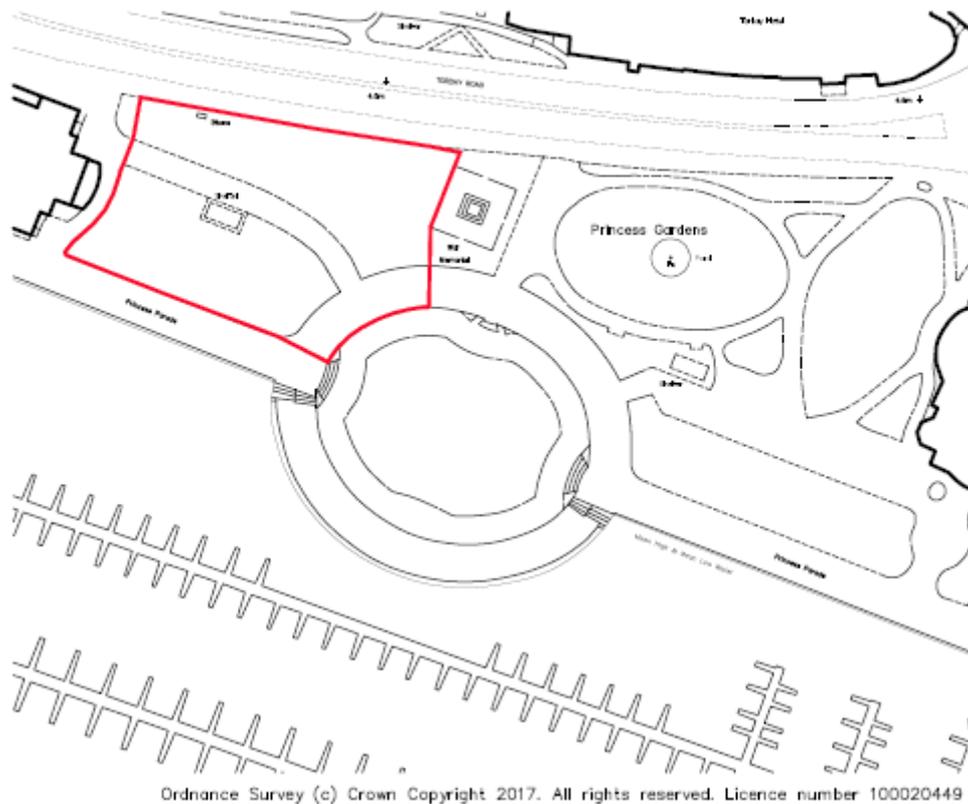


| | |
|---|--|
| Application Site Address | Land At Princess Gardens Off Torbay Road Torquay TQ2 5EY |
| Proposal | Change of use of land for temporary erection/operation of observation wheel, with ancillary development. One-year season (between period of March to October 2022). |
| Application Number | P/2022/0211 |
| Applicant | James Mellor Ltd |
| Agent | GPS Planning and Design Ltd |
| Date Application Valid | 17.02.2022 |
| Decision Due Date | 14.04.2022 |
| Extension of Time Date | N/A |
| Recommendation | <p>Approval: Subject to;</p> <p>The receipt of Historic England comments and The Devon Gardens Trust comments to the satisfaction of the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The conditions as outlined, with the final drafting of conditions delegated to the Director of Planning, Housing and Climate Emergency.</p> <p>A S106 Legal Agreement to secure a 'conservation gain' to the sum of £20,000 through an upfront payment or S106 legal agreement, for restoration works to the adjacent listed War Memorial.</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 | Torbay Council Land. |
| Planning Case Officer | Scott Jones |



Site Details

This is a sensitive location, it is prominent within the Torquay Harbour Conservation Area, is near to a Grade II Listed building (Pavilion) and set within Princess Gardens which is a Grade II entry on the Register of Historic Parks and Gardens. It is adjacent to the War Memorial and near to the Fountain, which are both also Grade II listed structures.

The site is also in a Core Tourism Investment Area (CTIA), a Coastal Change Management Area, and a Flood Risk Area, as designated within the Torbay Local Plan. The site and wider area is also a Local Green Space, as designated within the Torquay Neighbourhood Plan.

