

## 6. SHOPPING AND TOWN CENTRES

### Distribution of shopping in Torbay

**6.1** The shopping pattern in the Torbay retail trade area, which extends across South East Devon with a catchment population of around 285,000, is complex. Torquay is the dominant shopping centre and draws trade from throughout Torbay and surrounding areas, including Newton Abbot and Totnes. The three largest towns in the sub-region - Torquay, Paignton and Newton Abbot - also attract trade from each other. Paignton serves shoppers mainly from Paignton and Brixham, within a radius of about 3-4 miles. Brixham largely serves local needs and those of a few outlying settlements.

**6.2** Within Devon as a whole, however, Exeter and Plymouth are the two principal shopping centres and these in turn attract shoppers from Torbay. Nevertheless, recent major shopping developments in Torquay town centre and particularly at the district centre at Scotts Bridge/Barton, Torquay (The Willows) have recaptured some of the trade lost to shops outside Torbay, especially to out-of-centre food and bulky goods stores in the Newton Abbot area.

**6.3** Figure 25 shows the dominance of Torquay town centre both in terms of actual amount of retail floorspace and in the percentage of comparison goods, an indicator of its retail significance.

**6.4** An important feature of retailing within both Torquay and Paignton is the relatively large provision of retail floorspace in the smaller centres outside the central areas; two of these centres, St. Marychurch in Torquay and Preston in Paignton, are long established and function as district shopping centres. In addition, The Willows District Shopping Centre at Scotts Bridge/Barton is a strategic edge-of-town shopping centre, catering for car-borne shoppers from a wide

area throughout South Devon. Until recently, there has been only limited shopping development outside the established retail centres, although there has been continued pressure over the past decade to establish edge-of-town retail stores, especially on sites adjoining the Torbay Ring Road. The Sainsburys foodstore at Yalberton, Paignton and Safeway foodstore adjacent to Paignton Zoo were both allowed by the Secretary of State following Public Inquiries in the early 1990's.

**6.5** There has also been an increase in retail outlets along the Newton Road corridor, to the north of Torquay town centre, comprising bulky goods stores and a drive-through take-away food outlet. Little of this trade is in direct competition with established shopping centres. However, there is concern firstly over pressure to develop additional retail outlets on a busy section of the main traffic artery between Torquay and elsewhere to the north, and secondly over the loss of well located employment land which is in short supply.

**6.6** The importance of the three towns as shopping centres is enhanced by their roles as major resorts. A significant proportion of floorspace in the town centres is supported by tourist expenditure. However, all three town centres have been adversely affected in recent years. Competition from out of town superstores has had a particularly harmful impact on Paignton town centre. There is general evidence of physical deterioration in parts of the centres, such as harbourside areas and edge of town centre locations.

**6.7** Recent developments, including pedestrian priority areas, environmental improvements and new shopping facilities have been implemented in order to help to reverse this trend. The focus for town centre management is to adopt a more integrated approach, looking at town centres not just as places for retailing but as focal points for economic and social life.

**Figure 25: Town centre shopping in Torbay - net retail floor space (sq.ft.)**

Town	1981 total floorspace	1996 total floorspace	% comparison goods floorspace	1981-96 change
Torquay	431,000	434,000	85%	+3,000
Paignton	246,000	272,000	79%	+26,000
Brixham	87,000	82,000	76%	-5,000
<b>Torbay town centres</b>	<b>764,000</b>	<b>788,000</b>	<b>82%</b>	<b>+24,000</b>

Source: Devon County Council.

**6.8** It is anticipated that the volume of retail trade arising from shopping over the Internet, or 'e-commerce', will grow during the Plan period. The extent to which this trend will affect retailing patterns in the high street is unknown. However, it is possible that there could be a significant impact on certain types of comparison shopping, such as the sale of books and CDs. Banking and other financial services are also likely to be affected.

### Planning policy background

#### (a) National Planning Policy Guidance

**6.9** PPG6 'Town Centres and Retail Developments' (1996) provides guidance seeking to:-

- sustain and enhance the vitality and viability of town centres;
- focus development, especially retail development, in locations where the proximity of businesses facilitates competition from which all consumers are able to benefit and maximises the opportunity to use means of transport other than the car;
- maintain an efficient, competitive and innovative retail sector; and
- ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access by a choice of means of transport.

**6.10** A key theme of PPG6 is that local authorities should adopt a 'sequential approach' of preferring town centre locations for retail developments, followed by edge-of-town centre locations. Out-of-centre locations are only acceptable where no centre or edge-of-centre sites are available, and then only if the out-of-centre location is accessible by a choice of means of transport. Subsequent Government advice (Ministerial Statement, 1999) states that need must be demonstrated for out of town centre retail development. A further Parliamentary statement on 10th April 2003 reiterated the policy tests of need and the sequential approach and that bulky goods sales were not exempt from meeting these policy tests. PPG6 is currently under review. A Consultation draft of PPS6 'Planning for town centres' was published in December 2003 and is likely to be published as a new Planning Policy Statement during 2004.

#### (b) Strategic shopping policy

**6.11** The Adopted Devon Structure Plan First Review (1999) sets out the strategic basis for shopping in Torbay. Torquay and Newton Abbot are classed as sub regional centres, with Paignton as an area centre with a strategic development role. Brixham has no strategic policy designation. As well as giving guidance on new development, retailing policies refer to safeguarding the existing shopping hierarchy, maintaining the vitality and viability of town centres and maintaining their levels of shopping provision. Emphasis is placed on improving access to town centre and other facilities by means other than the motor car. The Devon Structure Plan 2001-2016 (expected to be adopted in Summer/Autumn 2004) designates the whole of Torbay as a Principal Urban Area (PUA) - see Policies ST5 and ST13. Policies SH2 and SH3 deal with shopping facilities and retail warehousing.

#### (c) Local shopping policy context

**6.12** The Council has consistently aimed to strengthen shopping provision in the three town centres. New facilities have been developed in the centres of Torquay (Union Square and Fleet Walk) and Paignton (Victoria Centre). Other town centre shopping provision is proposed in each of the town centres. There has been planned provision of out of centre food and non-food facilities at The Willows District Centre and bulky non-food retailing on the Newton Road corridor. Some additional out of centre developments were approved by the Secretary of State in the early 1990s (see 6.4 above).

### Shopping issues and policy considerations

#### a) New retail development

**6.13** The anticipated growth in retail expenditure to the year 2011 will create the need for new shopping floorspace to meet the Council's requirements. In the Council's view, the three town centres are the most appropriate locations for such development since they generally offer the greatest overall levels of accessibility to shoppers. Government policy strongly favours locating retail developments within town centres. Should retail proposals be made elsewhere, it will be necessary to consider their impact (including cumulative impact) on the vitality and viability of both the town centres and the district and local centres. Such proposals for out-of-centre sites should satisfy the sequential approach set out in PPG6.

**6.14** Range and diversity of shopping provision will remain particularly important for the health of Torbay's shopping centres. Out-of-centre food outlets should

not result in town centre food retailing being reduced to a level where it ceases to provide a reasonable choice for the shopper. Similarly, it is important that the provision of comparison goods and service facilities in the central areas is sustained and improved wherever possible, in order to avoid further trade diversion from the three town centres. The development of sporadic and peripheral comparison goods stores which are in direct competition with those in established centres, is unlikely to enhance the shopping role of town centres.

#### **b) Role of the town centres**

**6.15** An underlying aim of the Local Plan is to secure a sustainable future for the town centres as a focus for shopping provision within the sub-region. Complementary uses such as recreation, leisure and housing can contribute to attractiveness and diversity. Mixed-use developments clearly have an important role in this context.

**6.16** The ability of town centres to compete will be influenced by the character of the shopping environment and by being highly accessible by all forms of transport, including the availability of well-located, competitively priced car parking.

**6.17** While the three town centres are very different from each other, they each need an integrated approach to future management and development based on a partnership between relevant organisations and individuals.

