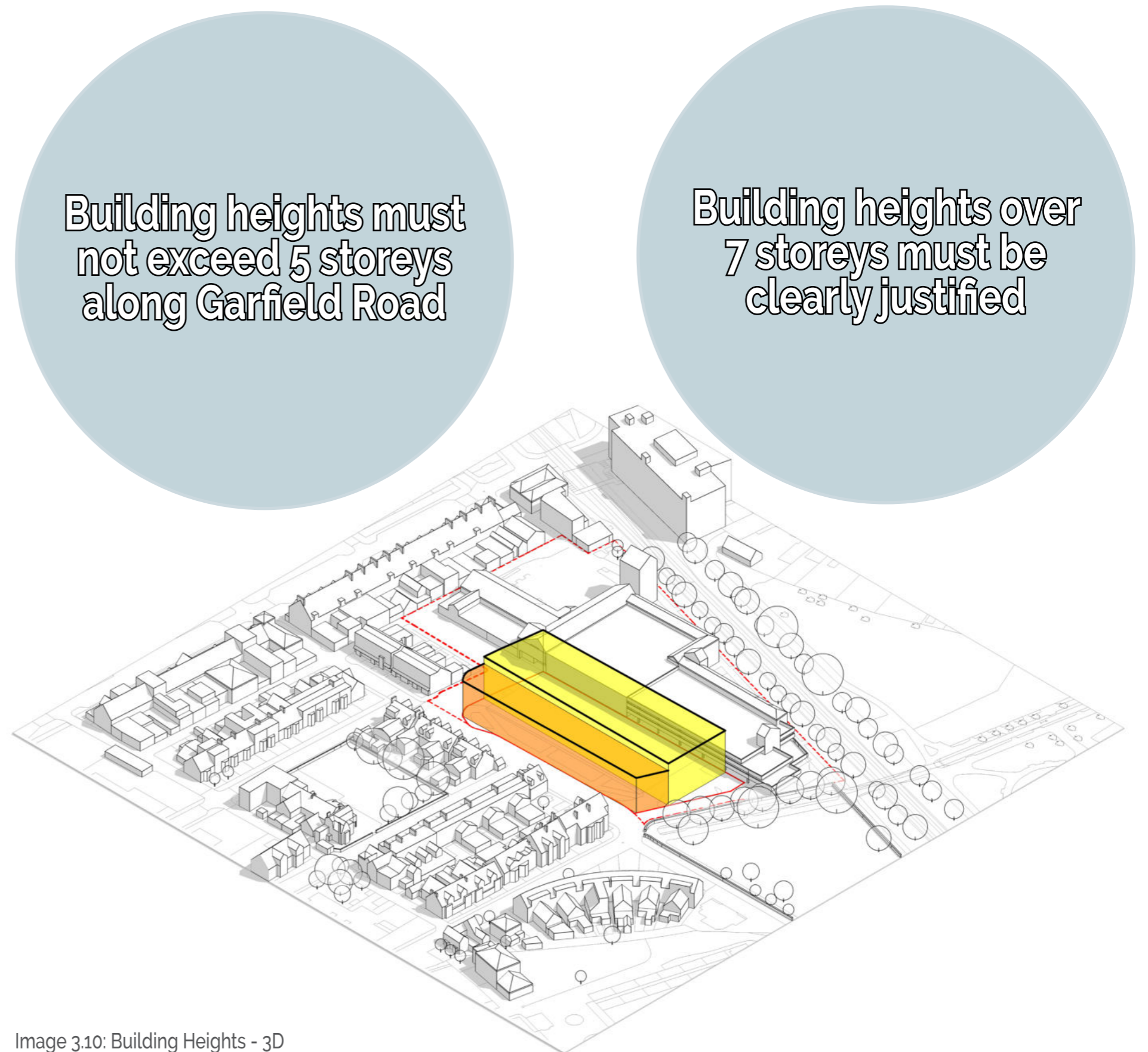


Image 3.10: Building Heights - 3D

3.7 SUSTAINABILITY

Design proposals should promote:

- a low / net zero carbon, or carbon positive, development;
- a high quality design to meet the needs of the site and surroundings, noting the need to set a high standard for the wider regeneration of Paignton town centre
- a solution that will be sustainable over the long term, taking account of climate change"

Approaches to sustainability should consider but not be limited to the following:

GREEN ROOFS

Green roofs should be a key design consideration for any proposal. Green roofs will not only provide a key visual reference to Victoria Park and the site's historic relationship with it, but also provide the opportunity for:

- thermal reduction and energy conservation;
- water management;
- ecological and habitat enhancements;
- carbon sequestration.

PV

It is likely that design proposals will provide large expanses of new interrupted roofscape, thus providing a good opportunity to install PV panels.

SURFACE WATER MANAGEMENT

Due to the site's location within flood zone 3, surface water management should be a key design consideration for any development proposal. This should not only be considered in the context of coastal flooding, but also the threat from rainwater flooding and discharge from the surrounding and proposed built landscape.

Strategies should consider the potential use of green roofs, landscaping and rainwater harvesting in order to hold water and limit unwanted discharge.

ELECTRIC CAR CHARGING POINTS

All design proposals will have to include car parking, both for residents of the apartments and for associated visitors. As a result, electric car charging points should be included in the redevelopment and within the retained car park.

BIM (BUILDING INFORMATION MODELLING) ASSET MANAGEMENT

Design teams should consider implementing BIM to deliver an Asset Information Model (AIM) to be used by clients, end users and facility managers as the buildings enter the operation and end use phases of the project.

This will enable end users to effectively manage, maintain and gather building data throughout the buildings life-cycle, ensuring the most efficient approach is taken to all aspects of the building.