The land is owned by Torbay Council.

Description of Development

This application seeks the erection of a 50m observation wheel, two ticket offices, and an ancillary catering unit with seating area, within Princess Gardens, Torquay. The application seeks the temporary change of use of land for these purposes for one 'summer' season (between period of March to October 2022).

The observation wheel is to be sited between the War Memorial and Princess Theatre, perpendicular to the adjacent highway.

Ticket offices are set either side of the wheel, one being 3.5m by 3.5m and one being 4m by 2m. The catering unit is 6m by 2.5m and is proposed just to the seaward side of the wheel, with a seating area temporarily dressed with AstroTurf.

Pre-Application Enquiry

N/A.

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

Observation Wheels:

P/2012/0690: Temporary consent for Observation Wheel between 13th August and November 2012: Approved 15.08.12.

P/2013/0167: Temporary Consent for period 24th May- 5th November: Approved 8.04.13.

P/2014/0193: Temporary consent for period March-October 2014.
Approved: 15.04.14.

P/2015/0042: Temporary consent for period March-November 2015.

P/2016/0384: Temporary consent for a period until 31st October 2016. Approved: 19.05.2016.

P/2017/0092: Change of use of land for the temporary erection and operation of a 50m observation wheel, carousel and associated ancillary development (5 year period between the period of March to the 31st October). Approved 08.05.2018.

P/2021/0708: Variation of Condition relating to application P/2017/0092 (Change of use of land for the temporary erection and operation of a 50m observation wheel, carousel and associated ancillary development (5 year period between the period of March to the 31st October)). Condition: 01 - Temporary Use (Mar-Oct). Extension of usage time ending from October 2020 to October 2021. Pending Decision.

Summary of Representations

One, as summarised below. An update will be offered on the amount and content of any representations as the consultation period for public representations runs until 23.03.2022.

Torbay Heritage Trust: The application should be withdrawn or unquestionably refused. The principle of the Mellor Wheel is supported, but not located in this sensitive location, a Grade II Listed Park at risk.

Summary of Consultation Responses

The majority of expected consultee responses are awaited. An update will be offered on consultations received at the point of the planning committee as the period for consultee comments runs until 23.03.2022.

Torquay Neighbourhood Forum

Historic England

Torbay Council Heritage Advisor

The adopted Torbay Heritage Strategy includes an objective to ensure 'Princess Gardens and Royal Terrace Gardens are maintained and protected for the future'. I am therefore conscious of this proposal and its impact on the registered Princess Garden and the character and appearance of the Torquay Harbour Conservation Area. I have reviewed the planning history and noted the evolving discussion around the public benefits and conservation gain associated with this and previous applications. The restoration of the fountain and recent public realm works, including surfacing, have been a significant step forward in terms of this conservation gain. It would be useful to see an itemised list of what has taken place within the gardens to understand the cumulative effects of these improvements.

I have also recently spoken to Historic England regarding the gardens remaining on the Heritage at Risk register. This is clearly something we need to resolve, particularly given the link to our Heritage Strategy. This current application could contribute to resolving any features which keep the gardens at risk. It is important we consider and protect the overall integrity of the gardens and understand what is the next priority for repair and restoration.

In terms of this current application and conservation gain, the war memorial seems the most logical choice as it is listed in its own right. I would like to see an assessment demonstrating the potential for restoration particularly of the stonework and lettering.

As for future applications and the long term siting of the wheel, it is clear that the gardens have seen recent improvements and there could be other prioritised works which could be defined as being of public benefit. However, it is unlikely that this could be a rolling programme and there will come a time when the issues are resolved and we can request that the gardens be removed from the at risk register.

Returning to my first point, the wheel has a significant visual impact on the highly sensitive Princess Gardens and the Torquay Harbour Conservation Area. The surfacing, additional supporting structures and buildings also contribute to the impact on the gardens. I would therefore welcome a continued dialogue on the future use of the gardens for the wheel.

The Devon Gardens Trust

Environment Agency

Drainage Engineer (Swisco)

Community Safety Officer

Further to your recent consultation regarding the above application I would confirm that having reviewed the lighting impact assessment submitted by the applicant I have no objections.

