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| Application Site Address | Land Off Orchard Way, Edginswell Torquay |
| Proposal | Construction of retail unit (Class E(a)), including mezzanine floor and external display area, secure servicing compound, car parking, trolley bays, mobile catering unit (sui generis), landscaping and associated works. |
| Application Number | P/2021/1024 |
| Applicant | Torbay Development Agency |
| Agent | KTA |
| Date Application Valid | 16.10.2021 |
| Decision Due Date | 15.01.2022 |
| Extension of Time Date | |
| Recommendation | <p>Approval: Subject to;</p> <p>The receipt of Highway Authority comments and the resolution of access arrangements and parking levels to serve the development to the satisfaction of Officers.</p> <p>The conditions as outlined, with the final drafting of conditions delegated to the Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p> |
| Reason for Referral to Planning Committee | Major Development. |
| Planning Case Officer | Scott Jones |



Site Details

The site comprises of 0.8 hectares of unkempt grass/scrubland to the northwest of Orchard Way and to the north and west of the existing commercial buildings that form Edginswell Business Park. To the west of the site lies a hedge border to a public right of way that connects Edginswell Lane with Torquay Road, which sits between the site and Hamelin Way. To the north of the site lies a tree lined watercourse and a main rail line, beyond which land rises to Riviera Way. In terms of access Orchard Way presently terminates at the southwestern edge of the site.

In terms of topography the site slopes from south-west to north-east, comprising areas of grass, undergrowth and spoil from neighbouring developments. The level change across the site is approximately 8m. It is relevant to note that there is an extant planning permission for groundworks across the site and the adjacent land, which for the site consents a level change to a flat plot with some cut-and-fill, contained by a retaining wall to the south and a graded bank to the north.

Regarding further context the site sits within the Edginswell Future Growth Area, as designated within the Torbay Local Plan, and is within the adopted 'Torquay Gateway (Edginswell)' Masterplan area, which envisages commercial uses on the land. There are also a number of listed building within 100-150m to the south and east of the site, although none directly border the site. In terms of further heritage interests there is an entry recorded on the Historic Environment Record for a post-medieval 'catch meadow' within the site. Other notable matters include an adjacent watercourse to the north which is an identified flood risk area and the adjacent land around the watercourse and railway line is part of a broader linear identified Local Nature Reserve

and Urban Landscape Protection Area. The site is also within the identified Landscape Connectivity Zone associated with the Greater Horseshoe Bats (South Hams SAC).

In terms of some further context the site has an extant permission for a retail unit (restricted bulky goods) consented as part of a historic major 'hybrid' (detailed and outline) proposal approved and partly implemented on adjacent land to the east under planning reference P/2007/1030 (as amended).

Description of Development

The proposal is for the construction of a retail unit (Class E(a)), including mezzanine floor and external display area, secure servicing compound, car parking, trolley bays, mobile catering unit (sui generis), landscaping and associated works.

The development principally consists of a single rectangular building 55m long by 38m deep by 11m high. The building is flat roofed with a primary external finish of metal panels, with sections of dark blue and sections of grey. Additional materials include stone and areas of curtain wall glazing.

There are two access points proposed. The existing stub access off Orchard Way will serve a customer car park that offers 67 car parking spaces, which are inclusive of 4 disabled parking bays and 5 van parking spaces. The parking sits to the east of the building. A secondary access is proposed further west off an extended section of highway to serve a proposed compound area for the development that sits to the south of the building. The compound area sits below the adjacent extension of highway and is contained at the edge of the plot by a concrete retaining wall, both approved under planning permission P/2021/0123, which consented 'enabling' groundworks across the wider meadow. To the west of the building a proposed outdoor 'projects centre' is proposed. The compound and projects centre has a proposed boundary treatment of 4m high mesh security fencing set off 6m high posts.

The proposal includes landscape planting around the four borders of the site encompassing tree planting, hedge planting and the provision of a turfed devon bank around the customer entrance.

Pre-Application Enquiry

DE/2021/0004: Extension of retail park, including retail units and research/development building. Decision: Principle supported.

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 Adopted Torquay Neighbourhood Plan (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

Major 'Hybrid' Application: P/2007/1743: Mixed Use Development Comprising Business Use Class B1, Car Showroom, Retail Warehouse And Residential And Public House/Restaurant (Class A3/A4) With Associated Highway Works And Car Parking.(In Outline). Approved.

Planning Application: P/2009/0055: Amendments to planning permission (app number P/2007/1743/MOA) comprising a draught lobby to main entrance and additional fire door at ground floor level to office building O2. Approved.

Minor Material Amendment (Section73 Application): P/2016/0955: Variation of condition P1 of P/2007/1743 - to allow amendments to the appearance, footprint and internal layout of one car showroom and alterations to the layout of the parking and car display area. This permission relates solely to those elements granted consent and have extant detailed planning permission under reference P/2007/1743 (two car showrooms and one retail unit). Approved.

Planning Application: P/2021/0123: Enabling works for future development. Extension of Orchard Way with associated retaining walls and landscaping. Approved.

Summary of Representations

None.

