

Application Number

P/2018/0053

Site Address

Land Off Brixham Road (Former Nortel Site)
Long Road
Blatchcombe
Paignton
TQ4 7BL

Case Officer

Mr Scott Jones

Ward**Description**

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.

Executive Summary/Key Outcomes

The application is for reserved matters relating to layout, scale, appearance and landscaping for up to 8,501sqm of A1 (Bulky Goods) retail, up to 515sqm of garden centre and up to 167sqm of A3 Café/restaurant granted consent at the site of Devonshire Park (formerly Nortel) in West Paignton under application P/2014/0947 (as amended by variations P/2016/1372, P/20170123 and P/2017/1041).

The proposed layout is considered acceptable. It accords with the indicative plans submitted at outline stage where it showed the 'retail park' provided in the southern part of the wider Devonshire Park site. In addition the internal layout, which proposes a linear run of retail uses fronting a car park with a stand-alone café/restaurant in the south east corner, is also considered acceptable and in accordance with the guiding principles established at outline stage, provides adequate parking and pedestrian movement.

The scale of buildings is considered acceptable and in accordance with the principles of the outline consent. The retail units will be set some distance from the public highway and the scale will sit comfortably in the context, where there are a number of large commercial and educational buildings evident locally.

The appearance is considered acceptable. The broad design principles accord with the indicative plans submitted at outline stage and the detailed design presents an acceptable form of building for a large and prominent 'retail park'. The

main façade is broken down by prominent elements of glazing together with 'woodland' vinyl, which present an uncomplicated rhythm to this linear development. The prominent side (eastern) elevation fronting Brixham Road was initially submitted with a simple stone and green 'living' wall detail adjacent to a glazed corner element. This was a positive response to this prominent end however revised plans recently submitted are less satisfactory. It is recommended that Officers are provided the opportunity to resolve this detail through delegated authority.

The principles of the landscape proposals are acceptable. The car park is softened by intermittent tree planting, planters soften the public walkway and piazza area, and the two external borders that front Long Road and Brixham Road present a satisfactory landscaped edge with a mixture of tree, hedge and shrub planting. The trees within the scheme are varied to provide a mixture of feature and more ornamental specimens. A revised landscaping scheme is currently being considered by Officers and Members will be updated on this matter verbally.

In summary the reserved matters, subject to resolving some minor detail, is considered to be in accordance with the indicative plans that supported the outline application. Subject to resolving the east elevation of the retail unit, including confirmation that the boundary wall to the rear will be stone faced rather than brick (as conflicting information is detailed on separate plans) and a satisfactory landscape scheme, Officers consider the proposals to be acceptable, subject to necessary planning conditions, as the development provides an acceptable form of development in line with relevant policies in the Torbay Local Plan 2012-2030 and the emerging Paignton Neighbourhood Plan.

Recommendation

The Reserved Matters relating to scale, location, appearance and landscaping are recommended for approval, subject to;

1. Receipt of revised plans showing detail of the eastern elevation of the retail building that fronts Brixham Road and the adjacent boundary wall above the service yard being faced in natural local stone, that is acceptable to Officers, delegated to the Executive Head of Assets and Business Services,
2. Resolution of the landscape detail, delegated to the Executive Head of Assets and Business Services, and
3. Conditions delegated to the Executive Head of Assets and Business Services, to include those detailed in draft within this report.

Statutory Determination Period

This is a 13 week application for which the decision due date is 18th April 2018.

Site Details

The application relates to the former Nortel/Bookham site that is now known as Devonshire Park, which sits to the west of Brixham Road and to the north of Long Road on the outskirts of Paignton.

Although the wider Nortel site area is over 9 hectares the application relates to the southern part of the site, which is about a third of the entire site area.

In terms of context Devonshire Park is bounded by housing, sports pitches and the Western Business Park to the north, Brixham Road to the east, Long Road to the south and South Devon College to the west.

The element of the wider site that this application relates to is largely flat and sits at a similar level to Long Road to the south.

In terms of policy context it is within Flood Zone 1 and a Critical Drainage Area and the site is part a Future Growth Area as designated within the Torbay Local Plan.

There are no protected trees within the area relating to this application however a Tree Preservation Order is placed over a number of trees within the northern part of Devonshire Park.