Sustainable solutions should be sought for the design, construction and lifecycle of all proposals



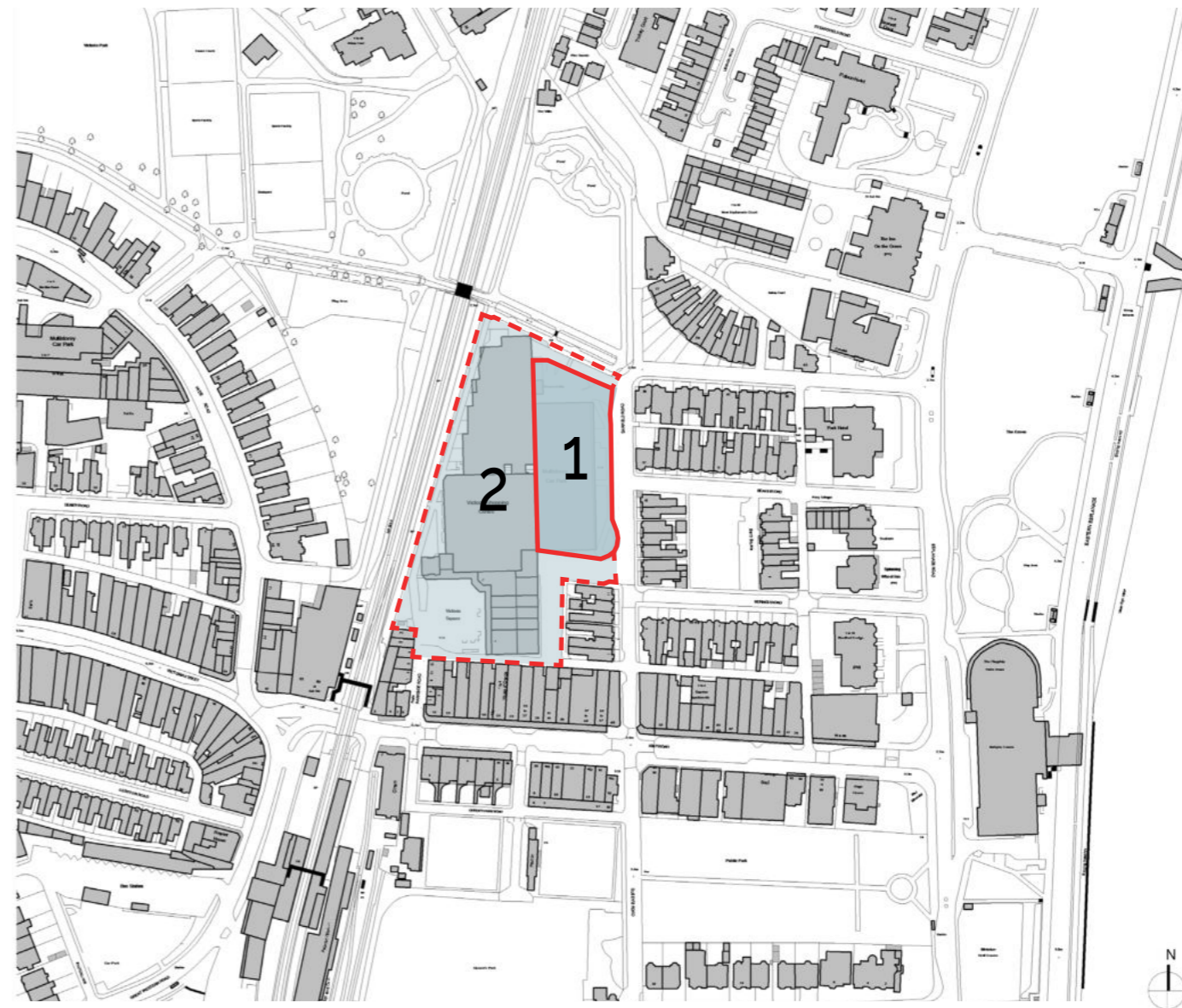
Image 3.11: An example of a successful green roof

4.0 FUTURE DEVELOPMENT

4.1 CREATING OPPORTUNITIES FOR FUTURE DEVELOPMENT

The Council's ambition is for comprehensive redevelopment of the Victoria Centre, as a whole. At this point it's very difficult to know what comprehensive development will comprise. This SPD simply works on the basis that such development will come forward and that development on the site should not prohibit delivery of any future phases.

Site 1, which includes the demolition of the car parking fronting onto Garfield Road, is the focus of this document.



- 1 Site 1
- 2 Potential future development site which should not be compromised by the redevelopment of site 1

Image 4.1: Opportunities for future development

5.0 DEVELOPMENT PARAMETERS

5.1 VICTORIA CENTRE PARAMETERS

Our assessment of the site and its context, alongside constraints and opportunities, results in the set of key parameters and design considerations set out in the table on the following page.

These parameters should be read as a whole, in order to ensure a high quality development is produced.

The key parameters set out in the table provide a framework for future development, in assessing design options at the planning application stage and in assessing the proposed development. However, the parameters do not override the need to meet national, Local Plan and Neighbourhood Plan policies.

Ultimately any development proposals brought forward, shall demonstrate, through active community engagement and design work, that a development proposal (expressed in a planning application) is of high quality and supported by the community.

