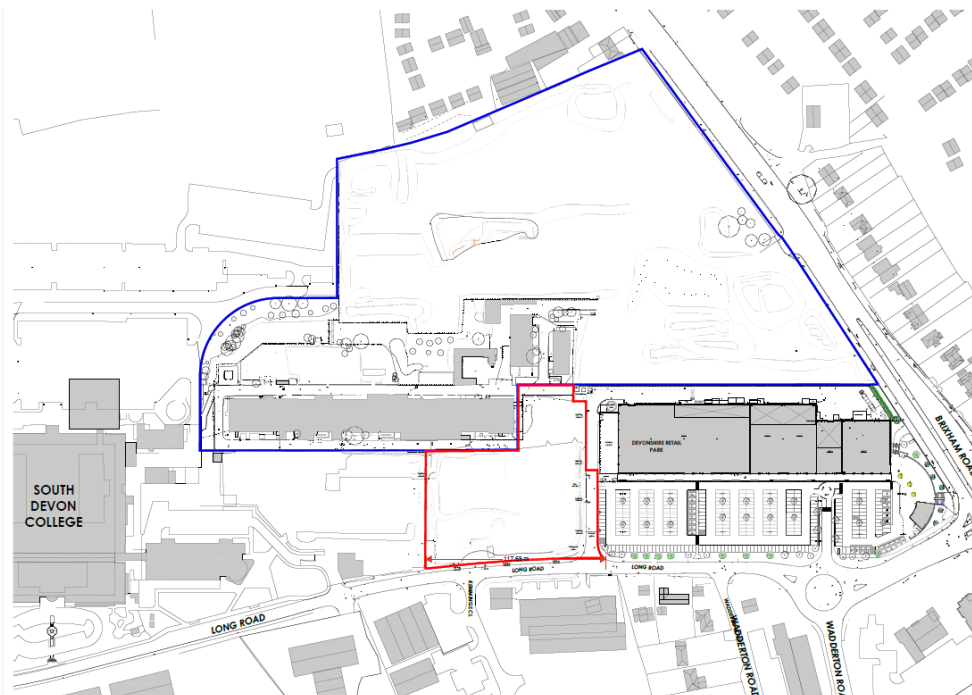


Application Site Address	Land North of Long Road, Paignton
Proposal	Construction of 1,997sqm retail unit (class E(a)), 186sqm coffee shop / restaurant (flexible Class E(b) and/or sui generis), with 136 space car park to include 10 bay EV charging facility, new service and emergency access road, landscaping and associated works.
Application Number	P/2025/0782.
Applicant	Devonshire Park Limited
Agent	Mango Planning & Development Ltd
Date Application Valid	23.01.2026.
Decision Due date	24.04.2026.
Extension of Time Date	24.07.2026.
Recommendation	Approval: Subject to: 1. Conditions Listed Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Director of Place Strategy.
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones.

Location Plan –



Site Details

The site is a cleared, largely flat, brownfield plot of land approximately 1 hectare in size located on north side of Long Road, Paignton. It is within the urban area. It sits between a car park that is part of the South Devon College campus to the west and the Devonshire Park retail development to the east, where the site includes the existing service lane for the retail park. To the north sits the wider cleared former Nortel site, and to the south across Long Road sit commercial buildings which are generally light-industrial / trade in character and type of operation. The frontage of the site to Long Road, including the service lane, is approximately 117m in length.

In terms of the wider character of the area, it is mixed. As stated, there is a large educational campus to the west and the large trading estate to the south. The retail park to the east is one of quasi bulky goods but also includes food retail and a coffee shop. There is further retail nearby to the south with the relatively new Lidl store within the recent Whiterock new development, which is largely housing. Further afield are the residential estates of Roselands and Kingsway to the east, and the newer Yannons Farm / Parkfield housing developments to the north. Along the Brixham Road in this area are multiple food supermarkets.

In terms of relevant designations, the site sits within the Torbay Critical Drainage Area and is within the Sustenance and Landscape Connectivity Zones associated with the South Hams SAC (Berry Head Greater Horseshoe Bat colony). In terms of the Local Development Plan the site is within a Strategic Delivery Area and Future Growth Area, but is not within an identified retail area.

Description of Development

The development proposed is the construction of a retail unit (Use Class E(a)), and a drive-to coffee shop/restaurant (flexible Use Class E(b) and/or sui generis). The principal retail unit is suggested as being used for food retail purposes. The food retail store would provide 1,997sqm of floorspace and the coffee shop 186sqm of floorspace.

Notwithstanding the suggested use, Use Class E(a) broadly permits the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Use Class E(b) permits the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.

The proposed layout places the food retail store in the western half of the site, with the footprint extending close to the southern boundary with Long Road with a service yard to the rear (north). The building has a footprint of circa 43m x 47m and sits between 3-7m from the edge of the public footway. The eastern half of the site is largely laid out to parking, with the proposed coffee shop to the rear (north) of the site. The coffee shop has a footprint of circa 11.5m x 16m. Access to the customer parking is via the existing Devonshire Retail Park service lane. Delivery access for the food store is proposed via a new access adjacent to the western boundary that provides access to a service yard and provides a sustainable travel modes and emergency link to the undeveloped land to the north of the site. There is also a central pedestrian link

proposed to the land to the north between the food store and the coffee shop, and a raised table zebra crossing is proposed linking eastwards across the existing service lane to the adjacent retail park.

In terms of scale and appearance the food store is single-storey and presents a similar form to the adjacent Devonshire Park retail development, with elevations finished in copper and black cladding under a low-laying grey panelled roof inset with solar panels. The sidewall height of the building is 6m and the upper height of the roof is 8m.

In terms of the coffee shop it is a small single-storey building, flat-roofed, finished in similar cladding panels, copper and black, echoing the larger food store and the adjacent retail park. The height of the coffee shop is 4m in height.

In terms of landscaping proposed planting is largely contained to the site boundaries with linear features of shrub planting, hedges, and interspersed native and ornamental tree planting.

In terms of wider matters, the public areas provide a total of 136 car parking spaces, which include 16 electric vehicle charging stations, 12 accessible (disabled) spaces, and 5 parent and child spaces. There are an additional 4 staff spaces within the service yard for the food store. Cycle parking is provided for staff for both units, and there is cycle provision for customers in two locations adjacent to the parking area.

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")
- The Paignton Neighbourhood Plan ("The Neighbourhood Plan")

Material Considerations:

- National Planning Policy Framework (NPPF) December 2024.
- National Planning Practice Guidance (NPPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.
- It is noted that the Government published a Draft NPPF in December 2025. This is currently a consultation document and therefore the 2024 iteration of the Framework is applicable for decision making at the time of writing.

Relevant Planning History

Applications

The site includes part of the “former Nortel” site that was identified under the consented mixed-use scheme (P/2014/0947 (as amended)). The following reserved matters applications are relevant from this context:

Reserved Matters Residential: P/2019/0278: Reserved Matters on application P/2014/0947 (Outline mixed use application for retail, business and residential uses with all matters reserved except for access (as revised by S73 applications P/2016/1372, P/2017/0123, P/2017/0571 and P/2017/1041)). Reserved Matters sought: Appearance, Landscaping, Layout & Scale for up to 255 Residential Dwellings (As revised by plans received 18.02.2021 and 18.03.2021).

Reserved Matters Retail: P/2018/0053: Reserved matters application re: P/2017/1041 Variation of condition on application P/2014/0947 (as amended by S73 applications P/2016/1372, P/2017/0123 and P/2017/0571): (Devonshire Park Housing/Commercial Project). Variation of condition 33 - Maximum retail floor space. Amendment sought: Increase total gross floor area of class A3 floorspace from 139sqm to 167sqm. Approved 20.08.2018

Pre-Application Advice

DE/2025/0123: Proposal: Construction of a 1997sqm food retail store with 186sqm coffee pod, and 137 space car park.

Summary Advice:

- There is scope to be flexible on retail planning issues, subject to mitigation of any town centre impact.
- The uses do not present great concern and the scheme would bring economic benefit through its construction and through employment when operational as a public benefit.
- Some central concern on the proposal’s implications on a consented housing scheme for 255 dwellings as, if consented and delivered, it would render the extant housing development undeliverable under the current consent due to impact upon the approved access to Long Road. Counter to this a scheme that helps unlock the residential development at Devonshire Park and improves highway access and pedestrian permeability is likely to be supported.
- Design concerns regarding the location of a building and design quality of the landscaping and any future pedestrian route.
- Support use of a Design Panel.
- Some concern around the amenity regarding potential residential and educational relationships that should be duly explored.

