



Draft Torbay Local Plan 2025-45: A Landscape to Thrive

Regulation 18 Draft Plan. November 2025

Table of Contents

Table of Contents	2
Chapter 1: Our shared vision - A healthy, happy and prosperous Torbay	9
Introduction	9
Challenges for the Plan	10
The National Planning Policy Framework (NPPF)	11
The Torbay Community and Corporate Plan 2023-43	13
The Torbay Story	17
Town Regeneration Projects	19
Other Visions and Strategies	19
Local Plan Key Objectives	19
Housing Numbers	25
Environmental Capacity	25
Land and Labour Supply	25
Infrastructure	25
Monitoring	26
Duty to Cooperate	26
Navigating the Local Plan	27
Chapter 2: Shaping our places - Local identity and community-led planning	28
Torbay	28
Spatial Strategy and Area Policies	28
Strategic Policy SS1: Torbay Growth Strategy - Prioritising our communities through improved health, housing, place making and opportunities for all	28
Neighbourhood Plan Area Policies:	36
Torquay	36
Strategic Policy SDT1: Torquay – A strategy for sustainable growth	36
Strategic Policy SDT3: Torquay Gateway – A sustainable growth hub for homes, jobs and nature	37
Strategic Policy SDT4: Newton Road to Torre Gateway – A regeneration corridor for homes, jobs, health and connectivity	39

Paignton	41
Strategic Policy SDP1: Paignton – A strategy for sustainable growth	41
Strategic Policy SDP2: Revitalising Paignton Town Centre and Seafront - A destination for living, tourism and leisure	42
Policy SDP3: Preston – A thriving district centre and Regeneration Hub for living and community.....	44
Policy SDP4: Collaton St Mary – Sustainable growth in a connected village	45
Strategic Policy SDP5: Long Road, Yalberton - Sustainable living and employment neighbourhood	47
Policy SDP6: Clennon Valley - Active leisure and nature hub	49
Brixham	51
Strategic Policy SDB1: Brixham – A strategy for sustainable growth.....	51
Strategic Policy SDB2: Revitalising Brixham’s Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism.....	52
Strategic Policy SDB3: Berry Head to Sharkham Point - Coastal conservation and recreation management	53
Brixham Peninsula and Rural Villages.....	55
Strategic Policy SDBCG1: Broadsands, Churston and Galmpton Villages - Sustainable living and landscape protection strategy	55
Strategic Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner. ..	57
Policy SDBCG3: Rural villages south of Windy Corner – Landscape, ecology and settlement gap protection zone	59
Chapter 3: Housing and Regeneration Policies	62
Strategic Policy HS: Overall Housing Strategy and Presumption in favour of Urban Regeneration	62
Strategic Policy H1: Town Centre Regeneration Areas	67
Strategic Policy H2: Future Growth Areas.....	70
Strategic Policy H3: Other Local Plan allocated sites	74
Policy H4: Minimum density	79
Policy H5: Conversion of buildings into flats	80
Policy H6: Loss of homes	82

Strategic Policy H7: Affordable Housing	83
Policy H8: Affordable housing exceptions sites in the countryside.....	90
Policy H9: Self-build housing in Future Growth Areas	91
Policy H10: Houses in Multiple Occupation (HMOs)	92
Policy H11: Specialist housing for people in need of care or support	95
Policy H12: Proposals involving the loss of care accommodation.....	98
Policy H13: Sites for travellers	98

Chapter 4: Building a prosperous and inclusive Torbay - Unlocking opportunity for all. 101

Part 1 - Economy, Tourism and Town Centres.....	101
Strategic Policy ES: Torbay employment and innovation strategy	102
Strategic Policy E1: Strategic employment land allocation	104
Policy E2: Employment area renewal and modernisation	109
Strategic Policy E3: Supporting a sustainable marine and coastal economy	111
Policy E4: Safeguarding strategic employment land (proposals involving the loss of employment land)	113
Policy E5: Education and Local Employment Partnerships.....	115
Part 2 - Tourism.....	117
Strategic Policy TOS: Sustainable tourism and cultural investment strategy	118
Policy TO1: Supporting tourism and leisure infrastructure (Proposals for new and safeguarding of existing tourism and leisure facilities).	120
Strategic Policy TO2: Core Tourism Investment Areas (as shown on the Policies Map):	122
Strategic Policy TO3: Redevelopment and reuse of holiday accommodation outside Core Tourism Investment Areas and Tourism Regeneration Areas (as shown on the Policies Map)	123
Policy TO4: Flexible use of holiday apartments and accommodation (excluding holiday parks)	125
Policy TO5: New holiday parks and extensions to existing facilities	127
Policy TO6: Change of use or redevelopment of existing holiday parks to non-tourism uses	128
Policy TO7: Tourism investment and monitoring contributions	129
Part 3 - Economy, Tourism and Retail.....	131