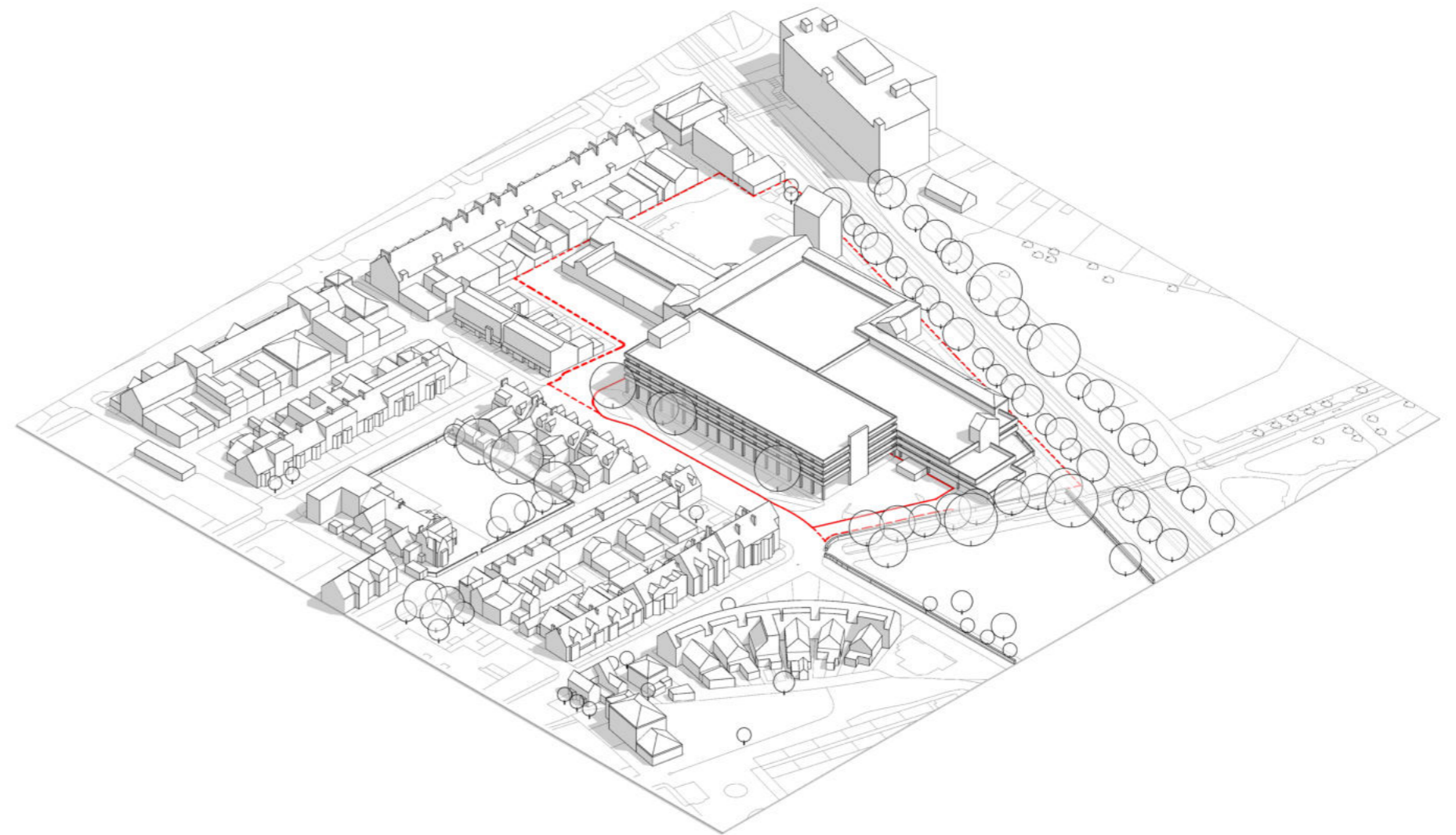


Image 5.1: The existing site.

Adjacencies	For Additional Information Refer to:
• Development must allow for the comprehensive development of the Victoria Centre, therefore development must not restrict or prohibit the delivery of any future phases.	Page 37
• Development should ensure access to all existing buildings and facilities within Victoria Centre, during construction and operation.	Page 18
Form	
• Development should provide a more contextual response to the surrounding street form, reflecting the late Victorian and early Edwardian urban grain (i.e. building footprint / figure ground).	Pages 21 - 27
• Building lines along Garfield Road should be maintained.	Page 30
• Natural surveillance across Victoria Park should be enhanced.	Pages 30 and 32
Use	
• Development should comprise wholly or predominantly of residential development, in-order to add diversity to the town centre which is dominated by retail and hospitality uses, all of which are within walking distance.	Page 14
• The development should include car parking for residents of the apartments and associated visitors. Electric car charging points should be included in the development.	Page 36
Connectivity	
• Development should enhance and reinforce pedestrian and cycle links to the town centre, seafront, green spaces and transport hubs. This should be achieved through physical improvements to the streetscape along Garfield Road and by creating key visual connections to the site.	Pages 19 & 31
• Development should provide opportunity for publicly accessible 'pocket' green space, helping to link Victoria Park with Queens Park and softening the appearance of the development. This will reinforce Paignton's character as a garden town by the sea.	Pages 17 & 32
• Opportunities to create physical green connections (green corridors) between key green and public open spaces should be taken. Development should include urban greening along Garfield Road.	Pages 32 & 33
• Connectivity to future comprehensive development of the Victoria Centre must be considered.	Page 37
Massing and Density	
• Development should provide a more contextual massing than the existing car park.	Page 29
• Development should maximise density / housing numbers on the site, to support town centre regeneration and reduce pressure for greenfield development.	Page 11
Height	
• Development should aim to be 2.5 / 3 storeys along Garfield Road, and should not exceed 5 storeys.	Page 35
• The existing car park has a survey datum of 17.84m on its eastern edge, fronting Garfield Road, rising to 19.37m along its western edge. Two stair cores rise to the car parks highest point which has a survey datum of 23.17m. At these datum heights views out to sea and across Paignton are unbroken, therefore development should seek to capture desirable views out to sea and across Victoria Park.	
• Building heights which exceed 7 storeys or the existing car parks maximum datum must be clearly justified.	
Flood	
• The site is located within flood-zone 3, therefore development must be future proofed in terms of flooding. This will ensure that habitable space is not at risk of flooding and surface water run-off levels are maintained at greenfield run-off rates.	Page 28
• Development will make reasonable financial contribution to flood defences on Paignton Seafront.	
Environment	
• Development should be designed so as to minimise energy use and maximise energy efficiency. A net zero carbon development would be welcomed.	Page 36

6.0 APPENDIX

6.1 APPENDIX 1 - PLANNING POLICY/ GUIDANCE CONTEXT

PLANNING CONSIDERATIONS

This section sets out key local and national policy and legislation relevant to future residential development proposals in association with key topic headings. A more detailed overview of planning policy is included at Appendix 1.

The NPPF (February 2019) provides the framework from which locally-prepared plans for housing and other development can be produced. It has three overarching objectives, which are interdependent and require pursuance in mutually supportive ways. The objectives are economic, social and environmental and should be delivered through the preparation and implementation of plans.

The relevant Development Plan for Torbay is the Local Plan which is supplemented by a series of locally applicable plans such as the Paignton Neighbourhood Plan, Paignton Town Centre Masterplan and other Supplementary Planning Documents/Guidance detailed below.