Summary of Consultation Responses

Torquay Neighbourhood Forum

No comments.

Torbay Council's Ecology Advisor (Devon County Council)

European Sites

Following the flow chart within the South Hams SAC HRA Guidance document (October 2019) it is deemed that there would be no loss, damage or disturbance at a landscape scale to potential commuting routes for Greater Horseshoe Bats. Therefore, it is deemed that there will not be a Likely Significant Effect on the South Hams SAC a detailed HRA is not required.

Protected Habitats

Will not impact the adjacent wildlife corridor to the north around the watercourse and rail line.

Protected Species

Subject to conditions regarding lighting, repeat badger surveys, a Construction Environment Management Plan and Landscape Environment Management Plan, and conditions attached to the enabling consent P/2021/0123, there will be no impacts.

Habitat loss

The requirement for net gain will be dealt with under the enabling permission P/2021/0123. The landscape plan submitted with this application is deemed acceptable.

Highway Authority (Swisco/WSP)

Based upon the information initially submitted the Highway Authority are unable to provide a recommendation. The applicant will be required to submit the following further information:

- Identify the quantum of development included within the Folkstone and Christchurch Wickes stores survey, including the quantum of car parking at each store, as well as the dates that the surveys covered;
- Identify the maximum number of employees likely to be on-site at any one time;
- Identify the location of bin stores for the development proposals;
- Submit an updated swept path analysis to illustrate access / egress at the site by an articulated vehicle;
- Include the provision of electric vehicle charging points within the proposed development layout;
- Clarify if the development trip generation peak period assessment has been based upon a weekday or weekend and
- The applicant will be required to demonstrate why the guidance relating to the use of 30% of passby / diverted trips in TRICS 95/2 is valid within the context of the proposed development.

(Note: Further comment awaited in response to the recent receipt of additional detail).

Police Designing Out Crime Officer

No objections in principle. It is recommended that consideration is given to the principles and practices of Secured by Design Commercial 2015 as this would ensure a consistent level of security throughout and minimise opportunity for crime and disorder.

The vehicular entrances to the parking areas are likely to benefit from being gated or a barrier fitted for when the premisses are not in use as this will prevent unwanted vehicular activity and loitering.

It is recognised that movement to the side of the property will be controlled with gates and a proposed 900mm guard rail, our recommendation would be for a minimum of 1800mm height weldmesh fencing to the standard of LPS 1175 with matching gates. Recommend the compound fencing and outdoor project centre should be to the standard of LPS1175.

All external doors, including roller shutters/vehicle doors and easily accessible windows should be sourced as tested and certificated products meeting the security standards of PAS24 or LPS 1175 SR1/2(A1/B3).

Care should be taken to avoid design features that could create climbing aids, for example external downpipes as these can enable access to other parts of the building or up to the roof. They should be concealed or fitted flush.

It is recommended that a monitored CCTV and alarm system with appropriate and compatible lighting is factored in to form part of the overall security package. Cameras should cover all external doors and easily accessible windows, concealed areas to the side and rear and the main vehicular and pedestrian entrances as well as the compound.

Drainage Engineer (Torbay Development Agency)

providing the surface water drainage is constructed in accordance with the submitted site specific flood risk assessment, drainage strategy and drawing number 3467/FRA107 Revision P, I have no objections on drainage grounds to planning permission being granted for this development.

Green Infrastructure Manager (Swisco)

The submitted landscape scheme identifies a robust planting scheme however further details regarding planting arrangements for the larger specimen trees and smaller trees e.g. pit design, staking/underground guying, mulching, tying, and commitment to replacement in the event of plant loss is needed.

Further to the above the native hedge mix is identified as forming the meandering south west and western boundary. The percentages provided for the mix of the stock for planting are satisfactory however the number of trees to be planted is not adequate to ensure that a continuous hedgeline will be in place once completed. The same concerns are raised with the woodland mix that covers the north west and northern area - the plan indicates the whole area is to be planted but the numbers will not achieve the cover anticipated from the area shown on the plan.

The spacing of the larger specimen trees is likely to be too close to allow for the full growth potential of the trees. A wider spacing would allow for the trees to reach their full potential in terms of height and spread.

Strategic Planning and Transport Officer

As has been discussed with the proposals elsewhere on this wider site, and as has been shown on previously approved plans for the past applications and the masterplan, it is necessary to establish a connection for walking and cycling between the existing path to the west of the site and Orchard Way. This is to support active travel opportunities to and from Torquay Road (Kingskerswell) and Edginswell Lane (and south to the wider growth area). The original plans also enable the space to the north of the site, between the watercourse and the development area to be general amenity space. This is important for encourage active travel, whether recreational or for commuting purposes.

If the link shown on plans from the east of the site off Orchard Way (between this application site and the car showroom) is not able to be provided it would be imperative that a link is provided elsewhere. This is supported expressly by local plan policy TA1 (points 1-5) and TA2 (points 1,3,4 and additional detail) but also is in line with the quality of the development that the Council (through the TDA) is applying for and seeking to achieve through its plans and policies.