Summary of Representations

4 public representations have been submitted, 3 offering broad support and 1 objecting.

The following provides a summary of the main issues identified. Where appropriate the issues raised are discussed further in the Key Issues/ Material Considerations section of this report. The key points raised in the submissions are as follows:

- Supporting comments about the provision of an M&S and the benefits it would have for reducing travel, across Torbay to the Willows, reducing congestion and pollution.
- Support from South Devon College on the principle and the potential opportunity it presents to deliver positive enhancement to the local area. However, concerns also stated about potential impacts on the long-term expansion of the College, with concern on the orientation of the building and possible noise, light and traffic impacts, and seeks reassurance on the flood risk not being increased.

Objections on

- Impact of traffic and transportation),
- Impact on the environment (drainage),
- Impact on Noise Levels and Pollution.
- Safety of pedestrians

Case Officer comment: Planning consent would approve a use and not a particular user (brand/company). Hence any weight to the reference to the benefits of an M&S in this location should have due consideration that the planning judgment is for the use, accepting that future users may or may not be those stated in the submission.

Summary of Consultation Responses

The below offers a summary of the comments and key points. Full comments for all consultees are available to view on the Torbay Council Public Access file.

Torbay Council Highway Authority (SWISCo)

Based on the updated information received, the Highway Authority raises no objection to the proposals.

Torbay Council Drainage Engineer

Based on the updated information the drainage strategy is acceptable in principle based on the latest design, including updated hydraulic modelling, infiltration-led disposal, climate change allowance, urban creep allowance, and defined exceedance routing. However, final discharge of the condition should be subject to submission and approval of the detailed drainage design, to include:

- Final construction-level drainage layout and levels
- Detailed soakaway and SuDS construction details
- Sizing and detailed design of the proposed grey water harvesting system, noting that it has not been included in the current hydraulic calculations and must not compromise drainage capacity or system performance.

South West Water

In terms of surface water the applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

Torbay Council Community Safety Team

Recommend that if this application is approved then any contaminated land concerns should be addressed by the inclusion of a planning condition that ensures that no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority

With respect to noise given the close proximity to proposed future housing immediately adjacent to this site I would also recommend the inclusion of a planning condition that ensures that no development shall take place until an assessment on the potential for noise from the development affecting future proposed residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority.

Torbay Council Senior Tree Officer (Swisco)

Based on the updated landscape plans the species revisions are welcomed, and I am happy to support the application based on the proposed soft landscape works.

Devon County Council Ecologist

Based on the further information there is no objection on ecological grounds subject to conditions.

Suggested conditions:

- Vegetation clearance
- Accordance with the submitted Ecological Appraisal
- Reptile mitigation strategy submitted and approved
- Statutory BNG condition

In terms of Biodiversity Net Gain an 84.96% net loss is a significant deficit. Justification from the applicant has been provided as to why the site design cannot be altered to accommodate more onsite BNG delivery is required – the approach of offsite procurement of units is an acceptable method under BNG legislation, however it is still a decision for the LPA as to whether the need for the development outweighs the deviation away from the BNG hierarchy in this instance.

Devon Wildlife Trust

Object to the planning application, considering that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity. Recommend that the application is refused. Key information/actions required and recommended are provided, which include further reptile surveys, the BNG Metric provided in an Excel format, and recommendation to achieve a 20% biodiversity net gain.

Police Designing Out Crime Officer

Support the measures outlined within the Design Access Statement (Section 5.9 Site Security & Crime Prevention). Measures such as the shutters and opening should meet a nationally recognised security standard. All ground floor and easily accessible glazing should incorporate laminated glass or glass tested to BS EN 356:2000.

The simple design of buildings with little or no recessed areas are welcomed Unit B's open access around the unit should be reconsidered if not restricted already. It's noted

that there will be a 3-hour limit for the use of the car park, is this to be CCTV system should be considered.

Torbay Council Climate Emergency Officer

The submitted Energy Strategy (Cudd Bentley Consulting date 28-11-25) incorporates energy efficiency measures, renewable energy, sustainable design principles and measures into the design and construction of the development. It is proposed that the 2 units will achieve an EPC A and A+ rating. Through use of passive measures, an air source heat pump and 156.64 kWp Photovoltaic Panels an overall 92.97% energy reduction will be achieved. Paignton Neighbourhood Plan Policy PNP1(f) requires that 20% of the development's energy demand need to be met through renewable energy. The proposed development exceeds this requirement, achieving 55.98% of total energy demand from PV and ASHP.

In total the development is expected to see a 85% reduction in carbon dioxide emissions beyond current Part L 2021 Building Regulations.

To ensure these high standards are built into the development a planning condition to secure compliance with the submitted detail should be attached to any consent.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Development (Including Retail Impact)
2. Access, Movement and Highway Safety
3. Design and Visual Impact
4. Drainage and Flood Risk
5. Amenity Matters
6. Ecology and Biodiversity and Trees
7. Low Carbon / Climate Change
8. Contamination
9. Designing Out Crime

1. Principle of Development (Including Retail Impact)

Location, Brownfield and Employment Considerations

1.1 The proposal seeks planning permission for a 1997sqm retail unit (class E(a)) and an 186sqm coffee shop / restaurant (flexible Class E(b) and/or *sui generis*), delivered in two separate buildings. The principal retail building is consistently presented as a food convenience store within the plans and supporting documents.

1.2 In terms of the relevant context the site is a brownfield site within the urban area, which sits within the Whiterock Strategic Delivery Area (SDA) and the Brixham Road Future Growth Area (FGA), as identified across strategic policies SS1 and SS2 of the Torbay Local Plan.

1.3 In terms of the brownfield context and national guidance Paragraph 125(c) of

the NPPF articulates that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The proposal provides employment and seeks to ensure that any contamination from previous uses is appropriately addressed, and the development is therefore considered positively aligned with Paragraph 125 of the NPPF. As stated this should be given substantial weight.

1.4 In terms of the sites context in the Whiterock Strategic Delivery Area (SDA) and the Brixham Road Future Growth Area (FGA), as identified across strategic policies SS1 and SS2 of the Torbay Local Plan, these policies outline that the area is one of the broad locations for major growth in Torbay to accommodate demand for homes, jobs and infrastructure for the plan period. As previously developed land within such an area there is a broad expectation of, and support for, appropriate redevelopment of the site. In terms of the development being an employment provider and sitting within the recently introduced Class E “commercial class”, a new food store will also have an economic benefit as is a general provider of jobs. The development is therefore deemed, as a commercial use, broadly aligned with the growth objectives for major development, including employment uses, being in such an area. The development is, for these reasons, considered in broad alignment with strategic Policies SS1 and SS2 of the Torbay Local Plan.

1.5 In terms of the Paignton Neighbourhood Plan Area Wide Policy PNP1 seeks a balanced delivery of growth and supports proposals that provide new employment on sites able to meet infrastructure needs and biodiversity enhancement. There is general alignment with this policy. In terms of further relevant policy guidance PNP21 (White Rock and nearby areas) states that to secure job led growth and improved economic prosperity in a sustainable manner support will be given in the White Rock and nearby areas northward to development proposals, that where appropriate includes (a) secures the provision of new employment opportunities to keep pace with new home opportunities already achieved. The development, as an employment creator, presents development that is broadly aligned with the Neighbourhood Plan’s local area policy, and is considered to offer some balance where largescale new housing developments have, and are, coming forward within the area.

Retail Considerations

1.6 In terms of retail considerations both uses are Class E (Commercial, business and service) and are town centre uses. The context of the site is that it is not within a designated Town Centre (Main, District or Local Centre) and hence due consideration of retail and town centre policies contained within the Local Development Plan and in national guidance is relevant.

1.7 In terms of key national guidance Paragraph 91 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centres uses that are not within an existing centre. Paragraph 94 of the NPPF also states that applications for retail outside town centres should be accompanied by an impact threshold if the development is over a proportionate, locally set threshold, otherwise the default threshold is 2,500 sq m. Paragraph 95 of the NPPF confirms that

an application should be refused only if it fails to satisfy the sequential test or is likely to have a significant adverse impact. Policies TC1, TC2 and TC3 provide a similar “town centre first” approach and sets a local threshold of 500sqm for the requirement of a retail impact test. Considering local policy and national guidance, the sequential retail test and the retail impact assessment are both relevant to this application and are considered below.