Principle of Development

The NPPF provides the framework from which locally-prepared plans for housing and other development can be produced. It has three overarching objectives, which are interdependent and require pursuance in mutually supportive ways. The objectives are economic, social and environmental and should be delivered through the preparation and implementation of plans.

Sustainable development runs through the heart of the Framework and as such there is a presumption in favour of sustainable development (paragraph 11). In line with this, development proposals in accordance with the development plan should be approved without delay.

NPPF Chapter 7 seeks to ensure that there is vitality within town centres and emphasises the importance of the role that they play as the heart of a local community. Their growth is required to be defined and maintained and there is recognition that residential development plays an important role in ensuring the vitality of centres.

The ethos behind the Local Plan is growth within the realms of environmental limits and the Neighbourhood Plan elaborates the policies as set out on a local level. There are five aspirations set out for the Bay:

- Secure economic recovery and success;
- Achieve a better connected, accessible Torbay and essential infrastructure;
- Protect and enhance a superb environment;
- Create more sustainable communities and better places; and
- Respond to climate change.

Policy PNP2 of the Neighbourhood Plan concerns Paignton Town Centre and the importance of improving and linking green space within development proposals. It also states that flood risk is of prime importance and that residential proposals must meet the relevant design criteria. Policy PNP7 relates to the strategic site and states that development proposals will be supported where they:

- Improve amenity;
- Include adopted standard parking provision;
- Encourage 'themed' markets on the square;
- Retain public open space, trees, amenity areas and pedestrian links;
- Connect to and enhance green infrastructure; and
- Include electric charging infrastructure.

The site is also allocated as a possible Neighbourhood Plan housing site (ref. PNP13-Victoria Square/Multi-storey car park) within the Local Plan.

Flood Risk

In relation to flooding and coastal change, paragraph 157 of the NPPF sets out that all plans should apply a sequential, risk-based approach to the location of development to avoid flood risk to people and property. To manage risk, the sequential test should be applied, followed by the exception test where applicable. The necessity for an exception test is dependent upon the site-specific Flood Risk Vulnerability Classification. For an exemption test to be passed, it must be demonstrated that the development will have wider sustainability benefits that outweigh flood risk concerns and must be made safe for its lifetime, tailored specifically to user vulnerability.

A search of the Environment Agency Maps reveals that the site is within Flood Zone 3 (see Figure 2 within Appendix 1). Land and property within Flood Zone 3 has a high probability of flooding, and any development in this zone will require a Flood Risk Assessment – this precludes more vulnerable uses (such as residential) except where the development can pass the Sequential and Exception tests. However, the site is stated to benefit from flood risk defences.

Local Plan Policy ER1 sets out that development must be safe for its lifetime and development proposals will be expected to maintain or enhance the prevailing water-flow regime on site and to ensure that

flood risk isn't heightened elsewhere. PNP15 of the Neighbourhood Plan covers flood and sea defences and explains that flood risk should be reduced within the town centre.

The Local Plan also sets out that residential use is not appropriate on the ground floor as a result of the flood designation. Any future development should therefore incorporate flood defence measures such as sustainable urban drainage, where practicable.

Further, the Healthy Torbay SPD sets out that Torbay has been designated as a Critical Drainage Area and therefore the importance of reducing flood risk through reducing surface water run-off is imperative. Future development should therefore seek to achieve this.

Parking, Access and Connectivity

The site allocation sets out under SDP2-Paignton Town Centre and Car Park that sufficient car parking should be retained or improved to provide appropriate provision for the existing Lidl store. The future mixed use of the site area as a whole will also need consideration in terms of its ability to accommodate use appropriate parking.

In terms of getting around the town centre, Policy PNP12 encourages proposals that improve the town centre and sea front area and a number of criteria are set out, including improvement of connections, de-cluttering and improve transport connectivity.

The proposed redevelopment options ensure that access will be open to all users and more pertinently, that equal and convenient access to buildings and spaces is readily achievable.

Mixed Uses

Local Plan Policy SDP1 relates to Paignton itself and its requirement for rejuvenation through high quality mixed use schemes within the town centre. Policy SDP2 more specifically concerns Paignton Town Centre and states that connectivity to the seafront is paramount, as well as the need for need development to compliment area character and bolster its tourism function. Table 13 of the Local Plan lists Victoria Square multi-storey car park as a strategic site for a mixed use development opportunity for a wide range of leisure, commercial use and possibly retail.

Further to the above, table 14 states that the Strategic Housing Land Availability Assessment (SHLAA) has identified the site as 'constrained urban' and sets out that circa 60 residential units are achievable. It also states that ground floor residential will not be appropriate due to flood risk. This is set out on the basis of the entire strategic site and so it should be noted that the site being considered within this brief is one element of it.

The Paignton Town Centre Masterplan includes the transformation of the Victoria Centre into an entertainment complex to house the relocated seafront cinema. This option also includes residential, car parking and employment uses. The Council are however aware of the difficulties that this option presents and are therefore flexible in terms of ensuring that a sustainable proposal comes forward.

Section 3 of the masterplan considers the strategic site as a whole and its importance as an integral part of other aspects of the towns regeneration masterplan. The document also sets out diagrammatic sketches in terms of preferential zones of active frontage and indicative building heights. These are included in Appendix 1.

The mix of used as currently set above also include consideration for a hotel use in place of residential use. More detail on this, including the proposed area, is covered within Appendix 1.

As set out within the Masterplan document, it is anticipated that the redevelopment of the Victoria Centre will result in anchor tenants being attracted to Paignton. This will then have a knock-on effect on the rest of the town centre.

Provision of Housing

Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes and the support necessary to boost the supply to meet need and specific requirements in terms of housing type. The NPPF acknowledges that small to medium sized sites make an important contribution to the housing requirement of an area.

The overall growth strategy for a prosperous Torbay is set out within Policy SS1 and seeks to identify land for the delivery of an average of circa 495 homes per annum, which equates to 8,900 over the plan period.

Neighbourhood plan Policy PNP 1 is an area wide policy for Paignton that elaborates on the wider Policy for Torbay and seeks to achieve a balanced delivery of growth and biodiversity enhancement. In relation to housing, development must be specific to local need as defined and must protect local identity in a sustainable manner.