Arboricultural Officer (Swisco)

Highway Authority (Swisco/WSP)

Engineers

Marine Management Organisation

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of the development,
2. Impact on heritage assets,
3. Design and visual impact
4. Impact on adjacent amenity,
5. Impact on trees,
6. Ecology and the marine environment.
7. Flood risk

1. Principle of the development

The site is a designated Local Green Space within the Torquay Neighbourhood Plan under Policy TE2 (TLGST2). The policy guides that development is ruled out, other than in very special circumstances. The policy cites that very special circumstances may include minor improvements to community access, or facilities that support their use for public recreation or amateur sports, or development allowing reasonable small extensions in a style that reflects the setting and the local area which would be consistent with the LGS designation. The proposal is temporary in nature and is a unique tourism facility. In the context the development, subject to wider considerations, is considered to accord with the principles of the policy and the guidance contained within Policy TE2, and thus is an acceptable form of development within the designated greenspace.

In terms of the Torbay Local Plan Policies SDT2 (Torquay Town Centre and Harbour), TC1 (Town centres), TO1 (Tourism, events and culture) and TO2 (Change of use of tourism accommodation and facilities) provide relevant policy guidance on the principal of a leisure attraction on the edge of Torquay Town Centre and Harbour.

Policy SDT2 seeks to reinforce Torquay Town Centre as the principal retail and leisure centre of the Bay, to become the key sub-regional retail and leisure destination and to provide a vibrant and more enjoyable shopping and leisure environment.

Policy TC1 centres on retail and town centre uses and reinforces the town centre first approach. Two criteria apply and there is a notion of support for development for mixed use edge of centre developments that help achieve more balanced communities by delivering a mix of uses including employment and leisure, which is relevant (Criterion v), and the use of heritage assets, public art and public space, events, exhibitions and festivals to provide a more enjoyable, creative environment (Criterion viii).

Policy TO1 seeks that Torbay's tourism offer will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination. It furthers that tourist facilities will be improved and modernised and new tourism facilities provided, in order to attract new visitors. The policy supports in principle the provision of new tourist attractions, subject to other Policies in the Local Plan. The policy supports the retention, improvement and creation of high quality tourism and leisure attractions in sustainable, accessible, locations with a particular focus on Core Tourism Investment Areas as the areas for investment in tourism.

Policy TO2 seeks that within Core Tourism Investment Areas that the role of premises should be retained and enhanced commensurate with their contribution to the area's tourism offer.

Then provision of an observation wheel within a well-located, central and sustainable location within what is a Core Tourism Investment Area is considered to be supported in principle when considering the town centre and tourism policies cited above, subject to other material considerations.

In conclusion the principle of the temporary provision of an observation wheel is considered to align with the development plan aspirations in terms of supporting and promoting tourism facilities, subject to wider considerations, including the heritage impacts.

2. Impact on the Heritage Assets

This is a sensitive location, it is prominent within the Torquay Harbour Conservation Area, is near to a Grade II Listed building (Pavilion) and set within Princess Gardens which is a Grade II entry on the Register of Historic Parks and Gardens. It is adjacent to the War Memorial and near to the Fountain, which are both also Grade II listed structures.

In terms of the Torquay Neighbourhood Plan Policy TT2 (Change of Use in

Conservation Areas and Listed Buildings) provides some key guidance. The policy guides that within designated Conservation Areas or where Listed Buildings are involved, whether inside or outside of a CTIA, change of use from tourist accommodation and other development proposals requiring consent will be supported in principle (subject to other policies in this Plan) to ensure a sound future for such heritage assets and wherever possible unsympathetic development of the past is removed or altered to enhance the historic environment.

Policies SS10 and HE1 provide key advice within the Torbay Local Plan. Policy SS10 requires development to sustain and enhance assets and adds that all assets will be conserved proportionate to their importance and concludes that proposals that enhance heritage assets or their setting will be supported. Policy HE1 central guidance is that development proposals should have special regard to the desirability of preserving any listed building and its setting.

The NPPF also provides advice, with Para 197 citing that local planning authorities should take account of;

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

The NPPF also provides key advice in terms of considering potential impacts, with Para 199 guiding that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), and Para 200 furthering that any harm should require clear and convincing justification.