**6.18** Safety, convenience and attractiveness are fundamental to a high quality shopping environment. An integrated approach to the improvement of facilities for pedestrians is required, addressing issues such as parking, traffic management and calming, pedestrian priority and landscaping. Accessibility within shopping areas for the disabled and disadvantaged should be an important element of such a package. All three towns have Shopmobility Schemes in operation.

#### **c) District and local shopping centres.**

**6.19** The Council also recognises that the district and local shopping centres make an important contribution to meeting the day-to-day needs of local neighbourhoods. For those without use of a car, such centres provide a vital service which often extends beyond that of a daily “top-up” nature. Facilities such as pharmacies and post offices are particularly important in this regard. Local and district centres can promote transport choices and generally help to reduce journey distances, contributing to the reduction in CO<sub>2</sub> emissions.

### **Local Plan shopping strategy**

#### **a) Torbay Shopping Study**

**6.20** The Council commissioned a shopping study by consultants Hillier Parker in 1994 to assess retail performance in the town centres, advise on measures necessary to maintain and improve their competitive position, and provide an input into the Local Plan. The findings of the Torbay Shopping Study have provided a comprehensive framework for formulation of shopping development strategies, strategy objectives and detailed policies and proposals.

**6.21** The 1994 Study was supplemented by the Retail Capacity Update-2011 (August 1998). This revised the assessment of the towns’ trading positions and retail capacity to 2011.

#### **b) Convenience goods floorspace**

**6.22** The Retail Capacity Update does not identify a serious qualitative or quantitative deficiency in convenience retailing at present. However, it is anticipated that there will be sufficient expenditure to support additional convenience goods floorspace within the Plan period. In Torquay, capacity has been identified for about 1500 square metres of food and convenience retail floorspace to 2011. It is the Council’s view that this capacity would be best provided for within the town centre.

**6.23** In Paignton, the Hillier Parker update identifies a minimal capacity for additional convenience retail floorspace in the Plan period (less than 200 square metres to 2011). However, a qualitative need for a town centre convenience store is identified to counter the impact of out-of-town foodstores. The subsequent opening of Lidl in Victoria Square goes some way to meeting this need.

**6.24** In Brixham, capacity for approximately 1400 to 1800 square metres (15,000 - 20,000 square feet) net of convenience retail floorspace is identified within the Plan period, to be provided within the town centre.

#### **c) Durable goods floorspace**

**6.25** The Retail Capacity Update identified scope for additional durable retail floorspace within Torquay during the Plan period. It is anticipated that the majority of this will be provided within allocated and other existing sites in the town centre. In particular, the range of goods sold from non-central retail warehouses should be strictly limited to bulky durable goods, to minimise adverse effects on Torquay town centre. The Retail Capacity Update supported the provision of some 9300 square metres of bulky goods retail

floorspace within the Plan period. Much of this provision has been taken up by development on land adjoining Riviera Way and Hele Road.

**6.26** The Hillier Parker Update does not support the allocation of additional bulky durable goods floorspace within Paignton during the Plan period. Instead, it advises that effort should be concentrated on redevelopment or refurbishment of existing facilities. Within Brixham, there may be a capacity for a small durable goods-based scheme of about 860 square metres, within the Plan period. However, this should be in the town centre and would most appropriately be a specialist/niche type retailer to complement and consolidate the town's dual shopping/tourism role.

#### d) Town Centre development

**6.27** The Retail Capacity Update found that Torbay's trading performance had improved since the 1994 Study. However, it identified potential threats from out-of-centre retailing and suggests improved utilisation of existing space in the town centre as one solution. It advised that Paignton needed to improve its shopping facilities in order to maintain its position in the retail hierarchy, whilst Brixham was maintaining its role serving local needs as well as tourist demand.

**6.28** Both the 1994 Study and the 1998 Update support the introduction of improved access arrangements. **Policy SS** sets out the Council's strategy for improving shopping throughout Torbay based on town centres. Proposals for shopping outside the town centres will need to satisfy the sequential approach and demonstrate that they do not harm the vitality and viability of the town centres. **Policy S1** focuses on making the town centres work better by means of traffic, environmental and management improvements. The upgrading of existing facilities will help firstly to retain existing retailer representation and levels of trade and, secondly, to strengthen their overall positions by offering a greater range and choice of retailers. The Local Plan encourages mixed use developments in town centres and a number of such developments are proposed in **Policy S2**. **Policies S3** and **S4** aim to protect the primary and secondary frontages in the town centres from inappropriate development.

**6.29 Policy S5** identifies a number of sites for either comparison (non-food) or convenience (food) shopping. **Policy S6** sets out criteria for determining applications for retail development outside town, district or local centres. This Policy details the sequential test and requirement to demonstrate need for out-of-centre proposals.

**6.30 Policy S7** deals with amusement centres and **Policy S8** addresses hot takeaway food.

#### e) District and local centre retailing

**6.31 Policy S9** sets out policy on Torbay's three district centres. The Council will support the development of new retail facilities of an appropriate scale where opportunities arise in order to strengthen their respective shopping roles. The Council considers that further retail development at The Willows, Scotts Bridge/Barton (**S9.1**) should be treated with caution, in order to protect the vitality and viability of Torquay centre, and to prevent the Scotts Bridge / Newton Road Corridor from developing into a self-contained sub-regional shopping centre.

**6.32** Maintaining the viability of local shopping centres to meet the needs of surrounding neighbourhoods will be a primary consideration for the Local Planning Authority and is addressed in **Policy S10**. Three new local centres are proposed to serve areas where significant residential development is proposed (**Policy S11**). The Council recognises that corner shops can also play a vital role in meeting day-to-day needs, particularly for isolated communities (**Policy S12**).

#### f) Other retailing

**6.33** Service stations forecourt shops often provide convenience shopping but should not be allowed to undermine local centres, or harm neighbourhood amenity. **Policy S13** addresses service station forecourt sales. **Policy S14** sets out considerations for drive-through take-aways, and **Policy S15** addresses car boot sales and open air markets.

#### g) Strategic objectives

**6.34** In the context of current policy guidance and the strategic shopping considerations set out above, the following objectives have been identified to guide retail development in Torbay during the Plan period:-

1. to make satisfactory provision for the development of an adequate level, balance and range of shopping facilities to reflect the needs of Torbay's residents and visitors, and to focus such development in town centres;
2. to sustain the retailing role of Torbay as a Principal Urban Area subject to the overall policy of constraint identified in the Adopted Devon Structure Plan First Review (1999) and the Devon Structure Plan 2001-2016 (expected to be adopted in Summer/Autumn 2004);
3. to maintain the vitality and viability of the three town centres and district centres together with the viability of local centres by promoting an appropriate range of retail facilities within an attractive shopping environment;

4. to balance the need to protect and make the best use of existing retail facilities with the need to utilise fully opportunities for new retail development;
5. to sustain and promote an attractive shopping environment in retail centres;
6. to promote retail development patterns that offer a choice of means of transport and at the same time minimise the need for unnecessary journeys;
7. to ensure accessibility to adequate shopping facilities for non-car owners and disadvantaged shoppers; and
8. to resist inappropriate retail developments which would impact adversely on any of the above objectives or which would compromise other aims of the Local Plan, especially in relation to safeguarding employment land and promoting sustainable transport.

## SHOPPING AND TOWN CENTRES POLICIES AND PROPOSALS

### SS Shopping strategy

**A comprehensive range of accessible shopping facilities in town, district and local centres is supported through the policies of this Plan to meet the needs of the local community and surrounding areas, including visitors and tourists. The town centres of Torquay, Paignton and Brixham will be maintained and developed as the main focal points for this shopping activity in order to sustain and enhance their vitality and viability. Proposals for new shopping provision outside existing or proposed centres should establish that there is a need for the facility which cannot be accommodated within an existing centre following a sequential approach to site selection, and should not harm the vitality and viability of any nearby centres.**

#### Explanation:

**6.35** The Local Plan aims to sustain and enhance shopping provision within Torquay, Paignton and Brixham town centres, to ensure that they function as focal points for shopping activity within the communities they serve. The boundaries of town centres are defined on the Proposals Map (see **Policy S1**).