The site is located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head.

Detailed Proposals

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for the 'retail park' element of a consented mixed use scheme that was granted in outline under the application referenced P/2014/0947 (as amended). The outline application consented up to 8,501sqm Class A1 (bulky goods) retail and up to 515sqm garden centre, and up to 167sqm (amended from 139sqm) of A3 cafe /restaurant uses (along with related site access, access roads and paths, parking, servicing, open space and landscaping).

The reserved matters are summarised as follows, as revised by plans received 14.03.2018.

The reserved matters cover only the southern part of the wider Devonshire Park site with external borders to Long Road to the south and Brixham Road to the east. The application site is approximately 220m wide (east-west) by 113m (north-south) and is relatively flat. The location within the wider site is reflective of the indicative proposals submitted at outline stage.

In terms of layout the proposal includes a 340 space customer car park, which includes 20 disabled spaces, which is set to the southern part of the site adjacent to Long Road. The car park is approximately 200m wide by 48m deep. To the north of the proposed car park sits a single linear run of retail units within a building 178m wide by 45m deep, behind which is a service road/area. Within the south-eastern corner of the site there is a proposed small café/restaurant building that fronts on to a piazza area.

In terms of access the proposal includes three pedestrian access points. These are located in the northeast corner of the site that connects with the existing footway along Brixham Road, the southeast corner of the site adjacent to the main traffic-light controlled road junction, and midway along the southern border off Long Road. The vehicular access points were approved in detail at outline stage and therefore they are not being considered in this application.

In terms of scale the retail units are approximately 8m high at the front elevation and 11m to the top of roof. This scale provides high vaulted ceilings with capacity for mezzanine floorspace. The A3 café/restaurant building is to a lesser scale with an elevation height of around 3.5m with a sail roof that rises to a height of 8m.

In terms of appearance the retail building is relatively modern in its design with large elements of glazing and panelling on its principal elevation, together with a section of woodland vinyl. The prominent side elevation that fronts Brixham Road has been amended from stone, glass and a green 'living' wall to include an addition of a section of panelling, which results in less stone being apparent within the elevation. To the north of this side elevation revised plans show conflicting detail in terms of the boundary wall adjacent to the service yard, with stone facing and brick facing being annotated within the revised plans. The standalone A3 café restaurant is a curved stone and glass building that sits under a 'sail' roof. There is also elements of panelling within this building.

In terms of landscape the public realm adjacent to the retail buildings is inter-dispersed with a series of planters. Within the car park there is regular tree planting, and around the public borders there is a mixture of shrub, hedge and tree planting. The landscape strategy suggests a mixture of tree types including occasional feature trees within certain locations along with more ornamental trees. Revised plans have introduced a border hedge along Long Road in support of the shrub and tree planting.

Summary Of Consultation Responses

Urban Design Advisor: The revised plans that introduce seating and planting now show some positive use for the piazza area north of the A3 unit. Further discussions are recommended, or detail resolved by condition for this area to make best use of this space.

- The A3 unit has taken a positive step forward from pre-app stage. It is important that the higher windows are active and serve an internal vaulted ceiling for interest. The materials and finishes will require careful scrutiny, and the bin store / service area needs some further improvement.
- The main retail block is generally well resolved. Further thought on some detailed elements is suggested, including the return fascia to Brixham Road along with treatment of the vinyl and the accompanying landscaping. The revised plans haven't addressed this.
- In regard to the wider layout the disabled spaces could be better resolved in terms of proximity to the units, the re-introduction of the pedestrian access to Long Road is welcomed, as is the strengthening of the border landscaping to Long Road, which previously lacked the necessary enclosure to soften the large car park within the streetscene.
- The revised east elevation fronting Brixham Road is less satisfactory than the original detail and requires further thought. A return to the original detail

Strategic Transport / Highways: Highways: The submitted tracking shows adequate manoeuvring for HGVs to the rear of the retail units. Strategic Transport: Comments pending . Members will be verbally updated.

Arboricultural Officer: A number of concerns raised in regard to the initial submission in term of species and planting detail. Comments pending on the revised landscaping proposal . Members will be verbally updated.