Policy H2 of the Local Plan relates to affordable housing and sets out that development in excess of 20 dwellings on brownfield sites will be required to provide onsite 20% affordable. Commuted sums will however be accepted where more effective affordable housing could be secured via this route or if the development would bring significant regeneration benefits.

Design and Amenity

A creative, site specific approach is required to ensure that the options presented achieve good design solutions. For example, the redeveloped scheme will require its own identity, as well as continuity and quality public realm. In addition, it should be permeable and inviting.

The site is located in a visually prominent part of the city centre and as such any future development proposals should deliver high quality design, tailored to the locality.

LP Policy DE1 relates to design and states that proposals should be 'well-designed, respecting and enhancing Torbay's special qualities. Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses as well as movement patterns through and/or around the site.

Following from the above, LP Policy DE3 seeks development 'designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses'. In terms of building heights, Policy DE4 states that height should be appropriate for the location and commensurate with existing character unless there are sound economic or urban design benefits to justify any deviation.

Delivery

In terms of the strategy for the delivery of the development, it would be logical to gain momentum via dividing the site into parcels. The initiating development would be the redevelopment of the car park which would avoid major disruption to existing occupiers. The rest of the development can then be covered within a separate application.

On both a national and local level, the timing of development is crucial. Across the UK, town centres have been struggling with increasing decline and a tendency to prefer out of centre retail locations for convenience. There is also a substantial, well known need for housing provision both nationally and locally, which emphasises the importance of delivery pace and making efficient use of land available.

Wider Economic/Social Impacts

The benefits of a mixed use proposal will be significant in terms of being of benefit economically, socially and environmentally. The nature of any future development in itself will be sustainable given the town centre location. In addition to this, materials used can be sustainably sourced at a local level where possible.

The Healthy Torbay SPD focuses on issues related to matters of health and wellbeing and how they should be positively addressed through the development planning process in Torbay in the context of building upon and providing more detailed advice and guidance to policies contained within the Local Plan. Local Plan Policies SS11 Sustainable Communities and SC1 Healthy Bay are at the foundation of this document and any forthcoming application will need to have regard to it.

In terms of economic factors, this will relate to heightened growth, prosperity and increased local employment provision both during and after construction. Socially, the proposal would provide new homes within a preferential town centre location. This leads us to the environmental benefit resulting from the re-use of a brownfield site and the aesthetic betterment that a forthcoming scheme would bring in terms of development quality. It is also anticipated that the redevelopment of the site will initiate widespread regeneration, given that it will effectively demonstrate the benefits of redevelopment in such a location. Importantly, it will also provide usable public spaces that are demanded by the public.

Supplementary Planning Documents (SPDs)

Future development proposals will also need to have regard to the detail within Supplementary Planning Guidance listed below.

- Urban Design Guide SPD (2005-2026); and
- Planning Contribution and Affordable Housing SPD (February 2017).

Summary

The site lies within an area of significant focus for mixed use redevelopment, namely residential. There is a widespread requirement for the more efficient use of land and as such, schemes that address the needs of the local community will be encouraged. Within town centres, higher development densities are acceptable (subject to area compatibility), as well as active frontages that take a multitude of forms.

Key opportunities and site features include:

- Highly sustainable location.
- The existing site design is currently not making the best, most sustainable use of the land available. A well-considered scheme can maximise the quantum and mix of development achievable.
- There are a range of potential redevelopment uses suitable in principle which allows flexibility in terms of uses and general adaptability.
- The wider area is diverse in terms of land use, density and storey heights and as a result there is good scope in terms of development options.

Overall the site is in a highly sustainable location, capable of accommodating an impressive scheme that will make efficient use of the land whilst better catering to the needs of the local community.

THE TRANSFORMATION PROGRAMME

Torbay Council and TDA have set a strategy to assist in making Torbay's town centres a better consumer experience. More importantly, there is a significant focus on regeneration work that will set about revitalising each town in terms of high quality development provision and considered place-making practise.

The strategy extends from the Council's wider economic strategy and Local Plan, the Culture Strategy, the emerging Destination Management Plan and Neighbourhood Plans, not to mention completed centre masterplans.

There are multiple priority regeneration sites (Phase 1 Projects) throughout Torbay's Town Centres, one of which is Victoria Square, Paignton. The Ministry of Housing, Communities and Local Government has awarded £900,000 for enabling works to deliver new homes on the site and such new homes will need to be 'unlocked' by April 2020.

Wider regeneration within the area, including Paignton Picture House, Paignton Station Square Townscape and Park Hotel redevelopment, render the site to be a prime area of focus.

Appendix 1-Planning Policy/Guidance Context

This section provides a more detailed overview of the relevant planning policy framework in which any proposed scheme would be assessed. All development should be in accordance with the statutory development plan unless material considerations indicate otherwise as per Section 38 of the Planning and Compulsory Purchase Act 2004.

The statutory development plan against which any application would be considered comprises the following:

- Torbay Local Plan 2012 to 2030 (adopted December 2015);
- Paignton Neighbourhood Plan Referendum Version (March 2019); and
- Paignton Town Centre Masterplan (June 2015).

National Planning Policy

The current national planning policy for England consists of the revised NPPF, which was published in February 2019, and sets out the central Government's planning policies for England and how these are expected to be applied.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. As such, the NPPF must be considered in the preparation of local plans and is a material consideration in the planning determination process.

At the heart of the NPPF is the presumption in favour of sustainable development, which the NPPF states should be applied to all plan-making and decision-taking. Paragraph 8 of the NPPF outlines the three overarching objectives to sustainable development. These are, an economic objective, a social objective and an environmental objective. These are defined as:

- 'a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including

making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes should be affordable homes unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Local planning authorities are required to identify and update annually a 'supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies'.

Paragraph 85 of the NPPF states that planning policies and decisions should 'support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation... allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters'.

Paragraph 87 states that when considering the location for development, preference should be given to accessible sites which are well connected to the town centre.

Paragraph 118 states that planning decision should give substantial weight to the value of using suitable brownfield land which is located within existing settlements for homes and other identified needs.

The NPPF places great importance upon the creation of well-designed and high quality places, stating that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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' as per paragraph 124.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 158 states 'that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding... The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.