**6.36** Where scope exists for change, refurbishment, renewal or diversification, the Council will encourage appropriate new retailing schemes in order to promote confidence and investment in the town centres. Focusing new retail provision in the town centres will offer the greatest degree of accessibility to the public.

The sequential test for locating new retail uses in town centres, where possible, is referred to in PPG6 'Shopping and Town Centres' (1996) (paragraphs 1.8 - 1.17) and set out in **Policy S6**. Developments should reflect the individual character and enhance the unique features of each centre. The range and quality of shopping facilities will be a major influence on the future attractiveness of the three town centres.

**6.37** The Council will support a balanced provision of retail facilities and recognises that new shopping may be required outside the town centres. In such circumstances, the Council will expect new retail development to form part of, or be closely related to existing district centres (see **Policy S9**) and the local centres which currently serve the needs of their immediate neighbourhoods (see **Policy S10**). The improvement of shopping facilities associated with the smaller unclassified local centres and corner shops may also be acceptable where development is sufficiently small in scale. The Council will wish to discourage the sporadic siting of large convenience goods stores, bulky durable goods stores and large comparison goods stores either in greenfield locations or within main road corridors.

### S1 Town Centres

**Improvements to Torquay, Paignton and Brixham town centres will be implemented through proposals for new retail development (including mixed-use schemes), environmental improvement, better accessibility (including traffic and parking arrangements) and other town centre management measures. The loss of key retail, leisure, cultural or other facilities which contribute to the diversity and attractiveness of the town centre will not be permitted.**

#### Explanation:

**6.38** The future prosperity of the town centres and their attractiveness to shoppers and other users depends to a large degree on improvements to their quality and accessibility. New proposals will be considered in the context of a broader focus on town centre management which will provide an integrated framework for the development of the town centres.

**6.39** The encouragement of a diversity of uses throughout each town centre will be an essential part of the Council's strategy. PPG1 'General Policy and Principles' (1997) emphasises the benefit that mixed uses can bring to the diversity and vitality of town centres, as well as reducing the need to travel. The Council will support developments which provide uses

and activities which enliven town centres during the daytime and evening and therefore contribute to their attractiveness, subject to **Policies S3** and **S4**. It is recognised that, in addition to shopping facilities, the introduction of leisure, entertainment and cultural uses in appropriate locations can also complement and enrich town centres. **Policy S2** seeks to promote such mixed use schemes.

**6.40** Certain leisure and tourism uses, such as cafes, pubs, cinemas and theatres, add significantly to the liveliness of centres, especially during the evenings. Activities which attract visitors and tourists are similarly important. The wide range of non-shopping uses within the town centres therefore makes an important contribution to their attractiveness and accordingly the Council will resist the loss of these facilities. In view of their accessibility to different forms of transport, new facilities of this nature will be supported within or on the edge of the town centres, provided that they do not compromise the retail character of a particular area, and subject to **Policies S3** and **S4**. **Policy S14** provides guidance for proposals for food and drink uses outside town centres which cater primarily for car-borne customers. It is important that developments in the town centre respect the character of the built environment (see **Policies BES** and **BE1**).

**6.41** Residential uses can improve the security of town centres and promote the evening economy. In addition, 'town centre living' can help to relieve pressure on greenfield sites. Opportunities often exist for the conversion of existing under-utilised accommodation above commercial premises into flats. It will sometimes be possible to include a residential element in mixed developments. The Council will support such schemes where they are deemed to be appropriate (see **Policy H3**).

**6.42** The Council wishes to ensure that the town centres are accessible to all users. Priority will be given to providing shoppers' car parking in town centre car parks and the Council will support integrated transport schemes which focus on improvements to traffic management, enhancement and development of public transport as an alternative to the private car, as well as the upgrading of parking facilities.

**6.43** The approach taken to town centre management will require an effective partnership and joint working between the local authorities, chambers of trade, retailers, business interests, community groups and other users, in planning the future of the three town centres. The policies and proposals of the Local Plan will provide the land use base for an integrated approach to town centre management.

## S2 Town centre mixed use developments

**Mixed use development including retail, leisure, employment and residential uses as indicated below will be permitted on the following sites:-**

- TM1** Lymington Road Car Park, Torquay
- TM2** Site of Magistrates Court, Torquay
- TM3** Temperance Street, Torquay
- TM4** Site of former Royal Garage, Torwood Street / The Terrace, Torquay
- TM5** Torwood Street / Torwood Gardens, Torquay
- TM6** Dendy Road, Paignton
- TM7** Station Lane, Paignton

### Explanation:

**6.44** Mixed use schemes can contribute to sustainability and maximise the potential of sites. PPG1 'General Policy and Principles' (1997) (paragraphs 8-12) notes that such sites can play an important role in promoting sustainable development. The Local Authority will adopt a positive approach to allowing mixed use town centre developments, where this would not conflict with other Local Plan objectives. Clearly the range of appropriate uses on a site will depend on its location. Sites which are likely to be primarily retail in nature are identified in **Policy S5**. Within Primary Shopping Frontages, ground floor uses should be retail (see **Policy S3**). Sites which are suitable for employment use are identified in Policy E1 (E1.7 to E1.13 - see footnote TM).

**6.45** A mixture of residential and commercial uses can improve security by ensuring that areas are occupied throughout the day and night, thereby helping to avoid empty towns at night time. They can thus contribute to reducing crime. Residential development in town centres can also reduce pressure on greenfield sites. Because of their central locations they will often be suitable for affordable housing (see **Policies H5 - H6**). In such developments, the amenity of residents will be an important consideration. Many town centre sites will also be suitable for entertainment and leisure uses (see **Policies TU1** and **R1**). Because of their central location, it will usually be appropriate to provide minimum or zero parking. The character of areas must be respected, in particular in conservation areas.

**6.46** The development of Lymington Road Car Park, Torquay (**TM1**) for office purposes is considered to be the most appropriate new use for this site. Such a scheme could also include an element of leisure use. A retail use which complemented facilities in the nearby Secondary and Primary Shopping Frontages of the town centre may also be appropriate. Careful consideration needs to be given to the retention of the existing car

park as part of any redevelopment project. This is a Council-owned site and development is likely to take place on a partnership basis with the private sector.

**6.47** The Magistrates Court site (**TM2**) provides an opportunity for new office development should the present use cease. The location may offer scope for the introduction of a limited amount of leisure use. Development is likely to be implemented by the private sector.

**6.48** Temperance Street (**TM3**) is well-located for town centre office use. The location and physical characteristics of the site are such that a significant element of leisure use could also be accommodated. Opportunities do exist for retail development but development for such a use would need to be properly integrated with the Secondary Shopping Frontage in Union Street to be acceptable. This is a Council-owned site and development is likely to take place on a partnership basis with the private sector.

**6.49** Site **TM4** in Torwood Street / The Terrace is allocated primarily for retail purposes (see **Policy S5.2**). Any scheme should be well-related to the Secondary Shopping Frontage in Torwood Street. As with the above site, levels would allow significant use of upper floors for retail use, providing access to The Terrace. The harbour-side location means that the site would also provide opportunities for the introduction of leisure uses. An element of office use would also be acceptable, particularly on upper levels where a link could be established with existing office activities in The Terrace (see also 6.56).

**6.50** Torwood Street / Torwood Gardens (**TM5**) is allocated primarily as an office site but its location close to the harbour suggests that such a use could also be combined with an element of leisure use.

**6.51** In Paignton, Dendy Road (**TM6**) is allocated as an office site. Its very central location ensures that it would be appropriate also to include leisure uses. Its close proximity to the Crossways Centre suggests that the site may also offer scope for use for retail purposes, particularly in conjunction with any refurbishment or extension of the Centre.

**6.52** Site **TM7**, Station Lane, is allocated as a mixed-use site in conjunction with proposals for transportation infrastructure improvements (see **Policies T10.6** and **T15**). This site is allocated for housing purposes (**H1.14**) and retailing (**S5.3**). The location is also well suited for leisure uses. Site ownership is divided between the Council, Network Rail and the local bus company. The detailed

composition of uses that could be achieved on this site will be determined by the space requirements of the transport operators involved in the redevelopment of this site. Any development scheme should respect the conservation value and historical character of the area.