AONB Unit: It is considered that the application exhibits overall compliance with the South Devon AONB policies as outlined in our Management Plan and Planning Guidance document and therefore there is no objection or further comment necessary.

Police Designing Out Crime Officer: No objection. Request consideration is given to the development being construction to achieve Secured by Design Commercial 2015 compliance.

South West Water: No objection.

Community Protection Officer: The proposed acoustic fence should be retained together with the condition on the parent application limiting hours of delivery to the premises in order to protect amenity of future occupiers of residential properties to the north.

Summary of Representations

None.

Relevant Planning History

- P/2014/0947* Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515sqm garden centre, and up to 139sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping. Approved 22.03.2016
- P/2016/1372:* Variation of condition P1, 34 and 35 of P/2014/0947 (Outline Application with all matters reserved except access) - to vary Condition (P1) - Approved Plans to omit reference to the Masterplan, Condition (34) to vary the minimum unit size restriction for 1 unit and Condition (35) to clarify the restriction of concessions. Approved 18.10.2017.
- P/2017/0123:* Variation of condition on planning application P/2014/0947 (Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515sqm garden centre, and up to 139sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping) - Variation of Condition P1 (approved plans) to amend the access off Long Road. Approved 18.10.2017.
- P/2017/0493:* Demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/ basements, remediating contamination and earth works to re-profile the site (Option 1). Approved 22.09.2017.
- P/2017/0494:* Demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/ basements, remediating contamination and earth works to re-profile the site (Option 2). Approved 22.09.2017.
- 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 15.12.2017.

Key Issues/Material Considerations

The key issues to consider are:

1. The principle of development,
2. Design/appearance,
3. Access/movement
4. Parking,
5. Residential amenity,
6. Landscaping,
7. Ecology
8. Retail issues

1. The Principle of development:

Outline consent has been granted which included up to 8,501sqm of retail floor space, up to 515sqm of garden centre and up to 167sqm of café/restaurant on this site under application P/2014/0947 (as amended by S73 Variation of condition applications P/2016/1372, P/2017/0123 and P/2017/1041). The principle of development is therefore already established by the outline application, which was considered to accord with Local Plan Policy.

The merit of the submitted Reserved Matters shall be considered below.

2. Design/appearance:

This application represents the 'retail park' element of the mixed use outline consent.

The general layout accords with the established principles laid out within the indicative plans previously submitted, which showed the a large linear retail building set behind a large car park sitting towards the Long Road boundary, together with a small standalone café/restaurant building in the southeast corner. The general layout is considered an acceptable solution to deliver the development consented and one that accords with the principles previously presented to the Local Planning Authority at outline stage.

The form and scale of buildings proposed follows the design 'blueprint' established within the outline consent, which was supported by an indicative masterplan and contextual images. The scale of the retail building, which has the height to accommodate vaulted ceilings and mezzanine space, is considered acceptable in light of the guiding principles presented in the outline submission and also in light of the scale of commercial buildings in the area of Long Road. In regard to detailed design the form of the retail units is somewhat typical of modern 'retail park' design and it is also reflective of the indicative proposals presented at outline stage. The length of the principal elevation is satisfactorily broken down through the use of

rhythmic glazing and, towards the west, through the use of woodland effect vinyl where glazing is absent. The low-lying roof form is a pragmatic solution to limit the bulk of the building and the over-sail to the front provides visual interest whilst providing shelter for the public walkway. The prominent side elevation to Brixham Road was considered to be well-detailed with a large expanse of stone and a green 'living' wall used to limit its prominence and set it against the landscape border, with a stone faced boundary wall above the adjacent service yard. Amended plans present a less satisfactory elevation detail and officers feel that further discussion is necessary to resolve a suitable solution, as the building is large and it will sit in close proximity to the public realm and a main arterial road. The revised plans also present conflicting detail in regard to the adjacent boundary wall that sits above the service yard, with stone facing and brick facing detailed within the submitted plans. To support the landscaped border it is considered that brick is not a suitable finish and clarification should be sought that natural stone will be used to face this prominent boundary wall. Securing a high-quality and somewhat understated end is considered important due to the overall prominence and close proximity to the main arterial road.