Paragraph 159 states that 'if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'. The application of the exception test should be informed by a strategic or site-specific flood risk assessment.

Local Planning Policy

Torbay Local Plan 2012 to 2030

The site is within the administrative boundary of Torbay Council. The local plan within Torbay comprises of the Torbay Local Plan 2012 to 2030 (LP), which was adopted by the Council in December 2015. The plan covers spatial strategy and strategic delivery objectives for each of the three towns (Torquay, Paignton and Brixham) and provides the basis for planning decisions within Torbay over the plan period.

The LP Policies Map extract (see figure 1) demonstrates that the site is allocated for mixed use (ref. PNP13-Victoria Centre).

A search of the Environment Agency Maps reveals that the site is within Flood Zone 3 (see Figure 2). Land and property within Flood Zone 3 has a high probability of flooding, and any development in this zone will require a Flood Risk Assessment – this precludes more vulnerable uses (such as residential) except where the development can pass the Sequential and Exception tests. However, figure 2 also demonstrates that the site benefits from flood defences.

Figure 1 – Local Plan Policy Map Extract

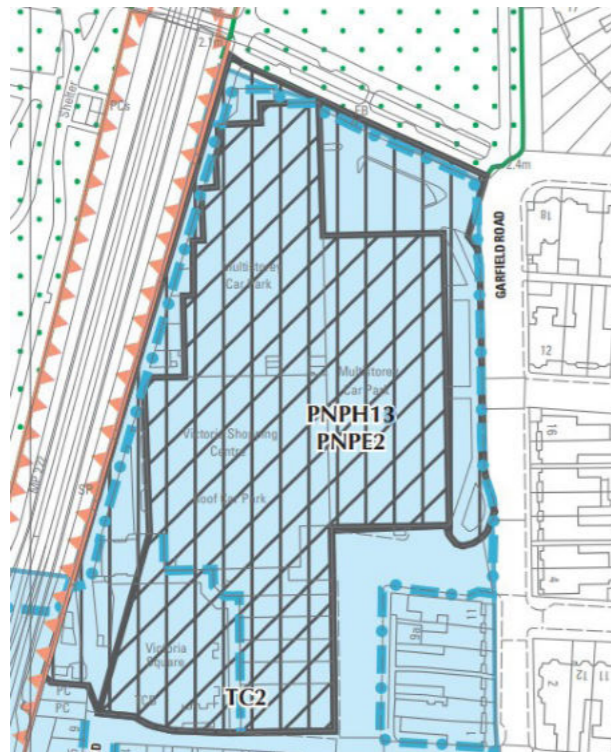
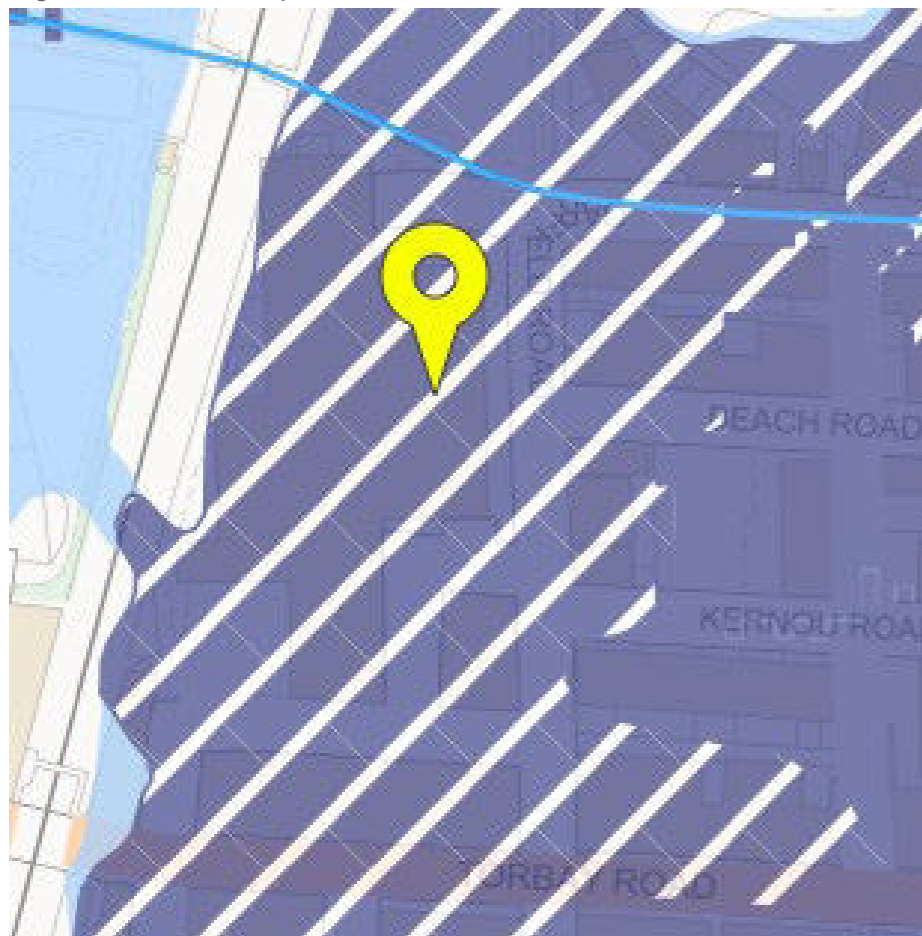


Figure 2 – Flood Map Extract



LP Policy SS1 relates to a growth strategy for a prosperous Torbay and seeks to identify land for the delivery of an overall average of around 495 homes per annum, equating to circa 8,900 new homes over the Plan period of 2012-2030.

In line with the NPPF, LP Policy SS3 states that when considering development proposals, the Council will take a positive approach in accordance with the presumption in favour of sustainable development, 'working proactively and in partnership with landowners, applicants and the community to find sustainable solutions, and enabling development proposals to be approved where they will evidently provide a balanced approach to improving economic, social and environmental conditions'.

LP Policy SS5 recognises the importance of space and facilities for Use Class B employment uses but also for 'other non-Use Class B sectors including health, leisure, retail, tourism and education, which play an important role as employment generators in the Bay'. The provision of new and improvement of existing employment space will be supported in the town centre and existing employment estates in the first instance. This is in order to 'maximise opportunities for economic recovery, employment space will be brought forward within the Strategic Delivery Areas identified around Torquay Gateway and the West of Paignton'.

