

Application Site Address	The Crossways Shopping Centre Hyde Road Paignton TQ4 5BL
Proposal	Redevelopment of site for residential extra care dwellings including Day Centre (Use Class E(f)), comprising a building of up to six storeys with communal facilities and cafe, associated parking, infrastructure and landscaping.
Application Number	P/2025/0490
Applicant	Torbay Council & Willmott Dixon Construction Ltd
Agent	Turley
Date Application Valid	21.08.2025
Decision Due date	20.11.2025
Extension of Time Date	12.12.2025
Recommendation	<p>Approval subject to:</p> <ol style="list-style-type: none"> 1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency and/or the Divisional Director of Place Strategy. 2. Completion of a Section 106 agreement. 3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency and/or the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Verity Clark

Location Plan



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Site Details

Crossways Shopping Centre was built in the 1960s and was demolished 2023-2024 following the grant of planning consent P/2020/0731. Prior to the demolition its plan form, elevational treatment and use of materials was considered typical of post-war Brutalist architecture. It was linear on plan linking Torquay Road with Hyde Road from west to east. The setback, two storey elevation on to Torquay Road included a central, partly enclosed passageway flanked by redundant commercial premises leading to Hyde Road (A3022). The canopied entrance opened out towards a pedestrian crossing with Victoria Park beyond. A multi-storey car park with 133 spaces was located at the centre. A tall rectangular steel, concrete and glass enclosed staircase provided access from the Hyde Road end of the site. The eastern area of the site was formed by vacant commercial premises comprising of former food establishments and shops, surrounded by a hardstanding pavement. The independent pedestrian and multi-storey entrances to the site were on the eastern boundary from Hyde Road. The entrance to the multi-storey carpark comprised a tarmac roadway which also connected through to Hyde Road.

The demolition works to implement P/2020/0731 have taken place however the site has since been operated by the Council as a temporary car park. The car park is accessed from Hyde Road with pedestrian access from both Hyde Road and Torquay Road and is bounded by metal fencing. The car park is finished in a mixture of tarmac and loose stones.

There is a controlled pedestrian crossing opposite the site as it crosses the two lanes of Hyde Road. This is one-way and directed either into Paignton town centre and Brixham or back around towards Torquay. Adjacent the site, on the opposite side of Hyde Road, is a row of shops, with projecting flat roof shopfronts and residential flats above. The rhythm of the plot widths, gable roofs and use of brick are notable, positive townscape features.

The site is bounded to the north by a narrow tarmac roadway, part of which is within the site boundary. An electrical substation is within this area and the substation separates the site from the rear of the Isaac Merritt public house. A three storey, brick building with chamfered corner sits behind the public house with narrow windows facing back towards the Hyde Road entrance. As the roadway rises from Hyde Road there are varying building heights; single to three storey residential properties and the rear of the retail units. The first two buildings are directly adjacent the roadway, then narrow areas of amenity space sit behind block walls as the site boundary passes the substation towards Torquay Road.

The western part of the site is surrounded by hardstanding pavement and the pedestrian access into the temporary car park. A row of pay and display parking spaces separate the site from Torquay Road. An uncontrolled pedestrian crossing, with dropped kerb is provided adjacent the site. The western end is also occupied by the front facing Post Office on the south side and a takeaway and the Isaac Merritt public house to the north.

The Post Office operate their delivery office to the south of the site. This connects with the Post Office on Torquay Road. The building is L-shaped on plan, with a pitched roof and a hip end facing the site boundary. There is a parking and loading area between the front facing building and the delivery office. A BT exchange building sits to the south and has a large array of services and telecommunication equipment on the roof. The elevation facing the site has a number of openings, but those facing the site remain blank.

The topography of the site and surrounding area is generally sloping down from Torquay Road to the west towards the Hyde Road to the east which result in a change of levels through the site.

The site is located within several designations:

- Paignton Town Centre (Policy TC1 of the Local Plan)
- Paignton Primary Shopping Area and Secondary Shopping Frontage (Policy TC2 of the Local Plan)
- The site is allocated in the Local Plan and Paignton Neighbourhood Plan as a mixed use development site of 150 residential units. (Policy SDP2 of the Local Plan and PNPH11 of the Neighbourhood Plan)
- A Community Investment Area (Policy SS11 of the Local Plan)
- Torbay Strategic Delivery Area (Policy SS1 of the Local Plan)
- A consultation to extend the boundary of the Old Paignton Conservation Area has been undertaken in 2025 which if adopted would result in the site being adjacent to the Conservation Area.
- There are a number of listed buildings and a Scheduled Monument in the vicinity of the site.

- Part of the site is at high risk from surface water flooding.
- The site is within Flood Zone 1 and a Critical Drainage Area.
- The Town Centre Masterplan (2015) recognises the site as one for redevelopment in the town centre.

Description of Development

This is a full planning application for the redevelopment of site for 91 residential extra care dwellings, the formation of a Day Centre (Use Class E(f)) and communal facilities including a café, associated amenity space, landscaping and parking.

The proposal seeks 2no. main blocks of built form connected by a single storey link. The Hyde Road section appears as a 'U' shape and will feature a lower ground floor level comprising the Day Centre use with associated plant and storage areas. This will lead to an outside garden area for users. The main access is on the north elevation next to a drop off point and car parking area. The East elevation facing Hyde Road will feature an entrance for residents of the extra care apartments providing access to the accommodation which is situated across part of the upper ground floor level and across the first, second, third and fourth floor levels. At upper ground floor level there is an outside terrace and a further roof terrace at third floor level for occupiers of the extra care units. The Torquay Road section of the building links to the Hyde Road building at upper ground floor level via a single storey link and features a number of uses for occupiers including a café, lounge, activity room and managers office and consult room. A further area of contained outside space is accessed at the upper ground floor level for residents of the extra care units via a number of access points.

The Hyde Road elevation features 5 storeys however the top third floor has been set back from the edge employing a flat roof design in a different material to the bulk of the building. Similarly, the Torquay Road elevation features 5 storeys with a set back of the fourth floor. The central section of the building features 6 storeys.

The Hyde Road entrance will lead to a car parking area with 2 car parking spaces, 2 mini bus spaces and a drop off area for the use of the day centre. The Torquay Road entrance will feature a new vehicular access leading to 9 parking spaces, including 2 disabled spaces for use by staff linked to the extra care residential units. This car parking area will also feature bin storage and the rear of the existing sub-station. Given the difference in levels across the site there is no link between the two car parking areas.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan"); and
- The Adopted Paignton Neighbourhood Plan 2012-2030 ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);
- Published Standing Advice;
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72; and
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

Extensive planning history relating to the application site, most noteworthy are the following:

DE/2025/0059: Redevelopment of site for residential extra care dwellings (Use Class C3) including Day Centre (Use Class E(f)), comprising a building of up to six storeys with communal facilities and cafe, associated parking, infrastructure and landscaping. Pre-application response 15/07/2025.

P/2020/0731: Redevelopment of redundant shopping centre comprising: demolition of shopping centre and associated multi-storey car park and erection of five storey sheltered (use class C3) scheme block of 13 flats, commercial and associated ancillary space. Erection of seven storey extra care (use class C2) scheme of 76 flats, commercial, communal and associated ancillary space. Approved 05/02/2021

Summary of Representations

18 letters of objection have been received at the time of writing.

Note: Full responses are available to view on the public access system (<https://publicaccess.torbay.gov.uk/view/>).

Issues raised:

- Visual impact and design
- Parking
- Job losses, less shops and money in the town
- Impact on economy
- Impact on daylight and loss of light
- Height and scale
- Anti-social behaviour
- Infrastructure requirements
- Privacy and overlooking
- Overdevelopment
- Out of keeping
- Construction impacts including pollution
- Noise
- Impact from local businesses on proposal/ impacts on businesses
- Residential amenity

- Requirement for a construction environmental management plan
- Context of area
- Materials
- Impact on Conservation Area
- Impact on listed buildings
- Planning history
- Townscape
- Access and highway safety
- Trees and landscaping
- Climate change
- Insufficient public benefit to justify harm

Summary of Consultation Responses

Note: Full responses are available to view on the public access system (<https://publicaccess.torbay.gov.uk/view/>).

Torbay Council's Principal Strategy & Project Management Officer (response dated 29/09/2025):

Crossways is a key regeneration opportunity in Paignton Town Centre, and securing a successful residential development that maximises housing numbers, within good placemaking and design parameters, has the highest level of support from a planning policy perspective.

The site is proposed for redevelopment in Policy SDP2/PNPH11 of the Adopted Torbay Local Plan, which envisages the area providing 150 dwellings (table 14 p118). The proposal is also supported by Policies SS3, SS12, SS13 and H1 of the Local Plan. The site is well located for extra care housing being on a fairly level site with good access to town centre facilities, as sought by Policy H6 of the Local Plan. Policies PNP8 and PNP13 of the Neighbourhood Plan are also relevant and support the principle of redevelopment of the site, with commercial use at ground floor and residential above. The Town Centre Masterplan (2015) also recognises the site as one for redevelopment in the town centre. This is currently being refreshed. Both the development plan (read as a whole) and the NPPF place a very strong emphasis on making the best use of urban brownfield sites in town centres for housing. The Torbay Community and Corporate Plan 2023-43 states a key Pride in Place priority to: "Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects".

Policy PNP8 of the Neighbourhood Plan is relevant but has been somewhat overtaken by events in light of the demolition of the 1960s Crossways Shopping Centre.

There is a current planning permission for 76 extra care and 13 sheltered units (P/2020/0731). The current application proposes 91 extra care units. Extra care units are likely to fall within use class C2, rather than Class C3. But they are still "housing" and attract a liability for affordable housing under Policy H2 of the Local Plan. Because of the uncertainties with the Use Classes Order, it would probably be better not to refer to a specific use class in the in the application description. The provision of 91 dwellings is a substantial benefit. From a

policy perspective it is a shame that a taller building which meets the Local Plan indicative allocation of 150 dwellings cannot be achieved. However, I note that detailed site assessments and design discussions have taken place in relation to the site, and there is a need to keep height within the 18m parameters set by the Building Safety Act.

I have noted some more detailed matters below, but the proposal is , in my view, in accordance with the development plan taken as a whole, and Paragraph 11(c) of the Framework indicates that it should be approved without resort to “tilted balance” considerations. However, Plans often contain policies that pull in different directions, and I note that some objections have been raised for example on building heights and potential impact on heritage assets. These point to the expectation in Local Plan Policy DE4 and PNP1(c) (ii) that new development should be built at prevailing height. The site is not within a conservation area, but Old Paignton Conservation Area lies just to the south and west of the application site.

The existing and emerging Local Plan puts great emphasis on achieving urban regeneration in the built-up area, particularly town centre areas. Policies on height, massing etc must be seen in the context of this overarching strategy. Torbay does not have the land to meet the Government’s Local Housing Need target. This was the case with the former Standard Method figure of about 600 dwellings a year, but is brought into sharper relief by the current “mandatory LHN” figure of 950 dwellings a year. What limited greenfield sites that exist often have severe environmental constraints. In this context Policies PNP1(c) (ii) of the neighbourhood Plan and Policy DE4 of the Local Plan cannot be seen as imposing a strict limit on building heights to the prevailing built form. Policy DE4 sets out criteria whereby tall buildings may be supported, including contributing to the regeneration and vitality of the area. Paragraph 6.4.2.27 of the Local Plan (as informed by the Building Heights Strategy) defines town centre areas as potentially suitable for tall buildings.

Torbay must apply the Presumption in Favour of Sustainable Development as a result of the Local Plan’s Presumption policies SS3 and SS13, the Housing Delivery Test and 5 year housing supply. The most recent (2023) Housing Delivery Test result of 66% imposes the Presumption on Torbay. Whilst 5-year supply is not a science , the Copythorne Road Inspector agreed that Torbay’s 5-year supply is around 1.72 years. This is a serious shortfall and boosting housing supply must accordingly be given substantial additional weight in the planning balance. Proposals for affordable housing which make effective use of land in a very sustainable location gain an added boost from the final part of Paragraph 11(d) (ii) which was added in 2024.

For context, it is worth noting that local evidence, such as the Devon Home Choice Waiting List, demographic data and the forthcoming Housing LIN assessment, all point to significant affordable housing need in Torbay, and a need for additional intervention in the market to support regeneration projects. Torbay has a severe shortage of affordable housing, which constitutes about 8% of its housing stock compared to about 18% nationally. There are about 1,650 households on the Devon Home Choice waiting list. The provision of older persons’ accommodation will have an additional benefit of helping people to downsize, which frees up family accommodation makes more efficient use of housing stock.

Affordable Housing and Local Occupancy.

Policy H2 of the Local Plan seeks 20% of the units to be affordable housing. Policy H2 sets a minimum and the council has subsequently published informal guidance to indicate that it will (subject to other material considerations) support schemes which achieve above policy compliant levels of affordable housing. The proposal is for 100% affordable housing, which is a very substantial benefit. We need to be clear whether this is being treated as a reason for granting planning permission (which it would be if secured through S106 Agreement). This is also relevant to other contributions that may arise on the site (see below). Extra Care units are zero rated for CIL, as would the ground floor community centre. It is important however that any social housing CIL exemption is sought before development commences.

Policy H6 of the Local Plan seeks to limit occupancy of specialist accommodation to Torbay residents. If the proposal is operated as affordable housing managed through Devon Home Choice, then this requirement is achieved through the council's letting policies. However, a fall-back mechanism may be needed to ensure local occupancy if the scheme were to be operated as market extra care housing. Since the scheme is controlled by Torbay Council as landowner, a written undertaking that this will be part of any hypothetical and unlikely disposal to a private operator is likely to be the most satisfactory solution.

Retail Issues

The proposal does result in a change to the shopping character of part of Torquay Road. Both Torquay Road and Hyde Road are shown as secondary shopping frontages within the primary shopping area. The site is within the designated town centre. There is no actual existing frontage in situ due to the demolition of Crossways and the site was vacant or underused for many years prior to demolition, so the proposal does not result in loss of an active frontage. This is relevant to consideration of Policies TC1 to TC4 of the Local Plan.

The proposed day centre falls within Class E(f) and is a main town centre use (even though not specifically noted in the NPPF definition, it clearly has similar land use characteristics of other main town centre uses and can be used for retail or other uses without constituting "development"). It is therefore an appropriate use in the Primary Shopping Area and Policy TC2. It also secures the benefit of locating sleeping accommodation away from the areas at higher flood risk to the seaward (Hyde Road) side of the site.

The proposal does result in the loss of a designated secondary frontage on Torquay Road (as noted there is no actual frontage). However, the Local Plan designates the frontage as a secondary shopping frontage in recognition of the need for greater flexibility. The existing Torbay Local Plan 2012-30 recognised that town centres were changing and that retaining significant retail frontages was no longer tenable even in 2015. The proposal would result in the loss of secondary ground floor frontage. However, the proposal does not undermine the shopping character of the centre and does contribute positively to the centre as a focus for community life. Therefore, any conflict with Policy TC4 is minor and significantly outweighed by the housing provision and regeneration benefits.

In any event the Local Plan's retail policies must be treated as somewhat in need of a refresh. The introduction of a commercial class E in 2021, and the significant changes to retail and town centres over the last decade have exacerbated the trends that the Local Plan recognised were coming. The NPPF no longer requires Local Plans to designate retail frontages, but rather advises that Local Plans should designate Primary Shopping Areas. There is therefore a case to simplify the Local Plan's town centre designations with a more

compact Primary Shopping Area focussed on the core of the centre around Victoria Street and making better links to the harbourside and waterfront areas. The Council is preparing Town Centre Regeneration Visions to help regenerate the town centres. These propose an increase in town centre living and a recognition of town centre to take on a wider range of roles including leisure and tourism. The 2022 Torbay Retail Study (Avison Young) notes that there is some capacity for retail floorspace in Paignton, but nevertheless recommends the removal of Crossways from the Primary Shopping Area.

Sustainable Access and Permeability.

Historically Crossways has provided a (non-Public Right of Way) pedestrian footway between Torquay Road and Hyde Road. This may be less important as the Primary Shopping Area becomes more compact. However Policy PNP8 notes the need to retain a pedestrian link between Hyde Road and Torquay Road in a manner that contributes to the improvement of the pedestrian network and green infrastructure links. Policy PNP8 refers to “a” pedestrian link and not “the” pedestrian link, which allows for flexibility in how town centre permeability is achieved. Improving accessibility to nearby shops, cafes open space etc. will be important in light of the reduced parking provision on the site. I would suggest that this objective can be achieved through developer contributions towards town centre safety (such as CCTV or management) and built environment improvements e.g. to crossings, surfaces, and street furniture in the area. Note that the council would only seek such contributions where it views them as a “site deliverability” (sometimes now called an “integral infrastructure”) matter from a 100% affordable housing scheme. However it seems to me reasonable to treat very localised pedestrian permeability as a site deliverability matter.

The proposals should also seek to improve water permeability to reduce run-off into the shared sewer system through Sustainable Drainage. I note that the proposal does increase the amount of soft surface on the site compared to the previous Crossways shopping centre.

Flooding

This is a matter for detailed assessment by the Council’s Drainage Engineers. The site is an allocated site, so I do not believe that a formal sequential test is needed. However, it will not be possible for Torbay to meet its housing needs on sites with lower flood risk or other severe “footnote 7” constraints. The proposal provides wider sustainability benefits to the community and is likely to meet the “exceptions test” at paragraph 178 of the framework. There is a plan in place to provide coastal protection for Paignton (i.e. Coastal Flood Protection Scheme). Only the seaward side of the site is shown as being at risk of flooding and locating sleeping accommodation away from the Hyde Road side of the site will reduce risk. However, it will be necessary to ensure that development is safe for its lifetime taking into account the vulnerability of its users. Therefore an evacuation plan/ safe refuges and other resilience measures may need to be provided.

S106 Issues:

The application has raised some matters that would require a legal Agreement. However, since the applicant is jointly by Torbay Council on land owned by the Council, a s106 Agreement is unlikely to be practical. Similar issues arise at the Union Square redevelopment, and finding an effective solution will be important to many of the council’s urban regeneration schemes. I cannot provide a definitive answer to this, and it should be discussed with the Directors of Regeneration and Head of Strategic Housing, the Council’s Legal Services, and

regeneration partners. Some councils have asked another authority to administer the S106 Agreement, but this may be less practical for Torbay as a Unitary Authority. It could also add complications to already complex regeneration matters that the council needs to deliver speedily. A Unitary Undertaking may be possible, but I understand would limit the ability to make minor changes to the scheme due to limitations on the scope of S73 applications. Another option could be to specify the occupancy of the development as affordable housing and that offsite permeability/CCTV works will be provided through condition. This is likely to require a schedule of works to be identified or the council providing an undertaking to spend an equivalent amount of money on CCTV etc. within a given timeframe.

Conclusion

The above is not intended as a full assessment of all the material considerations affecting the proposal. In particular, I have touched only very lightly on transport and heritage issues. However, delivering town centre regeneration schemes will be a major cornerstone to creating a healthy, happy and prosperous Torbay, and on that basis, there is strong planning policy support for the application.

Torbay Council's Senior Environmental Health Officer (response dated 26/08/2025):

Air Quality

The submitted technical report is sufficient to demonstrate that no more detailed assessment is required.

However it would help if the report could be updated to include measures for the monitoring and mitigation of dust during the construction phase, which the applicant could use in the CEMP (see condition below).

Lighting

The application report demonstrates compliance with the standards and guidance in the Institute of Lighting Professionals' Guidance Note 1 for the Reduction of Obtrusive Light or other relevant standards.

Please could the lighting information be included in the list of approved plans (should consent be granted) to ensure that this is delivered once built?

Noise from the Development

It would be helpful if the submitted noise report could be updated to include measures for the monitoring and mitigation of noise and vibration during the construction phase, which the applicant could use in the CEMP (see condition below)

Please could you include the following conditions on any consent?

Cumulative noise from all building services plant and equipment (excluding the back-up generator) shall not exceed the Plant Noise Limits set in Table 9 of the submitted report (Crossways Shopping Centre Noise Impact Assessment by Stantec dated 31 July 2025 reference 37368-HYD-ZZ-XX-RP-Y-0001-P02) measured in accordance with BS4142 (2014) at 1m from the facade of a noise sensitive receptor.

The back-up generator shall only be operated in the event of power failure to the site or for testing and servicing purposes. Testing and servicing of the generator shall only take place between the hours of 8am and 5pm Monday to Friday (excluding bank holidays).

The impact of existing ambient noise on the proposed development

Please could you ask the applicant to respond to the following questions?