### **S3 Primary Shopping Frontages**

**The shopping function of town centre Primary Shopping Frontages will be safeguarded and enhanced. Development and change of use of ground floor retail premises (Use Class A1) for other uses (including Classes A2 and A3) will not be permitted where:-**

- (1) the primary retail role and character is undermined;**
- (2) the proposed use would harm the vitality and viability of the Primary Shopping Frontage;**
- (3) the introduction of non-retail use would cause unacceptable fragmentation and isolation of the remaining shops; or**
- (4) there is a detrimental effect on the visual character and amenities of the surrounding area.**

**The assessment of such applications will include consideration of the following criteria:-**

- (a) the location and prominence of the premises within the shopping frontage;**
- (b) the floorspace and length of frontage of the premises;**
- (c) the number, distribution and proximity to other premises within Classes A2 and A3, or with planning permissions for such use;**
- (d) the particular nature and character of the use proposed, including the level of pedestrian activity associated with it;**
- (e) the level of vacancies in ground floor properties; and**
- (f) whether the proposed use would give rise to noise, smell or other environmental problems.**

#### **Explanation:**

**6.53** The Local Plan makes the distinction between the prime shopping cores of the town centres and the secondary shopping areas, where a wider range of activities is supported. The different characteristics of these two areas are reflected in their definitions as Primary Shopping Frontages and Secondary Shopping Frontages (see **Policy S4**).

**6.54** The Primary Shopping Frontages encompass the key established retail frontages where multiples and other national high street outlets are typically located, where levels of pedestrian activity are usually at their greatest and where concentrations of Class A1 retail uses generally predominate. They are the focus of retail activity where there are concentrations of larger retail units, often operating on more than one level, and with the highest 'Zone A' commercial rental levels. Shops subject to seasonal (winter) closure are rarely situated in these locations. The Primary Shopping Frontages are defined on the Proposals Map.

**6.55** Primary Shopping Frontages define the retail heart of the town centres where the Council will seek to ensure that changes of use do not undermine their key retail role. The introduction of significant numbers of non-retail uses into Primary Shopping Frontages, such as banks, building societies and other professional activities, can introduce breaks in the continuity of retail frontages. These 'dead frontages' can be visually disruptive and may be discouraging to shoppers. They can also reduce the choice of units available to retailers, fragmenting and weakening the established shopping centres and making them less vibrant places.

**6.56** These primary frontages already contain some Class A2 and A3 uses. Whilst these can provide a valuable service to shoppers, the Local Planning Authority would not wish to see the existing balance between retail and non-retail uses change significantly in these areas.

#### **S4 Secondary Shopping Frontages**

**Mixed shopping, service and leisure/entertainment uses are considered to be appropriate at ground floor level in the Secondary Shopping Frontages. Changes of use or redevelopment from retail will be permitted where:-**

- (1) the overall shopping character is not undermined;**
- (2) the proposed use contributes positively to the town centre as the focus of commercial or community life of the town; and**
- (3) there is no detrimental effect on the visual or other special character and amenities of the surrounding area.**

#### **Explanation:**

**6.57** The Secondary Shopping Frontages extend beyond the Primary Shopping Frontages and are characterised by a mix of retail and non-retail uses.

Such locations usually contain the main town centre concentrations of Class A2 (financial and professional services) and A3 (food and drink) uses, as well as a predominance of independent retailers and smaller shops. Normally there is an absence of (or only minimal representation by) major high street multiples, pedestrian flows are lighter and less consistent, and rental levels are lower than in Primary Shopping Frontages. The large majority of town centre premises subject to season (winter) closure are located within the Secondary Shopping Frontages.

**6.58** This combination of mixed uses is an appropriate and essential feature of the town centres, and helps to enhance their levels of interest and diversity. It allows for the introduction of smaller retail enterprises and specialist shops as well as accommodating personal services which are visited by the public as part of a normal shopping trip. The Secondary Shopping Frontages are defined on the Proposals Map.

**6.59** The vitality of the town centres stems largely from the range and quality of activities that take place within them. In this respect it is recognised that the Secondary Shopping Frontages can contribute by sustaining a variety of retail, service and retail-related uses. Diversification and flexibility in use of retail floorspace will therefore be supported, provided that proposals reflect and complement the overall shopping character of each area. Proposals should not lead to excessive breaks in retail frontages or be harmful to local amenity. In determining the suitability of such applications, the Council, whilst wishing to ensure that retailing remains the main function, will take into account the diversity in character of different parts of the Secondary Shopping Frontages.

#### **S5 New town centre shopping developments**

**The following town centre sites are proposed for new retail development:-**

- (1) Main Post Office, Fleet Street, Torquay;**
- (2) Site of former Royal Garage, Torwood Street, Torquay;**
- (3) Station Lane, Paignton; and**
- (4) Site of Multi-storey Car Park, Middle Street, Brixham.**

#### **Explanation:**

**6.60** The Council intends that any future investment in new comparison or convenience goods should be located in the town centres. These sites are identified

as being suitable for either comparison (non-food) goods or convenience goods retailing due to their central location.

**6.61** This approach is consistent with PPG6 'Shopping and Town Centres' (1996) which emphasises the importance of enhancing the vitality and viability of town centres. It sets out a sequential approach whereby town centre sites are favoured, where possible, followed by edge-of-centre and district centres. Only when it can be demonstrated that there are no appropriate and available sites within the built-up area are edge-of-town or out-of-town locations acceptable and then only where they are accessible by a range of transport modes.

**6.62** In addition, proposals which would be located on edge or out of centre locations should demonstrate that need exists for additional facilities. This was clarified by a statement in February 1999 by the then Planning Minister Richard Caborn.

**6.63** The Hillier Parker Retail Capacity Update (1998) identified a capacity for approximately 1500 square metres net of convenience shopping (i.e. food) floorspace to 2011 in Torquay. The opening of a foodstore in Victoria Square provides for the qualitative need identified in Paignton. It is proposed that Brixham's future provision should be met by the introduction of a small/medium sized foodstore in the town centre, of between 1400 to 1800 square metres (15,000 - 20,000 square feet).

**6.64** These figures are approximate and relate to a capacity within the Plan period, and not to an immediate need. The Retail Capacity Update forms the basis for the Local Plan allocations in accordance with Annex B (paragraphs 8-9) of PPG6.

**6.65** The proposed sites also represent the findings of a sequential analysis of available sites carried out by the Council in Autumn 1998 in response to the Hillier Parker Update, and the review of the Deposit Version in Summer 1999. The sites offer opportunities for schemes of varying sizes.

**6.66** New retail facilities on the Main Post Office site would help both to reinforce the link between Union Street and Fleet Street and to reduce the polarisation of the two shopping areas. As part of this building is listed, any scheme put forward would involve partial refurbishment. Development of this site would be subject to the relocation of a Post Office counter facility in alternative premises nearby. A mixed use scheme involving residential and retail of part of the building is currently (Summer 2004) being implemented.

**6.67** The site identified at Torwood Street comprises a cleared backland site. This location offers considerable potential for a range of retail schemes which would make more effective use of the site and offer significant visual improvement to the townscape. A mixed retail and leisure scheme would contribute to the wider improvement of the harbour area and complement the refurbishment of the nearby former bank and furniture store premises in the Strand. Further details of the mixed-use proposal for this site (**TM4**) are set out in **Policy S2**.

**6.68** Land at Station Lane is currently in use as a bus station and for car parking following the clearance of former business activities. The completion of Great Western Way has opened up the Station Lane area and the high profile site offers considerable potential for retail development. There is scope for development of the site to the north of Great Western Way, subject to relocating the existing bus station on this site adjacent to the railway station. This retail development would be acceptable only in the context of **Policy T10.6 Transportation interchanges** and **Policy T15 Improvement of Paignton Railway Station**. The site is allocated in **Policy S2** as suitable for mixed use development (**TM7**).