Torbay Council Community Safety Officer

No objections subject to the requirement for a condition regarding a construction management plan.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
5. Ecology and Trees
6. Flood Risk and Drainage
7. Low Carbon Development, Climate Change and Waste Reduction
8. Economic Growth

1. Principle of Development

The site has been historically linked with the established business park, principally as the site was part of wider historic proposals through a major mixed-use scheme that was submitted and approved 14 years ago. This permission was implemented and partly built out and through this historic permission the land subject to this application benefits from an extant planning permission for a retail unit (bulky goods restriction) with a total floor area of circa 3000sqm (2400 floor area plus 600sqm mezzanine). This sits as a material consideration in terms of the principle of the current proposal and the effect of this in terms of the planning principle of the current proposal will be discussed below.

In terms of the Development Plan and formal designations the site is clearly identified for commercial uses. In the Local Plan the site is part of the Edginswell Future Growth Area (identified within Policy SS2) and is identified as an employment site within Policy SS5 (Employment space). There is also an adopted Masterplan relevant to the site and wider area (Edginswell) and this identifies the site as part of 'Edginswell Business Park'. The broad policy guidance is for high quality business uses but with some suggestion that a broader mix of uses may be suitable. In terms of the more recent Neighbourhood Plan the site is again identified as an employment site (TJ1.10) and there is reference to the adopted Masterplan as a material consideration for development coming forward.

In the context of the Development Plan there is consistency in terms of the land being identified for employment uses. The proposal does create employment as a commercial use however as a retail unit this particular use is somewhat discordant at the scale proposed with the broad policy position for the area. In terms of the Development Plan alone a position of support would be somewhat discordant with policy ambitions for high-quality business uses.

In addition to the above the provision of retail in an out of centre needs due consideration. Policies TC1 (Town centres), TC2 (Torbay retail hierarchy) and TC3 (Retail development) of the Torbay Local Plan provides the key policy guidance and in summary they offer that retail uses should follow a town centre first approach and that out-of-town retail should be resisted where it would harm the vitality and viability of town centres. Failure to pass sequential and impact tests would present a position where support would not be expected.

In terms of both areas of policy concern offered above there are wider considerations that require due weight, which are explored below.

The historic permission for a slightly larger retail warehouse on the site influences both areas of policy. In terms of the broader expectation for high quality business uses there is an extant permission for a similar form of development that could be delivered on the site. This is considered to provide substantial weight towards accepting the current proposal. In terms of the policy goal to divert retail uses to sequentially preference in-centre or edge of centre sites, and to resist development on undesignated sites that would present undue impact upon the trading of designated centres, it is relevant to both of these aspirations to consider the extant permission. In this case a slightly larger and very similar form of development could be delivered on the site and hence the refusal of planning permission would neither divert a retail use to a more preferable site or remove the impact of such a store on designated centres. In the context of a similar form of development being deliverable on the site there are material considerations that guide towards accepting the principle of the current proposal.

In-line with the guiding policies outlined above the development is considered contrary to the provisions of the development plan in terms of planning policy and principle, presenting discordance with Policies SS2, SS4, SS5 TC1, TC2 and TC3 of the Torbay Local Plan, Policies TS2 and TJ1 of the Torquay Neighbourhood Plan, and Torquay Gateway (Edginswell) Masterplan. Notwithstanding this the existence of an extant permission for a similar form and scale of development on the site is considered to carry significant weight in favour of the development. Having regard to this material consideration and with consideration of broader aspects of the development that weigh in its favour, principally some limited weight to the job creation during construction and moderate weight to the job creation aspect of the form of development, the development is, on-balance, considered acceptable in principle.

2. Design and Visual Impact

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Para 126). It also counters that development that is not well designed should

be refused, especially where it fails to reflect local design policies and government guidance on design (Para 134).

In terms of the Development Plan Policy TH8 'Established architecture' is the key policy tool within the Torquay 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. In terms of further advice within the Development Plan Policy DE1 of the Torbay Local Plan outlines the importance of good design and is also a key policy tool in design terms.

The key design and visual impact consideration is how the development will sit in the setting of the business park and how it would be viewed from longer views on roads from the north and west.

Whilst the built form on the site will change this is expected as the site is identified for commercial uses.

In terms of considering the immediate context there are pleasantly detailed office and other commercial buildings adjacent, which are relatively modern in character, and which utilise render and cladding panels as the primary materials palette. These buildings also generally sit in quite refined landscaping which seeks to maximise the benefits of the smaller pockets of landscape and border treatments available in terms of how these positively influence the public realm.

The general scale and massing of the proposed building is considered acceptable in the context of the business park and with consideration of the extant permission for a similar scaled retail warehouse. In terms of the form and materials the elevational arrangement is considered suitably refined when taken in context with the expected landscape planting. The mixture of glazing and the provision of tree planting to the north and west of the building will, in combination, present a positive addition within the built environment. In terms of proposed materials the use of micro rib panelling is not supported and a more refined material should be sought to reinforce the relatively high design standard established within the business park. Pre-Application discussions suggested that the building would be finished in a smooth panelled system. Such systems generally present a more refined elevational treatment. The matter has been raised with the applicant and it has been confirmed that they are content to amend the choice of cladding. Due to the timeline it has been requested by the applicant that Officers/Members secure this amendment via a planning condition for the approval of a revised solution and officers agree that this is a reasonable proposition.