The proposal presents a significant change to the character of the registered park and garden for a temporary period, in this case one summer period. This presents some harm to the character of the park and some harm to the setting of the nearby listed Pavilion building and listed structures within the park. The key consideration is the judgment on the temporary harm of placing the wheel over the medium/long term benefit of the direct 'conservation gain' being proposed. In this application the proposal is to provide £20,000 for identified improvements works to the nearby listed war memorial.

This concept of seeking to offset short term harm with demonstrable conservation gain follows the concepts tabled within previous applications for the temporary placement of the wheel in the park. Notably the previous 5-year temporary permission secured around £130,000 that directly funded the recent restoration of the adjacent listed fountain.

The observation wheel will be close to the Listed War Memorial and within the setting of the Listed Fountain, but care has been taken to ensure a suitable gap to the War Memorial and retain horizontal and vertical space and retain circulation, so as not to unduly crowd or restrict access around this structure. The proposal does have an impact upon the setting but does not impact the Listed structure itself. The impact

upon the setting of the Listed Fountain is less due to the distance and again the impact is one of setting and it does not impact the Listed Structure itself.

More broadly in terms of the visual prominence and setting of the Registered Park the observation wheel, when approached from the east (from Cary Green / the Pavilion) the wheel will be partially set against the backdrop of the theatre building, which will lessen its visual prominence. From the west the theatre building will partially obscure views on the approach. From the north along Torbay Road and/or Rock Walk, the wheel will be partially obscured by the line of mature London Plane trees. From the south, from the sea or pier, the cliffs of rock walk provide a frame behind the structure that will also lessen its visual prominence. Having considered the context and constraints it is considered that the site appears the least harmful location for the wheel if it is to be placed within the Registered Park and Garden, but it still presents harm, which is considered less than substantial, due to the temporary nature of the development and the permeability of the structure in terms of views through the wheel.

Regarding the other forms of development proposed these elements are far more diminutive in scale and hence the potential harm is more limited. The proliferation of clutter is however an issue of concern for the Registered Park and Garden. It is however considered fair to assume that the accumulation of structures will present some form of harm, which is less than substantial.

The submission presents that the heritage impact of granting permission for one summer would be offset through the proposed ring-fenced investment in the Registered Park and Garden of £20,000. It is suggested that the potential conservation gains proposed, together with the economic and tourism benefits, adequately offset the less than substantial harm on the heritage assets, in accordance with the NPPF guidance.

Comments are awaited from Historic England and the Devon Gardens Trust. The council's conservation advisor has advised that the concept of securing improvements to what is an 'at risk' registered park and garden is aligned with the Council's recently adopted Heritage Strategy, and that funding of the war memorial is a logical step.

Subject to the comments of Historic England and The Devon Gardens Trust it is considered that the impacts are short term and reversible in nature, and any harm would be sufficiently offset by the 'conservation gain', which is funding towards the restoration of the listed War Memorial.

It also remains pertinent that wheel has been immensely popular, has attracted tourists, created a dramatic and striking feature within the townscape and has generated economic benefits for the town in terms of increased spend. Once removed, the former site has been quickly reinstated to its former condition and such arrangements could again be secured by condition for its new location.

In the circumstances, given the conservation, economic and tourism benefits of the wheel, subject to the pending comments of Historic England and the Devon Gardens Trust, and subject to achieving the identified conservation 'gains' to offset the less than substantial harm, there would appear sufficient public benefit to permit a one year (summer season) permission in the location proposed when considering the level of

harm to heritage assets.

The scheme, subject to the above, would be compliant with Policies SS10 and HE1 of the Torbay Local Plan, Policy TT2 of the Torquay Neighbourhood Plan, and advice contained within the NPPF regarding heritage assets and less than substantial harm.

The above conclusion has considered the duty to have special regard to (1) the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses and (2) the desirability of preserving or enhancing the character or appearance of any conservation area, as detailed within the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Design and visual impact

Regarding the impact of the development upon the wider townscape Policy DE1 (Design) provides pertinent advice.

Policy DE3 states the development should be well-designed, respecting and enhancing Torbay's special qualities, with design considerations on (i) function, (ii) visual appeal and (iii) quality of public space.