**6.69** Station Lane's town centre retail location adjacent to the bus station and railway station makes the site highly accessible to shoppers using a variety of forms of transport. For these reasons, the Council recognises that the site is equally suitable for other commercial uses and is allocated as a mixed-use site under **Policy TM7** of **Policy S2**. The site also has a residential allocation (see **Policy H1.14**).

**6.70** The proposal for the Brixham site involves a small number of new units of a modest scale selling durable goods, which would form part of the capacity identified by Hillier Parker referred to in Paragraph 6.63. This proposal would be in association with a small/medium-sized food store as well as residential use (**Policy H1.18**) and replacement car parking facilities (**Policy T6.4**). The development will be required to present an attractive frontage to the new town square and to strengthen pedestrian links between Middle Street and Fore Street, and into Pump Street and the Strand.

**6.71** Applicants will need to demonstrate that proposed new shopping developments are capable of providing an efficient use of space and that they contribute to the enhancement of the appearance, diversity, vitality and viability of each town centre. Development should be of a size and scale appropriate to the centre in which they are located and relevant considerations will include the amount of retail

floorspace proposed and the location of schemes in relation to the primary and secondary shopping frontages. Siting, design and landscaping will be of concern to the Council, especially in relation to areas of townscape importance, Conservation Areas and nearby residential areas.

**6.72** The sites allocated in this Proposal are town centre or edge-of-centre and thus well served by public transport and accessible to pedestrians. The town centres have good provision of public car parks and are easily accessible to car-borne transport and pedestrians. Given the shortage of available land and the availability of public car parks, extensive car parking provision is not usually necessary or desirable in these central sites.

**6.73** It is recognised that these sites may be suitable for a variety of retail uses. In addition some non-retail uses such as residential may be appropriate, particularly on upper floors (see **Policies H3** and **S2**).

**6.74** Applications for comparison or convenience goods retailing elsewhere will be determined on the basis of the sequential test set out in **Policy S6**. This intends to protect the vitality and viability of town centres from potentially harmful out-of-centre development.

### **S6 Retail development outside identified Town, District and Local Centres**

**Retail development on sites outside existing or proposed shopping centres will only be permitted where:-**

- (1) it is clearly demonstrated that;**
  - i. there is a need for the new floorspace or facilities and that this need cannot reasonably be met in a nearby town, district or local centre, either in its entirety or in its constituent parts;**
  - ii. a sequential approach has been followed in selecting the location for the proposed development. This means:-**
    - that first preference has been given to sites within a nearby shopping centre or to the use of existing buildings within that centre, the appropriate centre (town, district or local) depending upon the nature and scale of the proposed development and the catchment area the development is intended to serve; and**
    - that where a suitable site could not be found**

**within an appropriate centre that second preference has been given to sites on the edge of that centre and only as third preference to a site outside any existing or proposed shopping centre;**

- (2) the development would not, either individually or cumulatively, harm the vitality and viability of any shopping centre as a whole situated within the intended catchment area of the proposed store;**
- (3) the site is accessible from residential areas, well served, or capable of being served, by public transport on a sustainable basis with good access to a major or district distributor road and would not reduce road safety or detract from, or conflict with, the function of the routes; and**
- (4) if the site is currently in an employment use, or allocated for such use in this plan, that the proposal would have no significant adverse effect on employment opportunities within the local plan area and/or have no limiting effect on the range and quality of sites or premises available for employment use in Torbay.**

#### **Explanation:**

**6.75** Site specific proposals for retail developments are contained in **Policy S5**, based on the capacity identified in the 1998 Retail Capacity Update. Applications for retail development elsewhere will be determined on the basis of the sequential approach specified above. Where out of town centre retail development is proposed, need will be a material consideration, which applicants will be required to demonstrate. In accordance with the Government Statement of February 1999, need should not be regarded as being fulfilled simply by showing that there is capacity (in physical terms) or demand (in terms of available expenditure within the proposals catchment area) for the proposed development.

**6.76** In considering proposals for out of centre retail schemes it will also be necessary to consider the possible impact on the vitality and viability of town centres. Proposals for new stores which are of such a scale and nature that they could seriously affect the vitality and viability of the town, district or local centres, will clearly be unacceptable. The Council is particularly concerned that new retail development should not replicate or harm the facilities of established centres. This is particularly the case with convenience, comparison and factory outlet stores, where it is evident that existing town centre shops have the

capacity to absorb significant increases in sales. Such stores are therefore unlikely to be acceptable outside of town, district or local centres. Retail, traffic and environmental impact studies may be required to assist the Council in the determination of such applications.

**6.77** The Council acknowledges that a number of retailers of bulky durable goods in Torbay still operate from inadequate premises on restricted sites. Applications for the relocation of these will be determined on the basis of the sequential approach. It is important that such developments should be as close as possible to town centres but where this is difficult or inappropriate, sites should be in highly accessible locations well-related to the Major Road Network and public transport, and respect the amenities and character of their surroundings.

**6.78** In order to retain a balanced provision of shopping facilities within the retail hierarchy, and to protect the health of town centres, the Council may require the discontinuation of the retail use of any out-of-town store which is being replaced. Conversely, the retail use of a vacated town centre site should be retained. Restrictions will be applied to the use and sub-division of premises, and range of bulky durable goods sold from new stores. This approach is considered necessary to ensure that changes to other uses do not undermine the Council's retail strategy. The Council will secure such matters by use of planning conditions or legal agreements.

**6.79** For all proposals for retail development, accessibility to adjoining and nearby residential areas is an important consideration subject to environmental and amenity issues. The Council will have regard to the desirability of minimising the need to travel. However, it is also important that stores do not adversely affect residential amenities, either by their size and siting or from traffic generation.

**6.80** Of similar importance to the protection of existing centres is the need to prevent the sporadic siting of facilities along main road corridors outside centres. All such applications will need to satisfy the criteria set out in **Policy S6** and it will be important to ensure that the Scotts Bridge / Newton Road corridor does not grow into a sub-regional shopping centre at the expense of existing town centres.

**6.81** Sites need to be accessible by a variety of means of transport and to minimise car dependency. It is unlikely that a single large scale development on or close to the Ring Road or other major road network would be acceptable in view of the pressure such development would place on the existing traffic system

and the potential impact on town centres. Where proposals necessitate highway improvements, the Council will require the developer to enter into a legal agreement undertaking to fund the necessary improvements.

**6.82** Employment land in Torbay is in short supply. The Council is concerned to retain existing sites and buildings for employment use and will therefore resist their use for retail purposes (see **Policy E6**).

## **S7 Amusement centres**

**Applications for amusement centres will not be permitted where they would:-**

- (1) harm the retail function of Primary Shopping Frontages;**
- (2) conflict with the special character of locations which are key tourist attractions, including the harbour areas;**
- (3) undermine the retail character of Secondary Shopping Frontages, by contributing to an unacceptable grouping or dominance of service uses;**
- (4) undermine the function of District or Local Centres by introducing an inappropriate use or result in the loss of uses of importance to the centre; or**
- (5) adversely affect the character of Conservation Areas; or**
- (6) adversely affect residential or other amenity.**

### **Explanation:**

**6.83** The Council's aim is to strengthen and enhance the main shopping centres of Torquay, Paignton and Brixham. An important consideration is the need for improvement both of the quality of shopping provision and the environments of these prime shopping areas. In recent years, certain locations have suffered through the proliferation of amusement centres/arcades and the resultant noise, disturbance and loss of shopping frontages.

**6.84** Torbay is actively engaged in pursuing policies to promote the tourist industry and to recapture holiday trade in a highly competitive market. The Council's objective is to enhance the quality of the holiday experience by providing better tourism facilities and by improving the urban fabric. Concentration of amusement facilities in key focal points will do little to enhance Torbay's image.

**6.85** Amusement centres will usually be inappropriate in Conservation Areas and this will always be the case when visual amenity is likely to be seriously affected. Dummy shop fronts, even if they are associated with ancillary shopping use, usually lack the vitality of fully-fledged shop fronts. Conditions about self-closing doors present a constant enforcement problem. Advertising is often garish and generally unsympathetic and may often be erected without requiring express advertisement consent. Where amusement centres receive planning approval in appropriate locations, the Council will have particular regard to the extent and form of proposed advertising.