Away from the building there is a detailed landscaping proposal that provides a mix of native hedging around the southern half and woodland planting around the northern half. Intermixed there is tree planting throughout these areas and around the entrance there is a turfed devon bank detail that seeks to reflect the established boundary treatment form earlier phases. The landscapae proposal is generally considered robust and acceptable however there is a request for some minor refinement and further information from the Council's landscape advisor to ensure the full benefits of the scheme are realised. This refinement could be secured by a planning condition.

As a final matter for consideration in terms of structural development away from the building there is a 4m high security fence fixed on 6m high posts stretching from the compound entrance westwards around the southern edge of the site to enclose the compound and the outdoor project centre. There is a degree of concern on the scale and form of this enclosing element where it is fixed directly adjacent to the public realm. The concern has been raised with the applicant and the matter is being considered in terms of seeking a more positive solution that achieves the necessary security and offers a suitable border to the public realm of a gateway business park. Should the issue not be fully resolved the final detail could be secured by a planning condition.

Subject to resolution of the cladding material, minor refinement of the landscaping detail, and resolution of a security detail that adequately responds to the urban form, the proposal is considered acceptable in design terms as it is in broad accordance with the aspirations of Development Plan Policies TH8, DE1 and DE4, and advice contained within the NPPF, for the reasons stated above.

3. Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring occupiers and surrounding uses. The NPPF guides (Paragraph 130) 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.

The proposed development, post-construction, will not impact the amenity of neighbouring occupiers, which principally sit to the south of the site off Edginswell Lane, as the properties are some distance away structures will not result in any form of loss of privacy, light, outlook etc. more immediate uses are commercial ones, including offices and a car show room, and would not be unduly impacted by the provision of a retail unit within the business park.

Notwithstanding the above conclusion the construction phase does have the potential to effect neighbours, principally through noise, dust and general disturbance during construction. Construction impacts can be adequately managed through the provision of a planning condition requiring submission of and approval of a management plan for the process to limit impacts of the construction phase. This is likely to include restrictive hours of construction and measures to limit effects of dirt, dust etc.

With a condition as highlighted the proposals are acceptable in terms of any impact upon the amenity of adjacent occupiers, in accordance with Policy DE3 of the Torbay Local Plan.

4. Highways and Movement

The NPPF guides that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards

reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110).

The Development Plan, largely through Policies TA1, TA2 and TA3 of the Torbay Local Plan, outlines similar policies goals as the NPPF, but also guides on parking levels and sustainable transport facilities within new development.

General Context and Connectivity

In terms of the general context the development would sit in an established business park served by roads with footways and streetlighting. There are designated cycle network routes nearby, Torre train station to the east within walkable distance and there is a strategic identified ambition to deliver a train station at Edginswell within a few hundred yards of the site. Broadly the site is well-served by highway and movement infrastructure for various modes of travel.

It is noted that the historic permission for the wider business park, including the retail unit on the land in question, secured a pedestrian link along the eastern border of the car park area that then wrapped around the north of the building in the form of a 'lunch time woodland and river walk'. This also provided a link to the north-west onto the public right of way and to the west. The current proposal seems to override the ability to provide this link as the space between the car park and the balancing pond seems limited. There is broad support for improved permeability and connectivity that promotes sustainable (walking and cycling) modes of local travel and the delivery of a connection westwards appears valuable. The potential loss of the historic connection is a concern but it is appreciated that there would appear scope to deliver a different route to link the business park with the public right of way to the west. Such as along the extended Orchard Way and through future development proposals for land that is in the Council's control. On balance it is considered an acceptable layout where there appears potential to secure a connection westwards through future proposals.

Highway Network

In terms of traffic the application is supported by analysis that identifies a significant reduction in terms of peak flows when compared to the previously approved scheme.

The Highway Authority has raised that it is unclear as to whether the trip generation for the previously approved scheme has been based on a quantum of 3,837m² or for 2,400m² to enable a comparative analysis to be undertaken. Further information has been requested and recently received and update comments from the Highway Authority is currently pending.

As a broad assessment the business park is identified for additional development through the Future Growth Area allocation and as identified within the adopted masterplan for the area. This would suggest that network capacity would not be severely impacted by the level of development currently proposed and such a conclusion would indicate planning permission should not be refused on transport network related grounds.

Access

The development will be served by two access points. The existing spur off Orchard Way will serve the customer parking area and a newly formed access will serve deliveries to the proposed compound area approximately 25m west off the existing access.

The existing access is considered suitable and adequate to serve customer parking and there is no objection or concern on this access point raised by the Highway Authority.

The proposed compound access is supported by tracking information for articulated lorries. It has been highlighted that this detail shows a degree of overrun and the Highway Authority has raised a request for further information to demonstrate that the design is acceptable.

Subject to resolution of the above the two proposed access points are considered acceptable.