The standalone café/restaurant the building provides a satisfactory statement building in the corner of the development. The use of stone and glazing as the main elements of the elevation is considered acceptable and the 'sail' roof is considered satisfactory to provide the necessary presence within the wider built environment. The indicative plans at outline stage showed a more circular tented building as a 'statement' building however the proposed is considered a satisfactory alternative solution.

The buildings and the associated car park are to be softened by border and internal landscaping that includes trees (feature and ornamental), hedges and shrubs throughout the site. A revised detailed landscaping scheme is currently being considered by the Council's Arboricultural Officer and subject to outstanding comments in terms of detailed planting the principles provide the parameters for an acceptable softening of the built form. Hedging has been introduced along the car park border with Long Road, as requested by Officers, which presents a stronger sense of enclosure and softens the impact of the car park within the streetscene, which has been welcomed.

The general design and appearance of the development is considered acceptable. Subject to the satisfactory resolution of the east elevation and detailed comments from the Council's Arboricultural Officer the landscaping proposals are considered acceptable, and would be consistent with Policy DE1 of the Torbay Local Plan 2012-2030.

3. Access/movement:

The vehicular access points were approved in detail at outline stage and therefore the matters for consideration relate solely to pedestrian access and permeability.

Three pedestrian access points are proposed. There is a stepped access in the northeast corner past the side elevation of the end retail unit. Steps are required as there is a distinct drop in levels between the public footway and the ground floor level of the development. There is a stepped access in the south-east corner of the site adjacent to the café/restaurant building, close to the light controlled traffic junction. The third access is off Long Road at a mid-point within the proposed car park, which was introduced in to the scheme through revised plans submitted 14.03.2018.

The three access points identified above are considered to provide adequate pedestrian access and permeability into the site from various directions. In the context they are considered to make the best use of the public borders in terms of the provision of access. The recent introduction of a designated pedestrian access point off Long Road is much welcomed.

It is accepted that stepped access points to the east are necessary due to the change in levels and it would appear challenging to provide ramps for disabled access within the constraints of the site layout and level changes. It is noted that the existing public footpath provides access from the east to the southern edge of the site where level access can be gained.

Within the site there is a wide covered pedestrian walkway to the front of the retail units with strategic crossing points that link to the disabled parking and pedestrian access off Long Road. To the rear of the retail units there is a designated walkway for staff access.

The layout and access is considered to provide suitable permeability through the site for pedestrians, in accordance with Policies DE, TA1 and TA2 of the Torbay Local Plan 2012-2030.

4. Parking:

The proposal includes a 340 space car park which includes 20 disabled spaces.

The car park is similar in location and scale to that shown at outline stage. The number of spaces is greater than that shown at outline stage (which showed a circa 300 space car park). An increase in parking provision is not opposed in this location when considering that the development is a 'destination' retail park.

In regard to detail, the layout of the customer parking is acceptable with 6m manoeuvring distance behind all spaces. In addition the spaces accord with the size standards identified within the Torbay Local Plan.

To the rear there is a service access that shows adequate manoeuvrability for HGVs and identified HGV parking aside the various units.

In terms of cycle parking there is provision to the front of the retail units towards the edge of the pedestrian walkway. The cycle parking will not conflict with the pedestrian walkway and will provide prominent parking with good natural surveillance.

The proposals are considered to provide adequate car and cycle parking in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

5. Residential amenity:

The outline consent was granted with a condition that required the details of reserved matters to include noise mitigation measures (in accordance with the Noise Impact Assessment (24 Acoustics, September 2014)). The condition was to ensure that the future residential environment of properties to the north of the proposed retail (and business) area would be acceptable, in line with Policy DE3 (Development Amenity) of the Torbay Local Plan.

The reserved matters show a curved acoustic fence barrier to the north of the retail service area and the submission is supported by a noise assessment. The Council's Community Protection Officer has considered the submission and is satisfied that the mitigation measures are adequate to protect future amenity of occupiers to the north.

In terms of broader amenity considerations the proposal will not impact existing occupiers to the east or the south due to the distances to the nearest properties and due to the fact that they sit at some distance across busy roads.

The scale of the development will not result in loss of light or outlook to existing or proposed occupiers. It is noted that the land levels to the north rise which will limit the perceived height and impact of the building on future occupiers of the residential phase of development. As an indication the height of the retail building will be similar to the height of the two-storey dwellings expected on land adjacent to the north.