**6.86** In view of the potential problems of noise, disturbance and loss of shopping frontages which may arise, applications for amusement centres and arcades will be the subject of the strictest scrutiny and will only be allowed where environmental and retail character will not be materially affected.

**6.87** Annex C to PPG6 'Shopping and Town Centres' (1996) suggests that, whilst amusement centres are often most likely to be appropriately sited in secondary shopping areas, or areas of mixed commercial development, different considerations may arise in resort towns. Some of Torbay's secondary shopping areas - especially around Torquay and Brixham harbours - play a significant role in establishing the character of Torbay as a premier resort. The character of these areas draws on their history and heritage; in Brixham's case as a working fishing port and in Torquay Harbour's case, a continental Riviera resort atmosphere. This is very different from the type of tourism product promoted by amusement centres. Moreover the harbour areas are thronged with holiday-makers in the summer season and to many people they are the hearts of Torbay and Brixham. Torquay and Brixham waterfront schemes seek to use this character as a fulcrum for regeneration (see **Policy TU1**). The existing amusement centres in these areas are already very evident and the prospect of even more amusement signs and arcades is likely to be detrimental to the image of the resort and to the regeneration of these areas.

**6.88** There has also been pressure for amusement facilities in shopping areas outside the town centres. The Council is particularly concerned to maintain their overall viability, especially in view of the high proportion of elderly residents and the importance of pedestrian trade to such areas. Whenever the shopping balance of district and local centres is threatened, proposals for amusement centres will be resisted.

**6.89** Appropriate locations outside Conservation Areas may include the upper and basement levels of

existing commercial premises, the ground floor of premises which are already in non-retail use or where the loss of a shop unit would not compromise the retail attractiveness of the area. Amusement centres / arcades are unlikely to be acceptable in Primary Shopping Frontages or in locations close to schools, churches, hospitals, hotels and residential uses, particularly where noise and disturbance may be obtrusive. Where planning permission is given for amusement centres / arcades, appropriate conditions will be imposed in order to ensure:-

- (a) the maintenance of a suitable shop frontage and window display;
- (b) the adequate sound insulation of the premises;
- (c) the appropriate control over times of operation; and
- (d) control over some activities which may be carried out within the premises, e.g. games of a sessional nature such as cash bingo.

## **S8 Hot take-away food**

**The determination of applications for the sale of hot take-away food will be based on the following considerations:-**

- (1) In Primary Shopping Frontages in town centres, Policy S3 will apply;**
- (2) Elsewhere, outlets may be acceptable provided that neither the overall shopping character nor the amenity of the area is adversely affected through noise, smell, litter, congestion on pavements, disturbance from late shopping hours, parking and traffic generation or other environmental considerations, and in particular their effect on adjoining residential areas; and**
- (3) Conditions relating to hours of operation will be applied where the protection of residential or other amenity is necessary. Actual hours of operation will depend on the particular location of the proposed use and the character of the surrounding areas.**

### **Explanation:**

**6.90** The location of hot take-away food premises in Primary Shopping Frontages has been a matter of concern to the Council for many years. The operation of outlets often gives rise to litter and pervasive cooking smells in the immediate vicinity of premises. Late night opening hours can lead to noise and general disturbance and the combination of narrow pavements and queuing often result in congestion. It is accepted that such

problems are not always equally attributable to all hot take-away food outlets. However, evidence suggests that on balance, such activities frequently detract from the visual environment, special qualities and general amenity of the areas in which they are situated.

**6.91** The Council is committed to sustaining and enhancing the character and quality of its key retail locations and is of the view that such uses are unlikely to contribute to meeting this objective. It will therefore oppose such operations in the Primary Shopping Frontages of the three town centres where there is conflict with **Policy S3**. If consent is given for restaurant/café use in these frontages, a condition will be attached stipulating no sale of hot take-away food where it is considered that such an activity would be to the detriment of the visual character and amenities of the surrounding shopping area.

**6.92** Secondary Shopping Frontages tend to be characterised by a wider mix of retail uses, complementing the Primary Shopping Frontages by providing locations for a variety of related retail services. These include financial outlets and food and drink premises, all of which the shopper expects to be able to visit in the course of a normal shopping trip. The capacity of Secondary Shopping Frontages to sustain such a mix of uses often means that they are better placed to absorb the impact of hot take-away food outlets. Provided that the overall shopping character and quality of environment are not adversely affected, outlets will therefore usually be acceptable in Secondary Shopping Frontages.

**6.93** Although hot take-away food outlets can often provide a useful service to local residents, for reasons of amenity they are unlikely to be appropriate when sited in residential areas. Outside of the town centres, the Council will therefore expect such activities to be located in district or local centres, subject to **Policies S9** and **S10** and the considerations concerning shopping character, amenity and environment which have been outlined above. Hot take-away food outlets may nevertheless be inappropriate in the very small local centres where residential amenity is of particular importance.

**6.94** Guidance on applications for drive-through take-aways and restaurants outside town centres which cater predominantly for car-borne customers is set out in **Policy S14**.

**6.95** Where applications are approved by the Council, conditions will be attached relating to control of smell and also hours of operation in order to ensure that outlets operate satisfactorily. Conditions limiting

hours of operation are particularly important in residential areas where late night noise, smell, vehicular movements, congestion of customers and other disturbance can be very harmful. The exact hours of operation allowed will be considered on a case by case basis. However, in circumstances where the amenity of adjacent residential properties is vulnerable, it will be appropriate to prohibit the operation of hot take-away food outlets late at night.

**6.96** The Council is committed to developing the vitality and viability of its town centres for residents and tourists alike. The stimulation of an 'evening economy' can assist the achievement of this aim. In certain locations it may be appropriate to allow extended hours of operation. In particular, this approach could be acceptable in predominantly commercial areas of the town centres where there is normally a significant degree of evening and night-time activity.

## **S9 District Centres**

**The shopping role of the following District Centres will be maintained:-**

- (1) **The Willows, Scotts Bridge / Barton, Torquay**
- (2) **St. Marychurch, Torquay**
- (3) **Preston, Paignton**

**New retail development will be permitted provided that it is of a scale appropriate to the nature and size of the centre and complements its role and character. The provision of a wide range of complementary uses including banks, restaurants, adequate car parking, cycling and public transport facilities will also be permitted.**

**Proposals will not be permitted in these centres which would:-**

- a) **have a detrimental impact on overall travel and car use; or**
- b) **detract from the visual character and amenities of the centre and surrounding area in relation to noise, litter and disturbance, for example from late opening hours.**

**Further development at The Willows District Centre will not be permitted which would have an adverse effect on the vitality and viability of Torquay town centre unless the proposal would satisfy the sequential approach otherwise applied to out-of-centre retail development in accordance with Policy S6.**

**Explanation:**

**6.97** Torbay's dispersed pattern of shopping facilities comprises, in addition to the three town centres, three district centres, and numerous local shopping centres. They have an important role within the retail hierarchy, complementing the services offered by the town centres. Torbay has two established district centres, at St. Marychurch, Torquay and Preston, Paignton. The new Willows District Centre at Scotts Bridge/Barton was largely developed in the 1990s

**6.98** Each centre offers a range of shopping and related facilities to meet the needs of surrounding areas and is well served by bus services. Close proximity to residential areas ensures that they are particularly accessible to the pedestrian. The need to travel by car is therefore minimised, which in turn brings environmental benefits. Unlike some of the smaller local centres, St. Marychurch and Preston District Centres provide a range of key shops such as post offices and chemists, that provide an important service to the community.

**6.99** District centres also offer a wide range of retail service uses such as banks, building societies, estate agents, solicitors and restaurants. Each centre also has good public car parking provision.