Parking and Sustainable Travel

The applicant has proposed a total of 67 car parking spaces which are inclusive of 4 disabled parking bays and 5 van parking spaces.

The Torbay Local Plan (Appendix F) provides central guidance on parking standards expected from forms of development and outlines that comparison goods stores of over 1000sqm of floorspace has a guideline provision of 1 space per every 20sqm of gross floorspace. The internal floor area of the development (ground floor plus lobby plus mezzanine) is 2393sqm, which equates to a policy expectation of 120 spaces. The provision is hence 53 spaces below the guideline provision for the type of store proposed. As a point of note the Highway Authority has suggested a policy expectation of 130 spaces. This presents a significant shortfall in the policy expectation for a comparison goods store (comparison goods include for example clothing, DIY, household goods, recreational goods).

The applicant has stated that the proposed user of the retail store, Wickes, typically caters for trade customers and hence the car parking requirement for the store has been reduced due to the different characteristics of the store when compared to other retail developments. The applicant has submitted car parking survey data for other Wickes stores to justify this approach. This has been assessed by the Highway Authority and further information on comparison data was requested. A response has been offered and this matter is currently being considered by the Highway Authority.

Should a reduced provision be considered appropriate for the specific type of business proposed then it would be appropriate to restrict the use and any future commercial user by an appropriate worded restrictive planning condition. It is envisaged that this would restrict the form of use to that being proposed and no other use. Any revised form of operation would thereafter require planning permission and due scrutiny of the traffic levels and parking demands could hence be scrutinised at that stage.

Members will be updated on any forthcoming comment on this issue from the Highway Authority.

In terms of the mix and character of parking spaces the Local Plan guides that up to 10% of the total allocation of spaces should be dedicated and appropriately designed for disabled users and that all new development should, where viable, include the provision of electric charging points. Policy guidance would indicate up to 6 disabled spaces and some form of electric charging within the car parks facilities. There are currently 4 disabled spaces proposed and no detail on electric charging facilities. As the guidance is up to 10% and in the absence of any raised concern on the slightly reduced level from highway colleagues the provision of disabled spaces is considered acceptable. The delivery of these spaces should be secured by condition. The absence of electric charging options is considered unacceptable and should be addressed by a positively worded planning condition to submit and agree an appropriate level and detail for such facilities on site prior to the first use.

The applicant has proposed to provide 12 cycle parking spaces within a shelter. It is noted that, as Wickes caters for providing quite bulky items, that it is unlikely that customers will cycle to the store. The Torbay Local Plan Parking Standards guides on the provision of one cycle parking space per two employees. The applicant has been asked to provide further information about the number of employees likely to be working at the site at any one time to enable an accurate determination on the sufficiency of the proposed cycle parking for both employee and visitor demand. Notwithstanding this employment density data contained within the Council's Planning Contributions and Affordable Housing SPD suggests retail warehouses offer an employment density of 1FTE every 90sqm. This would lead to an estimated employment level of 27 FTEs and a cycle provision expectation of 14 spaces. On balance the provision is considered adequate in the absence of any further information.

As matters stand highway conclusions are subject to the content of comments pending from the Highway Authority in response to the recent receipt of further 'clarifying' information.

All matters considered, subject to comments from the Highway Authority raising no substantial concerns in terms of highway capacity, the safety of the compound access, and the adequacy of the reduced parking provision below the policy guide within the Torbay Local Plan, the proposal would be considered in broad accordance with Policies TA2 and TA3 of the Torbay Local Plan, Policy THW6 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

5. Ecology and Trees

Policy NC1 of The Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy C4 seek the retention of trees and other natural features. Policy TE5 of The Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and

local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 174).

The site is open grass and scrub, with a hedge border to the western flank bordering the public right of way. It is relevant to note that contextually the site benefits from planning permission to clear the site, and to cut-and fill the land levels to provide a plateau retained by a structural concrete wall to the south and a graded earth bank to the north. This permission for groundworks (planning permission P/2021/0123), is subject to planning conditions that address the loss of habitat from the site's clearance and biodiversity net gain aspirations. This recent permission presents a preliminary position and its implementation is necessary to provide the structural layout and land levels to deliver the development currently proposed. Subject to a planning condition to link the currently proposed development to the implementation of the approved groundworks application species protection measures and replacement habitat and biodiversity net gain aspirations will be secured. It is also recommended that any grant of planning permission is subject to planning conditions for repeat badger surveys, the submission of details for nesting bat and bird opportunities, and for agreement regarding detail of a Construction Environmental Management Plan and Landscape and Ecological Management Plan. These conditions will address potential implications of the construction of the proposed development and secure due protection of protected species and opportunities to enhance the natural environment.

In terms of other ecological considerations the Council's advisor has considered any likely impact upon Greater Horseshoe Bats associated with the South Hams SAC, as the site sites in the identified Landscape Connectivity Zone. Having followed the flow chart within the South Hams SAC HRA Guidance document (October 2019) it is deemed that there would be no loss, damage or disturbance at a landscape scale to potential commuting routes for Greater Horseshoe Bats. Therefore, it is deemed unlikely that there will be a Likely Significant Effect on the South Hams SAC a detailed HRA is not required. It is recommended that any grant of planning permission is subject to a planning condition for the submission and agreement of a detailed Lighting Strategy prior to the commencement of development, to minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities.