- The submitted report suggests that the 5dB difference between the noise levels measured at the Hyde Road monitoring location in 2020 and in 2025 was caused by activity within the temporary car park. There is no evidence provided for this, and I note that the description of the noise environment in this location is that road traffic dominated. In the circumstances, do you consider that using the 2025 data would be more protective of the future occupants?
- Please could you include a discussion of internal noise levels with the windows open and the likelihood of this being required for ventilation and/or temperature control?
- Does the plant noise observed during your survey as coming from an office building bordering the site to the southwest merit separate assessment using BS4142 or similar? (is a consideration solely of the average noise level from this noise source sufficient?)
- You have explained that there was no noticeable noise from the adjacent pub. This was on the basis of a single day and night of monitoring. Was this sufficient to properly characterise any potential impact or annoyance from this site?

Once the applicant has responded I will recommend suitable condition about noise mitigation for the development.

Contaminated Land

The submitted report identifies that two assessment criteria were exceeded at one sampling location and that either further sampling or a remediation strategy is required as a result.

It would be helpful to understand what approach is proposed before I recommend a suitable condition to manage any land contamination risks. If it can be identified prior to determination of the application that no remediation is required, this would simplify matters.

Housing Standards

Housing Standards have reviewed the proposed floor plans and have no concerns regarding the layout of each flat within the building. Each of the proposed flats appears to be adequately equipped with the necessary amenity provisions and each flat has a protected escape route.

There are shared amenities and communal living areas throughout the building, as the proposal relates to extra care dwellings and the application submitted by Torbay Council, the development is likely to be exempt and not considered a House in Multiple Occupation (HMO).

To ensure full compliance and clarity, we recommend that the person responsible for the control or management of the building (should the building be developed with the proposed layout) confirms the exemption under Schedule 14 of the Housing Act 2004 or Schedule 1 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

If you have any questions or would like to discuss any of the above comments, please do not hesitate to contact us at Housing.Private.Sec@torbay.gov.uk

Commercial kitchen extraction systems

Please could the following condition be included on any consent?

Prior to occupation of the development hereby approved, details shall be submitted and approved in writing by the LPA of the extraction system from the cafe. This shall include measures to control emissions of smoke, grease and odour. The approved scheme shall be implemented in full prior to first operation of the cafe and maintained thereafter.

(The developer would be best advised to have reference to the following document: Control of Odour and Noise from Commercial Kitchens Exhaust Systems – 2004 (Update prepared by NETCEN for the Department for environment, Food, and Rural Affairs), particularly Appendix 2: 'Information Required to Support Planning Applications for Commercial Kitchens' and Appendix 3: 'Risk Assessment for Odour' for details of what information is required to be submitted.)

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Construction/Demolition Management Plan

Please could the following condition be included on any consent?

No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby. It shall include as a minimum provisions for:

- a. Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- b. A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints.
- c. plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP.
- d. No driven piling without prior consent from the LPA.
- e. A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions to be conducted if deemed necessary by the LPA following justified complaints.
- f. No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- g. No burning on site during construction or site preparation works.
- h. All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- i. The site access point(s) of all vehicles to the site during the construction phase.
- j. The areas for loading and unloading plant and materials.
- k. The location of the site compound and details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable).

- l. The location of storage areas for plant and materials. This should include the location of stockpiles of topsoil and sub soil.
- m. The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- n. Arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Torbay Council's Senior Environmental Health Officer (additional response dated 20/10/2025 following the submission of additional information):

Air Quality

The submitted technical report is sufficient to demonstrate that no more detailed assessment is required. However it would help if the report could be updated to include measures for the monitoring and mitigation of dust during the construction phase, which the applicant could use in the CEMP (see condition below).

Lighting

The application report demonstrates compliance with the standards and guidance in the Institute of Lighting Professionals' Guidance Note 1 for the Reduction of Obtrusive Light or other relevant standards.

Please could the lighting information be included in the list of approved plans (should consent be granted) to ensure that this is delivered once built?

Noise from the Development

It would be helpful if the submitted noise report could be updated to include measures for the monitoring and mitigation of noise and vibration during the construction phase, which the applicant could use in the CEMP (see condition below)

Please could you include the following conditions on any consent?

Cumulative noise from all building services plant and equipment (excluding the back-up generator) shall not exceed the Plant Noise Limits set in Table 9 of the submitted report (Crossways Shopping Centre Noise Impact Assessment by Stantec dated 17 October 2025 reference 37368-HYD-ZZ-XX-RP-Y-0001-P04) measured in accordance with BS4142 (2014) at 1m from the facade of a noise sensitive receptor.

The back-up generator shall only be operated in the event of power failure to the site or for testing and servicing purposes. Testing and servicing of the generator shall only take place between the hours of 8am and 5pm Monday to Friday (excluding bank holidays).

The impact of existing ambient noise on the proposed development

Please could you include the following conditions on any consent?

The development hereby approved shall achieve at least the minimum ventilation and

acoustic insulation performance standards described in sections 6.2 and 6.3 of the submitted report (Crossways Shopping Centre Noise Impact Assessment by Stantec dated 17 October 2025 reference 37368-HYD-ZZ-XX-RP-Y-0001-P04).

Contaminated Land

The submitted report identifies that two assessment criteria were exceeded at one sampling location and that either further sampling or a remediation strategy is required as a result. It would be helpful to understand what approach is proposed before I recommend a suitable condition to manage any land contamination risks. If it can be identified prior to determination of the application that no remediation is required, this would simplify matters.

Housing Standards

Housing Standards have reviewed the proposed floor plans and have no concerns regarding the layout of each flat within the building.

Each of the proposed flats appears to be adequately equipped with the necessary amenity provisions and each flat has a protected escape route. There are shared amenities and communal living areas throughout the building, as the proposal relates to extra care dwellings and the application submitted by Torbay Council, the development is likely to be exempt and not considered a House in Multiple Occupation (HMO).

To ensure full compliance and clarity, we recommend that the person responsible for the control or management of the building (should the building be developed with the proposed layout) confirms the exemption under Schedule 14 of the Housing Act 2004 or Schedule 1 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

If you have any questions or would like to discuss any of the above comments, please do not hesitate to contact us at Housing.Private.Sec@torbay.gov.uk

Commercial kitchen extraction systems

Please could the following condition be included on any consent?

Prior to occupation of the development hereby approved, details shall be submitted and approved in writing by the LPA of the extraction system from the cafe. This shall include measures to control emissions of smoke, grease and odour. The approved scheme shall be implemented in full prior to first operation of the cafe and maintained thereafter. (The developer would be best advised to have reference to the following document: Control of Odour and Noise from Commercial Kitchens Exhaust Systems – 2004 (Update prepared by NETCEN for the Department for environment, Food, and Rural Affairs), particularly Appendix 2: 'Information Required to Support Planning Applications for Commercial Kitchens' and Appendix 3: 'Risk Assessment for Odour' for details of what information is required to be submitted.)

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Construction/Demolition Management Plan

Please could the following condition be included on any consent?

No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby. It shall include as a minimum provisions for:

- a. Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- b. A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints.
- c. All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP.
- d. No driven piling without prior consent from the LPA.
- e. A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions to be conducted if deemed necessary by the LPA following justified complaints.
- f. No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- g. No burning on site during construction or site preparation works.
- h. All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- i. The site access point(s) of all vehicles to the site during the construction phase.
- j. The areas for loading and unloading plant and materials.
- k. The location of the site compound and details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable).
- l. The location of storage areas for plant and materials. This should include the location of stockpiles of topsoil and sub soil.
- m. The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- n. Arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Torbay Council's Senior Environmental Health Officer (additional response dated 19/11/2025 following the letter of representation on behalf of the Royal Mail):

Yes, I think this is OK. This is a town centre location and whoever lives there should expect some noise, particularly if they open their windows. I think that the developer has demonstrated reasonable care to understand and mitigate against unacceptable impacts from that noise and to provide alternative means of ventilation so that opening windows should not be essential to prevent over heating. This implements the 'agent of change' principle whereby it is the developer's responsibility to provide mitigation where there are existing potentially noise businesses nearby.

Torbay Council's Senior Environmental Health Officer – Food and Safety Team (response dated 27/08/2024):

Although I do not have any objections to the above Planning Application, I have the following comments to make.

1. Food areas must comply with Food Hygiene legislation, including registering the business with this Department 28 days prior to opening.
2. You must have suitable refuse areas inside and outside the premises.
3. You must have a commercial waste contract for collection of your trade refuse.
4. Suitable equipment shall be installed to treat and disperse emissions from cooking operations on the premises. The developer would be best advised to have reference to the following document: Control of Odour and Noise from Commercial Kitchens Exhaust Systems – 2004 (Update prepared by NETCEN for the Department for environment, Food, and Rural Affairs). Details of the proposed equipment, including noise levels and odour abatement, shall be submitted to the Local Planning Authority for written approval prior to commencement of the development. Please refer to the suggested document's Appendix 2: 'Information Required to Support Planning Applications for Commercial Kitchens' and Appendix 3: 'Risk Assessment for Odour' for details of what is required to be submitted.

The equipment must be implemented in accordance with the approval. Following installation, the equipment shall be operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.

5. You must consider your legal obligations under the Health and Safety at Work etc Act 1974.

Active Travel England (response dated 26/08/2025):

In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.

Torbay Council's Principal Climate Emergency Officer (response dated 19/09/2025):

I welcome the applicant's submission of an energy statement that proposes a low carbon, climate resilient approach and completion of the LPA's Sustainability Checklist.

Key features to be included in the development are as follows:

- The adoption of a low carbon, fabric-first approach informed by the energy hierarchy.
- A communal heat network, powered by centralised air source heat pumps for heating and hot water.
- Mechanical ventilation with heat recovery (MVHR) to further reduce heating demand.
- EPC ratings of B
- Roof mounted photovoltaic panels and the use of high-efficiency air source heat pumps to meet the 20% on-site energy target
- Commitment to carry out an assessment to prevent overheating (to support climate resilience)

There was no sustainability statement submitted outlining how all elements of Policy SS14 and the Checklist were to be fully met. However, the Energy Statement and Sustainability Checklist submitted address most of these requirements. One area not covered was the sustainable selection of materials. This would further support development of a holistic sustainable approach to the development. In addition, consideration should also be given to using BREEAM to achieve a sustainable, holistic approach. A short account covering how these have been considered should be submitted to ensure Policy SS14 is fully met.

I suggest the following condition (or similarly worded);

Energy and Sustainability Conditions

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy Statement by Hulley (CWY-HAK-XX-XX-RP-ME-000003 – Rev P03) prior to occupation or use commenced.

Reason: To ensure the development incorporates measures to minimise the effects of and can adapt to a changing climate and to meet Policy SS14 and ES1 of the Torbay Local Plan and Policy PNP1(f) of the Paignton Neighbourhood Plan.

Renewable energy

1) The development hereby approved shall incorporate the renewable energy measures outlined in the Energy Statement into the design and construction of the development to ensure that at least 20% of the site's total energy demand is met through renewable energy sources

2) Prior to occupation, the following information shall be provided: - Evidence of the [PV/ASHP / Other] system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate

3) A calculation showing that the projected annual yield of the installed system is sufficient to meet at least 20% of the total sites energy demand.

Reason: To ensure the development contributes to minimising the effects of and can adapt to a changing climate and meets Policy ES1 of the Torbay Local Plan and Policy PNP1(f) of the Paignton Neighbourhood Plan.

Devon & Somerset Fire and Rescue's Fire Safety Inspector (response dated 16/09/2025):

As the proposal will be subject to Building Regulations and the Regulatory Reform (Fire Safety) Order 2005, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority at the Building Regulations stage.

Under this process, the proposal must comply with the functional requirements of the Building Regulations, including "but not limited to": access for fire service vehicles, minimum road

widths, turning facilities for fire service vehicles, maximum reversing distances of 20 meters, requirements for fire mains, hydrants and smoke control.

The provision of appropriate water supplies for firefighting (Street Hydrants) including the achievement of appropriate flow rates. Information on this should be sourced from the National Guidance document on the provision of water for firefighting (4th Edition; June 2025).

In addition to the Building Regulations, the following guidance documents may assist developers in identifying the fire precautions in extra-care housing:

- The NFCC Fire Safety in Specialised Housing Guidance
- Fire Safety in Extra Care Housing in the UK – Housing LIN Resource Library

Devon & Cornwall Police Designing Out Crime Officer (response dated 16/09/2025):

If planning permission is granted for this development, I would respectfully ask that the following condition is in place for the development

- That the development shall include crime prevention and security measures including access control, visitor door entry system, CCTV, compartmentalisation, as detailed below. This is in the interest of designing out crime & crime prevention, in accordance with Policy DE1 of the Torbay Local Plan.

Community Resource Centre

It is noted and welcomed that the admin office and managers office will have sight of the main entrance and drop off area, providing a form of natural surveillance.

It is recommended the main entrance becomes a secure lobby area, to prevent unauthorised access and onward movement without staff granting access. It is also recommended that there is a visitor door entry with access control so staff or authorised persons can gain entry, however visitors or deliveries can call for staff should no one be within the managers office at the time.

It is welcomed the DAS mentions controlled fob access which is recommended to prevent unauthorised access, areas which should be included is the internal buggy, bicycle doors, the internal corridor doors of the day centre, in order to prevent free movement when the community rooms is used, to safeguard the users of the centre.

Areas such as plant rooms and refuse and, buggy stores must be lockable. External doors to the refuse and buggy store should be self-closing and locking to prevent unauthorised access, however the internal side of the external door should have some form of emergency egress system, such as a crash bar to allow for persons to exit if inadvertently locked in.

It is also recommended to install a CCTV system which is essential in the prevention and detection of crime, particularly when considering theft, burglary offences and disputes. A clear passport to compliance document should be in place prior to installation to ensure that the system and each camera have a clear purpose and that the needs of the user are met. To search for a local accredited and approved CCTV installer please click on these links www.nsi.org.uk or www.ssaib.org.

Key things to consider with CCTV

- Cameras, wiring, recording and monitoring equipment should be secured.
- CCTV equipment should meet the BS62676 standard.
- CCTV should be designed in so its compatible with lighting.
- Coverage should include access control areas, all external entry/exit points, fire exits, internal lobby area floor, drop off areas and covering the access gate to the lower courtyard gate.
- The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.
- CCTV systems must be registered with the Information Commissioners Office (IOC) and be compliant with guidelines in respect to General Data Protection Regulation (GDPR) and Human Rights legislation. Further information is available via www.ico.gov.uk
- For guidance on the use of CCTV images as legal evidence see also BS 7958:2015 CCTV Management and Operation Code of Practice.

It appears from the Lower Ground Floor Plan that there are vehicle bollards along the pavement area in front of the main entrance, which is supported, these should be tested and certificated products to PAS:170-1:2017 to prevent vehicles at low speeds coming into contact with pedestrians or the building.

Extra Care Living

All external doors providing entry into the extra care accommodation, including doors to individual apartments must be tested and certificated to PAS:24 2022+A1:2024 as a minimum. Its also recommended that the apartment doors are fire, smoke and security tested and certificated.

All ground floor, easily accessible glazing must also meet the standards of PAS.24 2022, if any of these windows are opening, they should have a window restrictor to prevent reach in burglaries where the offender reaches in an open window and steals anything within reach. It's recommended that a visitor door entry system and an access control system is installed to enable management oversight of the security of the building. This should meet the specifications outlined by UL293 and provide access to the building via the use of an encrypted key (fob, card, etc). It must have a vandal resistant external door entry panel with a linked camera. Ability to release the primary entrance doorset from the dwelling or bedroom, or staff office depending how the management of visitors will be managed. It should provide live audio and visual communication between the occupant/staff and visitor. Ability to recover from a power failure instantaneously. Provide unrestricted egress from the building in the event of an emergency or power failure. It should capture (record) images using the door entry panel and store images for at least 30 days. All visitor and resident activity on the visitor door entry system shall be recorded and stored for at least 30 days as well. The control equipment must be in a secure area within the premises and covered by CCTV in a lockable steel cabinet. It's recommended that the monitors are in colour to aid in the occupant or staff identifying the person, it would also assist if the monitor displayed the picture prior to the occupant or staff pick up the receiver,

Please note that a system which has either a tradespersons or time release mechanism will not be supported due to the proven cause of anti-social behaviour and unlawful access.

It is recommended that the proposed development includes security compartmentation this can be done via the use of the access control system, by preventing unrestricted access to all areas and floors of the building. It's recommended that each doorset from the lift & stairwell lobby to each floor has an access control reader, so each resident can be assigned access to their floor only, so to reduce the risk of anti-social behaviour or criminal activities. Whether access at these locations is provided to legitimate visitors as well as residents via additional call points is a matter for the overall access control strategy, this will be at the discretion of the management company. In the event of a power failure door locks should revert to a safe, unlocked mode unless there is a fire evacuation policy in place that requires the doors to remain locked.

CCTV is also recommended for the extra care building, to cover all external doors, fire exits, lobby areas, access control areas, parking areas and tills to the cafe.

All staff rooms and offices should be lockable to prevent unauthorised entry, it would be beneficial to include clear signage explaining its for staff or authorised persons only. It would also be beneficial to consider installing secure personal lockers for staff, so they can store personal belongings aiding in preventing theft of personal belongings.

Access hatches to the roof must be lockable to prevent unauthorised access, likewise if hatches are within communal areas, providing access into lofts spaces these should be lockable to allow access only to those persons authorised.

What consideration has been given to mail delivery for the tenants? From a designing out crime perspective a communal mail and parcel delivery system is recommended so limiting the access needed through the residential aspect of the development and not compromising the security.

The bicycle and buggy store should be included within the recommended access control system, both external and internal doors should have a self-closing and locking mechanism to prevent the door being left inadvertently open. On the internal side of the external door should also have a form of emergency egress installed such as a crash bar or similar.

It's noted that all apartments will have balconies, during a conversation with the development team it was mentioned that they will be locked to prevent access where required as per risk assessments of tenants. I would support this as part of a management practice and policy for the building.

It's appreciated there is limited parking provided for the development with the rationale explained, however there should be clear signage preventing conflict over parking spaces and appropriate allocation if needed.

Care must be taken when considering the position of landscaping and planting to ensure they do not encroach on lighting, CCTV or parking spaces. Any vegetation surrounding the car park may provide cover for potential offenders to interfere with vehicles and hinder natural surveillance, and when not maintained this can impact on the size of the parking bays.

If controlled drugs and medicine will be stored on either premises it is recommended that all external doors and easily accessible windows to the rooms where they are stored are sourced as tested and certificated to a nationally recognised security standard such as PAS 24 2022 or LPS 1175 Issue 8 A1+ for example. The container, safe or store for controlled drugs and medication should meet BS 2881 security standard.

It is also recommended that within the management practices and policies a section includes expectation on tenants behaviour and any potential ramifications, to prevent any potential criminal or anti-social behaviour taking place.

SWISCo's Senior Tree Officer (response dated 25/09/2024):

Application Appraisal / Findings

The redevelopment of the existing site presents opportunities to incorporate high-quality landscaping into the currently heavily urbanised area.

The proposed layout introduces limited external urban greening but incorporates two internal courtyard spaces which have the potential to provide valuable green space within the development.

Trees will require access to an appropriate available soil rooting volume based on the tree species choice and its potential for growth and reaching mature size. Technical solutions may be required to provide adequate soil rooting volume including soil crates or load bearing structural soil solutions. These should be clearly set out within the detailed soft landscape phase and be fully integrated into drainage systems.

Trees within the development must be a diverse range of species to ensure resilience to pest and disease issues and have a composition which considers climate adaptation. The landscape design should adopt a 'right plant, right place' approach which reflects local weather conditions and the special character of Torbay. Consideration should be given to using a range of UK native tree species and or cultivars / forms which are suitable for urban use in order to maximise biodiversity / wildlife friendly features. However, the use of nonnative species may be required to achieve the design objectives and should not preclude their inclusion in the landscape elements.

Recommendations

If planning permission is granted and appropriately worded planning condition should be applied to secure the hard and soft landscape details / specifications.

Torbay Council's Conservation and Urban Design Officer (response dated 26/09/2025):

Preamble

This proposal has been developed following the Desing Review Panel process and through a series of amendments made during pre-application engagement. The proposal follows a previous permission on this site that established the principle and scale of development the site might be able to accommodate.

I have reviewed the submitted documents and visited the site and have the following comments in response to this enquiry which I hope will assist in the development of a future proposal on this site. The response is set out in two sections:

- 1.Design comments; and
- 2.Impacts on heritage assets

Design

The proposed use of the site for assisted living does alter the expectations of the site due to the nature of the residential use. The site nonetheless to some degree must deliver on key urban design principles.

Connectivity

The strength of connection to Victoria Park could be improved but it is acknowledged that this is outside of the red line. Improvements to wayfinding and the crossing would allow for meaningful accessible outdoor amenity space for residents/occupants.