**6.100** The Council aims to maintain the shopping role of each centre and to retain the existing range of facilities. The improvement of existing shops and services will therefore be supported, together with the introduction of new retail floorspace. New retail development should not harm the vitality and viability of town centres and should also be appropriate to the scale and function of the district centre. The Council is mindful that The Willows should not develop to such an extent that it becomes a sub-regional shopping centre, in direct competition with Torquay town centre. In this context, any significant expansion of this centre will not be acceptable - only small-scale improvements to existing stores in The Willows and Wren Park will be permitted. In such circumstances, and in view of the particular retail characteristics of this modern District Centre, proposals for major new retail developments within the Centre will be subject, exceptionally, to the sequential approach set out in **Policy S6**.

**6.101** New complementary uses, such as leisure and entertainment, may also be acceptable in district centres where such activities add to the diversity and attractiveness of these centres. It is essential, however, that any new development should be within or well

related to the existing shopping areas in order to avoid reducing accessibility, focus and compactness. Proposals which lead to the environmental enhancement of district centres will be supported, particularly those which create improvements in conditions for shoppers. Traffic calming schemes can form an important part of such enhancement measures.

**6.102** The Council would not wish to see a reduction in either the shopping character of centres or the level of service, variety and choice provided, as a result of the introduction of inappropriate uses. Applications for such uses which occur in unsatisfactory locations within the centres or lead to unacceptable concentrations will be resisted. New development should in all cases respect both the visual character and amenities of the district centres, and in particular those of residents living in adjacent or nearby properties. The introduction of residential uses at ground floor level within the main shopping streets of centres may be permitted where this would not cause an unacceptable break in the retail frontage, or undermine the shopping character of the street.

**S10 Local Centres**

**The following Local Centres will be protected as shopping areas and focal points serving their local neighbourhood:-**

**Torquay**

- (1) **Moor Lane, Watcombe**
- (2) **Barton Hill Road, Barton**
- (3) **Fore Street, Barton**
- (4) **Hele Road, Hele**
- (5) **Cadewell Lane, Shiphay**
- (6) **Hawkins Avenue, Shiphay**
- (7) **Queensway, Shiphay**
- (8) **Plainmoor**
- (9) **Babbacombe**
- (10) **Sherwell Valley Road, Chelston**
- (11) **Old Mill Road, Chelston**
- (12) **Walnut Road, Chelston**
- (13) **Lucius Street/Belgrave Road**
- (14) **Higher Union Street, Torre**
- (15) **Ellacombe**
- (16) **Wellswood**
- (17) **Broadpark Road, Livermead**

**Paignton**

- (18) **Preston Down Road**
- (19) **Marldon Road**

- (20) Foxhole
- (21) Three Beaches, Goodrington
- (22) Kingsway Avenue
- (23) Cherrybrook Square
- (24) Churston Broadway

#### Brixham

- (25) Pillar Avenue
- (26) Summercourt Way
- (27) St. Mary's Square

Uses in these centres should complement the role and character of the centre and will not be permitted where they would:-

- (a) be likely to lead to additional journeys by car taking place as a result of the need to travel further afield to use similar facilities lost from the centre; or
- (b) detract from the visual character and amenities of the centre and surrounding residential area in relation to noise, litter and disturbance for example from late opening hours.

#### Explanation:

**6.103** Local centres fulfil a vital role within the retail hierarchy by meeting the shopping needs of local communities. In contrast to district centres, they generally serve only their more immediate catchment. There are numerous local centres of varying sizes within Torbay, together with numerous corner shops and petrol filling station shops. This policy relates to the key established centres which have a particularly important shopping function in their locality and act as a community focus for their neighbourhood. There are a number of 'urban villages' within Torbay and local centres serve as a focal point for these, providing local facilities and adding to the character and distinctiveness of the areas.

**6.104** Local centres tend to have a more limited range of shopping facilities and service uses than is the case for district centres, although there may be exceptions in larger centres such as Plainmoor. In the smaller centres, the balance of activities may be critical to their overall success. In all cases, a large proportion of customers are pedestrians as centres provide for the day-to-day convenience needs of local people, including fresh food and top-up food shopping. They often contain important local services such as post offices and chemists. The Council will wish to ensure that local centre facilities remain accessible to the whole community.

**6.105** The Council supports the retention and successful operation of local shopping centres, including the maintenance of an appropriate range of facilities and therefore the improvement of existing shops will be supported. In particular, the Council will seek to retain post offices and pharmacies. New shopping development will be permitted if it is of a scale which is appropriate for the particular local centre and satisfactorily located in relation to existing premises. Proposals which lead to the environmental enhancement of local centres will be supported, particularly those which create improvements in conditions for shoppers. Traffic calming schemes can form an important part of such enhancement measures.

**6.106** The introduction of non-retail uses may have a particularly significant impact on the smaller local shopping centres and could impair their ability to provide an adequate range of shopping facilities for local people. Appropriate non-Class A1 uses may nevertheless be permitted where they meet community-related needs, provided that they are not to the detriment of the amenities and character of the centre.

**6.107** Local centres by definition are usually situated close to residential areas. Many purpose-built centres have residential accommodation above. The Council will therefore be particularly concerned to ensure that any proposals relating to them respect the amenities of adjacent residential areas. The introduction of residential uses at ground floor level within local centres will be acceptable only where such change would not result in a reduction in level of service, fragmentation or decline in overall retail role.

#### S11 New Local Centres

**New local shopping centres are proposed in the following locations:-**

- (1) Scotts Bridge / Barton, Torquay
- (2) Great Parks, Paignton
- (3) Briseham Road, Brixham

**The development of further local shopping centres elsewhere in Torbay will be permitted provided that they are to meet local needs only and would not undermine the vitality and viability of existing local centres.**

#### Explanation:

**6.108** New developments underway at Scotts Bridge/Barton, Torquay (**Policies H1.1 - H1.4**) and

Great Parks, Paignton (**H1.11 - H1.13**) will each have populations of between 2,000 - 2,500 people. Major development is also proposed at the former Dolphin Holiday Camp, Brixham (**H1.22**). It is important that each is planned as a community. Land has therefore been set aside for a local centre to serve residents.

**6.109** It is essential that the Great Parks Centre meets the day-to-day needs of the local community and provides sufficient opportunities for people to identify with Great Parks as their neighbourhood. It is appropriate to have as its focus a small supermarket. The Council will also support the introduction of a pharmacy and a sub-post office. In order for the Centre to be able to act as a focal point for the community, it is vital that it is combined with the proposed primary school (**Policy CF8.6**) and health facilities (**Policy CF14**).

**6.110** The Council considers that it is essential for the Great Parks Centre and school to be developed in close association with each other, in order to stimulate combined trips involving shopping, recreation and health needs, thereby maximising convenience and accessibility. All development in the Great Parks area will be subject to the guidance set out in the Detailed Planning Brief (September 1994) and any subsequent revisions.

**6.111** A local centre is proposed at Scotts Bridge/Barton. A pub/restaurant is already operating here. Shops appropriate to serve a local neighbourhood, such as a newsagents or convenience goods store should be provided to provide day-to-day and top-up needs not met by The Willows. The Council may support the introduction of other facilities serving the local community as part of, or as an alternative to, this scheme, subject to scale and contribution to meeting local community needs.

**6.112** Similar importance is attached to the need to provide an appropriate range of local facilities for residents in the proposed housing scheme at Dolphin, Brixham. The location of the Centre on the edge of the housing development will allow it to serve a large catchment area comprising both the new and existing residential communities. It is acknowledged that this scheme is located in an environmentally sensitive area. In the context of **Policy H1.22A** and the development brief for this area (see paragraph 3.76) the Council will endeavour to demonstrate flexibility over the precise boundaries of the Local Centre.

**6.113** At such time as the local centres are operative, the safeguards set out in **Policy S10** will apply in

relation to its role and character, type of uses and amenity.

### **S12 Corner shops**

**Proposals for change of use of corner shops, village shops and isolated shops serving local communities to non-retail use will not be permitted where this would result in the loss of facilities serving the community which are not available within the local vicinity. The introduction of new corner shops will be permitted where such provision enhances the sustainability of new or existing communities.**

#### **Explanation:**

**6.114** Shops that are located outside of town, district or local centres provide an important service to the local vicinity (i.e. within easy walking distance, about 300m) and help to sustain viable communities. They can also reduce car trips for day-to-day convenience needs. Such shops are particularly important in rural locations, or built up areas that are not within easy walking distance of local or district centres.