Regarding trees there are no constraints within the site. The Council's specialist advisor has considered the submitted landscape plan and it is deemed to provide a betterment in terms of it delivering several trees within the site. Overall the landscape scheme is considered robust and is supported. However, it has been raised that further detail is required regarding planting arrangements for the larger specimen trees and smaller trees, and possible bolstering of the meandering south west and western hedge boundary, as the planting numbers are not deemed adequate to ensure that a continuous hedgeline will be in place once completed. There are similar concerns raised with the woodland mix that covers the northwest and northern area where the numbers will not achieve the cover anticipated from the area shown on the plan. There is also a desire to secure improved spacing of the larger specimen trees to allow for the full growth potential of the trees. These matters are with the applicant to respond on however it is deemed suitable and proportionate for further detail and amendments to be secured through a planning condition to address the minor concerns raised.

Subject to conditions to address the matters highlighted, as detailed within the schedule of conditions within this report, the proposals are considered in accordance with the aspirations of Policies SS8, DE1, NC1 and C4 of The Local Plan, Policy The Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. The policy outlines a hierarchy for water-flow management within new development, and similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The application is supported by a site-specific flood risk assessment that seeks to demonstrate that the development would not increase the risk of flooding and accord with policy advice contained within the Development Plan and the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The assessment proposes an attenuated discharge to the Aller Brook to the North of the site. As the site is within the Torbay Critical Drainage Area it identifies it is necessary to limit the surface water drainage leaving the site to the "greenfield" run off for the 1 in 10 year event. This is to ensure there is no increased risk of flooding to adjacent land for all storm events up to the 1 in 100 year with a 40% allowance for climatic change.

The Council's drainage advisor (TDA) has advised that the proposal had demonstrated that the surface water drainage has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change, and is suitable for approval on drainage grounds.

Considering the specialist advice the proposal is considered suitable for approval on drainage and flood risk grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay and the NPPF.

7. Low Carbon Development, Climate Change and Waste Reduction

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.

The application is not supported by information relating to low-carbon aspirations or energy efficiency measures/goals. A request for such information was tabled pre-validation however the request was not taken-up. In the absence of any information a conclusion cannot be made on whether the development accords with Policies SS14 and ES1 of the Torbay Local Plan.

In the circumstance, where the issue is an inability to determine either way due to the lack of information, it is recommended that a planning condition is used to seek submission and approval of proposed measures to accord with the policy aspirations. This should be prior to the commencement of development above Finished Floor Level

The development is, subject to a planning condition to secure a positive response to the aspirations for low-carbon and energy efficient development, can be considered suitable for approval, in accordance with Policies SS14 and ES1 of the Torbay Local Plan.

8. Economic growth

The site has an employment land allocation as identified within the Torquay Neighbourhood Plan under Policy TJ1. The policy cites that new development should help contribute to the strategic needs for employment land for Torquay, that the provision of new employment space will be supported across Torquay (consistent with policies for managing development contained within the Torquay Neighbourhood Plan and the Torbay Local Plan), and that the loss of employment uses at allocated employment sites will be resisted and that support will be given to the retention and improvement of employment space on identified sites.

In terms of the Torbay Local Plan Policy SS4 cites that the Council will support proposals that deliver employment space and high value jobs, and Policy SS5 cites that improvement of existing (or new) employment space will be supported in terms of refurbishment or revitalisation of existing employment estates. Policy SS5 furthers that for major employment or mixed use schemes the Council will seek around 25% of space to be provided as 'B Class' uses.

The proposal seeks to deliver a specialist (bulky goods) retail unit within a site that is identified with wider mixed commercial expectations, and where there is an extant permission for a similar form of development.

The submission is not supported by an economic statement but detail within the Council's adopted Planning Contributions and Affordable Housing and SPD suggest that the proposal could deliver employment levels of around 27 FTE jobs based on a standard employment density formula.

For the avoidance of doubt officers consider the provision of retail in this location is only acceptable due to the material consideration of an extant permission for bulky goods retail on the site. This is because the policy would lead towards the provision of 'higher value' commercial uses. Please refer back to Section 1 of the Officer Assessment for clarification of this position.

Regarding economic considerations development for new employment purposes in this location is considered in accordance with the Development Plan and would present a benefit should it deliver a use on an empty site. The application is deemed to be aligned with employment policies contained within the Development Plan, notably Policy TJ1 of the Torquay Neighbourhood Plan and Policies SS4 and SS5 of

the Torbay Local Plan having regard to the fact that the development will deliver some form of employment on a site that has an extant permission for a similar use.

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 economic benefits of bringing the site into an employment use. Aside the longer-term economic benefits the construction phase would also create jobs within the local economy. There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is in favour of the development.

The Social Role

The principle social benefit of the proposed development is that it would help deliver job opportunities in the local area. Initially the construction phase will provide activity and employment opportunities and longer term the provision of the retail unit will create job opportunities. These short and longer terms benefits weigh in favour of the development.