The removal of the pedestrian link through the site, with a dividing wall separating the two parking areas would likely impact the legibility and ease of navigation through the site, particularly due to two separate parking areas, with access between them being only traversable by internal corridors.

The site is well connected to the public transport network being located in the town centre. Cycle provision appears very low, particularly given suggested community uses. Further provision would positively contribute to the cycle infrastructure network locally.

Place and Neighbourhoods

It remains unclear what elements of the analysis have informed the footprint of the building. As such, the resulting layout does not appear to acknowledge the local urban grain found in its residential and commercial environment. The resulting design, orientation and layout of the proposal appears to have introduced substandard daylight and sunlight provision to a number of flats, which is very concerning. This is identified within the submitted daylight and sunlight report. I do not believe that the suggested mitigating factors are relevant, given the vulnerability of the occupants and the generally low-rise nature of the location. Internally, the long internal corridors lack a sense of place and destination for residents.

The proposed street (Hyde Road and Torquay Road) elevations, in addition to how the building turns at each of its corners are key elements of the proposal, and the success of these if the building is to be well integrated into the townscape. The placement of the community hub on the North-eastern corner will help to activate this corner of the building, but more could be done in this location to soften this corner and provide some protection for users from the access road which runs adjacent to it.

Design

Externally, the built form appears relatively uniform, with features replicated at scale and applied across the whole site. The inclusion of cantilevered balconies feels somewhat monotonous due to the level of repetition. There are concerns with the long-term maintenance of these balconies, given the local marine environment. If not properly maintained, they are likely to stain the brickwork and make the building unsightly. Long term maintenance of these features should be carefully considered.

The proposal does not integrate well with the scale of buildings locally. Both Road facing elevations appear concerningly dominant, overbearing and out of character in the street-scene. Its sole reference of comparable height is the commercial building adjacent to the site. This building is an outlier both in this area of the town and within the town in general.

Further to the above, the proposal appears too large when its interactions with the existing adjacent townscape are examined. The surrounding streetscene is largely at a human scale of 2 to 3 stories, including dormer conversions, whereas the proposal streetscene would be 4 and 5 stories in comparison. Whilst floor-to-ceiling heights may not be always be a consistent measure, the heights of buildings generally correlates with using the number of floor levels a building has to assess context.

The proposal would benefit from a reduction of a single storey in each of its Road facing elevations, retaining the approach with a set-back upper floor. The upper floor set-back is an acceptable approach to obscure the upper floor and this is relatively common practice, being comparable to a mansard type roof to provide a gentle increase in density.

The centre of the site is able to accommodate additional height more so than its Road fronting counterparts. Nonetheless, the proposal would appear to be the tallest building in the town, in an area where the prevailing building heights are much lower. The significant height and relatively tight nature of the proposed courtyards would likely result in them being largely shaded throughout the day.

I do not believe the elevations drawings presented provide a true reflection of the relationships between buildings in the immediate context and how they are perceived. For example, the pitched roof range of the BT building sited adjacent to the centre of the site is not perceptible in the streetscene, yet it is shown in the elevation drawings. I understand that the drawings represent a 2D flat image, however, I believe this misrepresents the prevailing building heights within streetscene, as this element of the BT building appears to be entirely shielded by the existing Post Office building. Similarly, the larger BT multi-storey block is barely perceptible from Torquay Road due the distances and vantage points. The submitted street views provide a more realistic representation of the relationship with the public realm. It would be useful for more of these streetscape views to be provided so that the scale of proposal can be better appreciated.

As indicated previously, the submitted daylight and sunlight report has highlighted substandard daylight and sunlight provision to a number of flats which is concerning. This is likely a result of the scale, orientation and layout of the proposal. I do not believe that the suggested mitigating factors are relevant, given the vulnerability of the occupants and the generally low-rise nature of the location.

The proposed use of brick has been refined throughout the pre-application and Design Review Panel processes, now with meaningful detailed references to the surrounding built form and use of materials. The proposal could be improved with some elevational relief. The depth of window and door reveals could be a way of achieving this to some extent. There is an opportunity to better respond to the rhythm of the large projecting gable features to address this also.

Impacts on Heritage assets

The proposed amended old Paignton Conservation Area boundary, now extending towards and wrapping around the site, along both Hyde Road and Dendy Road results in the site now sitting within a space that interlocks with the identified 19th Century - Town Centre area of Hyde Road.

The proposal therefore has far greater potential to impact the setting of the Conservation Area than the previous scheme which gained approval on this site. As indicated previously, the response to the materials seen in the surrounding terraces has been developed through the pre-application and Design Review Panel process to better relate to those buildings and the local material palette.

The standing and buried remains of the medieval walled palace of the Bishop of Exeter, a Scheduled Monument (Bishop's Palace), is located 130m to the west of the site. The impact of the proposal on the setting of this asset is considered to be low.

The Parish Church of St John the Baptist is a grade I listed church approximately 150m to the west of the site. The impact of the proposal on this asset is considered low.

Grade II* listed walls to the former Bishop's Palace and corner tower are over 600m away to the west. The impact of the proposal on this asset is considered low.

The Old Well House Public House, Nos. 3 and 5 Torquay Road, are grade II listed, 100m to the south-west of the site. This setting forms a very small part of the public house's significance. The significant scale and massing of the proposal results in adverse impacts on the assets setting, again to a minor degree.

Paignton Community College, Bishops Place is a grade II listed, two-storey early 20th century building, formerly the School of Art and Science. The impact of the proposal on this asset is considered low.

The presence of a Scheduled Monument and five listed buildings within less than 200m of the site, means that due consideration must be given to the impact of the proposed development on the setting of these historic sites and properties. It is currently difficult to interpret if the proposal would be visible from within the Scheduled Monument.

The commentary above is consistent with the submitted heritage statement which indicates numerous instances of low degrees of harm to the setting of the heritage assets identified. The proposal would result in harm to setting of the Conservation Area, to a marginally greater degree, given the revised boundary.

The proposal would result in minor levels of less than substantial harm to the setting of the Conservation Area and the setting of the identified heritage assets. This level of harm must be considered in the overall balance against the public benefits of the proposal.

Conclusions:

The regeneration ambitions of the proposal are clear, although there has already been a significant loss of townscape to facilitate this. The site poses a challenge to deliver the aspired density, with an existing gentle residential/commercial density of the area.

The amendments to the proposal which have been made in response to the pre-application enquiry and feedback from the Design Review Panel have improved the visual appearance of the proposal. As described above, several of the concerns raised previously remain. These can be summarised as the following:

- Proposed height generally
- Height of both Hyde Road and Torquay Road elements of the proposal in response to the existing streetscene.
- Daylight and sunlight to rooms

The proposal would result in numerous minor adverse impacts to heritage assets as identified. I consider the proposed works would result in less than substantial harm to a minor degree and this must be balanced against the public benefits that the proposal would deliver. This conclusion has been reached with special regard/attention to the desirability of preserving and/or enhancing heritage assets or their setting in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

I note the determination of this application is likely to be a finely balanced decision and without prejudice to the above comments, I would recommend that if you are minded to grant consent then the following conditions are necessary.

Recommended conditions

- Wayfinding and signage
- Materials (inc sample panels)
- Joinery details
- Boundary treatments inc. railings.
- Cycle infrastructure
- Associated infrastructure
- Hard and soft landscaping detailing inc. planting schedule.
- Written Scheme of Investigation

Environment Agency:

No response received.

Torbay Council's Drainage Engineer (responses dated 16/09/2025):

1. A site-specific FRA has been provided and identifies the site is within Flood zone 1, 2 and 3 as identified on the flood Map for planning. The FRA has set FFLs at 5.2m AOD which includes a 492mm freeboard above the predicted tidal flood level (5.308m AOD), addressing the risk of breach failure of the coastal defence.

2. The drainage strategy restricts discharge to 2.0 l/s, in line with Torbay Critical Drainage Area requirements. Three attenuation tanks are proposed with appropriate volumes and flow controls (hydrobrakes), and the discharge is to a designated surface water sewer.

3. A maintenance plan is included, covering responsibilities, inspection schedules, and maintenance actions for attenuation tanks and flow control devices.

4. The FRA is missing and must include:

- Details of safe access and egress routes.
- Emergency procedures including safe refuges.
- An emergency flood plan.

5. All of the above information will need to be submitted in support of the planning application.

Torbay Council's Drainage Engineer (responses dated 20/10/2025 following the submission of further information):

Yes, this addresses my comments, and I have no further to make.

South West Water (response dated 30/09/2025):

Asset Protection

Please find enclosed a plan showing the approximate location of a public 660mm combined sewer in the site. No development will be permitted within 4 metres of the sewer and ground cover should not be substantially altered.

Should the development encroach on the 4-metre easement, the sewer will need to be diverted at the expense of the applicant.

Further information regarding the options to divert a public sewer can be found on our website via the link below:

<https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-ofpublic-sewers>

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

SWW Surface Water Sewer

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy.

The applicant has agreed a Point of Connection with SWW and will provide attenuated flows to the public network, through the use of three attenuation crates in the site.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services.

SWISCo's Waste Team Manager (response dated 22/09/2025):

I would currently OBJECT to this development as not enough information has been provided about recycling and refuse storage and collection from this development.

I would like to request a formal waste management plan for this development which demonstrates that adequate space has been provided for storage of bins for all streams of recycling and residual waste and that suitable arrangements have been made to facilitate the collection of all materials. The plan will also need to demonstrate how the arrangements meet the requirements of Building Regulations Document H6. The attached document will explain the requirements.

I would like to request waste management contributions in line with the table below, at the higher rate for communal collections.

WSP on behalf of the Highway Authority (response dated 23/09/2025):

1.0 Description of Proposal

Redevelopment of Crossways Shopping Centre, located between Hyde Road and Torquay Road in Paignton town centre, to provide 91 new extra care apartments, together with communal facilities, and a day centre for people with learning disabilities with high support needs.

This application follows pre-application discussions with the Highway Authority and Torbay Design Review Panel in May 2025. The previous Highway Authority pre-application response (referenced DE/2025/0059) recommended that the application demonstrated the following:

- Site accessibility for all users
- Relevance of local and national transport and planning policy
- Review of last 5 years of collision data
- Clarify the parking arrangements and access for service / refuse vehicles

This response will follow the same structure as the pre-application response.

2.0 Site Description

The site is currently unoccupied and is located in a built-up commercial and retail mixed-use land area within Paignton town centre. It is understood the site is currently being used as a

temporary car park since demolition of the shopping centre. Footways are located on either side of Hyde Road and Torquay Road in the vicinity of the site.

The nearest bus stops are located on Hyde Road for southbound services and A3022 Torquay Road for both directions, these are located approximately 80m and 150m distance from the site respectively. The nearest railway station is Paignton, located less than 500m south of the site.

3.0 Site History

Planning records show that an application referenced P/2020/0731 for the redevelopment of the redundant Crossways Shopping Centre was approved at the site on 5 February 2021. The proposals associated with the approved scheme are listed below:

- Five storey sheltered block of 13 flats, commercial and associated ancillary space
- Seven storey extra care scheme of 76 flats, commercial, communal and associated ancillary space

The current proposal is a revised redevelopment scheme proposing to deliver 91 extra care dwellings (1- and 2- bedroom units) including a day centre alongside associated facilities. The major changes to the current scheme when compared against the approved one are noted below:

- Increase of extra care units from 76 to 91, by omitting the sheltered accommodation to respond to local housing needs
- Provision of communal facilities (for the extra care residents) and café, by replacing the earlier proposal of a commercial unit and café
- Provision of a Day Centre
- Reduction in car parking spaces to 16 from the earlier consented spaces of 24

4.0 Traffic Impact

Trip Generation

The applicant refers to the consented P/2020/0731 which demonstrated that the trips for the previously approved site would be less than the pre-existing car park use. The applicant explains that as this approach was previously accepted, and the current application proposes even less parking, it is accepted that the traffic impact will be less than the extant consent.

However, it is noted that the day centre is an additional use to the consented site and will experience drop off and pick up trips. The TA explains that the community resource day centre (CRDC) will be the relocated Hollacombe Community Resource Day Centre located in the north of Paignton which currently provides 19 parking spaces. The applicant should demonstrate how many drop off and pick up trips could be expected based on the current CRDC use to support the traffic impact assessment.

Highway Safety

The TA demonstrates that a total of 18 slight, 7 severe and 1 fatal collision occurred on the gyratory close to the site (Hyde Road, Great Western Road, A3022 Torquay Road). Hyde Road, nearest to the site experienced 2 slight and 2 severe collisions. The Highway Authority are satisfied that the site is not located in an area of specific highway safety concern.

5.0 Design Considerations

Pedestrian and Cycle Access

As shown by the Ground Floor Plan within the Access and Design Statement, pedestrian access will be achieved via the Hyde Road service road and from Torquay Road. A shared surface area enables a through route between Hyde Road and Torquay Road for pedestrians and cyclists. A footway also continues into the site from Hyde Road across the frontage of the CRDC building.

The applicant should clarify whether a pedestrian link which provides a full connection between Hyde Road and Torquay Road is to be provided or whether this has been removed due to Crime Prevention concerns. The Highway Authority would wish to see an improved pedestrian connection between Hyde Road and Torquay Road. This should enable continuity past the Isaac Merrit.

Cycle Parking

The applicant has proposed 3 Sheffield cycle stands for the CRDC building (all for visitors) 2 Sheffield cycle stands for visitors to the extra care centre and 4 permanent stands within a secure cycle / buggy area. The level of cycle parking provision is reasonable, however the applicant should ensure that the visitor parking is sheltered. Proposed Upper Ground Floor GA Plan CWYPRP- XX-UG-D-A-2005 appears to show the visitor parking as unsheltered.

Buggy storage for the day centre has a dedicated store next to the front door for 6 buggies and each care base also has additional storage for multiple wheelchairs and buggies. The extra care has space for 7 buggies plus 4 cycles within their store at upper ground floor level. This is considered to satisfy the Torbay Local Plan parking standards in Appendix F which sets out the requirement for mobility scooters to be provided as an integral element of design. However, it should be confirmed that the mobility scooters have dedicated electric charging points.

Public Transport Access

The nearest bus stop to the site is on Hyde Road less than 50m away. The bus stop can be accessed via a controlled crossing on Hyde Road, however it is noted that a side road is also required to be crossed which does not currently have tactile paving at the dropped kerbs. The applicant should improve the accessibility of the nearest bus stops for users of all ages and mobility, noting that the proposed use is for care.

Vehicular Access

As shown in the Ground Floor Plan within the Design and Access Statement, vehicle access for the site will be via the service road off Hyde Road and from Torquay Road. Vehicles cannot route through the site, there are entrances to the east and the west which for all intents and purposes provide access to separate car parks which are divided by the substation location.

Access from Torquay Road will require the loss of 6 pay and display on street spaces. Although the applicant explains that this loss of parking could be offset elsewhere, it should be confirmed with the Parking team that this loss of fee earning parking is acceptable. The Torquay Road access drawing 37368-HYD-XX-XX-DR-TP-0201 P01 shows a visibility splay of 2.4m x 43m in line with Manual for Streets. However, it is noted that the full visibility would be impeded by a parked vehicle using the on-street bay.

Access from Hyde Road will be using the established access road, which is suitable.

Car Parking

The TA details that the development will provide 13 total private spaces, including EV charge capabilities and two disabled bays. The specific amount of EV chargers should be specified. As detailed in the pre-application response by the Highway Authority, the level of parking provision is suitable for the proposed 91 apartments, however it should be clarified how the parking arrangement also accounts for use of the day centre. It is not clear whether all parking bays (across the two separate car parks) are intended for use of both the care home and day facility. It is also unclear at present how capacity will be managed, should a vehicle be unsuccessful in finding a space, it appears they would need to rejoin the local network to enter the other 'section' of car park to find a space.

The Highway Authority are concerned that the current access and parking arrangement is unsuitable. Standards contained within Appendix F of the Torbay Local Plan, state a car parking requirement of 1 space per 8 residents for homes for the elderly and people in need of care. This leads to the requirement for 12 parking bays.

The total parking provision is suitable for the care home use, however four of these total bays are located outside of the CRDC building in a separate car park. It is unclear how these car parks interact as there is no connection between the two. Consideration should also be given to the parking and drop off requirements of the CRDC building noting that only one drop off bay, and no dedicated parking is proposed.

Furthermore, the development replaces a pre-existing car park and more recently, a temporary 130 space car park. The applicant references the findings of the Paignton Parking Needs study which suggested that the loss of Crossways could be accommodated within remaining parking supply. However, as mentioned during pre-application, the Ibis and Mercure Hotels have been developed which bring an increased demand for parking. The applicant should therefore evidence that the demand referenced within the Parking Needs Study remains relevant, and that issue will not be caused due to an increase parking demands for the recently developed hotels.

The applicant refers to Policy TA3 of the Torbay Local Plan 2012-2030 which states that there is no minimum threshold for main town centre uses and that existing car parks and on-street parking should service any new development within town centres. Car free development may be permitted where the development is in a sustainable location with access to public transport and option to utilise car parking spaces in existing car parks. To support this statement, the parking loss from the site should be demonstrated to be accountable within the findings of the Paignton Parking Needs study.

Parking Study.

Refuse / Servicing / Emergency Access

The appended tracking drawings shows a fire truck and refuse vehicle entering both access points off Torquay Road and Hyde Road.

For the Hyde Road access, large vehicles can enter the site and turn in the parking area to

enable egress in forward gear. It is noted that the tracking requires passing over the drop off bay, however this is suitable.

For the Torquay Road access, turning is not demonstrated for a refuse vehicle or fire truck, nor is turning demonstrated for a large car without utilising a vacant parking bay. The arrangement therefore appears constrained. The TA states that waste collection vehicles will reverse from Torquay Road into the site within the 12m reversing distance recommended by Torbay Recycling and Waste Collection Guidance for Developers. However, the Highway Authority are concerned that this movement will impact on the flows of Torquay Road. It would also not be suitable for a fire truck to reverse out of the site after attending, or for vehicles that cannot find a parking space to reverse out of the access. There are concerns of this parking and access arrangement which should be resolved.

The applicant should also note that Torbay waste collection services (SWISCO) will not access the site as the road will remain unadopted. A private waste collection arrangement will therefore be required.

6.0 Planning Obligation

The Local Highway Authority will seek the necessary 278 works or S106 planning contributions that are essential to make the scheme acceptable in planning terms. Please also refer to the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, Section 4.3 for the framework of seeking additional Sustainable Transport contributions for major schemes (PCAH SPD (<https://www.torbay.gov.uk/council/policies/planning-policies/localplan/spd/>)) and Table 4.3.

For major proposals that are likely to result in increased trips, Sustainable Transport contributions will be sought in accordance with the Planning Contributions SPD.

7.0 Construction Traffic Management Plan (CTMP)

A CTMP will be required prior to development on site.

8.0 Conclusion

The Highway Authority has raised several concerns within the response, specifically relating to parking and access. The applicant must:

- Demonstrate how the parking arrangements are suitable to accommodate both the care home and CRDC building, noting that no dedicated parking appears to be provided for the CRDC use and only one drop off bay is provided. Evidence could be used from the current Hollacombe Community Resource Day Centre which is to be relocated to the site.
- Demonstrate that all vehicles can safely egress the access on Torquay Road in forward gear, making use of a suitable turning area within the site.
- Explore options to prevent the requirement of a refuse collection vehicle reversing into the site from Torquay Road.
- Provide suitable local upgrades to encourage sustainable access to the site for all mobilities, based on the reduction to public town centre car parking.

Until these points are addressed, the Highway Authority raises an objection to the proposals.

WSP on behalf of the Highway Authority (updated response dated 13/11/2025 following the receipt of additional information):

1.0 Description of Proposal

Redevelopment of site for residential extra care dwellings including day centre (use class e(f)), comprising a building of up to six storeys with communal facilities and cafe, associated parking, infrastructure and landscaping.

2.0 Context

A letter (31st October 2025) and Technical Note 37368--HYD-XX-XX-RP-TP-1001 (24th October 2025) have been submitted in support of the above application. The submitted documents seek to address the comments previously made by the Highway Authority (23rd September 2025).

3.0 Analysis

Trip Generation

The Highway Authority previously recommended that the applicant should demonstrate how many drop off and pick up trips could be expected based on the current Hollacombe Community Resource Centre use to support the traffic impact assessment.

The applicant has referred back to the TS which states that 30 drop offs would be expected between 08:30 and 09:45 and that even distribution would lead to 13 drop offs during the AM peak hour. No drop offs occur in the PM peak. Should this be calculated based on movements at the existing site in Paignton, this is acceptable.