**6.115** Such shops usually sell items such as groceries, newspapers and confectionery. Other types of shop may also serve a local need and proposals affecting these will be considered on their merits. In rural areas, farm shops and petrol stations often sell convenience items. Petrol service station forecourt shops are dealt with by **Policy S13**.

**6.116** Proposals for the introduction of new shops that will provide a service to local communities will be supported subject to normal development control considerations.

### **S13 Service station forecourt sales**

**The sale of food, non-food and other retail services within petrol service stations will not be permitted where it would:-**

- (1) undermine the role or viability of local centres;**
- (2) cause harm to residential or other amenity; or**
- (3) generate significant additional traffic movements into the area.**

#### **Explanation:**

**6.117** Many petrol filling stations have ancillary sales within the forecourt, which may not require express planning permission. However, where the retail

element is not ancillary to the petrol sales or alterations to the building are required, express permission will be required. It is ultimately a legal consideration when a material change of use requiring permission has occurred.

**6.118** Forecourt shops may offer a valuable service by providing convenience goods, often at times when other shops are not open. However, there is concern that they can harm the viability of local shops and centres, to the detriment of the local community.

**6.119** Whilst most car sales garages in urban areas are already established, the additional impact of extra forecourt sales facilities on residential or other amenity should be taken into account. In particular, it is considered undesirable that the sales generate a significant number of vehicular movements into an area.

**6.120** An element of hot food take-away is frequently introduced, for example by self-service microwave ovens. This will often be an ancillary element outside planning control. However, hot take-away food sales are considered more likely to generate additional trips causing more traffic, noise, disturbance and litter than convenience goods, and may be less appropriate for service station forecourts. Applications for hot food takeaway should be considered in the light of **Policy S8**.

**6.121** This policy does not apply to more comprehensive associated facilities such as restaurants which are sometimes attached to larger service stations. **Policy S14** may be applicable for such developments.

#### **S14 Drive-through take-aways and restaurants**

**Proposals for food and drink uses outside existing or proposed shopping centres which cater primarily for car-borne clientele will be permitted where:-**

- (1) the applicant is able to demonstrate a need for the proposal;**
- (2) the proposal would not harm the vitality and viability of district and local centres;**
- (3) the proposal is accessible by a variety of means of transport and would not lead to significant levels of vehicular traffic or congestion on the highway network;**
- (4) the proposal would not adversely affect the character or amenity of the area through noise, smell, litter or other environmental**

**considerations - in particular, it should not harm the amenities of nearby residential areas; and**

- (5) the proposal and associated signage is of an appropriate scale and design and would not be visually intrusive or detrimental to the local amenities.**

**Where the above criteria are satisfied, the applicant should demonstrate that the site is the most appropriate location for the development on the basis of a sequential test which firstly favours sites within a nearby town, district or local centre, followed by other sites elsewhere within the built-up area which are well-related to surrounding land uses.**

#### **Explanation:**

**6.122** Drive through type restaurants rely heavily on car use and their sustainability implications must be considered in the light of PPG6 'Town Centres and Retail Development' (1996) and PPG13 'Transport' (2001). These seek to protect the vitality and viability of existing centres and reduce the use of the private motor car. Whilst the desirability of providing for a wide range of retail facilities in Torbay is recognised, **Policy SS** seeks to focus development in town centres. **Policy S14** should be interpreted in this context.

**6.123** Food and drink uses have an important role in maintaining the attractiveness of town centres. Applications for drive-through take-aways and restaurants outside town centres will not be permitted where they would harm the vitality and viability of these centres. However, it is recognised that town centre locations may not be suitable for drive-through type restaurants. District and local centres will usually be the most appropriate areas for such uses. In any event, such uses will be unacceptable unless they are located alongside related activities in order that vehicular trips can be combined.

**6.124** It is accepted that drive-through type uses will attract car-borne customers. However, they should not only be accessible by car. Accessibility by walking, cycling and public transport will be an important consideration. Nor should proposals lead to problems of highway congestion.

**6.125** It is important that drive-through type uses should be of a scale appropriate to their surroundings. In particular, residential amenity or the character of Conservation Areas should not be prejudiced.

**6.126** In many areas of landscape or townscape

importance, corporate 'house styles' of design and signage will not be appropriate. Signage is specifically dealt with in **Policy BE4**. Because signage is often a very significant element of drive-through type operations, applicants will be expected to demonstrate at an early stage that they are willing to accept a sympathetic level of advertisements.

**6.127** Guidance for proposals relating to conventional hot take-away food outlets in town, district and local centres is set out in **Policy S8**.

### **S15 Open markets and car boot sales**

**Applications for the use of sites for open markets and car boot sales will be determined on the basis of the following criteria:-**

- (1) they should not conflict with the relevant policies relating to countryside, landscape protection, nature conservation, and environmental protection;**
- (2) there should be suitable access onto the highway and proposals should not lead to unacceptable levels of vehicular congestion on the highway network;**
- (3) they should not adversely affect the amenities of residents in surrounding residential areas through levels of traffic generation, noise, general activity and car parking in adjacent and nearby streets;**
- (4) they should be accessible to a variety of means of transport; and**
- (5) they should not harm the vitality and viability of town centres or the viability of district or local centres.**

#### **Explanation:**

**6.128** The only permanent markets operating in Torbay are the indoor markets in Brixham and Torquay. However, one day open markets are held regularly as permitted development on a seasonal basis on various sites, primarily adjacent to Torbay Ring Road.

**6.129** Farmers' markets and the sale of local crafts can increase retail choice and make a valuable contribution to sustainable development. Recent years have also witnessed a surge of interest in car boot sales. Originally, such activities were organised on a modest basis but now tend to be operated on much larger and more intensive scale, often closely resembling a commercial market.

**6.130** Typically, car boot sales may be a regular weekend occurrence within the built up area on land forming part of schools and on car park sites attached to commercial buildings. Edge of town sales on agricultural land are also commonplace. The use of such locations introduces issues relating to landscape and environmental protection.

**6.131** Car boot sales can be disruptive for local residents who expect a degree of quiet, privacy and relaxation in their homes at weekends. Sites often have poor vehicular access and have to be approached via residential streets which are not designed for such volumes of traffic. Queuing of vehicles can cause considerable problems for local residents, as well as traffic congestion and danger to other motorists in relation to events taking place on Ring Road sites. Sites often have little or no off-street car parking and as a result customers are obliged to park in adjoining streets. This can lead to damage to verges and pavements, obstruction to entrances to driveways and danger to pedestrians.

**6.132** Inevitably, the market or car boot sale itself will give rise to varying degrees of noise, smell and visual intrusion due to the concentration of customers, vans, cars and stalls, occasional sale of hot food and overall levels of activity. Poor site supervision and organisation can lead to problems of litter in and around the location.

**6.133** The Council will address the issues described above in its determination of proposals for markets or car boot sales. The nature of the highway network in adjoining areas and its ability to safely absorb the additional traffic generated will be critical. Proposals should wherever possible make provision for car parking on site or on adjoining land. Sites which are well-screened may be supported where it is likely that noise and visual intrusion can be minimised as a result. The need to safeguard the overall amenities of residents in the immediate locality of sites will be of overriding importance together with road safety considerations on adjoining roads.

**6.134** The introduction of permanent markets may raise the issue of impact on trading levels in nearby town, district and local centres. The Council will wish to ensure that any new facilities complement the existing range of shopping provision and that any ensuing competition with centres will not be to the detriment of their overall vitality and viability.

**6.135** In situations where the Council is minded to approve proposals for open markets or car boot sales, consents will be subject to conditions relating to days

and hours of operation, parking arrangements and limitations on the way the site is operated. In appropriate circumstances, approvals may be issued on a temporary basis only, in order to monitor the suitability of the use and thus to safeguard the interests of the local community. To ensure that any proposal meets each of those requirements, it may be necessary for the applicant to enter into a legal agreement.