LP Policy SS7 states that 'major development will be expected to contribute to the provision of an appropriate range of physical, social and environmental infrastructure, commensurate to the type and scale of development, and the needs of the area.'

Development will be assessed against its capability to improve the sustainability of existing and new communities within Torbay as per LP Policy SS1. The Policy states that 'proposals will be assessed according to whether they achieve the following criteria, insofar as they are relevant and proportionate to the development:

1. Meet the needs of residents and enhance their quality of life;
2. Help to close the gap between the most and least disadvantaged people and neighborhoods in Torbay;
3. Help to develop a sense of place and local identity;
4. Promote social inclusion, and seek to eliminate exclusion based on access to housing, health, education, recreation or other facilities;
5. Help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict;
6. Support local food production and consumption;
7. Create a well-connected, accessible and safe community;
8. Contribute to the success of the local labour market by improving provision of and/or access to jobs and widening the pool of available labour;

9. Protect and enhance the local natural and built environment, where appropriate through planning contributions;
10. Deliver development of an appropriate type, scale, quality, mix and density in relation to its location;
11. Contribute towards any additional educational or training needs including the promotion and negotiation of local labour training arrangements, placements and apprenticeship schemes, and by promoting the provision of local employment space, in order to tackle worklessness;
12. Enable people to have access to local services to meet their day-to-day needs including open spaces, community halls (or rooms), play areas, leisure and recreation facilities and allotments; and
13. Provide a good standard of residential accommodation, by seeking to retain small to medium sized homes (2-4 bedrooms) and resisting change of use of these homes to HMOs and small self-contained flats. This applies especially in Community Investment Areas, identified on the Policies Map, and other areas with significant living environment deprivation'.

In order to achieve their housing target of 8,000 homes over the plan period, LP Policy SS12 states that 'housing provision will focus upon a sustainable pattern of distribution throughout the Bay, with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. Mixed use developments with an appropriate range of dwellings to meet current and future needs will be sought where appropriate. Provision will be made for affordable housing'. In line with this, Policy SDP2 relating to Paignton Town Centre and Seafont is expected to contribute 590 new homes over the plan period.

LP Policy SS13 states that the Council will maintain a rolling 5-year housing land supply, in line with the requirements of the NPPF. The trajectory is expected to be:

- 400 dwellings per year for the period 2012/13 - 2016/17.
- 495 dwellings per year for the period 2017/18 - 2021/22.
- 555 dwellings per year for the period 2022/23 - 2029-30.

LP Policy SP14 requires proposals, commensurate with their scale and nature, to minimise carbon emissions and the use of natural resources expected to arise during the lifetime of the development. The Policy states that 'in particular, applications for major development will be expected to clearly demonstrate how taking a low carbon approach has influenced the design strategy for the development proposed. As a key part of delivering environmental sustainability in a holistic manner, this could typically include the consideration of construction methods and materials, design, energy, water consumption, waste management, travel planning and carbon offsetting'.

With concern to town centre regeneration, SDP 2 states that the Victoria Centre is appropriate for a mixed use scheme as part of Paignton's overall regeneration strategy. More specifically, it is anticipated that the site can achieve around 60 dwellings (as per the SHLAA). Paragraph 5.3.2.7 also states:

'Parking will need to be retained and appropriate provision made for the existing retail store. Due to flooding issues, residential use of the ground floor would not be appropriate and this site should incorporate flood defence measures, such as sustainable urban drainage, as far as practicable. The community has expressed a strong desire to see the open space at Victoria Park protected.'

LP Policy TC1 identifies that 'the primary locations for retail and other town centre services and facilities in Torbay will be the town centres of Torquay, Paignton and Brixham... The vitality and viability of these town centres will be enhanced through the regeneration of key sites'. The LP will support 'Mixed use regeneration of key sites in town centres as identified in the relevant 'place' Policies ...including the provision of major retail, leisure, cultural, recreational and event space, and the comprehensive redevelopment of parts of the town centres'.

The Council seeks to develop 'a sustainable and high quality transportation system which makes sustainable travel the first choice when travelling, thereby meeting the accessibility needs of everyone and promoting Torbay's economic competitiveness, whilst reducing the need to travel and its environmental impact', as per LP Policy TA1. The site is within an Air Quality Management Area and LP Policy TA1 states that development must minimize its effect upon these areas.

The policy goes on to state that the Council will promote 'development in locations that are easily accessible and safely reached by foot, cycle, public transport, other sustainable transport or car' and have regard to the following hierarchy of sustainability:

- (i) walking;
- (ii) cycling;
- (iii) public transport;
- (iv) car sharing;
- (v) low/ultra low emission vehicles; and
- (vi) private (high emission) transport.

A good standard of access for walking, cycling, public and private transport should be provided in major development schemes and consideration must be given to the need to make appropriate provision of facilities for disabled persons, such as suitable levels, signage and parking bays as per LP Policy TA2. This policy also requires a Travel Plan for all major developments likely to have

significant transport implications, setting out how at least 30% of the potential users can gain access by foot, cycle or public transport, and how this will be monitored.

The Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development in line with LP Policy TA3 which sets out parking requirements. The site is currently a public car park and Policy TA3 states that the 'loss of on-street or public parking provision will be a material consideration in planning applications, with additional weight being given to loss of provision in those areas where there is congestion and/or heavy use of public or on- street spaces'.

LP Policy H1 relates to applications for new homes and states that residential proposals within the identified Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other Policies of the Plan.

LP Policy DE2 states that 'major development proposals with a residential component will be assessed against the Building for Life 12 (BfL12) design tool (or equivalent version/ methodology)'. A development proposal will be supported by the Council when it performs positively against BfL12 and secures as many 'green lights' as possible under its 'traffic light' system.

