

Application Number

P/2012/1037

Site Address

Land To The West Of Collaton St Mary
Primary School And North Of The A385
Totnes Road
Collaton St Mary
Paignton
Devon

Case Officer

Mrs Helen Addison

Ward

Blatchcombe

Description

Development to include 197 residential units, a local centre building (ground floor only) comprising Use Class A1 floor space of 460sqm new vehicular access to Totnes Road , internal road layout, car parking, open space, landscaping, ponds, services and infrastructure and all other associated development. THIS IS A DEPARTURE FROM THE LOCAL PLAN

Executive Summary/Key Outcomes

This application is submitted in full for the construction of 197 dwellings with a community facility, areas of public open space and balancing ponds. The site is not allocated for the development in the Torbay Local Plan 1995-2011 and as such the application is treated as a departure from the Torbay Local Plan 1995-2011.

In the absence of a 5 year housing supply it is important to note that the development will provide a substantial amount of much needed housing in Torbay, including a range of family homes, 30% affordable housing, Section 106 contributions of £883,760.00 and a local centre. Furthermore, the applicants have applied in full and stated their intentions to build the scheme out quickly and their willingness to accept a 2-year permission. This weighs in favour of the development in terms of the need for new housing.

However, the principle of the development of this site has not been convincingly presented by the applicant and they have not satisfactorily demonstrated how development of this site would make a positive contribution to the character of the area, the role in the way in which the site would function within the area and how it would contribute to the long term opportunity to meet the needs of the community. There has been limited pre application engagement by the

developer and this has resulted in their being a number of serious shortcomings in respect of the design and layout of the proposed development, the Environment Agency has registered an objection to the application, it is not established that the development would result in a net gain in biodiversity and it is considered that the proposal will result in harm to the landscape and visual amenity of the area.

As submitted the proposed development is contrary to paragraphs 60 to 64 of the NPPF and Policies H2, H9, H10, L2, L4, L8, BES and BE1 of the Torbay Local Plan 1995-2011 in that it would fail to deliver a sustainable form of development that would enhance the overall quality of the area.

Recommendation

Refusal – reasons are at the end of the report.

Site Details

The application site relates to a triangular shaped site of 7.22 hectares situated on the northern side of Totnes Road, west of Collaton St Mary CofE Primary School. The site is known locally as the 'car boot field'. The site is currently grassed and there are no buildings on it. The boundaries to the north east and north west follow existing hedgelines, which are quite clearly defined.

There is a single point of access to the site from Totnes Road situated fairly centrally along the length of this boundary. The boundary along Totnes Road comprises rusting estate railings with intermittent boundary hedges and trees. There are views across the site from Totnes Road. There is a grass verge along the boundary with Totnes Road and no pavement on the northern side of Totnes Road. There is a pavement along the southern side of the Totnes Road. The ground levels on the site slope downwards in both a northern and an eastern direction. There are extensive views from the site towards open countryside land to the north and east.

On the opposite side of Totnes Road there is residential development in a predominantly linear form. However, this is generally set back from the road and the otherwise linear form is broken up by large trees and landscaping. To the west of the site there is a camping and caravan park. To the north and east there is open countryside land.

In the Torbay Local Plan 1995-2011 the site, and the land to the north and east is allocated as Countryside Zone and Area of Great Landscape Value. A large proportion of the site is proposed in the Plan to be used as a new cemetery. The site is not allocated in the Torbay Local Plan 1995-2011 for residential use.

Detailed Proposals

The application is submitted in full for the construction of 197 dwellings and a small community facility that could be suitable for a number of uses such as a

convenience store, hairdressers etc, with a number of areas of public open space and balancing ponds.

The proposed dwellings would be predominantly houses of a mix of sizes and there would be 12 x two bedroom flats above the community facility/retail units. The proposed dwellings would be 2 and 2.5 storeys high and the retail building 3 storeys in height. A single point of access is proposed in the position of the existing access from Totnes Road. The road layout on the site would be based upon a central spine leading from Totnes Road with a number of roads running along the contours off this spine. 10 metre exclusion zones are proposed along the existing north-west and north-east hedge boundaries. Four areas of public open space are proposed within the site along with a number of balancing ponds along the eastern boundary of the site, which is where the ground levels are lowest. The proposed community facility/retail building would be located adjacent to the site access and Totnes Road.

A cycle route is proposed adjacent to the northern boundary with Totnes Road. 10/11 car parking spaces for use in connection with the adjoining school are proposed at the eastern end of the site. There would be no direct access to these spaces from Totnes Road, access would be through the proposed development.

59 dwellings would be provided on the site for affordable housing and 138 for speculative housing. The proportion of affordable houses would be 30%. The materials palette would include the use of both brick and render for the elevations and slate or slate effect for the roof.