1.8 The submitted Planning and Retail Statement (Mango: Dec 2025) includes a sequential retail test which assesses the suitability and availability of sites within nearby centres to accommodate the development. The assessment has considered 5 potentially suitable sites but concludes only 2 have the potential to accommodate the development (Crossways and Victoria Square). The assessment concludes that neither are suitable and available to accommodate the development, with Crossways being progressed by the Council principally for housing, and Victoria Square being identified within the Council’s Masterplan largely for leisure purposes and is not available, as it is being progressed by the Council. The Planning Statement concludes that the sequential retail test is considered passed and Officers do not oppose that conclusion.

1.9 A Retail Impact Assessment is also contained within the submitted Planning Statement in response to the development exceeding 500sqm of retail floorspace and being located outside of a defined retail centre. In terms of impact the assessment suggests the main impact will be on existing out-of-centre food stores set on (or close to) Brixham Road in the area, which generally operate as sporadic car-based developments, with a similar character whether they are located within defined Local Centres or not. This conclusion appears reasonable and is not contested by Officers, and the diversion of trade across multiple stores along the broader corridor of the Ring Road in Paignton, is not considered harmful due to its limited impact of the established “retail rich” character of the area.

1.10 In terms of retail impact upon Paignton Town Centre the submitted assessment suggests an impact of 3% on the convenience goods turnover of the centre. No observations have been provided by the Council’s Strategic Planning raising concern on the level of impact or raising a request for town centre mitigation funding (as outlined within the Council’s Adopted Planning Contributions and Affordable Housing Supplementary Planning Document (December 2022)). In the absence of stated concern the projected impact is not considered to present a significant adverse impact, which is the test in the NPPF, and hence this guides that the development should not be refused on retail impact grounds. The harm should however be considered within the wider planning balance, which will be considered later in this report.

1.11 As a point of note on retail impact there is general reference within the Retail Impact Assessment regarding the development’s impact based on the named store’s (M&S) likely trading competition. The conclusions of the assessment based on this should be given limited weight, this is principally due to the position that if granted the development would consent a “use” and not a “user”. i.e. any foodstore brand could operate from the development if consented, and indeed any form of E(a) use class operation (any use for the display or retail sale of goods, other than hot food, principally to visiting members of the public) could also operate if not expressly restricted.

1.12 Having regard to the above (1.11) as the submitted retail assessment has expressly contained its assessment to that of a food convenience store (and “high end” in that sector), there is clear uncertainty on the impact of other town centre uses or other uses, were they to operate out of the development. Considering the focus of the assessment and the uncertainty of the impact of other (non-food retail uses) it is considered reasonable any grant of planning permission restricts the principal buildings use to that which is presented and assessed (a food convenience store). A condition is therefore suggested as detailed at the end of this report, restricting the use notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.13 In summing up retail matters the development is considered broadly acceptable, as the sequential retail test is considered passed and the retail impact of the development would principally be on existing food stores that generally operate as car-based development sporadically set along the Ring Road in this area of Torbay.

Housing Delivery Impact

1.14 The site is not allocated for housing however it does partially encompass land subject to an extant housing permission to deliver 255 dwellings under a mixed-use outline consent on the former Nortel site and a subsequent Reserved Matters application. Possible impact on housing delivery is relevant, being mindful of the significant shortfall in the Council’s current 5-year housing land supply and the Council’s housing delivery test position.

1.15 The element of the consented development for 255 dwellings that is within this application site is the provision of a pedestrian/cycle/emergency access from Long Road, running North-South, approximately 3m wide with landscaping to either side. This route runs through the central part of the site of this application, roughly in line with eastern (principal) elevation of the proposed food store. It therefore could not be delivered if this current application is consented and built, which would render the permission unimplementable having regard to caselaw regarding “drop-in/overlapping” permissions (notably the decision of the Supreme Court in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30).

1.16 In light of the context above the implications of granting planning permission on local housing supply and specifically the aforementioned extant permission, and any future development of the land generally, should be considered as a matter of principle. A summary of the possible impacts is offered below.

1.17 Firstly as this report explores the proposal, if built, would principally render an extant scheme for 255 dwellings on land to the north undeliverable. However, that housing scheme has been approved for a number of years and has not been commenced and shows no sign of coming forward. Consideration should be given to the fact that this application would extinguish a consent for a significant amount of housing, however there is no indication that the housing scheme would be delivered were it to remain live. The current indication that the housing scheme is not going to be delivered, and this position is also suggested by the applicant as the landowner of both this application site and the site subject to the consented housing scheme.

1.18 Secondly, separate to the issue of the loss of a live housing consent, it is important to consider what impact the development may have on the site to the north coming forward for housing in the future. As detailed the proposed layout conflicts with the route expected for emergency access and pedestrian/cycle route, which supported a single main vehicular access off Brixham Road. The proposal has considered this impact and has engrained a similar route to the northern boundary as part of its layout, with detail that this is to be put for public adoption for future connectivity. As the development proposes and seeks to safeguard a similar access arrangement in terms of a pedestrian/cycle and emergency route, this should ensure that the grant of permission for the food store should not impact on the amount of housing that may be deliverable on the land to the north. This is considered a suitably positive outcome for the development context detailed above in light of the Council's housing land and supply positions.

1.19 On balance as the proposal safeguards a replacement route the impact of granting permission and extinguishing the consent is considered to have a very limited or neutral impact on housing delivery.

Summary on Planning Principle

1.20 Drawing the above matters together the principle of development is considered broadly aligned with the Development Plan and national guidance when considering the urban, brownfield context, for a site that lies within a locally identified Strategic Delivery Area and Future Growth Area. This being informed by the conclusions of there being no significant impact on retail centres, and there being a largely neutral impact on an adjacent housing site that benefits from planning permission, and which relies partly on land affected by this development proposal.

2. Access, Movement and Highway Safety

2.1 Paragraph 115 of the NPPF states 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 reflect current national guidance, 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 states 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.

2.2 In regard to the Development Plan Policy TA1 draws out a policy ambition to promote development in accessible locations and to promote sustainable modes of

travel, and to ensure development is safe and does impact the quality of life. Policy TA2 states that all development 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. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided. Policy TA3 and Appendix F of the Torbay Local Plan provides key policy guidance for parking within development, including advice on the provision of disabled parking and electric charging points.

Sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.

2.3 The development provides the following in support of sustainable travel modes:

- A central pedestrian access off Long Road providing direct and convenient access to the entrance of the food store.
- An east-west pedestrian route through the car park together with a crossing facility provided across the existing service lane for the adjacent retail park to the east, aligning and linking directly with the pedestrian boulevard that runs east-west along the front of the adjacent retail park.
- A central north-south pedestrian route through the site and between the foodstore and the coffee shop in the northern (rear) part of the site.
- A link provided between the site to the future residential development that is expected on land to the north, off the central pedestrian route in the site.
- A sustainable travel modes (pedestrian and cycle) link running north-south adjacent to the western boundary of the site linking Long Road to the future residential development that is expected on land to the north. This seeks to replicate the sustainable travel modes link that is part of the extant scheme for 255 dwellings approved under the outline and reserved matters approval for the “former Nortel site”, but in a new location, and is proposed for adoption and also incorporates emergency access capability.
- Staff cycle parking facilities for both retail units within safe and secure facilities.
- Public cycle parking facilities provided within legible and naturally overlooked locations.
- Electric vehicle charging facilities (16) provided within the parking proposals.

All matters considered the development is considered to provide an adequately positive response to prioritising sustainable travel modes and accords with ambitions of Paragraph 115(a) of the NPPF.

Safe and suitable access to the site can be achieved for all users

2.4 In terms of vehicular access for customers the development seeks to use the existing access off Long Road together with part of the existing service lane for the adjacent retail park. The access from the existing service lane is considered to be safe and suitable for customer vehicle movement and the delivery requirements of the coffee shop, principally due to its limited size.