Affordable housing contributions will be sought on brownfield sites of 15 dwellings or more, to meet the housing needs of local people as per LP Policy H2. Brownfield sites of 15-19 dwellings will have an affordable housing target of 15%, to be delivered through on-site provision. Brownfield sites of 20+ dwellings have an affordable housing target of 20%, to be delivered on-site. Commuted sums will only be accepted where this would achieve more effective provision of affordable housing or bring significant regeneration benefits. The provision of affordable housing, or contributions on smaller sites, will be sought on the basis of one third social rented housing, one third affordable rent and one third shared ownership housing.

LP Policy DE1 relates to design and states that proposals should be 'well-designed, respecting and enhancing Torbay's special qualities. These include the waterfront and natural setting of the Bay, and the character of the natural and built environment, including areas and buildings of historic interest and settlement patterns. Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses as well as movement patterns through and/or around the site.

LP Policy DE3 seeks development 'designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses'. Policy DE4 states that the height of new buildings should be

appropriate to the location, historic character and the setting of the development and should be to the prevailing height within the character area in which it is located, 'unless there are sound urban design or socio-economic benefits to justify deviation from this approach'.

Neighbourhood Plans

Neighbourhood Plans focus on the local areas and are produced by communities with Parish and Town Councils (formally designated as a 'Forum'). In Torbay, there are three neighbourhood forums: Torquay, Paignton and Brixham Peninsula. Paignton Neighbourhood Forum applied to designate the forum and area of Paignton in 2012 and applied for renewal in 2017. The Forum submitted their Neighbourhood Plan in 2017 and it was subject of an independent examination in 2018. Torbay Council, as Local Planning Authority (LPA), approved the Plan with post examination modifications for referendum at a Full Council meeting on 15 November 2018. The Referendum version of the Paignton Neighbourhood Plan was published in March 2019.

Paignton Neighbourhood Plan

The Neighbourhood Plan sets out that Paignton is a busy seaside town with many attractions, situated within the centre of Torbay. The Plan seeks to make sustainable use of this unique situation and existing assets in order to better prosperity, quality of life and the environment.

PNP 1 is an area wide policy that seeks to achieve a balanced delivery of growth and biodiversity enhancement, as well as encouraging more sustainable modes of transport. In terms of housing, criteria (c) explains that housing growth must be appropriate to local need and strategic needs. This Policy also seeks to ensure that local identity is protected and that sustainable development is achieved by ensuring a balanced provision of new development.

PNP 1(c) relates to design principles and sets out a number of criteria that new development must adhere to, such as applying methods to strengthen local identity. Policy PNP 1(d) in relation to residential development sets out that development should be of the highest standards of sustainable construction and provide safe access and cycle provision. Subsections (g) and (h) are also applicable and relate to designing out crime and sustainable transport.

Policy PNP2 considers the Town Centre and emphasises the importance of improving and linking green spaces. Proposals that adhere to this will be supported where they are in-keeping with various criteria including improving vibrancy, taken account of flood

risk, increase residential accommodation and meet the relevant design criteria as set out in PNP1(c).

Policy PNP7 relates to Victoria Square, or Lidl Square as it is otherwise referred to. It covers the entire strategic site and sets out that redevelopment proposals will be supported where they:

- Improve amenity;
- Include adopted standard parking provision;
- Encourage 'themed' markets on the square;
- Retain public open space, trees, amenity areas and pedestrian links;
- Connect to and enhance green infrastructure; and
- Include electric charging infrastructure.

In terms of getting around the town centre, Policy PNP12 encourages proposals that improve the town centre and sea front area and a number of criteria are set out, including improvement of connections, de-cluttering and improve transport connectivity.

	Proposed area	Equivalent no. of units
Retail	1,070 m ²	
Leisure	11,600 m ²	
Office	2,640 m ²	
Residential	13,200 m ²	161
Car Parking		526
Hotel	(13,200 m ² in place of the residential provision above)	

Policy PNP13 has regard for housing opportunities within the town centre and considers that development proposals will be supported where residential accommodation does not discourage public use of an area. It acknowledges that additional housing is planned for Victoria Square and that proposals must comply with the relevant flood risk policies.

Flood and sea defenses and covered by Policy PNP 15 and explain that flood risk should be reduced within the town centre. More specifically, it states that proposals to remove buildings and other physical features that act as a break on areas liable to flooding from the sea will not be supported unless alternative compensation is Policy PNP13 has regard for housing opportunities within the town centre and considers that development proposals will be supported where residential accommodation does not discourage public use of an area. It acknowledges that additional housing is planned for Victoria Square and that proposals must comply with the relevant flood risk policies.

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Paignton Town Centre Masterplan (June 2015)

The masterplan sets out a number of different yet interconnected proposals that essentially represent future aspirations. Redevelop Victoria Centre as an entertainment complex to house the relocated seafront cinema. Will also include residential, car parking and employment uses (p.15).

Section 3 relates to the Victoria Centre Specifically and considers the strategic site as a whole and its importance as an integral part of other aspects of the towns regeneration masterplan, including the relocation of the cinema to open up the sea front. It is however appreciated within the delivery section at the end of the masterplan document that the relocation of the cinema won't be without constraints. As a result, alternative proposals have been considered.

The masterplan sets out zones of active frontage in relation to the site and indicative building heights, which are set out on the diagrams illustrated adjacent

The mixture of uses proposed within the masterplan include:

There are also three Supplementary Planning Documents (SPD) documents that would form a material consideration with concern to any forthcoming application and they are:

- Planning Contributions and Affordable Housing SPD;
- Urban Design Guide SPD (2005-2026); and
- Healthy Torbay (April 2017).

Urban Design Guide SPD (2005-2026)

Future development proposals will need to have regard for the Council's adopted Urban Design Guide. Planning Contribution and Affordable Housing SPD (February 2017) Local Plan Policy H2 requires that development in excess of 20 dwellings on brownfield sites will be required to provide onsite 20% affordable. Commuted sums will however be accepted where more effective affordable housing could be secured via this route or if the development would bring significant regeneration benefits. Healthy Torbay (April 2017)

This SPD focuses on issues related to matters of health and wellbeing and how they should be positively addressed through the development planning process in Torbay in the context of building upon and providing more detailed advice and guidance to policies contained within the Local Plan.

Local Plan Policies SS11 Sustainable Communities and SC1 Healthy Bay are at the foundation of this document and any forthcoming application will need to have regard to it.



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