A statement of Community Involvement has been submitted in support of the application. Community consultation events have been held in April, August and November 2012.

Summary Of Consultation Responses

Education: There is no opportunity to expand Collaton St Mary School. The planned primary school expansion that is relevant to a development such as would be Roselands and White Rock. Roselands is within 1.2 miles and as such it is within the statutory 2 mile walking limit for 4-7 year olds and well within the 3 mile limit for 7-11 year olds. White Rock is 2.1 miles so within the 3 mile limit.

Environment Agency: Following receipt of a revised Flood Risk Assessment(FRA) in response to initial consultation response the EA registers an objection unless the shortcomings can be overcome prior to determination.

EA advises that there is a history of property flooding in Collaton St Mary and downstream from the Yalberton Stream. It is critical that surface water run off from the proposed development does not exacerbate the current risk of flooding.

It is suggested that the Flood Risk Assessment is appended with details of where additional storage could be provided and also a long section of the SUDs strategy, prior to determination of the application.

In addition the EA states that the Local Planning Authority “should be confident that sufficient funding can be obtained, and written assurances regarding maintenance are given, prior to the determination of this application. Failure to secure written assurances would risk the scheme as a whole failing to carry out its intended purpose over the lifetime of the development proposed”.

Recommends a condition requiring submission of details to manage surface water run off.

Drainage: Further detailed design work is required, which includes infiltration testing in the location of the storage ponds or swale, additional information relating to the data used and a draft maintenance plan for the site.

SWW SWW have no objection to the proposals. Please note that a public water main runs through the site.

Housing Services: Torbay Council’s affordable housing policy requires that the mix of affordable housing provided should be proportionate to the mix as a whole. Currently the scheme is made up of a disproportionately higher number of 1 and 2 bedroom flats and a disproportionately higher number of 2 bedroom houses. Although a number of 3 bedroom houses are being provided this does not meet the policy requirement. The current proposals are not providing any 4 bed properties as affordable units and whilst we have a need for all types of affordable housing in Torbay, larger family homes are a strategic priority as there is currently a very long wait for these type of units. In order to promote mixed and balanced communities we would want to see the affordable housing distributed throughout the scheme in more than one area.

We would expect to see 5% of the rented provision to be suitable for a wheelchair user.

Highways: Comments as follows:

- a) parking ratios require further consideration,
- b) the provision of a school drop off and parking facility for 10 vehicles is not required and should be deleted from the scheme,
- c) the only link into the school site should be a shared use path,
- d) further work to validate the results of the data modelling is required,
- e) requests S106 contributions towards sustainable transport improvements,
- f) a framework Residential Travel Plan must be prepared in advance of planning permission being granted, and;
- g) a scheme of this size should be required to provide a car club on site including supply of a car and a parking space.

RSPB: The RSPB confirm that, should this application be granted, it should not result in a net loss of any habitat suitable for curlew buntings and should not involve the removal of potential breeding habitat during the nesting season. Though the proposed development does not directly impact upon known curlew bunting territories, the application site is close enough to existing territories to have potential for encouraging range expansion and the RSPB recommends appropriate habitat retention, creation and management. The RSPB recommends that boxes for bats and birds are integrated within the design and construction of all suitable buildings. The RSPB supports the use of a Landscape and Ecological Management Plan (LEMP). RSPB comment that should the LPA decide to grant permission, conditions and obligations will be needed to retain and create habitats. In the RSPB's view the proposed S106 Heads of Terms needs to include financial provision to ensure the ongoing management of the public open space and wildlife habitats on site.

Natural England: The proposed development is within the 'sustenance zone and strategic flyway' of the Berry Head roost component of the South Hams Special Area of Conservation (SAC). A number of outstanding matters are raised in response to the submission of the Ecology Impact Assessment. These include

- a) 0.5lux should not be exceeded within the 10m wildlife buffer along the northern boundaries,
- b) bat activity is likely to be associated with both sides of hedgerows,
- c) recreational/access objectives should be balanced with wildlife/natural environment considerations and d) where on site mitigation opportunities are restricted off - site compensation should be considered.

Stoke Gabriel Parish Council: object to the application on the grounds that the application is premature, there are new housing developments at Great Parks (480 homes), White Rock (350 homes) and Holly Gruit and Yannons farm (315 homes), flooding, traffic congestion, detrimental impact on tourism and no provision has been made for employment.

Summary Of Representations

In excess of 220 representations have been received, the majority of these are objections to the application. Copies of the representations are reproduced and available for inspection in the Members room. Representations of behalf of community groups have been received from the Paignton Neighbourhood Forum, Collaton St Mary's Residents Association, the Local Access Forum, Paignton Heritage Society and the Governors of Collaton St Mary Primary School. Copies of these representations are reproduced at P. 205.