2.5 In terms of pedestrian and cycle access as previously detailed in paragraph 2.2 pedestrian access is provided within a central location off Long Road close the main

entrance to the food store, and there are also convenient cycle parking facilities for customers along the entrance.

2.6 In terms of access for deliveries the food store is supported by a service lane to the west that serves a contained rear service yard. The access route includes dropped kerbs for footway users along Long Road, maintaining the ability for all users to cross the new junction, and this ensures the delivery requirements of the larger store avoids conflict with cars and pedestrians within the main car park, which is positive.

2.7 In terms of potential future access if the land to the north delivers housing the layout proposes two access points, replacing one pedestrian/cycle/emergency access with a pedestrian/cycle/emergency access and a pedestrian access. There is some betterment here in terms of providing two possible routes.

2.8 Considering the outcomes above, the access proposals are deemed safe and suitable and are supported and are deemed to accord with ambitions of Paragraph 115(b) of the NPPF.

The design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance.

2.9 The layout includes a service lane and pedestrian/cycle/emergency access to land to the north and the submitted road adoption plan details this is proposed as an adoptable element, responding to its' status as a key north-south link to a future residential development. The design is considered acceptable and this element, including its adoption, is supported by the Highway Authority. Considering the importance this link could provide in terms of helping to unlock the land to the north it is considered essential to attach highway-based conditions to secure adequate technical oversight to ensure this element is built to adoptable standards if the process is not secured through a s38 highway agreement at the point of commencement.

2.10 In terms of the pedestrian routes through the scheme the north-south and east-west routes are considered acceptable and will provide legible and usable pedestrian routes through the proposed development.

2.11 The parking layout is considered suitable for its proposed use, with sufficient space for vehicles to pass and maneuver in and out of the demarked spaces. The level of parking proposed, which is 140 spaces in total, closely aligns with the expectations for convenience stores over 1000sqm that is outlined within Appendix F of the Torbay Local Plan. The Policy recommends the provision of 1 parking space per 14sqm of gross floor space. The application is supported by a parking assessment using TRICS to understand the maximum parking demand that could be generated by the proposed development, and this shows a peak parking demand estimated of 73 vehicles on weekdays and 100 vehicles on weekends. The Highway Authority are satisfied with the level of parking to be provided and the conclusions on likely demand. In terms of the detailed arrangement the proposed layout provides 12 accessible spaces, 5 parent and child spaces, and 16 electric vehicles charging points/spaces. Appendix F recommends up to 10% of spaces within development are accessible/disabled spaces, the development provides slightly less than 10% but this level is considered

acceptable supported by the stated action of reviewing this within a revised Travel Plan. A planning condition to secure a revised Travel Plan and review of the use of spaces is suggested, as detailed within the proposed conditions at the end of this report.

2.12 In terms of other transport elements as detailed in 2.3 the layout provides both customer and employee cycle parking and the layout and amount of provision is considered suitable for the scale of development, with customer cycle parking legible and in areas with natural surveillance, and employee cycle parking in more discrete, contained areas. In terms of offsite elements improvements to the bus stop opposite the site has been introduced, as has improved crossing facilities across Long Road east of the site. These elements are welcomed and the work can be secured under highway agreements to secure suitable standards of design.

2.13 Considering the outcomes above, the design and standards of the development are supported and are deemed to accord with ambitions of Paragraph 115(c) of the NPPF.

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

2.14 The application is supported by transport Assessment and a subsequent Transport Note that responds to matters raised by the Highway Authority regarding assessment of impact upon the highway network. The Highway Authority has considered that the information details the theoretical worst-case scenario on capacity and in that context considers that the results do not generate a significant concern to the Highway Authority.

2.15 In terms of highway safety the access points are suitably designed and considered safe. Amendments to the landscaping have also been made to address concerns about visibility when exiting the new junction for the service road.

2.16 In terms of other matters advancement of measures to improve the vision and facilities for non-car modes has resulted in the introduction of improvements to the west-bound bus stop near to the site and the introduction of an uncontrolled pedestrian crossing point across Long Road. These elements are supported, however the Highway Authority has requested that the road crossing should be assessment via a Road Safety Audit during periods of normal traffic conditions. This should be secured via a planning condition.

2.17 Considering the above the development is considered to accord with ambitions of Paragraph 115(d) of the NPPF.

Summary of Highway and Movement Matters

2.18 Considering the points above, the development is considered safe and suitably design for all users and does not present a significant impact on the highway network. The development is therefore considered adequately aligned with Policies SS11, TA1, TA2, TA3 of the Torbay Local Plan, and guidance contained within the NPPF. Having

regard for guidance contained within Paragraph 116, it is deemed acceptable subject to planning conditions outlined within this report.

3. Design and Visual Impact

3.1 Achieving good design is a central thread within national guidance and the NPPF offers key guidance on this. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The Paragraph 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. Paragraph 135 adds further key guidance including that on functionality, adding to the overall quality of an area, responding to local character and being visually attractive as a result of architecture, layout and landscaping, and creating safe and inclusive places. 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'.

3.2 There is consistency with the NPPF across Local Plan Policies SS11 and DE1. Policy SS11 states that development must help to create cohesive communities within a high-quality built and natural environment. The policy also includes expectations for development to help develop a sense of place and local identity, deliver development of a type, scale, quality, mix and density appropriate to its location, and protect and enhance the natural and built environment. Policy DE1 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.

3.3 In regard to the Paignton Neighbourhood Plan Policy PNP1(c) is the key policy tool within the Paignton Neighbourhood Plan and cites that development must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings

Layout

3.4 In terms of access the development utilises the existing vehicular access and service road for the adjacent retail park and includes a pedestrian link across this existing service road to the adjacent retail park. This access arrangement is considered a reasonable principle and is suitably supported by a central pedestrian access from Long Road. There is also a central pedestrian link proposed to the north to link to any future residential development, which is also welcomed in terms of possible future integration and access to local walkable destinations. The provision of a pedestrian/cycle and emergency access from Long Road to the northern site boundary is also welcomed along the western edge of the site, as again this responds positively to the potential residential redevelopment of the land. Although the location of this route is adjacent to a service lane and opposite a largely inactive elevation of the food store, it is on balance considered an acceptable layout where the route is a relatively short one.

3.5 In terms of the general arrangement of buildings and spaces the food retail store is located in a prominent position where it extends close to the southern boundary of the site with Long Road. This presents some broad conflict with the general character of the area, where buildings are generally set back from the public highway and present a relatively open street scene with landscaping and/or parking provided between buildings and the public highway. In terms of design implications due to the close proximity of the building to the highway there is limited potential to soften the presence of the building with limited scope to screen or soften the building through enhanced landscaping beyond the boundary treatment of hedging shrubs and trees that are proposed. It is also appreciated that there is principally no screening as the building is approached from the west with views towards the more inactive rear/side elevation and corner. Counter to these concerns the building will provide a 'bookend' enclosure to the site when it is experienced as part of the wider, quite linear, Devonshire Park development, and it would in turn reduce the extent of parking addressing Long Road across the two developments. This holds some design benefits. In addition, it is appreciated that the outline consent for the wider former Nortel site depicted business uses extending close to the boundary with Long Road, which presents some precedent to the principle of buildings extending closer to the public borders than generally found. It is however appreciated that the business uses previously depicted where more office based in character, which somewhat offered the suggestion of more uniform active frontages in all directions than the current use expresses. All matters considered though, on balance the general layout for the principal unit is considered acceptable.

3.6 In terms of the secondary unit, the coffee shop set to the rear of the plot, it is relatively diminutive in scale but would provide supportive activity and interest between the principal unit and the existing retail park to the east.

3.7 In terms of further matters of layout of the space around the buildings presents a coherent arrangement to the parking and movement routes, as there are coherent east-west and north-south pedestrian routes through the site that provides suitable access and links to existing and possible future developments.

Scale

3.8 The scale of both buildings are characteristic of the area and present some immediate correlation to the adjacent retail park, which itself holds a principle building block with a secondary subordinate building (also a coffee shop). There is also some broad alignment with the commercial scale of buildings within the immediate business parks, and appreciation that there is the more visually dominant scale to the South Devon College buildings to the west.

3.9 All matters considered regarding scale the development is considered to respond positively to its context and is comfortably aligned with Policy DE1 (Criterion 14) of the Torbay Local Plan that seeks development proposals to "relate to the surrounding built environment in terms of scale, height and massing", and Policy DE4 of the Torbay Local Plan, which states that "The height of new buildings should be appropriate to the location, historic character and the setting of the development", and furthers that "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.