Pedestrian and Cycle Access

The Highway Authority previously commented that it would be desirable for an improved pedestrian connection between Hyde Road and Torquay Road, should this not be ruled out due to Crime Prevention concerns.

The applicant reinforces that there will be no pedestrian link through the site due to Crime Prevention concerns raised, and level differences within the site. The applicant states that pedestrians will continue to use the link via The Gerstans to the south of the proposed site. However, it should be clarified as to whether the pedestrian link adjacent to the Isaac Merritt is to be retained. As detailed in the Access and Design Statement, Crime Prevention concerns were raised that the previously proposed pedestrian access contained zig zag movements without clear lines of sight. It is however noted that these issues are also relevant to the current arrangement through The Gerstons which is indirect and no clear lines of sight.

Cycle Parking

The Highway Authority requested that the visitor cycle parking should be sheltered, and that mobility scooters are provided with dedicated electric charging points. The applicant has since clarified that visitor cycle parking will be sheltered and that electric charging points will be provided for mobility scooter charging.

Public Transport Access

The Highway Authority stated that the applicant should improve the accessibility of the nearest bus stops, noting that the proposed site use is for care. The applicant has stated that localised improvements could be provided, but it was not clear where this is required. The

location of the desired improvements is on the side road leading to Victoria Park opposite the proposed site access. This would be the main route to the nearest bus stop, utilising the pedestrian crossing on Hyde Road.

Vehicular Access

The Highway Authority previously requested confirmation that the loss of 6 on street parking bays had been agreed with Torbay Council, and that there were concerns the visibility drawing provided showed the sightline would be impeded by parked vehicles further along Torquay Road. It has since been confirmed that the Parking Team are aware of the proposed parking loss, and upon further review, the visibility shown is acceptable.

Car Parking

The Highway Authority previously requested it should be clarified how the parking arrangement also accounts for use of the day centre as it is not clear whether all parking bays (across the two separate car parks) are intended for use of both the care home and day facility. It is also unclear at present how capacity will be managed, should a vehicle be unsuccessful in finding a space, it appears they would need to rejoin the local network to enter the other 'section' of car park to find a space. It was noted that Appendix F of the Torbay Local Plan requires 12 parking bays for the elderly care use.

The applicant has clarified that the western section (9 bays, two of which are disabled) will accommodate the care units which is for staff and medical professionals visiting the site. It is anticipated that residents will have a low level of car ownership. It is also stated that there will be no interaction between the two car parks. On this basis, the Highway Authority understand that the remaining 4 bays in the eastern section are for use of the CRDC building.

It is noted that the provision for the care facility is below the requirements of the Local Plan by 3 parking bays. However, based on the town centre location and public transport connectivity, this is reasonable.

The applicant's technical note states 'Paragraph 2.5.6 states that the centre will have 33/34 staff, whilst 11 spaces will be provided on-site.' It is not clear where reference to the 11 bays has come from. As previously mentioned, it is understood that that 9 bays are for the care use and 4 bays (2 standard, 2 mini bus) plus a drop off bay are proposed for the CRDC building. A snip from the TA is included below.

2.3.10 There will be a total of nine parking spaces within the upper section of the site (off Torquay Road). Of these nine spaces, two will be for disabled use and four will offer EV charging facilities.

- 2 no. large car parking spaces
- 1 no. standard car parking space
- 4 no EV charging parking spaces
- 2 no accessible parking spaces
- Total - 9 spaces

2.3.11 The lower section of the site (off Hyde Road) will accommodate two minibus bays, two car parking spaces and a drop-off bay:

- 2 standard car parking spaces
- 2 minibus spaces
- 1 drop-off bay

Nevertheless, the applicant anticipates that 56% (19 members) of staff would drive to work and based on the on-site parking availability (11 spaces), only 8 staff members would need to park off site, which would have minimal impact on local parking availability. It should be clarified where the 11 on site parking bays are to be provided, as detailed above it would appear that only 4, plus a drop off bay are designated for the HCRC use.

Refuse / Servicing / Emergency Access

The Highway Authority previously raised concern regarding the parking arrangement for the western court accessed off Torquay Road because reversing refuse and emergency vehicles may impact traffic flows on Torquay Road, and cars that cannot find a parking space may reverse back onto Torquay Road. It was also noted that a private waste collection arrangement will be required for the site.

Further tracking drawings have been provided, and it is considered that the issue of potential reversing cars has been addressed (37368-STN-XX-XX-DR-TP-0107 P01). It is also considered that any impacts on Torquay Road due to service vehicle and emergency service vehicles would be minimal, and as highlighted by the applicant, fewer disruptive vehicle manoeuvres will be occurring due to the on-street parking removal.

4.0 Conclusion

The applicant should clarify the parking arrangement which causes only 8 staff members to require off-site parking. The Highway Authority have interpreted that the information provided suggests 15 staff members would be required to park off-site, based on provision of 4 on-site parking bays. Should it be clarified that off-site parking demand would only be for 8 staff members, it is likely that the Highway Authority would raise no objection to the proposals.

As detailed in the original Highway Authority response, The Local Highway Authority may seek necessary 278 works or S106 planning contributions that are essential to make the scheme acceptable in planning terms. As a major proposal, a £5,000 contribution is required for Travel Plan monitoring, this will ensure that the situation regarding a shortfall in parking is closely managed.

Highway Authority (updated response dated 19/11/2025 following the receipt of additional information):

The Highway Authority acknowledge that the parking demand is greater than that referred to in the most recent supporting documents which have been reviewed (comments given 13th November 2025). It is not considered that this latest information will materially change the conclusions previously given. However, the applicant should be aware that any Travel Plan measures should be ambitious in reducing parking demand and must be strictly monitored to ensure no issues arise from the under-provision of parking. Should Travel Plan targets not be met, the Highway Authority would seek additional contributions to support further sustainable transport improvements within Paignton.

Devon County Council's Principal Ecologist (response dated 16/09/2025):

I have reviewed the below application. There is very limited ecological concerns associated with this development. Given the baseline habitats of the site, this application is exempt from statutory Biodiversity Net Gain as the habitat impact is below the de minimus threshold.

With regards to impacts on European Designated Sites, I agree with the conclusions of the shadow HRA (as do Natural England). It must be noted within your officers report that the authority intends to adopt this HRA to fulfil our duty as the competent authority. Please ensure that a Construction and Environmental Management Plan is conditioned.

Finally, I am happy with the recommendations provided within the ecological report and these should also be conditioned – I note that the wildlife enhancements as listed within the ecology report do not appear to be shown on the proposed elevations drawings. I believe that the elevation drawings should be amended to show the locations of the proposed wildlife boxes so it can be conditioned.

Natural England (response dated 03/09/2025):

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of South Hams Special Area of Conservation (SAC) and Lyme Bay and Torbay SAC <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the measures identified in the Shadow Habitat Regulations Assessment (SHRA) produced by FPCR Environment and Design are required:

- A Construction Environmental Management Plan (CEMP) will be provided to control environmental issues during the construction phase.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Head of Strategic Commissioning (Adult Health and Social Commissioning Team) (response dated 24/09/2025):

I am responding to the above planning consultation (P/2025/0490) on behalf of Torbay Council's adult social care Strategic Commissioning Team and Torbay & South Devon NHS Foundation Trust's Integrated Care Organisation for adult social care delivery.

The development of sheltered housing with integrated health and social care services, known colloquially as 'extra care housing', along with the re-provision of specialist resources for people with profound and multiple learning disabilities remains a key part of the Council's market transformation strategy to meet future care market demand of the next 20 years.

With regards to the supported housing needs of cognitively / physically frail older adults and adults of working age with disabilities, ongoing engagement with people that draw on social care services indicates that they would rather continue to live in a home of their own, making choices about and having control over the care and support they receive to enable them to remain independent. This in turn supports the health and social care system to push back the point at which people need to enter more intensive, higher cost services such as residential care, whilst also being a more cost effective model for delivering services to vulnerable people because it offers a specifically designed supportive environment and limits staff travelling miles to deliver care.

Built on engagement carried out in 2016/17 by Housing LIN for Torbay Council, taking a long view of specialist housing demand for adults drawing on health and social care, the Blueprint for Market Transformation in Torbay: Adult Social Care Commissioning 2020 to 2030 sets out a high-level summary of the planned outcomes, outputs and activities required to meet adult social care needs across Torbay in line with ongoing demographic demand, changing customer expectations and current social policy locally and nationally, in order to meet the Council's duties towards the social care market under the Care Act 2014:

- Enabling more people to be healthy and stay healthy;

- Enhancing self-care and community resilience;
- Integrate and improve community services and care in people's homes;
- Deliver modern, safe and sustainable services.

The delivery of the Crossways scheme as a development of modern, purpose-built supported apartments would make a significant contribution to the Council's stated target of 200 additional extra care apartments by 2030.

With regard to the provision of specialist support for adults with profound and multiple disabilities in Torbay, the Council continues to see an increase in demand for these services and people live longer and more young adults enter the adult social care system with a range of complex physical, developmental and behavioural disabilities requiring specialist support and a specially designed environment. As above, the modern dedicated provision being planned for the Crossways site will support adults being supported at home to develop skills for independence and to receive a range of commissioned meaningful daytime activities to support their health and wellbeing. At the same time, the service will ensure the Council meets its duties to carers of people with profound disabilities, ensuring that they receive the respite that they need to maintain their caring responsibilities for as long as possible.

Affordable Housing Manager (response dated 01/09/2025):

Policy Position

Local Plan Policy H2 sets out the Affordable Housing requirements for new development within Torbay. This states that 20% Affordable Housing should be delivered on Brownfield sites. Crossways is an allocated site within the Local Plan (SDP2). This application would meet the policy requirement through the delivery of a mixed used development which includes housing. The Paignton Neighbourhood Plan additionally includes the site for mixed use development including housing – PNPH11.

The local plan states that Brownfield sites should deliver 20% of the development as Affordable Housing. This application exceeds the amount by offering a100% Affordable Housing, in recognition of the acute need for this type of accommodation. The application would provide specialist housing in the form of Extra Care accommodation to meet the needs of the ageing demographic in Torbay. In addition to housing for older people, this scheme would provide accommodation for people of all ages who may have a specific need for housing with on-site support.

Securing Affordable Housing

The Affordable Housing provision, including rents and service charges will need to be secured through a planning obligation. This should also include a Local Connection Criteria to ensure that this accommodation is prioritized for people with a connection to Torbay. There is likely to be additional criteria set by Adult Social Care colleagues to ensure the best use of this facility for health and financial purposes.

Housing Management

If the Council retains ownership of the proposed scheme, a nominations plan should be implemented involving Adult social care, strategic housing and housing needs. This will ensure that there is a robust process in place when allocating properties.

Dwelling type and size

This is a flatted development and is accessible by lift which will meet the needs of the residents. It will provide options to ensure that the accommodation is always accessible for residents. All the properties are self-contained and meet or exceed the Nationally Described Space Standards required.

The dwellings are all proposed to meet M4(2) standards which means that they will have the potential to be adapted. Eight of the units are proposed to meet M4(3) adapted standard which will be required for wheelchair users.

Parking

Parking is limited on the site. However, due to the sustainable town center location, the reliance on the public car will be minimized. There is an abundance of shops and other facilities in close proximity as well as options for various forms of public transport. Due to the proposed Day Care center onsite, services and the need to travel would be minimized.

Housing Need

The proposed 91 units of accommodation would provide a significant amount of Affordable Housing. This should be advertised and allocated to Devon Home Choice applicants. The following tables evidence the need in bands A-D who have a local connection to Torbay. Paignton's need is detailed below:

Paignton

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed	Total
Band B	54	36	20	9	5		124
Band C	21	50	57	32		2	162
Band D	208	51	13	2			274
Band E	1						1
Total	284	137	90	43	5	2	561

The following evidences the need in Torquay and Brixham:

Torquay

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
Band B	140	43	28	22	10	243
Band C	42	89	93	27	3	254
Band D	350	67	18	5		440
Band E				1		1
Total	532	199	139	55	13	938

Brixham

	1 Bed	2 Bed	3 Bed	4 Bed	Total
Band A	1				1
Band B	8	9	6	6	29
Band C	10	21	13	6	50
Band D	52	11	7		70
Total	71	41	26	12	150

The current number of households across the Torbay Local Authority area is 1,649. This figure is a snapshot and is generally between 1600 and 1800 at any given time. It is important to note that the proposed development will meet the needs of applicants who have a Local Connection to Torbay.

The tables above show that the predominant need within Torbay is for smaller one- and two-bedroom dwellings. The one- and two-bedroom applicants contribute to two thirds of the housing register. Not all these applicants will meet the criterion for Extra Care/specialist housing.

This application positively responds to the sizes required.

Downsizing

Households may have registered with Devon Home Choice who are current tenants of Registered Provider accommodation. Some will have indicated on their application, a need to downsize from their current property. This can be for a variety of reasons, i.e. the current home is too large, they have deteriorating health issues or the current property is no longer suitable. The banding system on Devon Home Choice enables applicants wishing to downsize from current affordable housing stock a higher priority on the housing register. It is envisaged that this development could create a churn in the current stock to enable families to have access to the homes that may, as a result, become vacant.

The current total of downsizers on the register in current Affordable Housing stock, owned by Registered Providers is 91.

Specialist Needs (housing LIN)

In 2011, the Housing LIN produced a report on the housing needs of older people (55 and above) which included the specialist housing needs of people who were in the care and support system. (Strategic market assessment for housing and supported accommodation) The report provided a background for the Housing in Later Life strategy and identified a need of 276 units of Extra Care Housing to be delivered within the Local Plan period. It is well documented through the ONS that Torbay has a severe older person's demographic. Torbay currently has 26.7% of its population aged 65 years or over and this has increased year on year. This is higher than the national average. This report is currently being revised by the County Combined Authority including Torbay, with the expectation that this figure will be

similar or higher than the 2011 report. There is currently no Affordable Housing Extra Care provision within Torbay.

There is a lack of 'Sheltered' accommodation for older people which is owned and managed by Registered Providers in Torbay. There have not been any new 'Affordable Housing' schemes of this type built in the last 15-20 years and none in the delivery pipeline. The accommodation provided by Churchill and McCarthy and Stone, generally provides accommodation for open market sale which limits access for households requiring Affordable Housing.

Conclusion

This application is supported by the Strategic Housing team. This proposes safe, affordable accommodation which will have the added features of on-site care and facilities which will enable people to live independently for longer and will therefore reduce the use of expensive residential provision. The cost of which has an impact on the residents and the Local Authority.

There are communal areas incorporated into the design which will help residents to feel part of the community and not isolated which would otherwise have an impact on the health and wellbeing of residents.

This will have a positive impact for people who are registered on Devon Home Choice and in need of a home with on-site support included to promote their independence for as long as possible.

Devon County Council County Archaeologist (response dated 15/10/2025):

The Archaeological Desk-Based Assessment and Heritage Impact Assessment submitted in support of the application, indicates that archaeological (palaeoenvironmental) deposits are likely to survive across the southeastern edge of the site. As such, groundworks for the construction of the proposed development across the southeastern boundary of the Site have the potential to expose and destroy archaeological and artefactual deposits associated with the early origins of Paignton. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record, and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

I recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Torbay Plan Policy SS10, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Torbay Plan Policy SS10 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied/brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage the programme of archaeological work as taking the form of a programme of palaeoenvironmental sampling at the southeastern edge of the site.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Impact on Heritage Assets
4. Residential Amenity
5. Highways, Movement and Parking
6. Ecology, Biodiversity and Trees
7. Flood Risk and Drainage
8. Low Carbon Development and Climate Change
9. Designing Out Crime

1. Principle of Development

The proposal is for the redevelopment of the demolished Crossways Shopping Centre. The proposal includes the redevelopment of site for 91 residential extra care dwellings (Use Class C3) including a Day Centre (Use Class E(f)) at lower ground floor, with communal facilities and cafe, associated parking, infrastructure and landscaping.

Housing

The proposal involves the construction of 91 extra care apartments through a mix of 1-bed and 2-bed units. The site is a critical regeneration opportunity in the heart of Paignton Town Centre.

Paragraph 61 of the NPPF outlines that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 124 of the NPPF promotes the effective use of land in meeting the need for homes and other uses. Paragraph 125 of the NPPF presents clear support for the principle of using land effectively to meet the need for homes and guides that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. It also promotes support for the development of under-utilised land and buildings, especially where proposal would help to meet identified needs for housing.

Policy H1 of the Local Plan states that proposals for new homes within the Strategic Delivery Areas will be supported subject to consistency with other policies of the Plan and subject to nine criteria, notably including the need to provide a range of homes to meet the objectively assessed needs and maintain a rolling 5-year supply of deliverable sites.

Policy SS11 of the Local Plan states that development will be assessed against its contribution to improving the sustainability of existing and new communities within Torbay. Development proposals will be assessed according to whether they create a well-connected, accessible and safe community, protect and enhance the local natural and built environment, and deliver development of an appropriate type, scale, quality, mix and density in relation to its location. As the application site is within the Paignton Town Centre Community Investment Area, Policy SS11 states that development proposals should provide a good standard of residential accommodation and there should be resistance to changing the use of homes to houses of multiple occupation, therefore a planning condition is recommended to removal permitted development rights from C3 to C4.

The site is proposed for redevelopment in Policies SDP2/PNPH11, which envisages the area providing 150 dwellings (table 14 p118 of the Local Plan). The Paignton Neighbourhood Plan Policy PNP8 supports redevelopment for retail/mixed use on the ground floor and residential above, while Policy PNP13b) ii) supports housing opportunities at Crossways.

The proposal is also supported by Policies SS3, SS12, SS13 and H1 of the Local Plan, and the site is well located for extra care housing according to the parameters of Local Plan Policy

H6. Policies PNP8 and PNP13 of the Neighbourhood Plan are also relevant and support the principle of redevelopment of the site, with commercial use at ground floor and residential above. The Town Centre Masterplan (2015) also recognises the site as one for redevelopment in the town centre.

The Government published the most recent Housing Delivery Test in December 2024. Torbay's result is 66%. The Council have recently reported that their housing land supply figure has decreased to 1.72 years through a recent planning appeal (ref: APP/X1165/W/24/3354507). The Housing Delivery Test requires that the presumption in favour of sustainable development and a 20% buffer be applied as per Paragraph 11 of the NPPF.

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [Footnote 8], granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance [Footnote 7] provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [Footnote 9].

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

Whilst government guidance pulls in somewhat different directions, there is a clearly stated government objective of boosting the supply of housing. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing.

Under the presumption, permission should only be refused where either:

- i. The application of policies in the Framework that protect designated heritage assets provides a strong reason for refusal (i.e. the "tilted balance" at Paragraph (d)i) or
- ii. The impacts of approving a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a

whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (i.e. the “tilted balance” at Paragraph 11(d)ii).

Development plan policies are taken into account when assessing whether the harm caused would “*significantly and demonstrably*” outweigh the benefit.

By virtue of Footnote 8 and Paragraph 11(d) of the NPPF the policies within the Development Plan which are most important for determining the proposal are out-of-date. The presumption in favour of sustainable development indicates that planning permission should be granted unless one of two circumstances apply.

Policies SS3 and SS13 of the Local Plan also set out a presumption in favour of sustainable development separately to the NPPF.

Torbay has a pressing need for housing land. There is a very severe shortage of developable greenfield sites, and even allocated sites face viability and topography challenges. Torbay has not achieved the target numbers in the Local Plan, due in part to brownfield regeneration sites not coming forward. The original proposals for the redevelopment of Crossways saw 89no. residential units, and the current proposal seeks 91no. residential units so is a slight increase in unit numbers, however this still falls short of the allocation in the Local Plan and Neighbourhood Plan of 150no. units. Town centre sites have complex constraints and there is a strong case for public-private sector intervention to seek to overcome these obstacles. It is noted that there are viability issues relating to the site, as well as deliverability matters that have limited the height of the proposed development.

Town centres are often the most sustainable location for development, as they are close to a range of services, amenities and facilities, therefore minimising the need to travel by private motor vehicle. It is also important to note that increasing residential accommodation in town centres will also help regenerate those areas and support retail and other commercial uses.

Policy H6 states that the Council will support measures to help people live independently in their own homes and to live active lives within the community, subject to other Policies in this Plan. The Policy states that new sheltered housing (within Use Class C3) will be supported where it is within easy reach of community facilities, shops and public transport and this would be applicable to extra care units. The Policy also notes that the Council will seek financial contributions via s106 Planning Obligations to meet likely local healthcare and social service costs arising from care facilities and sheltered accommodation, unless applicants are able to show that this contribution would not be appropriate. A local occupancy condition is therefore recommended to ensure the proposal does not result in any increase in health and social care costs in the area.