The points made in objection to the application include the following;

- Brown field sites should be used first
- Land borders a flood plain

- Inadequate sewerage system
- Increase in traffic
- Disrupt natural wildlife and habitat
- Loss of good quality farmland
- Negative effect on a struggling tourism industry
- Noise and light pollution extended into the countryside
- Would totally spoil an area of great landscape value and natural beauty
- Proposal would impact on ability of local children to attend a local school
- Impact on local services eg doctors, shops, play areas etc
- No need to further houses in this area there is already a large development proposed for Brixham Road
- Rainwater run off will impact on the flow of Yalberton stream
- The single entry point would be extremely dangerous
- Proposal is unsustainable
- Developers should consider solar panels and hydro power as a means of powering the site
- The style of the 3 storey building is not suited to the existing environment of the village. It will have a negative impact on views
- The infiltration ponds will not help alleviate flooding, they are far too small to have any real effect when it comes to preventing excessive run off from the site
- Infiltration ponds should not be positioned adjacent to the primary school
- Development is contrary to the local plan
- Collaton St Mary is not an urban area
- High risk flood area
- The village school and surrounding schools cannot support another new housing estate
- Torbay requires additional employment opportunities and improved infrastructure before additional housing
- Collaton St Mary already has the Parish Rooms as a community centre
- Incomplete application – new documents being continually added online

The points made in support include;

- Would be good for the area but controls need to be put in place to retain the natural beauty of the valley
- The retail is needed as there is nothing else around
- The 2/3 bedroom starter homes are ideal and greatly needed
- Paignton is crying out for housing for local people
- The safe cycling and pedestrian links plus the investment is spot on

Relevant Planning History

No recent relevant planning applications. Collaton St Mary Residents Association has noted a history of planning applications from the 1960s. Due to the time since these were determined and the changes in policy and legislation that have taken place it is not considered that these are material to the

determination of this application.

The following application relating to land adjacent to the North East boundary of the site is relevant;

P/2012/0865 Formation of phase 1 unit for poultry breeding unit with vehicular access and parking, Long Meadow, Blagdon Road -current application.

Key Issues/Material Considerations

The main issues to be considered are the principle of residential development on this site, the design and layout of the proposed development, highways, flood risk and drainage, ecology, and landscape.

Principle and Planning Policy -

This site is not allocated in the plan for residential use and has been advertised as a departure from the Torbay Local Plan 1995-2011. It is designated as Countryside Zone and Area of Great Landscape Value in the plan. Policies L2 and L4 are applicable to these designations. These policies seek to maintain or enhance the special landscape character of the area and to safeguard Torbay from further urban sprawl.

Part of the site is also allocated in the Torbay Local Plan 1995-2011 for use as a cemetery. This policy is relevant to the determination of the application although it would carry little weight as a reason to refuse the application, since it has not come forward in the plan period. The ownership of the land is outside the Council's control and it would be inappropriate for the use as a cemetery to be imposed on the land solely due to designation in the Local Plan. There is no evidence that the Council or any other organisation is seeking to implement this use in the near future, and it is feasible that an alternative site could be found. Therefore it would not be necessary for this land to be protected exclusively for this use. Consequently there would be no objection to the principle of an alternative use of this land, provided it was compatible with the remaining policies in the development plan and with the NPPF.

A key consideration to the determination of this application is the Council's 5 year supply of housing land, and whether it can be demonstrated that there is an adequate supply. If the Council is unable to identify a supply of sufficient specific deliverable sites there would be a presumption in favour of sustainable development, which would weaken the case for resisting development on this site. Para. 49 of the NPPF is relevant, this states that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Where there is a lack of a 5 year supply and the site can meet other objectives of Development Plan Policy and the requirements of the NPPF then it may be

considered appropriate to develop irrespective of the Council's adopted policies regarding the quantity of housing to be provided over the plan period and its spatial distribution.

In the appeal decision at Scots Meadow (June 2012) the Inspector was of the opinion that Torbay Council could not demonstrate the availability of a 5 year supply. The Inspector concluded that Torbay should be providing 3,631 dwellings over 5 years to meet its housing needs and that Torbay therefore had a shortfall in supply, being only able to demonstrate deliverability of some 2,627 dwellings over that same period.

Since this decision was issued there has been a change in circumstances as the 2011 sub population projections have been issued. These projections are useful as they incorporate the Census baseline figures and are therefore more up to date than the 2010 based population projections, which came out during the Scotts Meadow Inquiry sitting and were considered in the Inspector's report. It appears that the 5 year supply based on these figures would be in the region of 400 dwellings per year. The Scotts Meadow decision was based on 2008 household projections and this evidence base is becoming increasingly out of date. The evolving nature of this evidence base, and the changing status of the New Local Plan could, in time, provide an opportunity for further consideration of resisting the development in principle.