Appearance

3.10 The design concept is relatively contemporary and echoes the recently built retail park to the east with a general design and similar external materials being used. Considering the close proximity of the development to the adjacent retail park, and its integration through utilising a joint access point, closely reflecting the design outcome is considered a suitable response to the context.

3.11 for the reasons above the development is considered suitably aligned in terms of appearance with the design outcomes expected through Policy DE1 of the Torbay Local Plan, PNP1(c) of the Paignton Neighbourhood Plan and guidance contained within the NPPF.

Landscaping

3.12 The site is presently cleared and holds limited scrub vegetation. In terms of the proposed landscaping the built form is to be softened largely through boundary hedge and tree planting along the eastern and southern boundaries facing the retail park and Long Road respectively. Within the site soft landscaping is more limited due to the provision of the building, parking and circulation routes. There is however planting to soften and screen views towards the service yard together with some further boundary planting within the setting of the smaller coffee shop to the rear of the site, with a mix of shrubs, hedging and trees.

3.13 The landscape proposals have been reviewed by the Council's Senior Tree Officer and following some initial comments the revised plans are now supported following positive revisions to the tree species and information on planting detail.

3.14 In terms of a response to context Long Road offers a general character of a wide avenue that is largely framed by trees and landscaping set within the private land of largely commercial properties. The layout and landscape proposals of this development is considered to offer a generally positive response to this context when considering the planting proposed along the southern and, to a degree, the eastern boundaries of the site. Softening within the plot is limited, however the site is not extensive and hence on balance the extent of non-softened parking is considered acceptable.

3.15 Considering the points above the landscaping proposals are considered on balance to be acceptable and in broad accordance with Policy DE1 of the Torbay Local Plan and guidance contained within the NPPF.

Conclusions

3.16 To conclude on matters of design and visual impact the layout generally responds positively to the site's constraints and on balance the position of the larger building is considered acceptable with regard to previous planning decisions on part of the site and the counter benefits of reducing the linear expanse of parking that the

development combined with the retail park would present (and to a lesser degree the parking within the College site to the west). The scale, materials and landscaping are, as concluded above, considered suitable in the context.

3.17 All matters considered, the proposal is considered acceptable in design terms as it is in broad accordance with the aspirations of Policies DE1 and DE4 of the Local Plan, Policy PNP1(c) of the Neighbourhood Plan, and guidance contained within the NPPF, for the reasons stated above.

4. Drainage and Flood Risk

4.1 The site is located within Flood Zone 1, indicating a low risk of flooding, however areas of the site are identified as being susceptible to surface water flooding as identified within the Environment Agency flood risk mapping. The site also sits within the bay-wide Critical Drainage Area.

4.2 Key national guidance is provided in Paragraph 170 of the NPPF, which guides that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future), and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Detailed guidance is also contained within Paragraph 181, which guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and furthers that development should only be allowed in areas at risk of flooding where, in the light of assessment (Flood Risk), and the sequential and exception tests where applicable, it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; home site, where the sequential and exception tests should be applied as appropriate.
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

Paragraph 182 of the NPPF further guides that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;
- b) have appropriate proposed minimum operational standards; and
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

4.3 In regard to the Local Plan, Policy ER1 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, which is aligned with guidance contained within the NPPF. Policy ER2 states that all development should seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water should discharge to (in order of priority) i) sustainable infiltration systems, ii) water courses, iii) surface water sewers or highway drains, or iv) combined sewers. The Torquay Neighbourhood Plan is principally silent on drainage in terms of direct policy guidance.

4.4 The proposals are supported by a Flood Risk Assessment and drainage strategy for the management of surface water using Sustainable Urban Drainage (SUDs) principles, principally through a below-ground crated soakaways, with detail amended through the course of the application seeking to address consultee responses relevant to drainage and flood risk.

4.5 The Council's drainage engineer has considered the revised detail and following initial concern on the level of information it is now concluded that the proposals are acceptable in principle, having considered the latest design, updated hydraulic modelling, infiltration-led disposal, climate change allowance, urban creep allowance, and defined exceedance routing. There is now no objection from the Council's Drainage Engineer, as the Lead Local Flood Authority, to the grant of planning permission being subject to a planning condition to secure the submission and approval of:

However, final discharge of the condition should be subject to submission and approval of the detailed drainage design to include:

1. Final construction-level drainage layout and levels,
2. Detailed soakaway and SuDS construction details,
3. Sizing and detailed design of the proposed grey water harvesting system, noting that it has not been included in the current hydraulic calculations and must not compromise drainage capacity or system performance.

4.6 South West Water acknowledges the proposals accord with the drainage hierarchy, do not object, and advise that the details should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. Their comments are satisfied with support from the Council's drainage team as the Lead Local Flood Authority.

4.7 The development is considered in accordance with Policies ER1 and ER2 of the Torbay Local Plan and guidance contained within the NPPF and is considered acceptable on drainage and flood risk grounds.

5. Amenity Matters

5.1 The NPPF guides (Paragraph 135) 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.

5.2 In terms of the local development plan Policy DE3 states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

5.3 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 protect residential amenity in terms of noise, air, or light pollution. In terms of amenity the NPPF seeks to promote well-designed places that amongst other things achieve a high standard of amenity for existing and future users.

5.4 In terms of the site's context to the north there is vacant land that presently benefits from an extant planning consent to deliver 255 dwellings. As detailed within this report the proposed development would present implications on the delivery of that extant consent, however in the context it is deemed reasonable to consider a future residential use of the land and dwellings within relatively close proximity of this proposed development. Considering the proposed layout and scale the development is unlikely to present undue impact upon possible future residential environment in terms of outlook, natural lighting or privacy. In terms of noise and disturbance there is potential conflict between commercial and residential uses and this matter has been raised by the Council's Senior Environmental Health Officer, with it being recommended that a noise assessment is undertaken, secured via a planning condition, which should secure mitigation measures if found necessary. There is acoustic fencing proposed along the border to align with that provided as part of the design to mitigate the adjacent retail park's potential noise and disturbance.

5.5 In terms of the site context to the east and south there are existing commercial developments set across a service lane (east towards the existing Devonshire Park retail development) and across Long Road. These premises and their occupiers would not be unduly impacted considering the form of development being proposed and the relationships.

5.6 To the west sits a car park that is part of the South Devon College campus. The development would present no undue impacts on this current use. Comments have been received from the College offering general support but raising concerns around future compatibility considering possible redevelopment of the land adjacent to the proposed (food) retail store under the adopted Local Development Order (LDO). The LDO presents broad flexibility to deliver additional educational facilities and student residential accommodation across the site for a period of 15 years from May 2016. Key concerns regarding amenity are regarding outlook and the form of the building facing the College, and noise and disturbance from lighting and use of the service road. There is currently no certainty that the site context will change under the provisions of the LDO. There is also broad flexibility for the College to bring forward educational, multi-floored parking, or accommodation on the land, hence the form and future sensitivity of development is unknown. As the larger building is set across a service lane and pedestrian/cycle access, considering its height and general massing, it is not considered unduly dominant and would not present a relationship that would unduly impact the potential redevelopment of the adjacent site. The impact of the service lane and delivery yard is also unlikely to unduly impact the potential

redevelopment. As detailed in 5.4 a condition is recommended to consider noise impacts and the relationship to the west is unlikely to be more sensitive than the already highlighted requirement to ensure no undue impacts on the expected nearby residential use.

5.7 In terms of adjacent uses and occupiers the construction phase will naturally have some temporary impacts however such impacts are not unusual and the degree of impact can be appropriately managed through restricting hours of construction and agreeing processes to limit delivery and construction movement, construction noise, and parking impacts through a planning condition to agree a Demolition and Construction Management Plan.

5.8 Given its siting, scale, and design, it is considered that subject to a noise assessment and securing any mitigation measures that are recommended through the assessment, the proposal would not result in any unacceptable harm to the amenities of neighbouring uses or future occupiers., presenting development that accords with Policies SS11, DE1 and DE3 of The Local Plan and guidance contained within the NPPF.