Policy H2 of the Local Plan requires a development of this scale on brownfield land to provide a minimum of 20% affordable housing. The applicant has stated that the scheme will be delivered as a 100% affordable scheme which is welcomed and is a significant public benefit. The Local Planning Authority however can only enforce the provision of the policy compliant 20%, the delivery of the additional 80% will be at the discretion of the applicant.

The development of sheltered housing with integrated health and social care services, known colloquially as 'extra care housing', along with the re-provision of specialist resources for people with profound and multiple learning disabilities remains a key part of the Council's market transformation strategy to meet future care market demand of the next 20 years. With regard to the provision of specialist support for adults with profound and multiple disabilities in Torbay, the Council continues to see an increase in demand for these services and people live longer and more young adults enter the adult social care system with a range of complex physical, developmental and behavioural disabilities requiring specialist support and a specially designed environment. The modern dedicated provision being planned for the Crossways site will support adults being supported at home to develop skills for independence and to receive a range of commissioned meaningful daytime activities to support their health and wellbeing. At the same time, the service will ensure the Council meets its duties to carers of people with profound disabilities, ensuring that they receive the respite that they need to maintain their caring responsibilities for as long as possible. In addition to housing for older people, this scheme would provide accommodation for people of all ages who may have a specific need for housing with on-site support.

This application is supported by the Strategic Housing Team and the Affordable Housing Manager. The proposal would provide safe, affordable accommodation which will have the added features of on-site care and facilities which will enable people to live independently for longer and will therefore reduce the use of expensive residential provision. The cost of which has an impact on the residents and the Local Authority. There are communal areas incorporated into the design which will help residents to feel part of the community and not isolated which would otherwise have an impact on the health and wellbeing of residents. This will have a positive impact for people who are registered on Devon Home Choice and in need of a home with on-site support included to promote their independence for as long as possible.

Town Centre

The regeneration of town centre areas is very strongly supported in the Local Plan. Policy SDP2 of the Local Plan provide a broad framework for Paignton Town Centre and Seafront. From a policy perspective, achieving a successful redevelopment of the area is strongly supported by the Development Plan. Policy SDP2 seeks to provide at least 590 dwellings in this area.

Policy SDP2 of the Local Plan states that Paignton Town Centre will be regenerated in order to bring about improvements to its economy, built and natural environment. The connectivity from the Town Centre to the seafront, Paignton Harbour and surrounding parks will be restored and improved. New developments will complement the area's historic character, rejuvenating Paignton as a popular tourist destination, a modern Town Centre to support the needs of the local residents and tourists, and a garden suburb with strong family appeal. Development will need to be resilient to the effects of sea level rise and contribute towards the provision of flood defences. Any proposals that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown. Developments within Paignton Town Centre, Harbour

and seafront will comprise a mix of suitable uses including tourism, leisure, retail and residential, to deliver the indicative target areas set out Tables 13 and 14.

Policy TC1 of the Local Plan also supports town centre regeneration. Both Torquay Road and Hyde Road are primary shopping areas with secondary shopping frontages. Policy TC4 of the Local Plan seeks such frontages to be “predominantly” Use Class A1. However, the Government made major changes to the Use Classes Order and from September 2020 this use would fall into Use Class E “Commercial, business and service” use. It is noted that the previous approval sought to retain retail uses to the ground floor and the allocation seeks a mixed use with Policy PNP8 giving support to:

- a) retain the secondary retail frontages along Hyde Road and Torquay Road;
- b) enable reoccupation of the existing Crossways shopping centre for retail use, or redevelopment for retail or mixed use at ground floor level with residential accommodation above;

It is physically evident that there existing vacant retail units in the area and Crossways had high vacancy rates over a very long period. The Council’s Principal Policy and Project Planner notes:

The proposal does result in a change to the shopping character of part of Torquay Road. Both Torquay Road and Hyde Road are shown as secondary shopping frontages within the primary shopping area. The site is within the designated town centre. There is no actual existing frontage in situ due to the demolition of Crossways and the site was vacant or underused for many years prior to demolition, so the proposal does not result in loss of an active frontage. This is relevant to consideration of Policies TC1 to TC4 of the Local Plan. The proposed day centre falls within Class E(f) and is a main town centre use (even though not specifically noted in the NPPF definition, it clearly has similar land use characteristics of other main town centre uses and can be used for retail or other uses without constituting “development”). It is therefore an appropriate use in the Primary Shopping Area and Policy TC2.

The proposal does result in the loss of a designated secondary frontage on Torquay Road (as noted there is no actual frontage). However, the Local Plan designates the frontage as a secondary shopping frontage in recognition of the need for greater flexibility. The existing Torbay Local Plan 2012-30 recognised that town centres were changing and that retaining significant retail frontages was no longer tenable event in 2015. The proposal would result in the loss of secondary ground floor frontage. However, the proposal does not undermine the shopping character of the centre and does contribute positively to the centre as a focus for community life. Therefore, any conflict with Policy TC4 is minor and significantly outweighed by the housing provision and regeneration benefits.

In any event the Local Plan’s retail policies must be treated as somewhat in need of a refresh. The introduction of a commercial class E in 2021, and the significant changes to retail and town centres over the last decade have exacerbated the trends that the Local Plan recognised were coming. The NPPF no longer requires Local Plans to designate retail frontages, but rather advises that Local Plans should designate Primary Shopping Areas. There is therefore a case to simplify the Local Plan’s town centre designations with a more

compact Primary Shopping Area focussed on the core of the centre around Victoria Street and making better links to the harbourside and waterfront areas. The Council is preparing Town Centre Regeneration Visions to help regenerate the town centres. These propose an increase in town centre living and a recognition of town centre to take on a wider range of roles including leisure and tourism. The 2022 Torbay Retail Study (Avison Young) notes that there is some capacity for retail floorspace in Paignton, but nevertheless recommends the removal of Crossways from the Primary Shopping Area.

The proposed development will result in many benefits, including the introduction of residential development to Paignton Town Centre, which will generate additional retail and leisure expenditure within the town centre. The proposal will deliver a new Day Centre facility in a sustainable and accessible location to replace the existing facilities which have reached the end of their lifespan at the Hollacombe Community Resource Centre. This facility will provide day support for adults with a range of complex physical and cognitive disabilities. The proposal will provide significant investment to Paignton Town Centre, which will assist in boosting the confidence of other businesses and investors, visitors and shoppers within the town centre. The proposal will be a catalyst at helping the town centre evolve and adapt whilst providing much needed extra care housing.

Bearing the aforementioned points in mind, the principle of a mixed use development of residential and commercial uses in this location is deemed to be acceptable and would accord with the relevant Development Plan policies identified.

2. Design and Visual Impact

It is important to note that achieving good design is a central thread within national guidance and Chapter 12 of the NPPF “Achieving well-designed places” offers key guidance on this. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*”.

Similar design expectations are engrained within the Development Plan through Policies SS11, DE1 and DE4 of the Local Plan and Policy PNP1(c) of the Neighbourhood Plan. Policy DE1 of the Local Plan states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment. Policy DE4 of the Local Plan outlines that the height of new buildings should be appropriate to the location, historic character and the setting of the development. Policy DE4 of the Local Plan asserts that new development should be constructed 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. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and

appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal seeks 2 no. main blocks of built form connected by a single storey link. The Hyde Road section appears as a 'U' shape. This will lead to an outside garden area for users. The main access is on the north elevation next to a drop off point and car parking area. The East elevation facing Hyde Road will feature an entrance for residents of the extra care apartments providing access to the accommodation. At upper ground floor level there is an outside terrace and a further roof terrace at third floor level for occupiers of the extra care units. The Torquay Road section of the building links to the Hyde Road building at upper ground floor level via a single storey link. A further area of contained outside space is accessed at the upper ground floor level for residents of the extra care units via a number of access points.

The Hyde Road elevation features 5 storeys however the top third floor has been set back from the edge employing a flat roof design in a different material to the bulk of the building. Similarly, the Torquay Road elevation features 5 storeys with a set back of the fourth floor. The central section of the building features 6 storeys.

Materials include facing brickwork and aluminium on the set back top levels to provide a contrast. The brick detailing aims to break up the verticality of the elevations by creating a hierarchy between the base, middle and top of the building while the set back makes the top level less dominant. Repetition of the bays aims to reflect the properties along Hyde Road and Torquay Road, amplified by the alternating mortar colour. The ground floor has a bolder treatment which reflects the different usages a lower levels. At the upper levels, the elevation treatment is simpler. Fenestration is in silk grey and the building features balconies with silk grey metal balustrading serving the extra care units.

The Hyde Road entrance will lead to a car parking area with 2 car parking spaces, 2 mini bus spaces and a drop off area for the use of the Day Centre. The Torquay Road entrance will feature a new vehicular access leading to 9 parking spaces, including 2 disabled spaces for use by staff linked to the extra care residential units. This car parking area will also feature bin storage and the rear of the existing sub-station. Given the difference in levels across the site there is no link between the two car parking areas. Landscaping is included in front of the Hyde Road and Torquay Road elevations of the building.

Objectors have raised concerns to the proposed development regarding the impact have on the local area, it not being in keeping with the local area, it setting an unwanted precedent, it resulting in an overdevelopment of the site and it having a negative visual impact/design.

The proposal has evolved during the course of the preceding pre-application enquiry and included a Torbay Design Review Panel (TDRP) meeting. The TDRP meeting provided significant constructive advice. The TDRP recommended that a more forensic assessment of an up-to-date evidence base will help the design team produce a more convincing design narrative. They suggested the evidence base could helpfully include the following:

- Confirmation of the need for a pedestrian route through the site, including consideration of how safe, inclusive and accessible it would be.
- A robust townscape assessment, which considers form, massing, grain and roofscape. This

should include the consideration of views both short and long-distance gained from street level and surrounding topography.

- Supporting detailed heritage impact assessment.
- Confirmation of constraints related to underground services and ground conditions to aid sustainable drainage strategies.
- Incorporation of a robust landscape and space strategy to better inform the massing approach adopted in terms of daylight orientation and approach to planting, SuDS and public realm.

The TDRP noted that concerns remain about the visual impact of the five-storey block fronting Hyde Road, particularly considering the prevailing scale and height of development along this street, which is generally one to three storeys. The proposal risks appearing out of scale and visually dominant in this sensitive location.

Following the TDRP meeting a re-design took place and further design updates have been made in the submission of this application.

The Council's Conservation and Urban Design Officer has noted:

Externally, the built form appears relatively uniform, with features replicated at scale and applied across the whole site. The inclusion of cantilevered balconies feels somewhat monotonous due to the level of repetition. There are concerns with the long-term maintenance of these balconies, given the local marine environment. If not properly maintained, they are likely to stain the brickwork and make the building unsightly. Long term maintenance of these features should be carefully considered.

The proposal does not integrate well with the scale of buildings locally. Both Road facing elevations appear concerningly dominant, overbearing and out of character in the street-scene. Its sole reference of comparable height is the commercial building adjacent to the site. This building is an outlier both in this area of the town and within the town in general. Further to the above, the proposal appears too large when its interactions with the existing adjacent townscape are examined. The surrounding streetscene is largely at a human scale of 2 to 3 stories, including dormer conversions, whereas the proposal streetscene would be 4 and 5 stories in comparison. Whilst floor-to-ceiling heights may not be always be a consistent measure, the heights of buildings generally correlates with using the number of floor levels a building has to assess context.

The proposal would benefit from a reduction of a single storey in each of its Road facing elevations, retaining the approach with a set-back upper floor. The upper floor set-back is an acceptable approach to obscure the upper floor and this is relatively common practice, being comparable to a mansard type roof to provide a gentle increase in density.

The centre of the site is able to accommodate additional height more so than its Road fronting counterparts. Nonetheless, the proposal would appear to be the tallest building in the town, in an area where the prevailing building heights are much lower. The significant height and relatively tight nature of the proposed courtyards would likely result in them being largely shaded throughout the day.

The proposed use of brick has been refined throughout the pre-application and Design Review Panel processes, now with meaningful detailed references to the surrounding built form and use of materials. The proposal could be improved with some elevational relief. The depth of window and door reveals could be a way of achieving this to some extent. There is an opportunity to better respond to the rhythm of the large projecting gable features to address this also.

No concern is raised with the height of the central block section of the building however there are concerns with the scale and massing of the building overall and subsequently how it would fit in with the character and appearance of the locality.

Policy DE4 states that the height of new buildings should be appropriate to the location, historic character and the setting of the development. New development should be constructed to the prevailing height (the most commonly occurring 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.

The introduction of new tall buildings above the prevailing height will be supported where they:

1. Enhance the vitality of an area;
2. Contribute to the regeneration of Torbay;
3. Strengthen the character of the area;
4. Are appropriate in terms of their visual impact;
5. Provide wider urban design or socio-economic benefits;
6. Make a positive addition to the built form, townscape and surrounding landscape; and
7. Preserve or enhance local and long-distance views, and key vistas.

The Archaeological desk-based assessment and heritage impact assessment notes that:

The five-storey block with ground-floor entrance arrangements and communal spaces for the care centre and accessed from Torquay Road is set back from the current frontage, in-line with the post office to the south, while the upper storey has been set-back to reduce the visual impact of the block facing Torquay Road with its surviving mid to late Victorian houses. The Day Centre for adults with learning disabilities, taking advantage of the prevailing lower topography of the site, is situated on the lower ground floor in the centre and eastern end of the site and accessed from Hyde Road, with the remaining extra care apartments located within two blocks on the four floors above. The main block facing onto Hyde Road is five storeys, with the upper floor stepped back from the frontage and towards the centre of the site, while the setback is increased on the southeast corner, to allow for the introduction of a new roof terrace area which would create a positive and welcoming threshold to the proposed development, capitalise on the southerly orientation and provide an additional and versatile exterior space for the care unit occupiers and their visitors. The setback has been introduced at the top floor level to the buildings fronting Hyde Road and Torquay Road as a specific design measure in order to break up the massing, reduce the visual impact of the proposed buildings to the road-facing edges of the site and align the proposed development with the surrounding mid to late 19th century Victorian Villas and houses, which are three-and-a-half and two-and-a-half storeys high along the north and east side of Hyde Road respectively. This means that on both sides of the proposed development, the buildings read as ground plus three upper storeys, with the fifth floor set back behind a parapet to mitigate the height and scale, while the footprints of these blocks

will be considerably smaller than those of the former 20th century shopping centre, which allows for the introduction of increased shared green space, on-site parking and other soft landscaping. Moreover, the new design emphasises horizontal elements in the façade design to visually reduce the perceived height and bulk of the building, and which may be achieved through architectural techniques such as the use of horizontal banding which breaks vertical mass and enhances human-scale articulation. Finally, in order to maintain the viability of the scheme and in line with the previously agreed proposals, the third block, occupying the lower slope at the centre of the site, has been increased from five to six storeys in height.

It is understood that the height of the central block, which has the least visual impact, cannot be further raised due to viability concerns which would result from a taller building (resulting from fire safety regulations). It is unfortunate that this central section could not be raised in height further to facilitate a lower height on the more prominent elevations facing Hyde Road and Torquay Road. Whilst the overall height is similar to that of the BT building, this building is not highly visible in the streetscene due to its siting and therefore the overall prevailing height of the buildings in the area is that of two and three storey buildings. It is considered that the resultant size, scale and massing presented would fail to integrate well with the scale of the buildings in the locality and would appear overly dominant in nature. As a result, the proposal would fail to be considered appropriate in terms of its visual impact, and the impact on the townscape and local and long-distance views. When considering the remaining criterion of Policy DE4 the proposal would however enhance the vitality of an area; contribute to the regeneration of Torbay and provide wider socio-economic benefits. Whilst concerns are raised with the overall scale and massing of the proposal, the massing has been broken up with the architectural detailing proposed.

In terms of the proposed layout, the TDRP questioned the need for a pedestrian route through the site and noted the need to consider if it would be safe, inclusive and accessible to all. The desire for a link is set out within Policy PNP8 c) which states that development proposal will be supported that retain a pedestrian link between Torquay Road and Hyde Road in a manner that contributes towards improvement of the pedestrian network and green infrastructure links. The original plans at the pre-application stage showed a poor arrangement and it was questioned if a link would be required if it inhibited the potential development which could come forward.

The Police Designing Out Crime Officer expressed a concern about the proposed pedestrian link between Hyde Road and Torquay Road in terms of safety and potential crime risk at the pre-application stage. This was a particular concern because of the vulnerable nature of some residents. Policy PNP8 refers to “a” pedestrian link rather than “the” pedestrian link. This was a specific amendment to the emerging Paignton Neighbourhood Plan in recognition that redevelopment would be likely to close the 1960s pedestrian precinct’s open walkway (which is shown schematically in Figure 6.6 of the PNP). It is understood that this link was not a public right of way and the shopping centre displayed signs stating this. Policy DE1.4 of the Local Plan refers to the need for design to reduce crime, as does PNP1(g). Securing a successful residential/mixed use development on the site is a high priority and the lack of a pedestrian link is on balance considered to be acceptable given the safety concerns and as suitable alternatives exist utilising the main pavements between Hyde Road and Torquay Road.

The proposal includes a landscape strategy that responds to the local character. Within the proposed development, the use of landscaping features within planting schemes provide visual focal points and elements for seating and interaction. A planning condition to secure appropriate street furniture, including elements such as seating, wayfinding, signage and bins is considered appropriate.

There is however a concern raised with the overall scale and massing of the proposal which fails to integrate well with the scale of the buildings in the locality and would appear overly dominant in nature contrary to Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF. However, it is considered that the general form and layout of the scheme makes effective use of the land and responds well to the topography of the site. The design enables the creation of strong building frontages which enable active surveillance to increase safety and security. The overall layout and form appears to respond effectively to the topography of the site.

Recognising the comments of the Council's Conservation and Urban Design Officer if permission is granted, conditions relating to wayfinding and signage, materials (including sample panels), joinery details and boundary treatments (including railings) should be employed. Given the conclusions at the end of this report these conditions are recommended to secure a good quality scheme.

3. Impact on Heritage Assets

Policy SS10 of the Local Plan states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy HE1 states that development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses.

It is also incumbent on the Authority, in exercising its duties, under the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66(1)), to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and (Section 72(1)), to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

This statutory requirement needs to be considered alongside the NPPF which recognises that heritage assets range from sites and buildings of local historic value to those of the highest significance.

Paragraph 210 of the NPPF goes onto to state that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF considers that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application is supported by an Archaeological desk-based assessment and heritage impact assessment which recognises the significance of the Scheduled Monument, listed buildings and the non-statutory historic assets within the Old Paignton Conservation Area and its immediate vicinity. The report concludes that it *has demonstrated, in line with the NPPF and PPG policy tests, that there is no significant impact upon the setting of these listed buildings and the wider Old Paignton Conservation Area and its possible extension by the proposed development, and that the proposals do not result in harm to the significance of the designated and non-designated heritage assets*.

A consultation to extend the boundary of the Old Paignton Conservation Area has been undertaken in 2025 which if adopted would result in the site being adjacent to the Conservation Area. At present this has not been formally adopted but the consultation document remains as a material consideration.

The various assets, their significance and the impact of the proposal on their setting is provided below with the Council’s Conservation and Urban Design Officer noting:

The proposed amended Old Paignton Conservation Area boundary, now extending towards and wrapping around the site, along both Hyde Road and Dendy Road results in the site now sitting within a space that interlocks with the identified 19th Century - Town Centre area of Hyde Road.

The proposal therefore has far greater potential to impact the setting of the Conservation Area than the previous scheme which gained approval on this site. As indicated previously, the response to the materials seen in the surrounding terraces has been developed through the pre-application and Design Review Panel process to better relate to those buildings and the local material palette.

The standing and buried remains of the medieval walled palace of the Bishop of Exeter, a Scheduled Monument (Bishop's Palace), is located 130m to the west of the site. The impact of the proposal on the setting of this asset is considered to be low.

The Parish Church of St John the Baptist is a grade I listed church approximately 150m to the west of the site. The impact of the proposal on this asset is considered low.

Grade II listed walls to the former Bishop's Palace and corner tower are over 600m away to the west. The impact of the proposal on this asset is considered low.*

The Old Well House Public House, Nos. 3 and 5 Torquay Road, are grade II listed, 100m to the south-west of the site. This setting forms a very small part of the public house's significance. The significant scale and massing of the proposal results in adverse impacts on the assets setting, again to a minor degree.

Paignton Community College, Bishops Place is a grade II listed, two-storey early 20th century building, formerly the School of Art and Science. The impact of the proposal on this asset is considered low.

The presence of a Scheduled Monument and five listed buildings within less than 200m of the site, means that due consideration must be given to the impact of the proposed development on the setting of these historic sites and properties. It is currently difficult to interpret if the proposal would be visible from within the Scheduled Monument.