Policy H1 in the Torbay Local Plan 1995-2011 states that "permission will not be granted for housing on any large greenfield sites other than those identified". The explanation to Policy H2 states that "unallocated greenfield housing sites of more than 1.4ha/1 acres will not be approved, as set out in Policy H1". This approach is not consistent with the objectives of the NPPF which has at its heart a 'presumption in favour of sustainable development'. As such, in the light of the NPPF the Council needs to consider the principle of development on the site and make an assessment of whether the proposal would constitute a sustainable form of development. Policy H2 contains a number of development management criteria to assess the proposal against, in order to secure a high quality development. Policies H9 and H10 which relate to layout, design, community aspects and housing densities are also relevant.

This site is not a housing allocation site (Torbay Five Year Housing Supply Sites) in the emerging new Local Plan (A Landscape for Success, Local Plan Consultation Draft September 2012) but is within a proposed Area of Change/Future Growth Area within the new Local Plan. This plan carries little weight in the decision making process as it is at an early stage in its preparation, and therefore this designation has limited weight in determining this planning application. A key point is that the area around Totnes Road in Collaton St Mary could have potential for development in the future. However the area identified is significantly greater than just the application site and is clearly a broad brush signifier of potential growth as opposed to a site allocations plan.

It is important to note that the development will provide a substantial amount of much needed housing that will be a significant gain in terms of the supply of housing in Torbay. The residential development profile is considered to provide a good balance and mix of types and tenures, providing much needed family housing. Furthermore, the applicant has agreed to provide 30% affordable housing across the site along with a local centre to serve the Collaton St Mary area. In the absence of a 5 year housing supply these are important considerations and must be weighed in favour of the development.

However, it is considered that in order to provide a sustainable form of development that would meet the needs of the community it would be necessary for the whole area to be subject to a masterplan and planning framework that would produce an organic growth of the existing settlement to deliver not just housing, but jobs, retail, community facilities and recreation space. There is concern that by allowing the piecemeal development of this site at this time that this would prejudice the opportunity to deliver an integrated well planned and thought out sustainable form of development for the entire area.

Design and Layout -

The application has been considered by the Design Review Panel. A copy of their comments is reproduced at P. 205. In summary they have raised the following issues;

- Where no wider spatial framework has been established for a site adjacent to an existing settlement then we would expect that an applicant presents the case for development from 'first principles' - an objective analysis of settlement pattern, movement, green infrastructure, distribution of retail and other community facilities etc across the wider area would have helped us to understand why this particular site might have been brought forward in advance of an adopted planning framework and the extent to which it may be capable of representing 'sustainable development' in any future context.

- This site presents a considerable challenge- being the side of an especially attractive rural valley with outstanding views across to the other undeveloped slope and long distance, dramatic views up to the higher ground of Beacon Hill. The panel felt that the essential landscape character had not been properly understood or appreciated.

- The panel felt that a successful layout on this site would have to respond to a number of site conditions or influences; a) the existing Totnes Road which forms an edge to the envelope of the settlement along this stretch, b) the sense that rather than an infill site any development here ought to be understood more clearly as an organic extension to the historic form of the village and c) the presence and impact of proposals in the wider valley

- The strategy of providing a number of smaller scaled green spaces throughout the development and the desire to provide local areas of play within close proximity of all dwellings means that there is no space really large enough for 'kick about' purposes or informal team sports activity. We think that aggregating open space together might be a better strategy. We are surprised that allotments do not seem to be a feature of these proposals.

- The rear facade of the three storey mixed use block will present to Totnes Road. We find it unsatisfactory for the 'back of house' and storage elements to be given this impossible challenge in design terms. This appears to us to be an incongruous, large and bulky building at a very prominent location on the site. We strongly support mixed use buildings of this sort but their design needs to be very carefully handled if they are to be truly successful.

- The handling of individual houses seemed to be redolent of the normal sub vernacular language that is very indistinct in its origins, careless in its composition and grammar and regrettably seen everywhere. There is nothing discernible in its character that would particularly link it to Torbay or Collaton St Mary. The design presented does not itself make a good case for contemplating a major built incursion into this relatively unspoilt valley setting.

- A thorough Landscape and Visual Impact Assessment needs to be undertaken and, if development is not ruled out by it, proposals reconsidered in response to it. The panel considers that the 'genius loci' of the site has not been properly understood and respected by these proposals. Currently we perceive that a fairly substandard suburban character is being imposed on a landscape setting that is essentially rural.

- The location of the local centre and distribution of higher residential densities should be driven by the proximity to the existing village and potential synergies with the school- therefore they should gravitate eastwards.

- If a truly successful design was developed for this site we anticipate that the quantum of development proposed would have to be reduced dramatically.