In terms of function the structures are temporary in nature and the temporary impact of placing them within Princess Gardens will not alter the adaptability of the space in terms of future change and need. The development is also aligned with functionality in terms of providing diversity to the Park's longstanding tourism and recreation use. The development will also integrate within the constraints of the green infrastructure and principal routes through the Park, with the main thoroughfares unaffected.

In terms of visual appeal the observation wheel is a very prominent and distinguished structure that would be very striking within the townscape. The character and permeability of the wheel will however protect long-distance public views and, through its use, the wheel will also introduce new view-points for residents of and visitors to Torbay. Overall in terms of visual appeal the wheel will have an impact upon the townscape due to its scale and prominence, however the impact is considered limited as the structure is temporary in character, lightweight in terms of how it retains views through it.

In terms of the quality of the public space the location of the development seeks to respond to and address the key public routes through the Park and limit the impact upon these routes. As a unique attraction that is only in a handful of locations nationally the development has the potential to enlighten the experience of the Park and wider promenade as a recreational destination.

Considering the character, form and location the development is considered suitable for the context and in accordance with the aims and objectives of Policy DE1 of the Local Plan 2012-2030.

4. Amenity

Policy DE3 (Development amenity) of the Torbay Local Plan seeks to secure

development that does not unduly impact upon the amenity of neighbouring and surrounding uses, with impact being assessed to include noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution.

The scale and location are consistent with a previous consent for a 5-year period. Its form and location would have little impact upon the commercial operations around the gardens and immediate area, due to its form and location. The development may have a more demonstrable beneficial impact on neighbouring commercial operations where they may benefit from the additional footfall and tourism interest that the wheel and carousel is likely to generate.

In terms of residential impact the nearest adjacent properties on Warren Road sit on higher ground to the north of the wheel, approximately 100 metres from the proposed location. It has previously been determined that the impact on privacy and noise nuisance to residential properties 100meters away are not sustainable reasons to resist the wheel, subject to conditions to restrict the hours of operation and lighting. This opinion is maintained.

There is a lack of clarity on the extent of lighting, however it has been stated that the wheel will be lit in a similar way to the previous operations/consents. The lighting has been previously considered acceptable and if similarly lit the wheel would not unduly impact neighbours.

In terms of amenity, subject to lighting similar to the previous operation, and operating our restriction, the wheel would be acceptable on amenity terms and compliant with Policy DE3 of the Torbay Local plan

5. Arboricultural impact

There is a linear row of mature London Plane trees to the north of the proposed location, which are set along the adjacent footpath and frame the highway. These provide significant visual benefits to the character of the area and the setting of the Registered Park and Garden.

The location of the wheel appears to respond to the crown and rooting protection area of these trees and would appear to present a sustainable relationship. This location was previously considered acceptable on arboricultural grounds under the previous planning permission for the wheel, P/2017/0092.

There appears sufficient access to the site from the northwest adjacent to the Theatre which presently receives heavy goods vehicles to service theatre productions.

Comments from the Arboricultural Officer (Swisco) are awaited, and members will be updated.

The proposal is, subject to the pending comments stated above, considered acceptable on arboricultural merit and aligned with policies DE1 and C4 of the Torbay Local Plan.

6. Ecology and Marine Environment

Policy TE7 - Marine Management Planning Development proposals on land adjacent to the coastline will be supported where do not have an adverse effect on a marine policy or management plan. Comments from the Marine Management Organisation are awaited, however it is noted that no objection was offered to the 5-year consent applied for in 2017. Members will be updated.

The proposal is not considered to present any ecological impacts due to its location within an urban location and managed (closely mown) habitat. Although close to the coast the development is temporary in nature and sits above ground without disturbing the land. The operation is unlikely to impact the adjacent marine environment for these reasons.

7. Flood Risk

The development is temporary in nature and involves limited areas where development/structures sit on top of the established land without presenting permanent change. These are the foot pads for the wheel, the small catering and kiosk units, and the Astro turf covering. The development is not considered likely to increase flood risk.