6. Ecology, Biodiversity and Trees

6.1 Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy SS8, particularly criterion 1, of the Local Plan states sites, species and habitats protected under European, or equivalent legislation will be protected from development. Development around the edge of the built-up area will be required to protect and manage wildlife and habitats, including corridors between them, in accordance with Policy NC1 of the Local Plan and particular attention must be paid to Greater Horseshoe Bat flightpaths.

6.2 Policy PNP1(c) of the Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal safeguard biodiversity by ensuring that layout and design will protect existing features of biodiversity value on site and biodiversity connections with related sites.

6.3 Paragraph 187 of the NPPF guides that planning policies and decisions should contribute to and enhance the natural and local environment, and includes (d) by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

6.4 In terms of biodiversity, Biodiversity Net Gain (BNG), is a legal requirement under the Environment Act 2021, mandating all development (subject to exemptions) in England to deliver at least a 10% increase in biodiversity.

6.5 The site is lies on the edge of the Greater Horseshoe bat Sustenance Zone for South Hams SAC and also falls within the Greater Horseshoe bat Landscape Connectivity Zone. However the site is located within existing settlement, is surrounded by existing developed areas, and it does not contain any habitat that could

provide potential foraging habitat for greater horseshoe bats, or contain any existing hedgerows, tree lines or other vegetated corridors that could provide important commuting routes. Due to the context it is unlikely that the development would have any significant effect of the Greater Horseshoe bats associated with the Berry Head roosting colony / South Hams SAC.

6.6 In terms of birds suitable nesting habitat has been identified on site, however potential impacts can be managed by a planning condition to ensure vegetation clearance is undertaken outside of the nesting season unless advised otherwise by a suitably qualified ecologist that clearance would not disturb nesting birds. In terms of curlew buntings it is determined that there is no suitable habitat on the site.

6.7 In terms of reptiles the grass and scrub provide potential habitat notwithstanding the sites contained urban setting. The submitted Ecological Appraisal presents a framework for sensitive operations, which is supported by the County Ecologist, however a further condition is recommended to secure a reptile mitigation strategy prior to the commencement of development.

6.8 in terms of other matters badgers are not evident but there is suitable habitat for hedgehogs. The submitted Ecological Appraisal provides suitable framework of protection and/or mitigation as required.

6.9 In terms of biodiversity the application would be subject to mandatory biodiversity net gain (BNG), which sets a minimum benchmark of +10% for all major development, unless subject of express exemptions. The Biodiversity Net Gain Assessment report states that for the baseline a total of 2.8 habitat units are present. The proposal would result in the loss of 2.38 habitat units resulting in 84.96% net loss in biodiversity. This net loss is a significant deficit and the approach of offsite procurement of units is an acceptable method under BNG legislation. In terms of the wider benefits of the development, it is considered acceptable to provide off-site BNG net gain in this instance.

6.10 There are no trees on the site. and the NPPF (Paragraph 136) guides that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. The development does provide tree planting within the somewhat modest, but acceptable, landscape proposals.

6.11 There is no objection not the grant of planning permission from the County Ecologist, and matters raised by the Devon Wildlife Trust are considered adequately addressed through the progression of the information package submitted. The Council's Tree Officer also does not object to the proposals.

6.12 Considering the above subject to the recommended conditions, the proposal is in-line with the aspirations of Policies NC1 and SS8 of the Torbay Local Plan, The Paignton Neighbourhood Plan, and guidance contained within the NPPF.

7. Low Carbon / Climate Change

7.1 The NPPF, as detailed in Paragraph 161, guides that the planning system 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,

7.2 Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' 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 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required.

7.3 Policy PNP1(e) of the Neighbourhood Plan states that new commercial development should aim to achieve where appropriate and subject to viability the highest standards of sustainable construction such as Passivhaus or EnerPHit. Policy PNP1(f) of the Neighbourhood Plan states that new development should aim to achieve where appropriate and subject to viability:

- i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change;
- ii) the use of reclaimed materials and natural finishes;
- iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development;
- iv) on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area;
- v) connecting cycleways and footpaths where development involves new road infrastructure;

7.4 The application is supported by an energy strategy that incorporates energy efficiency measures, renewable energy, sustainable design principles and measures into the design and construction of the development. It is proposed that the 2 units will achieve an EPC A and A+ rating. Through use of passive measures, an air source heat pump and Photovoltaic panels an overall 92.97% energy reduction will be achieved.

7.5 Paignton Neighbourhood Plan Policy PNP1(f) requires that 20% of the development's energy demand need to be met through renewable energy and the proposed development exceeds this requirement, achieving 55.98% of total energy demand from PV and ASHP. In total the development is expected to see an 85% reduction in carbon dioxide emissions beyond current Part L 2021 Building Regulations.

7.6 considering the matters outlined above the energy and carbon reduction measures are considered satisfactory and in accordance with the ambitions of Policy PNP1(f), Policies SS14 and ES1 of the Local Plan and the guidance contained within the NPPF. The proposed measures can be secured by a planning condition.

8. Contamination

8.1 The NPPF guides through Para 196 that Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The Torbay Local Plan presents similar ambitions through Policy ER3.

8.2 The site is cleared of buildings however its previous commercial use, where it was part of the former Nortel site, presents some potential for ground contamination.

8.3 The application holds supporting information regarding risks of contamination and the application has been assessed by the Council's Senior Environmental Health Officer (EHO). The submitted detail recommends that further ground investigation is undertaken by means of additional boreholes, particularly in and around the footprint of the proposed buildings. The conclusion is supported by the Council's EHO and there is a recommendation for a condition for no development to take place until a site investigation of the nature and extent of contamination has been carried out, which shall be in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

8.4 Considering the received comments it is considered that a planning condition/s could be attached to a grant of planning permission to adequately manage risks from contamination on both groundwater and future occupiers and accordance with ER3 of the Torbay Local Plan and guidance contained within the NPPF.

9. Designing Out Crime

9.1 Policy SS11 of the Torbay Local Plan includes guidance that the assessment of development proposals shall include whether development helps to reduce and prevent crime and the fear of crime whilst designing out opportunities to crime, antisocial behaviour, disorder and community conflict.

9.2 Policy PNP1(g) of the Paignton Neighbourhood Plan states that all developments will be expected to show how crime and the fear of crime have been taken into account in the proposals submitted having regard to “Designing out Crime” guidance.

9.3 The application is supported by proposals to address site security and crime prevention, as detailed within Section 5.9 of the submitted Design and Access Statement. The detail outlines principles engrained within both the layout and building design and broadly outlined that (a) the general layout of the development is relatively simple and easy for customers to understand, and it is clear where they should and shouldn't be, and this also eases management of the site, and that there are relatively few areas where criminal activity could occur unobserved. It also details a number of physical measures within the buildings to reduce crime and the susceptibility to crime.

9.4 Comments have been provided by the Police Designing out Crime Officer and there is broad support, however in terms of antisocial behaviour, there is a concern with regards to Unit B, which appears to have an open access around the unit. The advice is that access should be more controlled to the private side/rear areas and controlled by means of a gate or similar. This matter has been addressed by the applicant with revised plans showing a secure paladin fence that provides adequate security and a layout that is less susceptible to crime and/or antisocial behaviour.

9.5 Subject to a planning condition to secure the measures outlined within the Design and Access Statement, the proposal is considered to accord with Policy SS11 of the Torbay Local Plan and Policy PNP1(g) 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. Each of which shall be discussed in turn:

The Economic Role

Job creation is a driver of economic growth and there would be significant economic benefits from both the construction phase and operational phase.

There is however a negative economic impact in terms of the impact upon the Paignton Town Centre, however that is not deemed significant.

Community Infrastructure Levy of £261,960 would be paid to the Local Authority which would provide significant funding for public infrastructure.

In respect of the economic element of sustainable development the balance is neutral to slightly positive in favour of the development.

The Social Role

A key social benefit of the proposed development is the delivery of job opportunities in the local area and provision of services for local residents, however in terms of

access the benefit is limited due to the extent of food retail in the vicinity of the development and the presence of a coffee shop in the vicinity. There would however be improved choice in the assumption that operators would not be those already in the area.