The above points and report from the DRP provide a thorough analysis of the proposed development and an indication of the areas that require further consideration, to improve this development.

Officers concur with the sentiment and the comments made by the Design Review Panel. In particular, officers are of the view that a) any scope for development should be ascertained based on a more thorough consideration of the site within its context, b) any development should form an organic extension of the existing village, c) any development should be part of a plan-led process of change in the area that provides for the wider needs of the community, and; d) that if development were considered to be acceptable in design terms that it

would be likely to be in a considerably reduced form to that currently proposed.

It is notable that the Landscape and Visual Impact Analysis was submitted late in the application process and after the proposal was considered by the DRP, which is regrettable as it is a key piece of information.

The applicant's interpretation of the proposed development is at odds with the opinion of the DRP. In the design and access statement it is stated that when; "seen as a missing piece, the development of the site makes a logical extension to the valley bottom settlement of Collaton St Mary. The development reflects the residential development opposite and adds a focus of integration in the form of local retail centre. Links to adjacent sites helps create a more connected and sustainable settlement overall." It is not completely clear how the applicants have arrived at this opinion, as there is no analysis of the settlement pattern or movement pattern of the surrounding area included in the design and access statement. It would be helpful to understand how this development would integrate into the wider area, and why the applicant perceives it as a logical extension. This view is not shared by officers.

In the design and access statement there is a detailed analysis of the local built form. However there is not a clear explanation of how this has been interpreted in the design of the proposed dwellings. As referred to by the DRP the house types are not reflective of the local character of the area, particular the more formal Georgian appearance 2.5 storey houses. In addition there is concern about the location of the community facilities building and how this would relate to the use of existing facilities in Collaton St Mary. It would seem more appropriate for it to be sited at the eastern end of the site adjacent to the school, the church and the parish rooms in order to contribute to the focal point of the village and to encourage access by pedestrians rather than car users.

A key issue is whether the proposed development would be sustainable. To meet this objective it is useful to draw on the core planning principles at para.17 of the NPPF which require development to enhance and improve the place in which people live their lives and to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It appears that the layout of development on the site has been designed to address the constraints of the site itself such as the levels on the site, the hedgerows to the north west and north east and the frontage to Totnes Road. However the bigger picture of how the development would integrate into the existing settlement and landscape is not addressed. The end result is a technically workable form of development, but one that fails to relate to its wider setting and positively enhance the settlement pattern of the area. As such the proposed form of development would fail to meet the objectives of Policy H2 in the plan and para.61 of the NPPF which states that planning decisions should "address the connections between people and places and the integration of new

development into the natural, built and historic environment.”

Highways -

A Transport Assessment has been submitted in support of the application. This identifies that the following highway improvements would be carried out;

- A right hand lane to enable vehicles to turn right into the development without interrupting the flow of traffic towards Totnes. The junction would be located in the same position as the existing access.
 - A footway/cycleway would be provided within the development between the access and the eastern boundary.
 - A new bus stop with bus bay, shelter and raised bus border would be provided just to the east of the access with footway connection to the development access.
 - Provision is included for 10/11 drop off/pick up parking spaces to serve the adjacent primary school which would be accessed through the development and would have direct pedestrian access to the primary school.
- The proposed layout includes the provision of off street car parking on the following basis; a ratio of 1 space per bedroom for apartments, two spaces for two bedroom dwellings and 3 spaces for family housing. Affordable housing would have a ratio of 1.25 per dwelling.

The Strategic Transportation team have made a number of comments on the proposal in terms of the highway. In principle, subject to the receipt of additional information, it is advised that the proposed development would not have an adverse affect on highway safety. Further clarification of a number of points in the Transport Assessment has been requested. In addition, the omission of the parking spaces for use in connection with the school is required as this would not encourage sustainable methods of travel to the school. The on site parking ratios need to be reviewed as the ratios are low for affordable housing and overly generous for large dwellings. S106 contributions have been requested which would be used towards a number of improvements. A framework Residential Travel Plan is requested to address ways of encouraging future residents to use sustainable methods of travel.

Local residents have raised concerns about traffic congestion in the area and the impact that the proposed development would have. In the Transport Assessment it is stated that the proposed development would result in a 1.3% increase on traffic using the Tweenaways junction at the AM peak hour. It is advised that the development traffic at Tweenaways would be 61 vehicles (14 to the development and 47 from the development). It is estimated that in 2018 there would be 4815 vehicles in total using the junction in the peak AM hour. The Councils Strategic Transportation officer has requested further clarification of these figures,

however, if these figures are accurate the impact of the proposed development on the operation of the Tweenaways junction would be negligible and would not constitute a defensible reason for refusal of the planning application.