The commentary above is consistent with the submitted heritage statement which indicates numerous instances of low degrees of harm to the setting of the heritage assets identified. The proposal would result in harm to setting of the Conservation Area, to a marginally greater degree, given the revised boundary.

The proposal would result in minor levels of less than substantial harm to the setting of the Conservation Area and the setting of the identified heritage assets. This level of harm must be considered in the overall balance against the public benefits of the proposal.

The Devon County Council County Archaeologist has confirmed that the Archaeological Desk-Based Assessment and Heritage Impact Assessment submitted in support of the application, indicates that archaeological deposits are likely to survive across the southeastern edge of the site. As such, groundworks for the construction of the proposed development across the southeastern boundary of the Site have the potential to expose and destroy archaeological and artefactual deposits associated with the early origins of Paignton. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record, and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. A Written Scheme of Investigation (WSI) should therefore be secured by the recommended planning condition alongside a condition ensuring that the required post-excavation works are undertaken and completed to an agreed timeframe.

Overall the proposal would result in numerous minor adverse impacts to heritage assets as identified above and it is considered that the proposed works would result in less than

substantial harm to a minor degree and this must be balanced against the public benefits that the proposal would deliver. The harm to the Conservation Area and the public benefits of the proposal will be weighed up in the planning balance and conclusion sections of this report as required by Policy SS10.7 of the Local Plan and the NPPF.

4. Residential Amenity

Paragraph 135 of the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Local Plan contains policy guidance aligned with the aspirations of the NPPF, principally through Policies SS11, H1 and DE3, towards ensuring that residential development produces high-quality living environments that present a good level of amenity for future users and neighbouring occupiers. Policy DE3 also identifies size standards for self-contained units, which reflect the nationally described space standards.

In terms of location the application site is within Paignton Town Centre and is therefore considered to be in a sustainable location for the future use and well suited to a residential occupancy, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options.

Quality of living accommodation for future occupiers

Policy DE3 sets out the minimum floor space standards for new residential units, which align with the nationally described space standards. The proposed residential units comply with the minimum floor space requirements.

The proposal seeks to provide 91no. apartments through a mixture of 76no. 1-bedroom and 8no. 2-bedroom units. 7no. 1 bedroom wheelchair accessible units will also be provided. All apartments are considered to provide an acceptable scale of living accommodation.

In addition to the size of the space, the quality of the space should be considered, in terms of how it is positively influenced by natural light levels and outlooks. Paragraph 130 of the NPPF outlines that when considering application for housing, Local Planning Authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, so long as the resulting scheme would provide acceptable living standards. The applicant provided a Daylight and Sunlight Assessment, the contents of which 51% of all rooms (97 out of 191 rooms) tested achieve their daylight provision targets. Concerns were raised with the level of internal light achieved in a large proportion of the residential units.

As a result, updated plans were provided alongside an updated Daylight and Sunlight Assessment. The revised Daylight and Sunlight Report now demonstrates a pass rate of 67% (128 out of 191 rooms). To achieve this improvement, the scheme was revised to incorporate measures that enhance daylight and sunlight levels within the proposed apartments. This process was informed by an additional heating assessment which identified opportunities to increase daylight and sunlight levels without comprising the thermal performance of the

proposal. As a result, some of the brise soleil were removed at the lower levels of the scheme as they are not needed to meet overheating requirements, and the amount of glass in the windows has increased by reducing the frame thickness, both of which have improved internal light levels. In conjunction with these external amendments, the wall thickness has been reduced in places as the initial assumption on build-ups was too generous, which has allowed the internal layout of the apartments to be reviewed and refined to maximise light levels while ensuring continued compliance with the HAPPI principles, NDSS standards, and Building Regulations.

The updated report also provided a daylight and sunlight assessment of the previously consented scheme which was assessed as having an acceptable level of amenity in accordance with relevant policies. The report shows that the previous scheme had a pass rate of 61% which is lower than the current proposal. The light levels overall for a number of the flats was considerably lower than currently presented.

The Daylight and Sunlight Report also note other relevant points, summarised as follows:

- It is necessary to strike a balance between daylight and sunlight levels, the requirements to ensure overheating standards are achieved (as required under Part O of the Building Regulations), and the desire to achieve private external amenity space for residents. While all important considerations, they can be in conflict and the scheme seeks to reach an appropriate balance between them in the interests of the optimum outcome for residents.
- If balconies were omitted, the overall compliance rate would be c.83%, but it is recognised that balconies provide valuable private amenity space for residents.
- Kitchens have been included in the assessment instead of being closed off. That step could have been taken to improve daylight compliance levels, but it is considered that an open plan living/dining/kitchen space is the most usable and suitable layout for the residents. As stated in the report, if kitchens were subdivided from the living/dining areas the compliance levels would be around 85%.

Whilst there are some concerns raised with the level of light achieved in some of the units, given the light levels achieved in the previously consented scheme and when balancing the benefits for residents obtained from having private balconies, the level of light and quality of internal environment in the proposed extra care unit flats is considered acceptable.

A noise impact assessment has been submitted in support of the application. An environmental noise survey of the site was carried in the daytime hours of 24 April and the nighttime hours of 25 April 2025 to verify a previous survey conducted by during the COVID-19 pandemic in September at Hyde Road and Torquay Road; another survey took place in October 2020 at the Sorting Office. A noise model has been produced to determine the noise levels affecting the development site during both daytime and nighttime hours. A residential intrusive noise assessment has been undertaken to determine minimum acoustic performance requirements for façade elements to habitable spaces. Calculated façade noise levels have been categorised into two individual exposure categories, with separate acoustic performance requirements for glazing provided for each exposure category. Ventilation and

overheating control will be provided by mechanical means, with the assessment carried out on this basis. Plant noise limits for equipment associated with the proposed development have been set at nearby noise sensitive receptors based on LPA criteria and should be assessed in line with BS 4142:2014. The report concludes that assuming the mitigation measures and design requirements outlined in this report are implemented, the development will meet the requirements of National and Local Policy and guidance.

A potential concern has been raised by representatives of the Post Office due to working hours and noise generated during the day and night at the sorting office and note that the noise report should confirm that it includes the early morning period when deliveries use the yard area.

The comments on behalf of the Royal Mail were passed onto the agent and they confirmed:

With respect to the queries raised by Royal Mail, particularly concerning potential noise impacts from their site, we can confirm that the submitted NIA includes the SB Consulting survey undertaken in October 2020, which accounted for activity at the Post Sorting Office.

The more recent survey conducted by Stantec in April 2025 was carried out to verify the reliability of the data within the SB Consulting survey. Figure 3 of the NIA identifies a measurement location overlooking the depot, as originally established by SB Consulting, while Table 6 summarises the data collected, including a category labelled "Sorting Office," which refers to measurements from the same location. Data was gathered over a 16-hour daytime period (07:00–23:00 hours) and an 8-hour night-time period (23:00–07:00 hours), collectively representing a full 24-hour cycle that would encompass the early morning period associated with expected deliveries.

The night-time (23:00–07:00) typical value of 79 dB LAFmax measured by SB Consulting is attributed to activity within the depot and is consistent with maximum noise levels recorded at Hyde Road and Torquay Road. Furthermore, the night-time LAFmax model outputs shown in Appendix D identify noise sources located within the depot, and the mark-ups in Appendix F illustrate the enhanced façade specification required for the elevation of the proposed development closest to the depot.

This information was originally submitted in support of the previous application on the Crossways site (ref. P/2020/0731), which was accepted and approved at the time. The April 2025 surveys confirm that noise levels have not changed significantly since 2020, validating the results of the 2020 surveys and confirming that they remain appropriate and robust for the purposes of assessing noise emissions from the Royal Mail site. The design mitigation measures outlined in the NIA are suitably informed by accurate noise data and there has not been any material change in circumstances since the last application was assessed and approved.

On this basis, we consider that the NIA has given appropriate and sufficient consideration to the Royal Mail depot.

The Council's Senior Environmental Health Officer subsequently confirmed that they consider this justification to be acceptable and considers that external uses will have an acceptable

impact on the proposed development. Conditions limiting cumulative noise, the use of the back up generator and the levels of minimum ventilation and acoustic insulation performance have been recommended by the officer.

Policy DE3 of the Local Plan also seeks secure the provision of usable outdoor amenity space where apartments should deliver 10 square metres per unit either individually or communally. The scheme provides a communal garden and two roof terraces for the extra care flats in addition to private balconies serving each unit. This provides an acceptable level of outdoor space for future occupants of the flats.

HAPPI recommendations submitted as part of the application demonstrate the proposal meet the established criteria. The HAPPI principles are based on ten key design criteria. Many are recognisable from good design generally - good light, ventilation, room to move around and good storage - but they have particular relevance to the spectrum of older persons' housing which needs to both offer an attractive alternative to the family home, and be able to adapt over time to meet changing needs.

With the addition of the recommended conditions, the quality of internal environment for the proposed residential uses, alongside the commercial uses within the building are considered to be acceptable and are not considered to be negatively impacted by surrounding uses.

Adjacent neighbouring amenity

Policy DE3 of the Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. Objectors have raised concerns regarding noise, loss of light and overlooking.

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through positively managing the process through a Construction/Demolition Management Plan, this is recommended as a planning condition.

In terms of privacy, inter-visibility and overlooking the Torquay Road elevation faces the upper floor residential properties above the shops. Given the existing tight urban grain, expectations for town centre living and separation by the highway the impact is considered minimal. A key consideration is the use of balconies, set back from street level. However, with a separation distance of approximately 17.5m between the balconies and the opposite properties on Torquay Road, this relationship is not considered to be unacceptable.

Within the core of the site, there are residential properties to the north with the rear facing the site from Hyde Road. The nearest single storey residential unit has obscure glazed windows. The remaining are set behind enclosed yards, with high walls and have narrow windows already looking out on to the rear of Isaac Merritt public house. The proposed north facing corner has a number of balconies proposed. Given the distance to the existing properties and their enclosed nature, the impact is considered acceptable.

The Isaac Merritt public house to the north includes a small beer garden to the rear of the premises. The proposals have been pulled away from this boundary as far as possible in

order to avoid issues related to noise generation, specifically in the summertime, when this facility might be in use during the evening.

The proposed roof terrace on the south west corner of the third floor facing Hyde Road is not considered to cause any overlooking issues due to the height and separation distance to adjacent properties. The internally situated terrace at upper ground floor level will overlook the garden of the Day Centre and given the separation distances and its focus towards the BT building, is not considered to impact on the amenity of nearby occupiers.

The Hyde Road elevation faces the residential units above the shops. Similar to the Torquay Road, they are separated by the highway and appear part of the tight urban grain of the area. The proposed balconies are not considered to cause an unacceptable level of harm.

Policy DE3 (Development Amenity) requires that all development should provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring or surrounding uses. It is considered that within the development there are no significant overlooking issues or concerns with regards to loss of future amenity.

It is not considered that additional vehicle movements on the site would have an unacceptable impact on the amenity of existing neighbouring occupants or future occupants of the site.

A daylight and sunlight report of neighbouring properties has been submitted in support of the proposal. The report considers the vertical sky component which is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value. The report notes that *whilst the BRE guide states that daylight may be adversely affected if the above targets are not met, when setting targets, both the BRE guide and National Planning Policy Guidance (NPPG) recognise that it is necessary to have regard to the development context and site location. Following a number of appeal decisions, it is generally accepted that in cities or densely populated town centre locations, a retained Vertical Sky Component of 20% or more represents a reasonably good level of daylight, and a retained Vertical Sky Component in the mid-teens (15% and above) is acceptable.*

The report also considers the daylight distribution and this can be calculated by plotting the 'no skyline'. The no skyline is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The BRE guide states that the daylight distribution calculation can only be carried out where room layouts are known and therefore this information is only available for a select number of properties.

The report confirms that all windows which have a requirement for daylight, pass the Vertical Sky Component test, with the exception of windows:

- 316 & 318 at 27 Hyde Road
- 328 & 330 at 29 Hyde Road
- 344 & 346 at 31 Hyde Road
- 355, 357 & 359 at 33 Hyde Road

- 366 at 35 Hyde Road
- 456 at 20 and 22 Hyde Road

The report notes that for the windows that do not pass, the following mitigating factors apply:

Firstly, of the 11 windows that fall short of the BRE target, 7 windows achieve before/after ratios of between 0.7 and 0.79, which is fairly close to the target of 0.8 stated in the BRE guide. Furthermore, 6 of the 7 windows maintain VSC scores of between 23% and 26.6% and one maintains a score of 15.3%. As noted in paragraph 3.4.7 above, following a number of appeal decisions, it is generally accepted that for large schemes in cities or densely populated town centre locations, a VSC of 20% or more is considered reasonably good, and VSCs in the mid-teens (around 15% or more) are acceptable. Secondly, the BRE guide acknowledges that where a window has an overhang or a projecting wing on one or both sides of it, a larger relative reduction in VSC may be unavoidable, as the building itself contributes to its poor daylighting. The BRE guide explains that one way to demonstrate this is to test the windows without these existing obstructions in place. The remaining 4 windows (318, 328, 330 & 355) achieve before/after ratios of 0.73, 0.72, 0.69 & 0.73 respectively against the BRE criteria without their wings in place and the additional calculations for these windows are presented in Appendix 3. Furthermore, window 330 maintains a VSC score of 22.5% (even without its own obstruction removed). In our opinion, this demonstrates that the proposed development amounts to a modest obstruction to these windows and it is therefore the wings which are the main factor in the loss of light.

The Daylight Distribution test was undertaken where room layouts are known. All rooms, which have a requirement for daylight, pass the Daylight Distribution test, with the exception of the rooms served by windows 328, 329 to 331, 332 & 333 at 29 Hyde Road and windows 374 & 387 to 389 at 37 Hyde Road. However, for the rooms that do not pass, the report considers the following mitigating factors apply:

The rooms served by windows 328 & 332 appear to be small kitchens. Although the BRE guide states that daylight is required in kitchens, in our experience some local authorities tend to consider small kitchens (less than 13m²) to be non-habitable rooms. On this basis, the local authority may consider the size of the kitchens to be a mitigating factor.

The room served by windows 329 to 331 is over 5m deep. The BRE guide acknowledges that if an existing building contains rooms lit from one side only and are greater than 5 metres deep, then a greater movement of the no skyline may be unavoidable. We note that the room served by the aforementioned windows is lit from only one side and is over 5 metres deep.

For the room served by windows 375 to 377 the same projecting wings mitigation used for the Vertical Sky Component test above applies equally to the daylight distribution test. Without the wings in place, the room served by the aforementioned windows surpasses the BRE criteria and the additional calculation for this room is presented in Appendix 3. In our opinion, this demonstrates that the proposed development amounts to a modest obstruction to the rooms served by these

windows and it is therefore the wings which are the main factor in the loss of light.

Finally, the room served by window 374 appears to be a bedroom. In our opinion, this is a mitigating factor because the BRE guide states that bedrooms should be analysed, although they are less important than living rooms, dining rooms and kitchens.

All windows which have a requirement for sunlight pass the Annual Probable Sunlight Hours test, with the exception of windows:

- 318 at 27 Hyde Road
- 328 at 29 Hyde Road
- 346 at 31 Hyde Road
- 355 at 33 Hyde Road
- 374 at 37 Hyde Road
- 403 at 41 Hyde Road

However, for the windows that do not pass, the report considers the following mitigating factors apply:

Firstly, the same mitigation used above for projecting wings for the Vertical Sky Component test, applies equally to the sunlight test. Windows 328, 355, 374 & 403 surpass the BRE criteria without the wings in place and the additional calculations for these windows are presented in Appendix 3. In our opinion, this demonstrates that the proposed development amounts to a modest obstruction to these windows and it is therefore the wings which are the main factor in the loss of sunlight.

Secondly, both windows 318 & 346 that do not pass the test achieve total annual probable sunlight hours scores of 34% & 31% respectively and fall only 1% short during the winter months.

In respect of the windows and properties that do not meet the BRE standard it should be noted that Business Rates information indicates that 31 Hyde Road is solely in commercial use and the first floor of 35 Hyde Road also appears to be in commercial use.

Whilst the report does demonstrate that there will be a level of loss of light to a number of residential flats the mitigating factors given within the report and highlighted above are considered to provide a reasoned argument to demonstrate that the impact would not be to an unacceptable degree and that existing features on the buildings strongly contribute to the light levels. Many of the windows impacted are also small windows located in set back sections of the buildings and likely serve smaller rooms such as kitchens or studies and bay windows where the room is served by two other smaller windows.

It was noted to the agent that the report is missing the Annual Probable Sunlight Hours data for 20 and 22 Hyde Road's first and second floor side windows facing the site which are believed to serve residential uses, contrary to what is asserted in the report. Other errors in the report including where it states that 52 Torquay Road is commercial when it includes a flat were raised. Following these comments the agent confirmed:

In relation to 20 and 22 Hyde Road, it was requested that Annual Probable Sunlight House (APSH) data be provided for the first and second floor side windows facing the proposed development. The consultant has confirmed that these windows face north and therefore fall outside of the scope of sunlight testing under the BRE guide, which applies only to main living room windows facing 90 degrees of due south, which is why the data was not provided. We have reviewed the planning history and noted that planning permission was refused for the conversion of upper floors from office to residential use (under application P/2018/0126). A subsequent PDR application was submitted and prior approval was granted for the conversion to the upper floors to residential (ref. P/2018/0421) granted prior approval in June 2018), with that process not allowing consideration of daylight levels. The Daylight and Sunlight Report confirms that windows 448 and 456 do fall marginally below the target VSC level of 0.8, scoring 0.77 and 0.79 and percentages of 23.4% and 26.6% respectively, which we consider to be a good level of daylight. Given these windows are on a flank elevation facing the site, the upper floors were only converted to residential using PDR provisions, and with the reasonable expectation that the site would be redeveloped, we consider the proposals do not result in an unacceptable loss of daylight to 20 and 22 Hyde Road.

With regard to neighbouring property at 52 Torquay Road, the applicant's consultant confirms that at the time of the site visit (dated February 2023), VOA records indicate that the property was in commercial use. We have checked the planning history and there is no record of any applications to convert the property to residential use. We would welcome confirmation of the current residential layout but note that all first-floor windows and the majority of those at ground-floor level meet the BRE VSC recommendations, indicating that any potential impact would remain within acceptable limits.

Overall it is considered that the report and further justification confirms that the proposal will have an acceptable impact on the light levels of surrounding properties, including residential uses and commercial uses.

The report is considered to demonstrate that the proposal will have an acceptable impact on the light levels of all surrounding residential amenity areas.

In summary, the proposal provides a satisfactory form of development in terms of protecting the amenities of adjacent occupiers. The development accords with Policies DE1 and DE3 of the Torbay Local Plan, Policy PNP1 of the Paignton Neighbourhood Plan, the adopted Masterplan for Paignton town centre and the NPPF.

5. Highways, Movement and Parking

Paragraph 115 of the NPPF guides that in assessing specific applications for development it should be ensured that a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and

congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Policy TA1 of the Local Plan sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the development proposals are expected to meet the guideline requirements as set out in Appendix F of the Local Plan. Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. PNP12 of the Paignton Neighbourhood Plan states that improvement of the town centre and seafront area will be encouraged and proposals supported where they will ensure that town centre parking for cycles, motorcycles and cars supports town centre viability. Policy PNP1(d) of the Neighbourhood Plan states that new residential development should aim to achieve where appropriate and subject to viability space for solid waste storage within the curtilage and purpose designed cycle storage.

The application has been supported by a Transport Statement (TS) and WSP on behalf of the Highway Authority have reviewed the supporting information.

Trip Generation

The Highway Authority originally recommended that the applicant should demonstrate how many drop off and pick up trips could be expected based on the current Hollacombe Community Resource Centre use to support the traffic impact assessment. The applicant referred back to the TS which states that 30 drop offs would be expected between 08:30 and 09:45 and that even distribution would lead to 13 drop offs during the AM peak hour. No drop offs occur in the PM peak. It was noted that should this be calculated based on movements at the existing site in Paignton, this is acceptable.

Highway Safety

The TA demonstrates that a total of 18 slight, 7 severe and 1 fatal collision occurred on the gyratory close to the site (Hyde Road, Great Western Road, A3022 Torquay Road). Hyde Road, nearest to the site experienced 2 slight and 2 severe collisions. The Highway Authority are satisfied that the site is not located in an area of specific highway safety concern.

Pedestrian and Cycle Access and Cycle Parking

Pedestrian access will be achieved via the Hyde Road service road and from Torquay Road. A shared surface area enables a through route between Hyde Road and Torquay Road for pedestrians and cyclists. A footway also continues into the site from Hyde Road across the frontage of the Day Centre.