The impact of housing delivery is a significant consideration where applicable where there is a substantial shortfall in housing delivery and housing land supply in Torbay. It is deemed that the development would render the extant scheme for 255 dwellings the land to the north unbuildable considering the impact of the proposal as a “drop-in” permission, which conflicts with delivery of the consented cycle/pedestrian and emergency access for the housing site to Long Road. The weight of the negative impact is however muted by the development safeguarding a replacement access further west than the route that was consented. Although this would mean the extant permission would fall-away, it should safeguard the possibility to deliver a similar level of development on the land in a future application, subject to considerations at that time.

Community Infrastructure Levy of £261,960 will provide significant funding for public infrastructure.

In light of the above the social role is considered neutral to slightly positive in favour of the development.

The Environmental Role

In terms of the environmental role of sustainable development impact upon species will be mitigated/managed through planning conditions and hence impacts would be largely neutral.

In terms of biodiversity a 84.96% net loss is a significant deficit, however there is a statutory requirement to deliver a 10% net gain. Although not on site the 10% net gain is a positive that sits in the scheme’s favour.

In terms of flooding the development sits neutral where it manages surface water run-off on site, to a design specification that responds to climate change and the 1-in-100 year flood event.

The development would also revisit contamination and would address any lingering contamination from the previous use that has not already been addressed through the partial clearance of the site. This is a positive environmental outcome.

There is significant energy saving / carbon reduction measures that can be captured via a planning condition. This is a positive aspect of the development.

It is concluded that the environmental impacts of the development weigh largely neutral to slightly positive within the planning balance.

Sustainability Conclusion

The development is considered sustainable development when the three strands of sustainable development are considered in the round.

Local Finance Considerations

S106:

Site Acceptability: None.

Affordable Housing: N/A.

Sustainable Development Obligations: N/A as CIL Liable development.

CIL:

Retail floorspace is CIL liable at £120 per sqm.

The total liability is circa **£261,960** based on the development delivering 2,183 square metres of liable floorspace, as detailed within the submitted CIL form.

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.

HRA:

Aspect Ecology completed a HRA screening in November 2025 which concluded the proposal is unlikely to result in any likely significant effect on greater horseshoe bats associated with the South Hams SAC. The Local Planning Authority concurs with this assessment.

Planning Balance

The development will utilise a redundant cleared brownfield site and there would be some urban design benefits from the provision of the development, which is a benefit. The redevelopment would also address any lingering contamination from its former use. These are positives that weigh in the developments favour.

The provision of the retail facilities in the areas will provide additional choice for customers, however the impact is relatively neutral as there is numerous food stores and choice within the area, and the development would not overtly address poor or car dependant access for nearby residents.

The development will provide local economic benefits through both the construction and operational phases in terms of employment and local spend within the economy, which weigh in favour of the development.

Biodiversity loss on the site will be address through the statutory requirement for a 10% nett gain, however as this will principally be provided off site there is a local deficit

to biodiversity. There are hence both positives and negatives to this environmental outcome.

In terms of further environmental outcomes flood risk will not be increased by the development and this sits as a neutral factor.

Traffic impacts are considered neutral with positive impacts through crossing and bus stop infrastructure, and negative impacts from a degree of extra pressure on the nearby light controlled junction.

The impact on housing supply is principally a considered a neutral factor. As this report explores the proposal, if built, would principally render an extant scheme for 255 dwellings on land to the north undeliverable. However, that housing scheme has been approved for a number of years and has not been commenced and shows no sign of coming forward. In addition the scheme safeguards a similar access arrangement in terms of a pedestrian/cycle and emergency route. This should ensure that the grant of permission for the food store should not impact the amount of housing deliverable on the land to the north. On balance as the proposal safeguards a replacement route the impact of granting permission and extinguishing the consent is considered to have a very limited or neutral impact on housing delivery.

As a final matter the development would trigger a CIL payment of £261,960 based on the development delivering 2,183 square metres of liable floorspace, as detailed within the submitted CIL form. This would provide significant funding for community infrastructure.

In conclusion, it is considered that the planning balance weighs in favour of the proposal.

Statement on Human Rights and Equalities Issues

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

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

Proactive Working

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 sought to work positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. Proactive working has been undertaken under agreed extensions of time to determine the application.

Conclusions and Reasons for Decision

The proposal is in broad accordance with the development plan where the site sits in a Strategic Delivery Area and Future Growth Area is identified through the Torbay Local Plan, which is an area identified for growth delivering homes, employment and infrastructure.

There is some tension with “centre first” retail policies however it has been concluded that there are no sequentially preferable sites and there is not a significant impact upon centres.

There are some palpable benefits in terms of the economy and employment, and several outcomes considered acceptable subject to mitigation and planning conditions (ecology, flood risk, low carbon, secure design etc).

When considered in the round the development is deemed sustainable development that accords with the Development Plan (the Torbay Local Plan and the Paignton Neighbourhood Plan), and accords with the NPPF, and material considerations support that it would be in the public interest to grant planning permission.

Officer Recommendation

Approval: Subject to:

1. Conditions Listed

Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Director of Place Strategy.

Conditions

1. Construction Management Plan (PC)

Prior to the commencement of development including site preparation and vegetation clearance works, a site specific Construction Management Plan shall be 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. (add ref to BS std)
- 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 and PNP1(c) of the Paignton Neighbourhood Plan and guidance contained within the NPPF.

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

2. Contamination (PC)

Prior to the commencement of development, a site investigation of the nature and extent of contamination shall be carried out in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.

The results of the site investigation shall be submitted to and approved by the Local Planning Authority before any development begins. If contamination posing unacceptable risks is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.

If, during the course of development, contamination posing unacceptable risks is found, which has not been identified in the site investigation, additional measures for the remediation of this shall be submitted to and approved in writing by the Local

Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.

Reason: To protect the environment and human health, including controlled waters, in accordance with Policy ER3 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

These details are required pre-commencement as specified to protect the environment and human health from building operations or site preparation.

3. Noise (Pre-FFL)

No development above the finished floor level shall take place until an assessment on the potential for noise from the development affecting future proposed residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority. The assessment shall include noise from plant and ventilation/extraction equipment.

If the assessment indicates that noise from the development is likely to affect neighbouring future residential properties then a detailed scheme of noise mitigation measures shall be included and approved in writing by the Local Planning Authority prior to the commencement of the development above finished floor level.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development, and shall be implemented in full prior to the first use of each building where they form part of the building structure, and prior to the first use of either building if the measures are not part of the building structures. The measures shall be permanently maintained thereafter.

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

Reason: To protect amenity, in accordance with Policies SS11 and DE3 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

4. Vegetation clearance

No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay local Plan 2012-2030, PNP1(c) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

5. Accordance with Ecological Appraisal

Development shall be carried out in accordance with the actions set out in the Preliminary Ecological Appraisal by Aspect Ecology and any measures required under licence from Natural England.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay local Plan 2012-2030, PNP1(c) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

6. Reptiles (PC)

Prior to the commencement of development a reptile mitigation strategy shall be submitted to and approved in writing. The development shall proceed in full accordance with the approved reptile mitigation strategy.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay local Plan 2012-2030, PNP1(c) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

These details are required pre-commencement as specified to afford due protection to wildlife from building operations or site preparation.

7. Highway standards

Prior to the first use of the development the construction of the internal roads and footpaths within the internal layout hereby approved shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction.

Reason: To ensure highway safety is not impaired, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

8. Adoptable streets and phasing of link

No development relating to the creation of the service road and pedestrian/cycle/emergency link to land to the north, to the west of Unit A (proposed food retail store), as identified within the road adoption plan, shall be commenced until either the road and pedestrian/cycle/emergency link are both subject to a completed agreement under Section 38 Highways Act 1980 or full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. Unless the roads are subject to a completed agreement under Section 38 Highways Act 1980 the development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority, up to the northern boundary of the site, prior to the first use of the Unit A (food store).

Reason: In the interest of highway access, connectivity and sustainable travel, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

9. Management and maintenance of roads

Unless the service road and the link (pedestrian/cycle/emergency vehicle link) identified within the submitted and approved adoption plan are subject to a completed agreement under Section 38 Highways Act 1980 no works shall be carried out for the formation or construction of either unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management

Scheme and public access plan to secure the effective management and maintenance of the road and public access unencumbered up to the northern boundary of the site.

Where it is proposed that the service land and link shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for;

- (a) Setting up a company or other entity to be responsible for the on-going management and maintenance of the road (the "Management Body").
- (b) How the company and the future management and maintenance of the road is to be financed including initial capital investment with subsequent funding.
- (c) The rights for and obligations on the Management Company to manage and maintain the road.
- (d) A road management and maintenance schedule.