The DRP suggested that there would be an opportunity to improve the form of the proposed development if two points of access were formed onto Totnes Road. The Strategic Transportation team have responded that they would discourage multiple access points because this could lead to an adverse effect on the free flow of traffic along Totnes Road. They note that for every new access created a right turn lane would be required requiring more land take and opening up of the area for visibility splays, which would detract from the rural character of the road.

Flood Risk and Drainage -

On the Environment Agency's indicative flood risk map the application site is wholly within Flood Zone Risk 1 (low risk). In accordance with the Technical Guidance to the NPPF, residential dwellings are considered to be 'More Vulnerable'. However the proposed dwellings are not within flood risk zone 3 – high risk or flood risk zone 2- medium risk and therefore the Technical Guidance to the NPPF concludes that residential use is suitable for this site in flood risk terms.

A flood risk assessment has been submitted in support of the application. This identifies that due to the topography of the site, surface water run off will typically flow in a northerly direction, crossing the greenfield land to the north before reaching the existing stream adjacent to Blagdon Road. The design of the proposed drainage strategy would be to reduce pre- development volume of run off by utilising SUDS features which promote infiltration. The strategy would incorporate hydraulic restrictions designed to offer a 10% reduction in the rate of discharge to the existing stream. It is proposed that overland flood flow routes will be introduced to ensure that water is directed towards convenient holding points, away from primary access/egress routes.

The Environment Agency's initial consultation response requested submission of further information in respect of where additional storage could be provided and further details of the SUDs strategy. Following revision of the Flood Risk Assessment (FRA) the Environment Agency have confirmed that they register a holding objection unless these shortcomings are overcome, despite the fact that they endorse the strategy as a whole. They advise that the FRA fails to demonstrate how the additional volume of waters that would emanate from the site once developed would be managed.

It should be noted that if the Council decided to approve the application where there is an objection from the Environment Agency the application would have to be referred to the Secretary of State before planning consent could be granted.

SWW has advised that they raise no objection to the proposal however they advise that there is a public water main that runs through the site. The applicant has advised that it would be their intention to divert this main.

Ecology -

An Ecological Impact Assessment has been submitted in support of the application. This states that the application site does not lie within or adjacent to any designated site of nature conservation value. No statutory designated sites of nature conservation value lie within the 2km study area.

Twenty non-statutory designated sites of nature conservation value lie within 2km of the site. The closest is the Ramshill County Wildlife Site which lies approximately 1km north of the site. There is one European designated site within 10km of the development at Berry Head. Berry Head Special Area of Conservation (SAC) is a component of the South Hams SAC and is located to the southeast of the site, approximately 8.3km at its nearest point. The South Hams SAC is designated for its importance to Greater Horseshoe Bats and although the site is not within the SAC, it does lie within a Greater Horseshoe bat Sustenance Zone and partially within a greater horseshoe bat Strategic Flyway, as designated by Natural England. These sustenance zones and flyways comprise key foraging areas and movement corridors for greater horseshoe bats within the South Hams SAC. It is necessary for the applicant to demonstrate that development within these zones and flyways will not lead to significant adverse effects on the integrity of the SAC.

The site is a north facing non-grazed grassland field. There are species rich hedgerows along the north east and north western boundaries. The hedgerow along the southern boundary with Totnes Road is species poor. The grassland on the site is assessed in the Ecological Impact Assessment as being poor semi-improved grassland. In the phase 2 survey, evidence of use of the site by invertebrates, amphibians, reptiles, birds, and bats including the greater horseshoe bat was found. Local residents have advised that badgers may use the site.

In order to manage the habitats on the site during the pre construction, construction and post construction phases a Landscape and Ecological Management Plan would be produced and agreed with the Council. This would contain measures for mitigation and enhancement on the site. It is proposed that 30 bat boxes would be installed in retained trees/hedgerows and on new properties. 20 house sparrow nest boxes, 20 swift/house martin nest boxes and 20 general bird nest boxes would be incorporated within new buildings and trees within the site. A lighting scheme would be agreed to keep light levels to a minimum through minimizing column height and use of baffles, louvers, shields and/or hoods. A 2 metre high close boarded fence would be installed between the residential development and the wildlife corridor along the north-west boundary to restrict usage by the public and restrict light spill.

Consultation responses have been received from both Natural England and the RSPB. They both seek clarification of how recreational/access proposals on land adjacent to the north east boundary will be balanced with wildlife/natural environment considerations. Further clarification on the lighting scheme and consideration of use of the hedgerows by bats is requested. In addition it is suggested that the developer could consider off site compensation in order to deliver net biodiversity gain. This detail would need to be addressed by the developer before planning permission could be granted.