The Highway Authority previously commented that it would be desirable for an improved pedestrian connection between Hyde Road and Torquay Road, should this not be ruled out due to Crime Prevention concerns. The applicant reinforces that there will be no pedestrian link through the site due to crime prevention concerns raised, and level differences within the

site. The applicant states that pedestrians will continue to use the link via The Gerstans to the south of the proposed site.

The lack of a pedestrian/cycle link through the site is discussed earlier in the report. It is considered that there are other alternative suitable access arrangements currently in place.

The applicant has proposed 3 Sheffield cycle stands for the Day Centre building (all for visitors), 2 Sheffield cycle stands for visitors to the extra care centre and 4 permanent stands within a secure cycle / buggy area. The level of cycle parking provision is considered acceptable and should be secured by condition.

Buggy storage for the day centre has a dedicated store next to the front door for 6 buggies and each care base also has additional storage for multiple wheelchairs and buggies. The extra care has space for 7 buggies plus 4 cycles within their store at upper ground floor level alongside dedicated electric charging points. This is considered to satisfy the Torbay Local Plan parking standards in Appendix F which sets out the requirement for mobility scooters to be provided as an integral element of design.

Public Transport Access

The site is considered to be well located for access to public transport with a bus stop located less than 50m away on Hyde Road. Whilst the Highway Authority considers that improvement works could improve accessibility this is not considered to be a site deliverability matter and therefore cannot be requested.

Vehicular Access

Vehicle access for the site will be via the service road off Hyde Road and from Torquay Road. Vehicles cannot route through the site. There are entrances to the east and the west which for all intents and purposes provide access to separate car parks which are divided by the substation location.

Access from Torquay Road will require the loss of 6 pay and display on street spaces which is considered acceptable. The Torquay Road access shows an acceptable visibility splay in line with Manual for Streets.

Access from Hyde Road will be using the established access road, which is suitable.

Car Parking

The Highway Authority originally requested clarification on how the parking arrangement accounts for use of the Day Centre as it is not clear whether all parking bays (across the two separate car parks) are intended for use of both the care home and day facility. It was also unclear how capacity will be managed, should a vehicle be unsuccessful in finding a space, it appears they would need to rejoin the local network to enter the other 'section' of car park to find a space. It was noted that Appendix F of the Torbay Local Plan requires 12 parking bays for the elderly care use.

The applicant has clarified that the western section (9 bays, two of which are disabled) will accommodate the residential extra care units which is for staff and medical professionals visiting the site. It is anticipated that residents will have a low level of car ownership. It is also

stated that there will be no interaction between the two car parks. On this basis, the Highway Authority understand that the remaining 4 bays in the eastern section are for use of the Day Centre use.

It is noted that the provision for the care facility is below the requirements of the Local Plan by 3 parking bays. However, based on the town centre location and public transport connectivity, this is reasonable.

The applicant's technical note states 'Paragraph 2.5.6 states that the centre will have 33/34 staff, whilst 11 spaces will be provided on-site.' It is not clear where reference to the 11 bays has come from. As previously mentioned, it is understood that that 9 bays are for the care use and 4 bays (2 standard, 2 mini bus) plus a drop off bay are proposed for the Day Centre use.

Nevertheless, the applicant anticipates that 56% (19 members) of staff would drive to work and based on the on-site parking availability (11 spaces), only 8 staff members would need to park off site, which would have minimal impact on local parking availability. Clarification on where the 11 on site parking bays are to be provided was therefore requested.

Further clarification was sought from the agent and they confirmed:

The submitted Transport Statement (sections 2.3.10–2.3.11) identifies 11 standard spaces across the site. The summary of how these are provided is as follows:

- *West car park off Torquay Road for the extra care element – total of 9 spaces available for staff / residents.*
- *East car park off Hyde Road for the Day Centre: 2 standard bays, 2 minibuses, 1 drop off – so a total of 4 permanent parking spaces (hence 13 in total) but 2 are minibus spaces with 2 being available for staff parking for the 1-2 staff members needing to undertake home visits (as noted at para. 2.5.6 of the TS.)*

This figure was used to correlate with PM peak movements, as set out at para. 5.3 of the TS, noting that “there are 11 spaces on-site that could be used by staff, so there would be no more than 11 movements in the PM peak”.

The Transport Statement confirms that the Day Centre will employ 33/34 staff, with the assumed modal split suggesting 19 would drive to site. Within the eastern parking court, 2 spaces are provided for Day Centre staff parking. This results in a potential off-site parking requirement of 16-17 spaces, rather than the 8 spaces previously referenced in the supporting Technical Note.

While this is 8-9 more spaces than previously stated, it remains a small number and it is considered that this level of off-site parking demand is negligible in the context of Paignton's existing parking capacity. Furthermore, given the site's urban locational context and its proximity to the public transport network, sustainable modes of travel are now a realistic option for employees—an option that was not previously available at the Hollacombe CRC, where staff largely had to drive to work. This is expected to further

reduce the demand for off-site parking as active and sustainable modes of travel become more prevalent.

The Highway Authority subsequently noted that the parking demand is greater than that referred to in the most recent supporting documents which have been reviewed. It is not considered that this latest information will materially change the conclusions previously given. However, the applicant should be aware that any Travel Plan measures should be ambitious in reducing parking demand and must be strictly monitored to ensure no issues arise from the under-provision of parking. A full travel plan is recommended to be secured via planning condition and as per Section 2.16 of the SPD, a monitoring contribution will be sought towards the Council monitoring the effective implementation of travel planning measures given the parking provision on site.

A parking survey was requested by the Highway Authority due to the loss of the existing temporary car park but this was considered unreasonable given this is an allocated mixed use site.

Refuse / Servicing / Emergency Access

For the Hyde Road access, large vehicles can enter the site and turn in the parking area to enable egress in forward gear. It is noted that the tracking requires passing over the drop off bay, however this is suitable.

The Highway Authority originally raised concern regarding the parking arrangement for the western court accessed off Torquay Road because reversing refuse and emergency vehicles may impact traffic flows on Torquay Road, and cars that cannot find a parking space may reverse back onto Torquay Road. It was also noted that a private waste collection arrangement will be required for the site.

Further tracking drawings have been provided, and it is considered that the issue of potential reversing cars has been addressed. It is also considered that any impacts on Torquay Road due to service vehicle and emergency service vehicles would be minimal, and as highlighted by the applicant, fewer disruptive vehicle manoeuvres will be occurring due to the on-street parking removal.

A planning condition securing waste storage and a waste management plan is recommended.

Overall

Planning conditions are recommended at the end of this report to cover all relevant highway related matters and subject to the planning conditions recommended alongside the monitoring of the travel plan, the proposal is considered to comply with Policies TA1, TA2, TA3 and W1 of the Local Plan, Policies PNP12 and PNP1(d) of the Neighbourhood Plan and the guidance contained within the NPPF.

6. Ecology, Biodiversity and Trees

Paragraph 187 of the NPPF provides guidance in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity.

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

The site is within the 8km Berry Head Recreational Zone of influence. Berry Head is part of a European Site. The Habitats Regulations places a legal requirement on competent authorities to carry out an assessment of plans or projects which might impact the features of a European Site. Recreational use of the calcareous grassland at the Berry Head to Sharkham Point component of the South Hams Special Area of Conservation (SAC) has the potential to cause degradation through scrub encroachment, erosion by walkers and eutrophication through dog fouling. The impacts of recreation are increased as a result of population growth (i.e. new housing and tourist accommodation). Recreational impacts on Berry Head and recommended mitigation measures were assessed through a number of reports by Footprint Ecology in 2014 and 2016 as part of the Local Plan Habitat Regulations Assessment (HRA). Footprint Ecology reviewed the recommended mitigation in 2022. In the summer of 2023 Footprint Ecology carried out a repeat of the visitor survey work to establish where visitors to the site originate from.

The Local Plan HRA concluded that the impacts of these developments on the SAC can be mitigated through the implementation of Policy NC1 which states: Developer contributions will be sought from development within the Brixham Peninsula (Policy SDB1) towards measures needed to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers or visitor pressure. This money is used to deliver mitigation for recreation impacts.

The detail for how these contributions are calculated is set out in the Planning Contributions and Affordable Housing SPD. The contributions are a site deliverability matter and we would be in breach of law (habitats regulations) if we grant any form of permission without seeking this mitigation payment. To comply with the requirements of the regulations, payments are sought to provide strategic mitigation to ensure no adverse impacts on the SAC due to recreation in the HRA.

Prior to the repeated visitor monitoring in summer 2023, the details we have published online stated that the primary zone of influence for recreation impacts is a 5km distance, which is roughly equivalent to the Brixham Peninsula area as defined by Local Plan Policy SDB1. The summer 2023 visitor monitoring has shown that the majority of people visiting Berry Head directly from home live within 8.0 km of the site. This new evidence indicates that the key zone of influence where new housing will result in increased recreational pressures on Berry Head is now 8km rather than 5km and we are therefore required to seek a contribution from new housing and tourism development within an 8km zone of influence at a rate of £135 per new residential unit.

The proposal would therefore constitute habitats development and a planning contribution of £12,285 is required to be secured by a s106 legal agreement.

The application has been supported by a Preliminary Ecological Appraisal. The application site is entirely urban, with very few opportunities for habitats and protected species. The report confirms that there are no notable habitats or protected species that could be impacted by the works on the site and no further surveys are required. Biodiversity enhancements are suggested in the form of 10 bee bricks; 4 bat tube, 6 swift boxes and 2 sparrow terraces all per new building. A condition to secure this is recommended.

In respect of the Lyme Bay & Torbay Marine Special Area of Conservation (SAC), the appraisal notes that the site is not in an Impact Risk Zone for the type of proposed works, however for the previous application on the site the LPA made comments requesting:

“An assessment of the impacts of the construction and operational phases of the new residential units on the Lyme Bay and Torbay Special Area of Conservation (SAC)”

A shadow HRA was completed in 2020 by Western Ecology, an updated shadow HRA has been produced. This concluded that likely significant effects (LSE) cannot be discounted in relation to the construction phase of this development and:

- Increased airborne pollutants
- Increased waterborne pollutants discharged to culverted water courses or to ground water

Reef habitat is likely to be of intermediate intolerance to chemical contamination and recover relatively quickly once the contamination is removed. The sensitivity of sea cave communities to some forms of toxic contamination is not well characterised, and there is therefore insufficient information to determine the sea caves overall vulnerability. A Stage 2 Appropriate Assessment is required with respect to potential effects of the development on the sea cave and reef features Lyme Bay and Torbay SAC. In respect of the South Hams SAC, due to its location within a SAC Recreation Zone for Berry Head, LSE cannot be discounted in relation to increased recreational pressures on the SAC. A stage 2 appropriate assessment has been produced and suggests mitigation in the form of a Phase 2 Site Investigation report which can be secured as part of a construction and ecological management plan condition. As part of Torbay Local Plan requirements, mitigation for the increase in recreational pressure on this SAC will be required, and this will be obtained via a contribution fee based on the number of new proposed dwellings, secured by a s106 agreement as noted above. It was concluded that in light of the mitigation measures identified, and consideration of the implications for the sites conservation objectives, there would be no adverse effect on the Integrity of the Lyme Bay and Torbay SAC or South Hams SAC, alone or in combination with other plans or projects.

Natural England have confirmed they have no objection subject to the appropriate mitigation stated in the shadow HRA being secured and the LPA adopting the HRA.

The DCC Ecologist has reviewed the submitted information and has confirmed that there is very limited ecological concerns associated with this development. With regards to impacts on European Designated Sites, the conclusions of the shadow HRA are agreed with. The recommendations provided within the ecological report are also agreed with and these should also be conditioned.

It is therefore the LPA's intention to adopt the shadow HRA to fulfil our duty as the competent authority. The mitigation measures of a Construction and Environmental Management Plan

is recommended to be secured by condition and the mitigation payment for the recreational impacts on the Berry Head SAC will be secured by a s106 legal agreement.

In England Biodiversity Net Gain (BNG) has been mandatory from 12 February 2024 under the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). This means that, subject to certain exemptions, development must deliver a 10% gain in biodiversity. The Ecologist has confirmed that the proposed development is exempt from the mandatory requirement due to it being within the de minimus threshold. An informative statement should be included on the decision notice.

Subject to the aforementioned planning conditions, the proposed development is considered to accord with Policy NC1 of the Local Plan and the guidance contained within the NPPF.

Policy C4 of the Local Plan states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

SWISCo's Senior Tree Officer has been consulted on the application. The Officer has confirmed that the redevelopment of the existing site presents opportunities to incorporate high-quality landscaping into the currently heavily urbanised area. The proposed layout introduces limited external urban greening but incorporates two internal courtyard spaces which have the potential to provide valuable green space within the development. Trees will require access to an appropriate available soil rooting volume based on the tree species choice and its potential for growth and reaching mature size. Technical solutions may be required to provide adequate soil rooting volume including soil crates or load bearing structural soil solutions. These should be clearly set out within a detailed soft landscape phase and be fully integrated into drainage systems. Trees within the development must be a diverse range of species to ensure resilience to pest and disease issues and have a composition which considers climate adaptation. The landscape design should adopt a 'right plant, right place' approach which reflects local weather conditions and the special character of Torbay. Consideration should be given to using a range of UK native tree species and or cultivars / forms which are suitable for urban use in order to maximise biodiversity / wildlife friendly features. However, the use of non-native species may be required to achieve the design objectives and should not preclude their inclusion in the landscape elements. The Officer recommends that if planning permission is granted and appropriately worded planning condition should be applied to secure the hard and soft landscape details / specifications and this condition is therefore recommended.

Subject to the aforementioned planning condition, the proposal is considered to comply with Policy C4 of the Local Plan, and advice contained within the NPPF.

7. Flood Risk and Drainage

Paragraph 170 of the NPPF provides guidance towards avoiding inappropriate development in areas of flood risk by directing development away from areas at higher risk. Paragraph 181 of the NPPF states that when determining applications seeks local planning authorities to ensure that flood risk is not increased elsewhere.

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy ER2 of the Local Plan includes reference that development proposals should seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water will discharge following the hierarchy of i) an adequate infiltration system (for example swales, soakaways, infiltration basins, filter drains, rain gardens), or where that is not reasonably practicable; ii) a main river or water course, or where that is not reasonably practicable; iii) a surface water sewer or highway drain, or in the last resort where none of the above are reasonably practicable; iv) to a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates. Policy PNP1 (Area Wide) Section (i) Surface Water cites that developments will be required to comply with all relevant drainage and flood risk policy. It furthers that proposals which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source are encouraged.

The site is within Flood Zone 1 and the Critical Drainage Area as designated by the Environment Agency. Part of the site is also at risk from surface water flooding. As the proposal is on an allocated site and is consistent with the use for which the site was allocated, coupled with the fact that the site was highlighted as being at risk from surface water flooding in the Local Plan at the time of allocation, the sequential test will not be engaged.

The Council's Drainage Engineer has noted that a site-specific flood risk assessment (FRA) has been provided. The FRA has set finished floor levels at 5.2m AOD which includes a 492mm freeboard above the predicted tidal flood level (5.308m AOD), addressing the risk of breach failure of the coastal defence. The drainage strategy restricts discharge to 2.0 l/s, in line with Torbay Critical Drainage Area requirements. Three attenuation tanks are proposed with appropriate volumes and flow controls (hydrobrakes), and the discharge is to a designated surface water sewer. A maintenance plan is included, covering responsibilities, inspection schedules, and maintenance actions for attenuation tanks and flow control devices. The FRA is missing and must include:

- Details of safe access and egress routes.
- Emergency procedures including safe refuges.
- An emergency flood plan.

A flood evacuation plan was subsequently provided and the Drainage Engineer has confirmed this is acceptable. A planning condition is recommended to secure the details of the surface water drainage and the flood evacuation plan.

Subject to the aforementioned planning conditions, the proposal is considered to comply with Policies ER1 and ER2 of the Local Plan and the guidance contained within the NPPF.

8. Low Carbon Development and Climate Change

Paragraph 161 of the NPPF guides that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help: to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and

improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy SS14 of the Local Plan supports national guidance and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 of the Local Plan states that the Local Plan will seek to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited. All major development proposals should make it clear how low-carbon design has been achieved, and how the following sequential energy hierarchy has been applied in doing so. Proposals should identify ways in which the development will maximise opportunities to achieve the following:

1. Conserve energy by reducing energy demand through siting and design. This includes the use of building orientation, layout and landscaping to optimise solar gain, ventilation and cooling;
2. Use energy efficiently within the fabric of the building;
3. Incorporate the use of decentralised heat, cooling and power systems; and
4. Use on-site or near-site renewable technologies to achieve further reductions in carbon emissions.

The application is supported by a Sustainability Checklist and Energy Statement. The Council's Principal Climate Emergency Officer has reviewed the application and noted that key features to be included in the development are as follows:

- The adoption of a low carbon, fabric-first approach informed by the energy hierarchy.
- A communal heat network, powered by centralised air source heat pumps for heating and hot water.
- Mechanical ventilation with heat recovery (MVHR) to further reduce heating demand.
- EPC ratings of B
- Roof mounted photovoltaic panels and the use of high-efficiency air source heat pumps to meet the 20% on-site energy target
- Commitment to carry out an assessment to prevent overheating (to support climate resilience)

The Officer requested further information on the sustainable selection of materials and a document addressing this was subsequently submitted.

The Officer has recommended planning conditions securing the energy efficiency measures detailed and this is recommended to meet the requirements of Policy SS14 and ES1 of the Local Plan. Subject to the aforementioned planning condition, the proposal is considered to accord with Policies ES1 and SS14 of the Local Plan, and the guidance contained within the NPPF.

9. Designing Out Crime

Paragraph 96 of the NPPF outlines that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the

fear of crime, do not undermine the quality of life or community cohesion. Paragraph 135 of the NPPF also emphasises such.

Policy SS11 of the Local Plan seeks that development proposals should help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.

The application has been supported by a section within the submitted Design and Access Statement in relation to 'crime prevention'. Devon and Cornwall's Police Designing Out Crime Officer has been consulted on the application and matters concerning the pedestrian link are discussed in Section 2 of this report. The Officer also makes recommendations and requests that a condition is added requiring details of the crime prevention and security measures including access control, visitor door entry system, CCTV and compartmentalisation. A condition is therefore recommended to secure these measures.

Subject to the aforementioned planning condition, the proposal is considered to accord with Policy SS11 of the Local Plan and Policy TH2 of the Neighbourhood Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. The application has been supported by a Sustainability Checklist. Each of which shall be discussed in turn:

The Economic Role

An economic impact assessment has been provided which indicates that the proposal could result in construction impacts of £42 million in construction investment and £16.3 million of gross value added. In terms of operational impact it could support up to 53 FTE jobs and £1.9 million of GVA and up to £1.3 million of wages per year. Net additional local impact could equate in the construction phase to 188 person-years of employment, £6.9 million of wages and £14.3 million of GVA whilst for the operational phase it could equate to 21 FTE jobs, £520,000 of wages and £730,000 GVA. This represents a significant investment which carries significant economic benefits.

Once the residential units are occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

In respect of the economic element of sustainable development, the balance is considered to be strongly in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of 91 additional extra care housing. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance,

with the benefit heightened by the inclusion of at least 20% of the units being Affordable units (as required by policy) and the intention being that 100% would be affordable.

A new Day Centre would be provided to replace the existing centre at Hollacombe which is no longer fit for purpose.

The provision of housing and a Day Centre with associated uses including a cafe would provide appropriate uses within a sustainable location.

Impacts on neighbour amenity have been discussed above where it is concluded that the proposal does not cause significant harm to residential amenity.

On balance, the social impacts of the development weigh strongly in favour of the development.

The Environmental Role

With respect to the environmental role of sustainable development, for reasons set out in this report there is considered to be less than substantial harm to the identified heritage asset of the Old Paignton Conservation Area and the setting of the Grade II listed 3 and 5 Torquay Road and to a degree the setting of the Scheduled Monument and other listed buildings in the area from the height and massing of the proposed development. This harm is considered to be at the minor end of the scale. It is concluded later in the report that the public benefits of the proposal outweigh the level of harm identified.

Other elements that are considered to be especially relevant to the proposed development are impacts biodiversity and drainage. A landscaping scheme has been submitted which will provide a positive enhancement to the site and the proposal also provides low carbon and energy efficiency measures. These matters have been considered in detail above and weigh in favour of the proposal.

The proposed development is located in a sustainable location within close proximity to local amenities and public transportation links. This weighs in favour of the proposal.