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

Tourism is an important economic sector and there would be economic benefits of from the wheel in supporting this sector and enhancing the facilities available during tourism trips and possible temporary employment opportunities. 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. the development will support this aspiration. The short 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 development without impact. 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

The development is a significant tourist attraction and is likely to increase footfall in the gardens.

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. There are no wider material considerations beyond the development plan.

Conclusions and Reasons for Decision

It has always been accepted that a permanent occupation of land within the park for an observation wheel would be, in the long term, harmful to the architectural and historical character of the site.

The proposed location is considered less impacting on the Grade II Listed Pavilion building than previous locations nearer to it. It is also considered the least impacting location within the Registered Park and Garden.

Conservation gain is proposed to offset the less than substantial harm caused to the heritage asset/s. Comment is awaited from the Historic England and the Devon Gardens Trust to inform whether this gain is sufficient at the level indicated.

Subject to securing an acceptable level of conservation gain the development proposals for a one year period will accord with the aims and objectives of policies TC1, TO1, TO2, HE1, SS10, C4, DE1 and DE3 of the Torbay Local Plan 2012-2030, Policies TT2 and TE2 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

Officer Recommendation

Approval: Subject to;

The receipt of Historic England comments and The Devon Gardens Trust comments to the satisfaction of the Divisional Director of Planning, Housing and Climate Emergency.

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

A S106 Legal Agreement to secure a 'conservation gain' to the sum of £20,000 through an upfront payment or S106 legal agreement, for restoration works to the adjacent listed War Memorial.

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

Time Limit

01. The permission, allowing occupation of the site by the observation wheel and ancillary development, shall be for a temporary period only between the periods of March 15th 2022 and the 31st October 2022. The observation wheel and ancillary development shall be removed before 1st November 2022 and following removal the gardens shall be reinstated in accordance with details that shall have previously been submitted to and agreed in writing with the LPA. The agreed scheme of reinstatement shall be implemented in full within two weeks following the removal of the development.

Reason: The use of the site by the development is only acceptable on a short term basis and more lengthy occupation would be harmful to the setting of the listed buildings, to the character of the Registered Gardens and the wider Torquay Harbour Conservation Area contrary to Policies HE1 and SS10 of the Torbay Local Plan 2012-2030 and Policies TT2 and TE2 of the Torquay Neighbourhood Plan.

Lighting condition

02. Prior to operation a lighting scheme shall be submitted and approved in writing by the Local Planning Authority. The development shall at all times accord with the approved lighting scheme. The development shall only be lit during the approved operational hours.

Reason: To ensure that disturbance to residents who overlook the site is minimised and to protect the wider visual character of the area, in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

Operating hours

03. The observation wheel and the associated ancillary catering facilities shall only operate, and be lit, between the hours of 10.00 and 22.00 hours daily.

Reason: To ensure that disturbance to residents who overlook the site is minimised in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Operational management

04. Prior to the wheel arriving on site a traffic and operational management plan and details of the operational control during construction and dismantling, which shall include due consideration and information regarding the protection afforded adjacent trees during operations, shall be submitted to and approved by the Local Planning Authority. The operation of moving the wheel onto and off the site shall accord with the approved details.

Reason: In order to protect the structural integrity of the site, in accordance with Policies HE1 and SS10 of the Torbay Local Plan 2012-2030 and Policy TT2 of the Torquay Neighbourhood Plan.

Tree protection

05. No storage of materials within the defined Root Protection Area depicted in plan ref. CT_4423.17_TCP.

Reason: To protect the rooting area of significant trees within the locality, in accordance with Policy C4 of the Torbay Local Plan 2012-2030.

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.

Relevant Policies

Development Plan Relevant Policies

DE1 - Design
DE3 - Development Amenity
TC1 - Town Centres
TC5 - Evening and night time economy
TO1 - Tourism, events and culture
TA2 - Development access
HE1 - Listed Buildings
ER1 - Flood Risk
SS4 - The economy and employment
SS10 - Conservation and Historic Environment
SDT2 - Torquay town centre and harbour
C4 - Trees, hedgerows and natural landscape
NC1 - Biodiversity and Geodiversity_

TT2 - Change of Use in Conservation Areas and Listed Buildings
TE2 – Local Green Spaces
TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture
TE5 - Protected species habitats and biodiversity