There will be no overlooking issues due to the form of development and distances to adjacent land and buildings.

Members are advised that the outline consent restricts hours of delivery to the retail floorspace to be only between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays, with no deliveries on Sundays and bank holidays. This should adequately protect the amenity of future occupiers to the north of the service yard. It is not considered necessary to restrict hours of opening beyond separate trading legislation due to the location of the development.

All matters considered subject to the provision of the barrier fencing to the north the proposal is considered to present no unacceptable amenity impacts, and thus

accords with Policy DE3 of the Torbay Local Plan 2012-2030.

6. Landscaping:

In regard to the proposed landscape the vision presented at outline stage showed landscape softening around the public borders and within the car parking element of the 'retail park'. The Reserved Matters reflects the aspiration presented at outline stage, the detail of which is explored below.

The public borders of the site are detailed with a mixture of shrub, hedge and tree planting. To the east adjacent to Brixham Road there is a feature tree marking the pedestrian entrance. Towards the north near to the service yard tree screening is proposed. Towards the south there is further tree planting together with hedging towards the corner with Long Road. Along the other public border to the south along Long Road there are further feature and ornamental trees. Revised plans have also introduced a linear hedge in support of the shrub planting along this edge. The addition of the hedge is welcomed as it will provide a soft enclosure and partial screen to the car park and improve the public realm.

Within the site the car park is inter-dispersed with further tree planting and hedges line the two access points into the site off Long Road. Planters provide some softening of the public realm adjacent to the pedestrian walkway in front of the main retail building.

In design terms the proposed landscape scheme is considered to provide an acceptable concept to adequately soften the built form and present a positive introduction into the local built environment.

The landscape detail is currently being considered by the Council's Arboricultural Officer and Members will be updated verbally on the merit of the revised detailed landscaping.

Subject to the comments of the Council's Arboricultural Officer the proposed landscaping is considered acceptable and in-line with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

7. Ecology:

The ecological context was duly considered when consent was granted in outline for the mixed use development across the site.

The mitigation and enhancement measures detailed at outline stage included the provision of a bat roost within a dwelling or ancillary building towards the western border of the site close to the open countryside. Broader landscape management to support bats also focused on the western and northern fringes towards the open countryside. The reserved matters currently under consideration relate to the south-eastern part of the wider Devonshire Park site, away from the open

countryside and previously where existing vegetation was sparse.

Notwithstanding the above the proposal includes the provision of 6 bird boxes and 2 bat boxes, which is welcomed. These enhancement nesting and roosting opportunities, together with the landscaping scheme that will provide enhanced tree coverage and a network of shrub and hedges, is considered to adequately respond to Policy NC1 of the Torbay Local Plan 2012-2030 where enhancement of biodiversity is sought through development proposals. The provision should be a condition of any grant of approval.

More widely as appropriate planning conditions were imposed at outline stage to respond to the ecological sensitivity of the site in general it is not expected that any further conditions in this regard are necessary.

8. Retail issues:

The principle of the retail, café restaurant and garden centre floorspace was established at outline stage, as outlined within Section 1.

The outline stage also established the parameters for the retail floorspace with consent granted with a number of conditions to ensure an appropriate form of development.

Condition 32 of the outline consent (as amended) restricts the sale of goods to a number of "bulky" goods and the sale of food within one unit up to 1486sqm in order to limit the trading overlap and retail impact upon Town Centres.

Condition 33 restricts the maximum retail floor area for the development in order to limit the provision of retail and resultant impact upon Town Centres.

Condition 34 restricts the minimum retail unit size in order to limit the retail impact on Town Centres (where smaller units are more common).

Condition 35 restricts concessions within the units, again to limit the trading diversity within the development and impact upon Town Centres.

Finally Condition 36 restricts the hours of delivery to the retail floorspace between the hours of 08:00-1800 Monday-Friday and between 08:00-13:00 on Saturdays, with no deliveries on Sundays or bank holidays. This is intended to protect the amenity of future occupiers to the north of the retail and retail service area, where it is expected that residential uses will be in close proximity to the development.