It is concluded that the environmental impacts of the development, due to the adverse impact on the heritage asset weigh against the development, however the positive elements of the proposal in terms of a sustainable location, low carbon and energy efficiency measures, landscaping and drainage weigh in favour.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further

effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

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

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development. The development does not meet the thresholds for screening and is not in a sensitive area.

HRA:

Devon County Council's Ecologist on behalf of Torbay Council as the Appropriate Authority under the Habitats Regulations has adopted the applicant's Shadow HRA as the Council's HRA. As an Appropriate Assessment was conducted as part of the HRA, Natural England have been consulted on the HRA and have confirmed no likely significant effects subject to securing a CEMP via a planning condition and mitigation payment for the recreational impacts on the Berry Head SAC. These will be secured by the recommended condition and a s106 agreement. With these measures the proposal demonstrates no likely significant effects.

Local Finance Considerations

S106:

Affordable Housing:

For the proposal, which is a brownfield site and over 20 dwellings, Policy H2 of the Local Plan identifies that 20% affordable housing should be provided on site. For a scheme of 91no. units this equates to an affordable housing provision of 19no. units to provide a policy compliant development. Commuted sums will only be accepted where this would achieve more effective provision of affordable housing or bring significant regeneration benefits. The applicant has confirmed that 100% will be provided on-site.

Travel Plan:

As per Section 2.16 of the Planning Contributions and Affordable Housing Supplementary Planning Document, a monitoring contribution will be sought towards the Council monitoring the effective implementation of travel planning measures.

Berry Head SAC:

Due to the nature of the proposal and its location, a s106 will need to secure the planning contributions required for the recreational impacts on the Berry Head calcareous grassland. A sum of £135 per residential unit totalling £12,285 will be required, as per the Planning Contributions and Affordable Housing Supplementary Planning Document.

CIL:

The land is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm for 15+ dwellings.

The CIL liability is indexed linked, and the final figure will be calculated on the day of the decision. Affordable housing is entitled to mandatory CIL Exemption, so long as this is sought before the commencement of development.

An informative can be imposed, should consent be granted, to explain the applicant's/developer's/ landowner's obligations under the CIL Regulations.

CIL is a "Local Finance Consideration" relevant to determining applications. However, in the officer's assessment, it is not a determining factor (either way) in the planning balance assessment below.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal and Development Plan policies.

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

Development Plans often contain policies that pull in different directions and it is sometimes difficult to come to a view whether a proposal is in accordance with the Development plan "taken as a whole". Whilst the proposal is supported by policies in the Local Plan that seek to boost housing supply, there are conflicts with designated heritage assets (Policies HE1 and SS10 of the Local Plan). Whilst the harm to the designated heritage assets has been assessed as being "less than substantial" it is sufficient to render the proposal not in accordance with the Development Plan.

As noted above, the Council has less than 5 years housing land supply and on this basis the Development Plan must be "deemed" to be out of date. At 1.72 years supply, the shortfall is serious and must be given significant weight in the planning balance. The proposal is for 91no. extra care residential units, which carries very substantial weight. Out-of-date policies can still carry weight in the planning balance, but in practice attention shifts to other material considerations, especially the Presumption in Favour of Sustainable Development which is set out in Paragraph 11(d) of the NPPF.

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [Footnote 8], granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance [Footnote 7] provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [Footnote 9].

The first issue is whether the application of NPPF policies related to heritage assets provides a strong reason for refusing the development.

Paragraph 210 of the NPPF states:

In determining applications, local planning authorities should take account of:

- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 212 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 214 of the NPPF states:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

When taking account of the Government's objective of significantly boosting the supply of homes and the role of the construction industry in supporting economic growth, very substantial weight should be given to the provision of market and affordable homes.

Great weight should be given to the conservation of designated heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be given when considering planning permission for developments that affect listed building or their settings. However, in this case the harm identified to the designated heritage asset of the Old Paignton Conservation Area, and the nearby Scheduled Monument and listed buildings from the proposal is assessed as the minor end of less than substantial harm.

The public benefits in the form of the economic and social benefits include the economic growth and associated economic benefits to the construction industry from the proposed development, the proposal would also result in additional disposable income from the occupants. The proposal would provide housing where there is a lack of 5 year housing land supply and this would be located within a sustainable location and some of which would be affordable housing (the applicant indicated the intention to provide 100% as affordable although only 20% can be secured formally). Other matters that weigh in favour include the provision of a Day Centre which is a significant social benefit and the use a landscaping and drainage scheme and the proposal promotes low carbon and energy efficiency measures in the building construction and promotion of bicycle storage.

The proposed development will result in less than substantial harm to the identified heritage assets and the development would be of a size, scale and massing that would fail to integrate well with the scale of the buildings in the locality and would appear overly dominant in nature. As a result, the proposal would fail to be considered appropriate in terms of its visual impact, and the impact on the townscape and local and long-distance views however the proposed development would provide significant regeneration benefits.

Paragraph 215 of the NPPF indicates that proposals that result in less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal, including where appropriate its securing optimal viable use. The level of harm identified is less than the threshold that would constitute a “strong reason” for refusal under paragraph 11(d)(i) of the Framework and the accompanying Footnote 7.

Attention then turns to Paragraph 11(d)(ii) which directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. This can include a consideration of Development Plan policies. Particular regard should be given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

On balance, the public benefits of the scheme as a whole, when weighed against the level of harm caused, are considered to justify the proposal and the proposal is considered to represent sustainable development when considering the Local Plan, Neighbourhood Plan and NPPF taken as a whole as the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits.

Other than the less than substantial harm to the designated heritage assets and the visual impact from the size, scale and massing, there are no other adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits of the development.

In addition, the public benefits are a material consideration which weigh in favour of granting planning permission notwithstanding conflicts with some aspects of the development plan.

Conclusions and Reasons for Decision

The relevant legislation requires that the application be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

In terms of material considerations, the provision of 91no. extra care residential units is a significant public benefit in favour of the development where national guidance seeks to significantly boost the supply of homes. The weight afforded housing supply is not insignificant where the most recent Housing Delivery Test (December 2023) for Torbay was published as 55% (i.e. between 2019-22 there were only 55% as many completions as the number of homes required), and Torbay's most recent housing land supply (2025) is that there is 1.72 years, which is a significant shortfall.

In terms of other matters that weigh in the developments favour there will be economic benefits through construction phase in terms of created jobs, and post construction in terms of local household spend within the local economy.

In-line with the above conclusions and the assessment within this report, the proposals are considered to be in principle accordance with the provisions of the Development Plan and to demonstrate that an acceptable scheme could be accommodated on the site. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.

Due to the level of accordance with the Development Plan and in the absence of material considerations that weigh sufficiently against the proposal, the Officer recommendation is one of approval, subject to suitable planning conditions.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay. For housing proposals within circumstances where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, the NPPF guides to granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (91no. residential units), when assessed against the policies in the NPPF when taken as a whole. Subject to the recommended planning conditions, the application of policies in the NPPF that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed.

Officer Recommendation

Approval: subject to;

1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency and/or the Divisional Director of Place Strategy.
2. Completion of a Section 106 agreement.
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency and/or the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.

Planning Conditions

1. Construction Traffic Management Plan

No development shall take place, including any works of demolition, until a site specific Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan should include, but not be limited to:

- a. Procedures for maintaining good neighbour relations including complaint management.
- b. The parking of vehicles of site operatives and visitors.
- c. Loading and unloading of plant and materials.
- d. Storage of plant and materials used in constructing the development.
- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- f. Wheel washing facilities.
- g. The adoption and use of the best practicable means to reduce and control the emission of dust and other airborne pollutants and dirt during construction.
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- i. The adoption and use of the best practicable means to reduce and control noise.
- j. Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- k. Construction working hours from 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 on Saturdays and at no time on Sundays or bank holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

The approved Construction Management Plan development shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

These details are required pre-commencement as specified to ensure that neighbouring amenity is not harmed by building operations or site preparation.

2. Construction Environmental Management Plan

No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby. It shall include as a minimum provisions for:

- A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted.
- All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP.
- No driven piling without prior written consent from the Local Planning Authority.
- A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions.
- No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- No burning on site during construction or site preparation works.
- All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- The site access point(s) of all vehicles to the site during the construction phase.
- The areas for loading and unloading plant and materials.
- The location of the site compound and details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable).
- The location of storage areas for plant and materials. This should include the location of stockpiles of topsoil and sub soil.
- The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- Arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

This condition needs to be a pre-commencement condition to ensure the impacts of the development are mitigated from the beginning of the development.

3. Written Scheme of Investigation

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Torbay Plan Policy SS10 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

4. Contaminated Land

No development shall take place (including demolition) until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been submitted to and agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ER3 of the Adopted Torbay Local Plan 2012-2030, and guidance contained within the National Planning Policy Framework.

These details are required pre-commencement as specified to ensure that contaminated material is not released into the environment from building operations and there are no risks to workers, neighbours or other receptors.

5. Ecological Enhancement Plan

Prior to the development hereby approved exceeding ground level, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the quantum, type, and location of faunal enhancement features, specifically swift boxes, house sparrow terraces, bat tubes, and bee bricks, all of which shall be integrated into the fabric of the building (e.g. built-in or flush-mounted units). The approved measures shall be installed prior to the occupation of the development and retained thereafter.

Reason: To enhance ecological value and support protected and priority species through the provision of targeted faunal features, in accordance with the National Planning Policy

Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

6. Street Furniture

Notwithstanding the approved plans, no development above ground level shall take place until details (including siting/alignment, type and appearance including materials/finishes) of the proposed street furniture (including refuse bins, signage, wayfinding, seating, bollards, lockers, railings, handrails, bicycle stands, and other means of enclosure) have been submitted to and approved in writing by the Local Planning Authority. Prior to the completion of the development hereby approved, the street furniture shall be installed in accordance with the approved details and retained and managed for the lifetime of the development.

Reason: In the interests of design and in order to accord with Policy DE1 of the Adopted Torbay Local Plan 2012-2030, Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030, and guidance contained within the National Planning Policy Framework.

7. External Materials

Prior to their installation, technical details and/or samples of the proposed exterior materials including wall finishes, roofing materials, eaves, fascias and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

8. Windows and Doors

Notwithstanding the approved plans and details, prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Broken sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors
- Reveal sections, drawn to a scale of 1:1-1:10
- Sill sections, drawn to a scale of 1:1-1:10
- Frame and door materials

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: In the interest of visual amenity and in accordance with Policy DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policies PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

9. Boundary Treatments

Notwithstanding the approved plans and details, prior to the first occupation of the development hereby approved, a scheme of boundary treatment, which shall include railing details, shall be fully installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Once provided, the approved boundary treatment shall be maintained and retained for the life of the development.

Reason: To ensure a satisfactory completion of development in the interests of visual and residential amenity and to protect the privacy of future and neighbouring occupants in accordance with Policies DE1, SS10 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

10. Travel Plan

Prior to the first use of the development hereby approved, a Travel Plan and Implementation Strategy with SMART targets to seek to meet Policy requirements of 30% modal shift to foot, cycle and public transport, with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in accordance with the approved travel plan thereafter.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policy TA1 of the Adopted Torbay Local Plan 2012-2030.

11. Waste Management Plan

Prior to the first occupation or first use of the development a Waste Management Plan (WMP) for the building, setting out recycling and waste collections methods which follow the waste hierarchy to ensure locally established recycling targets at the that time are met, together with measures to review and respond to evolving targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved WMP shall be implemented prior to the first occupation of the building and maintained at all times thereafter as a working document and strategy for the lifetime of the development.

Reason: To ensure a suitable waste collection that accords with Policies W1 and W2 of the Adopted Torbay Local Plan 2012-2030.

12. Designing Out Crime

Prior to the first use of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of

the development meets Secured by Design standards as far as practicable, and the measures shall be incorporated into the development prior to that part of the development to which they relate being brought into use and shall be permanently retained thereafter.

Reason: In the interests of crime prevention in accordance with Policy DE1 and SS11 of the Adopted Torbay Local Plan 2012-2030.

13. Energy and Sustainability

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy Statement by Hulley (CWY-HAK-XX-XX-RP-ME-000003 – Rev P03).

Prior to the first occupation of the development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- Evidence of the [PV/ ASHP/ Other] system are installed including the exact location, technical specification and projected annual energy yield (kWh/year). (e.g. a copy of the MCS installer's certificate.)
- A calculation showing that the projected annual yield of the installed system is sufficient to meet at least 20% of the total sites energy demand.

The measures detailed shall be fully installed prior to the first use of the development hereby approved and shall be maintained and retained for the life of the development unless alternative measures are installed in accordance with details which are first submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of low carbon development and in accordance with Policy SS14 and ES1 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(f) of the Paignton Neighbourhood Plan.

14. Soft Landscaping

Notwithstanding the approved plans, prior to first occupation of the development hereby approved a soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of a similar size and the same species.

Reason: In interests of visual and residential amenity and in accordance with Policies C4, DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

15. Hard Landscaping

Notwithstanding the approved plans, prior to first occupation of the development hereby approved, details of the hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be fully implemented in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the development. The details for approval shall include a detailed scheme of: type/texture/colour finishes (including any samples as may be necessary).

Reason: In the interests of design and in order to accord with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030, and guidance contained within the National Planning Policy Framework.

16. Commercial Kitchen Extractions

Before the commencement of use of any commercial kitchen within the development hereby approved, a scheme for the installation of equipment to control the emission of fumes and smell from that kitchen shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained in operation thereafter.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

17. Post Excavation Works

The development shall not be occupied/brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

18. EV and Mobility Scooter Charging

Prior to the occupation of the development hereby approved, a scheme for the insertion of electrical vehicle charging points and mobility scooter charging to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The approved electrical vehicle charging points and mobility scooter

charging shall be thereafter available for use, maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the development in accordance with the requirements of Policy TA3 of the Torbay Local Plan 2012-2030.

19. Additional Paraphernalia

No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless the full details have first been submitted to and approved in writing by the Local Planning Authority. This shall include air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting. Development shall then proceed strictly in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

20. Cumulative Noise – Plant and Equipment

The development hereby approved shall not be occupied unless the cumulative noise from all building services plant and equipment (excluding the back-up generator) does not exceed the Plant Noise Limits set in Table 9 of the approved noise impact assessment (Crossways Shopping Centre Noise Impact Assessment by Stantec dated 17 October 2025 reference '37368-HYD-ZZ-XX-RP-Y-0001-P04') measured in accordance with BS4142 (2014) at 1m from the facade of a noise sensitive receptor.

The back-up generator shall only be operated in the event of power failure to the site or for testing and servicing purposes. Testing and servicing of the generator shall only take place between the hours of 8am and 5pm Monday to Friday (excluding bank holidays).

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

21. Ambient Noise

The development hereby approved shall not be occupied unless the minimum ventilation and acoustic insulation performance standards described in sections 6.2 and 6.3 of the approved noise impact assessment (Crossways Shopping Centre Noise Impact Assessment by Stantec dated 17 October 2025 reference '37368-HYD-ZZ-XX-RP-Y-0001-P04') have been met and shall continue to meet these standards for the lifetime of the development.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

22. Bin Storage

The development hereby approved shall not be occupied until the bin store and refuse and recycling store detailed on approved plans references 'CWY-PRP-XX-XX-D-A-2030 P04 (External Buildings)' and 'CWY-PRP-XX-RF-D-A-2003 P07 (Site Plan)' and 'CWY-PRP-XX-LG-D-A-2004 P05 (Lower GF GA)' have been provided. Once provided, the bin store and refuse and recycling store shall be retained for use by the occupants for the life of the development.

Reason: In interests of visual amenity and in accordance with Policies W1 and DE1 of the Adopted Torbay Local Plan 2012-2030.

23. External Amenity Spaces

Prior to the first occupation of any extra care residential unit hereby approved, the external amenity spaces, detailed on the approved plan ref: 'CWY-PRP-XX-RF-D-A-2003 P07 (Site Plan)' to include the gardens and roof terraces shall be provided in full. The external amenity spaces shall thereafter be maintained and retained as such for the use of the development's occupiers for the lifetime of the development.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

24. External Lighting

The development hereby permitted shall be implemented in accordance with the details of the external lighting references '61429-HAK-01-XX-DR-E-100001 P02 (Ext. Lighting)' and 'CWY-HAK-XX-XX-RP-ME-000004 P04 (Ext. Lighting)'.

The external lighting shall thereafter be installed in full accordance with the approved details. No further external lighting shall be provided within the site.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

Reason: In the interests of residential amenity and in accordance with Policies DE3 and NC1 of the Adopted Torbay Local Plan 2012-2030.

25. Surface Water Drainage

The development hereby approved shall not be occupied until the approved surface water drainage scheme has been provided and installed in accordance with the approved plan references 'CWY-AAC-XX-XX-T-C-0001-FRA-DS P03' and 'CWY-AAC-XX-XX-DR-C-0001 11604-FRA3 P02 (Drainage Layout)'. Once installed the surface water drainage scheme shall be maintained and retained for the life of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030, policy PNP1(i) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

26. Flood Resistance and Resilience

The development shall incorporate flood resistance and resilience measures as outlined in the approved Flood Risk Assessment and Flood Evacuation Plan (ref: 'CWY-AAC-XX-XX-T-C-0001-FRA-DS P03' and 'CWY-AAC-XX-XX-T-C-0001-FEP P01 (Flood Evac Plan)'). The approved flood resistance and resilience measures shall be installed and implemented prior to the first occupation of the development hereby approved and shall operate and be maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030, policy PNP1(i) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

27. Bicycle and Buggy Storage

The development hereby approved shall not be occupied until all the bike and buggy storage areas detailed on approved plan references 'CWY-PRP-XX-RF-D-A-2003 P07 (Site Plan)'; 'CWY-PRP-XX-UG-D-A-2005 P06 (Upper GF GA)' and 'CWY-PRP-XX-LG-D-A-2004 P05 (Lower GF GA)' have been provided. Once provided, the bike and buggy storage areas shall be retained for use for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030.

28. Car Parking

The development hereby approved shall not be occupied or brought into use until the hardstanding parking areas detailed on approved plan 'CWY-PRP-XX-RF-D-A-2003 P07 (Site Plan)' has been provided in full. The hardstanding shall thereafter be permanently retained for the use of parking by the associated development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

29. Highway Works

The development hereby approved shall not be occupied until all the roads, footpaths and visibility splay(s) have been provided in full in accordance with approved plans and all necessary legal agreements have been made with the Local Highway Authority in respect to all proposed works to the highway.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

30. Local Occupancy

The extra care flats hereby approved shall be occupied by principal occupiers who meet both the following criteria:

- a. Have a main and principal home in Torbay and are in receipt of adult social care services provided by Torbay Council or its appointed provider; and

b. Future principal occupiers of the extra care flats must be eligible for Affordable Housing on the Devon Home Choice Register and must be referred by the statutory health and social care service of Torbay.

Only if the above criteria cannot be met, alternative future principal occupiers shall be considered who:

1. Have their main and principal home within the county of Devon; and
2. Can demonstrate an assessed adult social care support need.

Reason: In the interests of providing a service to address local needs in accordance with Policies H1 and H6 of the Torbay Local Plan 2012-2030.

31. Removal of Permitted Development Rights C3 to C4

Notwithstanding the provisions of Class L of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the residential use of any one or more units hereby approved shall not be changed to a House in Multiple Occupation, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and the living environment conditions in this locality in accordance with Policies DE1, DE3, H4 and SS11 of the Adopted Torbay Local Plan 2012-2030.

Informative(s)

Positive and Proactive

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information provided to determine the application this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Relevant Policies

Development Plan Relevant Policies

C4 - Trees, Hedgerows and Natural Landscape Features
DE1 - Design
DE3 - Development Amenity
DE4 - Building Heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
H1 - Applications for New Homes
HE1 - Listed Buildings
NC1 - Biodiversity and Geodiversity
SDP2 – Paignton Town Centre and Seafront
SS1 - Growth Strategy for a Prosperous Torbay
SS3 - Presumption in Favour of Sustainable Development
SS10 - Conservation and the Historic Environment
SS11 - Sustainable Communities
SS12 - Housing
SS13 - Five Year Housing Land Supply
SS14 - Low Carbon Development and Adaption to Climate Change
TA1 - Transport and Accessibility
TA2 - Development Access
TA3 - Parking Requirements
TC1 - Town Centres
TC2 - Torbay Retail Hierarchy
TC4 - Change of Retail Use
W1 - Waste Hierarchy
W5 - Waste Water Disposal
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1(e) – Commercial Development
PNP1(f) – Towards a low carbon energy efficient economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable Transport
PNP1(i) – Surface Water
PNP8 - Crossways, Hyde Road and Torquay Road
PNP13 - Housing opportunities within the Town Centre