The Environmental role

The environmental benefits are considered neutral, with the form of development and planning conditions principally aligned with encouraging a sustainable form of building that is energy efficient etc. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

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

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and

Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

CIL

Retail development (outside of the town centres, St Marychurch and Preston (as defined on the Local Plan Policies Map)) is CIL liable on development of over 300 square metres.

The proposal provides 2468sqm of retail floorspace as identified within the submitted CIL form.

Retail development attracts a rate of CIL at £120 per square metre, however mezzanine floors are not subject to CIL.

Notwithstanding the submitted CIL form, based on the submitted plans, it would appear that the CIL liability is 1858sqm (ground floor) plus the lobby floor area, which is 48sqm. This presents a total liable floor area of 1906sqm. This excludes the 487sqm identified mezzanine floor space.

Projected CIL liability from the development: £228,720.00. This is subject to scrutiny/confirmation from the Councils CIL/S106 Officer.

S106

Not Applicable. No obligations necessary to make the development acceptable.

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: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to promote economic growth would produce a positive impact overall. It is also noted that it will also trigger CIL payment of approximately £229,000.00.

Conclusions and Reasons for Decision

Subject to positive determination of the compound access and parking levels, informed by pending comments of the Highway Authority, the proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, or local

amenity; and is acceptable in terms of access, ecology and flood risk matters. It would also provide economic benefits largely through supporting job growth.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations for the reasons stated within this report.

Officer Recommendation

Approval: Subject to;

The receipt of Highway Authority comments and the resolution of access arrangements and parking levels to serve the development to the satisfaction of Officers.

The conditions as outlined, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Implementation Linked

The development hereby approved shall only be implemented in conjunction with planning permission P/2021/0123 (Groundworks). The development shall commence either at the same time as or after the commencement of development under planning permission P/2021/0123 and the conditions attached to both this planning permission and P/2021/0123 shall continue to apply and be enforceable notwithstanding the implementation of the development authorised by the other permission.

Reason: To secure an acceptable form of development and in order to protect the interests of ecology and biodiversity, in accordance with Policies TA2, DE1, SS8 and NC1 of the Torbay Local Plan 2012-2030 and TE5 of the Torquay Neighbourhood Plan and the NPPF.

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 and Order amending or revoking said Orders, the building hereby approved shall at all times solely be used for the purposes of a home improvement retailer and for no other use.

Reason: To secure a satisfactory form of development within the locality and within a site with limited parking facilities, in accordance with Policies SS5, SDT3, DE1, TA1, TA2 and TA3 of the Torbay Local Plan 2012-2030.

Construction/Demolition Method Statement

No development shall take place, including any works of demolition, until a Construction and Demolition Method Statement has been submitted to, and approved in writing by, the Local

Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012- 2030. This pre-commencement condition is required to ensure that highway safety and neighbour amenity is duly protected.

Hours of Construction

Hours of operation throughout the construction phase shall be between 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

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

Development Access

Prior to the first use of the building the service compound and associated access to the adjacent highway shall be completed and made available to serve the development. The service compound and access shall be maintained at all times thereafter to serve the development.

Reason: To secure an appropriate form of development and connection to the public highway, to ensure highway safety is maintained and network impacts are adequately managed, in accordance with Policies DE1, TA1 and TA2 of the Torbay Local Plan and advice contained within the NPPF.

Revised External Cladding Material

Notwithstanding detail on the submitted and/or approved plans, prior to the installation of the metal cladding to be used on the exterior surfaces of the building hereby approved revised details via samples, either digital or physical (identifying colour and form), together with a detailed design of their arrangement, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved details.

Reasons: In order to protect visual amenity and to maintain a satisfactory form of development, in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and TH8 of the Torquay Neighbourhood Plan.

Lighting Strategy

Prior to the commencement of development above the ground floor Finished Floor Level a detailed Lighting Strategy shall be submitted and agreed in writing by the Local Planning Authority. The strategy will minimise indirect impacts from lighting associated with operational activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been

implemented. This will 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 Lighting Strategy and no additional external lighting shall be incorporated within the development during its lifetime.

Reasons: In the interests of ecology and protected species, and to protect visual amenity and the amenity of adjacent occupiers by maintaining a satisfactory form of development, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

CEMP - PC

No development (including demolition and ground works) or vegetation clearance works shall take place on any phase of the development hereby granted full planning permission until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) a detailed Lighting Strategy to minimise indirect impacts from lighting associated with the construction phase, which demonstrates how the best practice has been implemented (Bats and artificial lighting guidance note 2018).
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- f) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the phase of the development that they relate to strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1, C4, SS8 and SS9 of the Torbay Local Plan 2012-2030, and the NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

LEMP

Prior to the construction of any buildings hereby granted full planning permission a Landscape and Ecology Management Plan (LEMP) for the development shall have been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the recommendations included in the submitted and approved Ecological Assessment and all details relating to mitigation measures, species requirements, and the delivery of a net gain in biodiversity. The LEMP shall also seek to secure management of wildlife habitats for the lifetime of the development, detail for an ecological clerk of works to oversee all wildlife requirements, and set out compliance monitoring reporting to the Local Planning Authority at a timetable to be agreed. Development shall take place and the site managed in perpetuity in accordance with the approved LEMP.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Landscaping

Notwithstanding the plans submitted and/or approved, prior to the first occupation or use of the development hereby permitted a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting.