The Council has to screen the application under the Habitats Regulations 2010. It is likely that the Council will conclude that, in the event that the appropriate measures are secured through planning conditions and clauses in a S106 agreement, then this proposal will not have a Likely Significant Effect (alone or in combination) on the integrity of the South Hams Greater Horseshoe Bat Special Area of Conservation.

Landscape -

In the 'Torbay Landscape Character Assessment' the application site is within LCT Type 1 Rolling Farmland which is subdivided into a number of areas. The subdivided category is defined as 1L Blagdon Barton. This category is assessed as being 'less sensitive' and can accommodate change to rationalise the existing scattered land uses and contribute to a gateway and sense of arrival to Torbay. There are no statutory designations relating to the site. It is locally designated as an 'Area of Great Landscape Value' and 'Countryside Zone' in the Torbay Local Plan 1995-2011. The site predominantly consists of pasture with some peripheral vegetation and semi mature trees.

The applicant has submitted a Landscape and Visual Assessment in support of the application. This assessment notes (at para 4.2) that the visibility of the application site is principally restricted by three factors; 1) the lower valley location of the site and surrounding undulating and sloping terrain, 2) the existing mature tree groups and hedgerows within and surrounding the application site and 3) the surrounding built development of Collaton St Mary and Tweenaways to the south and east. It is identified that those parts of the surrounding landscape likely to be sensitive to the proposed development are;

- Visitors to St Mary's Church
- Residential properties on Totnes Road
- Residential properties on St Mary's Park Road to the south
- Residents of Lower Blagdon
- Users of the adjacent holiday park

The Landscape and Visual Assessment states that due to the undulating topography of the application site combined with the surrounding higher topography and vegetated ridges there are few direct views of the application site

from the surrounding settlements and footpaths. There are no public rights of way within the immediate vicinity of the application site and very few across the surrounding landscape as a whole.

The applicant proposes to improve existing hedgerow vegetation and provide tree planting around the application site boundary and states that this would soften views of the development and assimilate it into the landscape. The applicant's landscape consultant therefore predicts that the residual landscape impacts are predominantly localised in scale and restricted to the application site and adjacent residential areas. It is assessed that once the proposed development is complete there will be a localised change to the land use and marginal change in landscape character due to the newly built residential units that will be glimpsed beyond the boundary vegetation. It is purported that key characteristics of the Landscape Character Type and the Area of Local Character will not be altered and the proposed development will contribute to the 'variable character' and become part of the 'fragmented and urbanised' landscape.

The conclusions of the submitted Landscape and Visual Assessment are based in part on evidence in the form of eleven viewpoints with visibility across the application site and surroundings. It is concluded by the applicant that the majority of viewpoints will experience no impact during both construction and on completion.

The conclusions in the Landscape and Visual Assessment are not accepted in full. It is considered that the site is visible in long views from residential areas to the south and east and the proposed development on this scale and density will represent substantive change to the rural character of the area. Photographs to support this opinion will be included in the presentation to the Development Management Committee.

This site forms part of a largely undeveloped rolling valley of significant landscape quality. As the hedgerow along Totnes Road is sparse there are views across the site to this wider valley. These views are outstanding across to the other undeveloped slope within the valley with long distance dramatic views up to the higher ground of Beacon Hill. There are also views across the site from the surrounding area.

It is important that any proposed development is assimilated into this landscape setting and would not to have an adverse effect on the rural landscape character of the area. Considering the photographic evidence of the site and its context it is necessary to assess whether it is appropriate to develop this site or whether the harm to the landscape would be sufficiently detrimental to resist the proposal. If it is considered that development may be appropriate, then one strategy to integrate it into the landscape would be developing on the lower parts of the site, which would relate to the existing settlement pattern of development along the lower part of the valley around the church and school. This would also fit with the

'organic extension' approach put forward by the Design Review Panel. This would reduce the visibility of development in long distance views. Alternatively a looser more rural form of development could provide a greater opportunity to respect the landscape setting of the site.

Policy L2 in the Torbay Local Plan 1995-2011 requires development within the Area of Great Landscape Value (AGLV) to maintain or enhance the special landscape character of the AGLV. Policy L8 seeks to protect features of significant landscape value. The photographic evidence produced by the Council raises concerns that the proposal would meet the objectives of these Policies.

A tree survey and tree constraints plan has been submitted in support of the application. This recommends that a 10 m wide strip is kept free from residential development for both the west and east boundaries. Roads and footpaths may be inserted within this 10 m wide corridor but no construction activity should occur within 5 m of the bases of the hedgerows. It is noted that the proposed layout is consistent with this recommendation.

S106/CIL -

Following the consultation response from Housing Services the applicants submitted a revised schedule of dwellings on the site to take account of the requirement for a more representative mix of affordable housing with a greater proportion of larger dwellings. The S106 calculations are based on this schedule. The applicant intended to submit an updated residential layout but this hasn't been received.

In accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions are sought to offset the impact of the proposed development on existing infrastructure;

Waste Management	£ 7,350
Sustainable Transport	£387,525
Stronger Communities	£ 26,290
Education	£155,180
Greenspace	£307,415
TOTAL	£883,760

It is proposed that 59 of the 197 dwellings would be used for affordable housing, which amounts to a policy compliant 30% in accordance with Policy H6 in the Torbay Local Plan 1995-2011.

Housing services have asked for 5% of rented houses provided as bungalows adapted for disabled residents. This would equate to 2 dwellings.

Conclusions

In the absence of a 5 year housing supply it is important to note that the development will provide a substantial amount of much needed housing in Torbay, including a range of family homes, 30% affordable housing, Section 106 contributions of £883,760 and a local centre. Furthermore, the applicants have applied in full and stated their intentions to build the scheme out quickly and their willingness to accept a 2-year permission.

However, given the considerations set out above, the provision of new housing must be weighed against the delivery of sustainable development. In this case it is concluded that the proposed development would fail to meet the objectives of paras. 60 to 64 of the NPPF and Policies H2, H9, H10, L2, L4, L8, BES and BE1 in the Torbay Local Plan 1995-2011. The proposal would not deliver a high quality development that would make a positive contribution to the quality of the area and effectively integrate into the natural, built and historic environment. As such this would not result in a sustainable form of development.

There is concern that the applicant has not successfully demonstrated how the proposed residential development would integrate into the existing settlement pattern and how it would contribute to the long term objectives of delivering sustainable growth that would meet the needs of the community. The quality of the form of development falls below the level expected in terms of its relationship to the surrounding area and high quality landscape setting. Both Natural England and the RSPB have raised concerns about net biodiversity gain that have not been fully addressed. The Environment Agency has objected to the application as submitted. The application site is of high landscape quality forming part of a rolling Devon valley that is visible in a number of long distance and local views. It is considered that the proposal will fail to preserve or enhance this landscape setting. As such it is recommended that this application be refused.

Condition(s)/Reason(s)

01. The proposal demonstrates a failure to consider the wider rural, high quality landscape setting of the village and the application site and the long term opportunity in the area to deliver a planned organic and sustainable form of development that would improve opportunities for the community in terms of quality of housing, job opportunities, recreation, leisure and community facilities. This proposal brings forward the piecemeal development of this site without an overall understanding of how it would contribute to delivering a robust and comprehensive growth strategy for the area. The proposal would fail to deliver an integrated organic extension of the village and would result in community facilities sited in a remote location in comparison with the hub of the village that is centred around the school and church and as such would encourage car borne activity. As such, the development is not considered to be sustainable, being

contrary to paragraphs 56, 57, 58, and 61 in the NPPF, which seek to make places better for people.

02. The proposed development by reason of its design and layout would fail to deliver a sustainable form of development that would integrate effectively with the historic form of the adjoining village and the natural environmental features of the site and surrounding area. The proposal comprises a suburban form and vernacular that would be indistinct in its origins and would fail to respect the 'edge of settlement' rural character of the site and would fail to provide a high quality development that would improve the quality of the area and the way in which it functions. As such the proposal would fail to meet the objectives of Policies H2, H9, H10, BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60, 61, 64 and 66 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment, maintaining the integrity of local character and distinctiveness.

03. This undeveloped Greenfield site is designated as being within an Area of Great Landscape Value and part of the Countryside Zone in the saved adopted Torbay Local Plan. The site is on the edge of Collaton St Mary and forms part of an attractive rural valley with a high landscape value. It has an important role in the transition between the open countryside and the urban edge of Paignton and it makes a valuable contribution to local and wider landscape views.

Within Areas of Great Landscape Value such as this, Local Plan policy L2 requires development to maintain or enhance the special character of the area. Policy L4 resists inappropriate development that would lead to the loss of open countryside and the creation of urban sprawl. The proposed development, by reason of its suburban character and form, which is derived from entire site coverage with rows of houses across the hillside, would result in an orderly form of development with an urban character. This would fail to respect the rural setting of the site and to relate sensitively to the wider landscape setting and as such would be contrary to the provisions of policies LS, L2 and L4 of the saved adopted Torbay Local Plan (1995-2011).

04. The Environment Agency has raised an objection to the application because the applicant has failed to satisfactorily demonstrate that the proposal would not exacerbate flood risk in the area. As such the proposal is contrary to Policy EPS in the Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. In the absence of a signed legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies H6 and CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the

delivery of affordable housing and physical, social and community infrastructure necessary to make the development acceptable in planning terms. Furthermore, a lack of a s106 agreement also incurs an absence of ability to secure an enhancement to biodiversity. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies H6, CF6, NCS and NC5 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

Relevant Policies

-