The outline consent and the attached conditions are considered to provide acceptable parameters for the retail floorspace and it is considered that no additional conditions on how the retail elements operates are necessary.

s106 / CIL

A S106 agreement for this site was agreed under the outline application reference P/2014/0947 (as amended). No further legal agreement is required for this Reserved Matters application.

The Reserved Matters application is not CIL liable development.

Statement of Pro-active Working

The Council has sought to work positively and proactively with the applicant through pre-application discussions and through open dialogue throughout the application process including requests for further information.

Paignton Neighbourhood Plan

The Paignton Neighbourhood Plan completed its Regulation 16 Publicity Period consultation on 18th December 2017. It is expected that the Neighbourhood Plan will be subject to Independent Examination in Spring 2018. As such it is at an advanced stage of preparation. National Planning Policy Framework paragraph 216 (in Annex 1) states that from the date of publication, decision takers may give weight to relevant policies in emerging plans (unless material considerations indicate otherwise) according to their stage of preparation, extent to which there are unresolved objections and degree of consistency with national planning policies. Relevant policies in the Paignton Neighbourhood Plan now carry some weight as they have now completed two rounds of public consultation and reflect the wishes of the Neighbourhood Forums. The weight afforded to emerging Neighbourhood Plan policies is a matter for the decision-taker in accordance with the NPPF 216 criteria. Relevant policies include:

PNP1: The proposal is considered to be aligned with Policy PNP1 (Area Wide), in that it will support the provision of job led growth whilst also securing development that will protect local identity, where it reinforces the character of Long Road.

PNP21: The proposal is also aligned with Policy PNP21 (White Rock and nearby areas), which seeks to secure job-led growth and encourage major employer organisations. The landscaping is considered compliant with the identified development issue of securing green roadside verges.

Human Rights and Equalities Issues

Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of

the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance Equalities Act: In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

The proposal would support local construction and trade industries and future operators would provide employment add to the local economy in terms of household spend.

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:

The retail area of the site not adjacent to strategic flyway routes within the sustenance zone associated with the South Hams SAC. The proposed development is unlikely to have a significant effect on the South Hams SAC. Drainage was considered at outline stage to secure an adequate drainage solution that is unlikely to have a significant effect on the Lyme Bay and Torbay SAC.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal has been unable to satisfy the policy tests for the reasons stated in this report.

Conclusions

The proposed development accords with the outline consent and the layout, scale, appearance and landscaping is considered acceptable subject to the resolution of some minor elevational detail and confirmation from the Council's Arboricultural Officer regarding the landscape detail in terms of species and planting.

Subject to satisfactory resolution of the minor points identified above the Reserved Matters detail is considered suitable for planning approval, as it would be aligned with the outline detail previously considered by the Authority and present a satisfactory form of development in accordance with relevant Local Plan policy guidance, notably Policies DE1, DE4, NC1, C4, TA1, TA2 and TA3 of the Torbay Local Plan 2012-2030 and Policies PNP1 and PNP21 of the Submitted Paignton Neighbourhood Plan.

Limited conditions are necessary where they relate directly to the reserved matters. The drafting of necessary conditions required (in support of those imposed at outline stage) is requested to be delegated to the Head of Assets and Business Services, to include those outlined below.

Conditions to include (draft wording):

- Notwithstanding the submitted detail prior to the commencement of development above Damp Proof Course level a materials schedule, to include samples (either physical or digital) of all building and hard surfacing shall be submitted and approved.
- All parking shall be provided and made available for customers prior to the first use and maintained in full at all times thereafter.
- The pedestrian accesses and public realm areas, including the piazza, shall be completed prior to the first use of the retail or café/restaurant floorspace.
- Detailed design of the fascia and roof of the café/restaurant building shall be submitted and approved.
- All walls and other means of enclosure, including the acoustic fencing to the north of the retail service yard, shall be implemented in full prior to the first use of the retail units and maintained at all times thereafter.
- The soft landscaping shall be planted in the first planting season following the occupation of the retail unit(s) or completion of the retail unit(s), whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the retail unit(s) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Notwithstanding the submitted detail the piazza seating details shall be submitted and approved .

- The position of the 2 bat boxes and 6 bird boxes to be agreed and installed as such prior to the first use of the retail units and maintained thereafter.

Relevant Policies

-