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense shall be permanently maintained to an adoptable standard and the link (pedestrian/cycle/emergency vehicle link) shall be retained and made available for public use for the lifetime of the development.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

10. Highway Works

The development shall not be occupied until the proposed works to the highway, as detailed on Plan Reference 240217-010 Rev C (contained within the submitted and approved Technical Note TN01 – Response to LHA Comments: Connect Consultants Dated 14.04.2026), have been completed, which include:

- 1. the creation of the western access junction and pedestrian crossing,
- 2. upgrades to the existing bus stop, to include yellow cage markings and raised high access kerb, and
- 3. new uncontrolled pedestrian crossing adjacent to Waddeton Road,

Reason: To secure necessary works to the public highway to deliver a safe and accessible form of development, in accordance with Policy TA2 of the Torbay Local Plan and guidance contained within the NPPF.

11. Travel Plan

Prior to the first use of the development 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 Plan shall include measures to monitor and review and provide actions as necessary regarding the provision of disabled parking spaces (that are initially provided at less than 10% of the overall provision), and measures shall be implemented and reviewed as approved.

Reason: To ensure sustainable travel modes are duly promoted, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

12. Road Safety Audit

In accordance with the submitted technical note (TN01 – Response to LHA Comments) and its enclosed Road Safety Audit, prior to the first use of the development a repeat Road Safety Audit shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in accordance with measure suggested and agreed with the Local Planning Authority through this Road Safety Audit.

Reason: In the interests of highway safety SS11, Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

13. Boundary Treatment/Hard Surfaces PD Removal

Notwithstanding the provisions of Part 2, Class A and Part 7, Classes B, C, D and E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending or revoking the Order, no boundary treatments or hard surfaces, other than those shown on the plans hereby approved, shall be installed at any time 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 and DE3 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

14. Hard and soft landscaping and maintenance

The hard landscaping shall be constructed as approved prior to the occupation/use of the development in any phase. The soft landscaping of a phase shall be planted in the first planting season following the occupation/use of the development or completion of the phase of the development to which it relates, whichever is the sooner, or in earlier planting seasons wherever practicable.

Any trees or plants which within a period of 5 years from the completion of the phase in which they relate die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and design in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030, and advice contained within the NPPF.

15. Designing Out Crime

The development shall proceed in full accordance with the Site Security and Crime Prevention measures outlined within Section 5.9 of the submitted and approved Design and Assess Statement (The Harris Partnership: Dated November 2025), which shall be installed prior to the first use of the development and maintained thereafter.

Reason: In the interests of crime prevention in accordance with Policies DE1 and SS11 of the Torbay Local Plan and Policy PNP1(g) of the Paignton Neighbourhood Plan.

16. Low Carbon Development

Prior to the first use of the development the renewable energy measures outlined in the submitted and approved Energy Strategy (Cudd Bentley Consulting (2025)), shall be implemented in full and made operational for their purpose, and shall then be retained and operational through the life of the development. The measures shall ensure that no less than the proposed 55.98% of the site's total energy demand is met through renewable energy sources.

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.

17. Lighting

Prior to the first use of the development a detailed Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The Strategy shall seek to minimise impacts on adjacent sites and shall include details such as the following: artificial lighting associated with public realm lighting and internal and external lighting associated with any proposed buildings. The development shall proceed in full accordance with the approved detail and no additional external or internal lighting shall be provided within the development at any time.

Reason: To secure an acceptable form of development in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy PNP1 of the Paignton Neighbourhood Plan and advice contained within the NPPF.

18. Parking provision

Prior to the first use of the food store hereby approved, the parking provision shown on the approved plans shall have been provided in full, including the provision of the demarked disabled and parent and child spaces. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

19. Electric charging facilities

Prior to the occupation of the development hereby approved, the electric charging points shown on the approved plans shall be provided and made operational for their

intended use, and thereafter permanently retained and operational for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy PNP1(h) of the Paignton Neighbourhood Plan.

20. Delivery Access and Manoeuvring

Prior to the first use of the supermarket hereby approved, the delivery bay and manoeuvring area shown on the approved plans shall have been provided in full. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

21. Cycle parking provision

Prior to the first occupation of the development hereby permitted, the bicycle storage shown on the approved plans shall be provided. Once provided, the agreed bicycle storage shall be retained and maintained for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy PNP1(h) of the Paignton Neighbourhood Plan.

Highway Agreement Prior to the commencement of development all necessary legal agreements shall be made with the Local Highway Authority in respect to all proposed works to the highway. The agreed works shall be implemented in full prior to the first use of the development.

Reason: To secure all necessary works to the public highway in order to ensure highway safety is maintained and network impacts are adequately managed, in accordance with Policies TA1 and TA2 of the Torbay Local Plan 2012-2030 and the advice contained within the NPPF.

22. Opening hours

The opening hours of the food store (Use Class E(a)) and Coffee Shop (Use Class E(b)) hereby approved shall be limited to 07:00hrs – 23:00hrs Mondays through Saturdays, and 09:00 – 18:00 on Sundays and Bank Holidays.

All deliveries shall be undertaken within the opening hours hereby approved.

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

23. Restricted use

Notwithstanding the provisions of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Orders revoking or amending said Orders, Unit A, the 1,997 sqm retail unit (Use Class E(a)) hereby approved, shall at all times be used as a food store

with a net sales area of no more than 1,499sqm, and for no other use, and Unit B, the 186sqm retail unit (Use Class E(b)), shall at all times be used for the sales of food and drink which is mostly consumed on the premises.

Reason: In order to secure an acceptable form of development in accordance with Policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

24. Drainage

The development shall proceed in accordance with the submitted and approved Drainage Strategy referenced 8567-HJCE-XX-00-FP-C-0002 (Rev: P09) (HJCE: Dated 27.03.2026) and contained plan within Appendix A reference 8567-HJCE-XX-XX-DP0R4-3 (HJCE:06.03.2026).

Notwithstanding the above prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Final construction-level drainage layout and levels.
2. Detailed soakaway and SuDS construction details.
3. Sizing and detailed design of the proposed grey water harvesting system, noting that it has not been included in the current hydraulic calculations and must not compromise drainage capacity or system performance

The development shall proceed in full accordance with the approved detail, which shall be implemented in full prior to the first use of the development, and shall be maintained and operational throughout the life of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

25. Materials

Prior to the installation of the external materials hereby approved within each building hereby granted full planning permission a detailed materials schedule for that building, either physical or digital, shall be submitted to and approved in writing by the Local Planning Authority. Each building shall be externally finished in full accordance with the approved materials schedule for that building.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and the NPPF.

26. PD – Extensions

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class A, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no extensions or alterations shall be made to any retail unit hereby approved.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, TA2, TA3, C4, NC1 and ER1 of the Torbay Local Plan 2012-2030.

27.PD – Extraction

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class I, of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any Order amending or revoking that Order, no externally mounted extraction or ventilation plant or equipment shall be installed on any building or within the site, unless in accordance with details previously agreed with the Local Planning Authority, including detail of noise and odour.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, and DE3 of the Torbay Local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF.

Informatives

Biodiversity Net Gain Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the 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.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Development Plan Relevant Policies

C4 - Trees, hedgerows and natural landscape

DE1 - Design

DE3 - Development amenity

DE4 - Building heights

ER1 - Flood risk

ER2 - Water management

ES1 - Energy

SC1 - Healthy bay

SC3 - Education, skills and local labour

SC5 - Child poverty

SS3 - Presumption in favour of sustainable development

SS4 - The economy and employment

SS5 - Employment space

SS11 - Sustainable communities

SS14 - Low carbon development and climate change

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

TC2 - Torbay retail hierarchy

TC3 - Retail development

W1 - Waste management facilities

W2 - Waste audit for major development and significant waste generating developments

NC1 - Biodiversity and geodiversity

PNP1 - Area wide

PNP1(b) - Local green space

PNP1(c) - Design principles

PNP1(e) - Commercial development

PNP1(f) - Towards a sustainable low carbon energy efficient economy

PNP1(g) - Designing out crime

PNP1(h) - Sustainable transport

PNP1(i) - Surface water

PNP2 - Town centre

PNP21 – Whiterock and nearby areas