The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development, or in earlier planting seasons wherever practicable. Any trees or plants which within a period of 5 years from the completion of the development 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

Repeat Badger Surveys

Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved details.

Reason: To ensure protected species are duly considered, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF. These details are required pre-commencement in order to ensure certainty in regard to the presence and any forthcoming mitigation prior to potentially harmful operational works are commenced.

Ecology – biodiversity enhancement

Prior to the first use of the building measures to maximise opportunities for biodiversity enhancement in and around development, in order to deliver a net gain for biodiversity, shall be submitted to and approved in writing by the local Planning Authority.

The approved measures shall be incorporated within the development prior to the developments first use and maintained thereafter.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

Energy

Prior to the commencement of development of the build process above finished floor level (excluding demolition or general groundworks), details of the proposed measures to deliver low carbon development, and energy efficiency measures, shall be submitted for the approval in writing by the Local Planning Authority. The approved measures shall be fully incorporated within the development prior to its first use and maintained thereafter.

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the business meets Secured by Design standards as far as practicable.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Drainage

Prior to the first use of the development the submitted and approved surface water drainage system (plan reference 3467/FRA107 Revision P) shall have been implemented in full. The drainage scheme shall be fully implemented prior to the first use of the development and the drainage system shall then be maintained at all times thereafter to serve the development.

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

Parking provision

Prior to the first use of the development the parking facilities hereby approved shall have been provided in full, including the provision of 4 demarked disabled spaces. These elements shall thereafter be retained in full as parking facilities to serve the development 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.

Electric charging facilities

Notwithstanding details supporting the application prior to the first use of the building details for the provision of electric charging facilities shall be submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be implemented in full prior to the first use of the development and maintained thereafter.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Cycle parking provision

Prior to the first use of the development the approved cycle parking facilities shall be completed and made available for the purpose of cycle parking to serve the development. Once provided, the parking facilities shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy THW6 of the Torquay Neighbourhood Plan.

Travel Plan

Prior to the first occupation 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 approved travel Plan shall be implemented throughout the lifetime of the development.

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

Waste provision

Prior to the first occupation of the development details of waste and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be completed and made available for the purposes of waste storage to serve the development prior to the first use and once provided the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Waste Audit and Management

Prior to the first use of the development a Waste Audit and 5-year Waste Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Waste Audits and 5-year Waste Management Plans shall include measures to:

- a) Prevent and minimise, re-use and recycle waste (including composting where appropriate).
- b) Minimise the use of raw materials.
- c) Minimise the pollution potential of unavoidable waste.
- d) Seek alternative modes of transport (to the use of roads) to move waste (wherever possible).
- e) Make provision for the storage and collection of waste.
- f) Dispose of unavoidable waste in an environmentally acceptable manner.

The Waste Audits and 5-year Waste Management Plans shall be implemented as approved.

Reason: To minimise waste from the development in accordance with Policy W2 of the Torbay Local Plan. These details are required pre-commencement as specified to ensure that waste generation is minimised from the start of the development and is dealt with in a sustainable way.

Boundary treatments / means of enclosure

Notwithstanding detail on the plans hereby approved prior to the commencement of development above the ground floor Finished Floor Level details of the security enclosure of the compound and outdoor project centre shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved detail and the boundary treatment shall be retained as approved at all times thereafter during the lifetime of the development.

Reason: In the interests of design and visual amenity, in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

Mobile Catering Unit

The mobile catering unit hereby approved shall only operate within the opening times of the main building and at no other times. The catering unit shall only operate within the location approved.

Prior to its placement within the approved location details of the form and materials of the catering unit shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure an appropriate form of ancillary service for customers and to protect local amenity and the visual character of the area, in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

Mezzanine Additions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), or any Order amending or Revoking said Order, no additional mezzanine floor space shall be provided within the building beyond that consented by this permission.

Reason: To ensure the impact upon parking and the highway network is duly considered within the development with limited on-site parking, in accordance with Policies DE1, DE3, TA1, TA2 and TA3 of the Torbay Local Plan 2012-2030.

PD Removal – Extensions (retail)

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 the 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 and the Torquay Neighbourhood Plan.

Informative(s)

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

This permission does not grant consent for any form of signage shown on the plans hereby approved. An advertisement application should be submitted by the applicant and the merits of any signage will be considered within such an application.

Relevant Policies

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS4 - The economy and employment
SS5 - Employment space
SS8 - Natural Environment
SS9 - Green Infrastructure
SS14 - Low carbon development and climate change
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design

DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TJ1 - Employment
TH8 - Established architecture
THW5 - Access to sustainable transport
THW6: Cycle storage and changing facilities
TH2 - Designing out crime
TE5 - Protected species habitats and biodiversity