Strategic Policy TCS: Town centre renewal and retail strategy.....	134
Policy TC1: Town centre hierarchy	137
Policy TC2: Development in Town Centres.....	139
Policy TC3: District Centres	140
Policy TC4: Supporting Local Centres	142
Policy TC5: Managing retail outside designated centres	143
Policy TC6: Supporting access to local retail and services	146
Policy TC7: Change of use away from main town centre uses in Town, District or Local Centres.....	146
Policy TC8: Change of use away from main town centre uses outside Town, District or Local Centres.....	148
Policy TC9: Town Centre Regeneration Contributions (New Policy).....	149
Policy TC10: Safe and welcoming town centres for all	149
Chapter 5: Thriving communities - Wellbeing, safety and belonging.....	152
Policy SCS: Sustainable and inclusive communities strategy	152
Policy SC1: Public health and wellbeing	155
Policy SC2: Sport, leisure and recreation for healthy living.....	158
Strategic Policy SC3: Education infrastructure and inclusive learning strategy	160
Policy SC4: Sustainable food production and land protection.....	161
Policy SC5: Community facilities, infrastructure provision and developer contributions..	164
Policy SC6: Cemetery and memorial provision strategy	165
Chapter 6: Moving Torbay - Sustainable travel and inclusive access.....	167
Policy TAS: Integrated transport vision, transport hierarchy and strategic connectivity	167
Policy TA1: Reducing the impact of transport and promoting sustainable travel.....	170
Policy TA2: Effective and inclusive transport system	171
Policy TA3: Development layout, access and connectivity standards	173
Policy TA4: Parking and shared transport provision	175
Chapter 7: Building for the future - Resilient and smart infrastructure and developer contributions	179

Strategic Policy INS: Sustainable infrastructure.....	179
Policy IN1: Prioritisation of planning obligations.....	181
Policy IN2: High quality communications and digital connectivity	184
Chapter 8: Climate Change - Our sustainable and resilient future	187
Climate Change.....	187
Strategic Policy CERS: Climate resilient, net zero carbon developments.....	188
Policy CER1: Net zero carbon development standards	192
Policy CER2: Embodied carbon reduction and assessment	197
Policy CER3: Heritage assets and climate adaptation	199
Policy CER4: Renewable and low carbon energy generation	200
Strategic Policy ER1: Flood Risk and Safe Development	202
Strategic Policy ER2: Drainage Hierarchy	206
Strategic Policy ER3: Water Management.....	209
Policy ER4: Sustainable Drainage Systems and Water Sensitive Urban Design	212
Policy ER5: Contaminated Land and Site Remediation	214
Policy ER6: Ground stability and risk management	215
Policy ER7: Coastal Change Management Areas.....	215
Chapter 9: Our Natural Places - Protecting and enhancing Torbay's countryside, landscape and natural environment.....	218
Policy LS: Landscape Strategy	218
Policy L1: Protecting our countryside and rural economy	219
Policy L2: National Landscape (previous Area of Outstanding Natural Beauty)	222
Policy L3: Coastal landscape and change management	223
Policy L4: Valued landscapes	225
Policy L5: Urban Landscape Protection Areas (ULPAs)	226
Policy L6: Local Green Spaces (LGSs).....	230
Strategic Policy THS: Trees and Hedgerows	231
Policy TH1: Trees, hedgerows and natural landscape features	233
Policy TH2: Mitigation for loss of trees, hedgerows and woodland	235
Strategic Policy NCS1: Biodiversity and Nature Recovery Network.....	237

Strategic Policy NCS2: Habitats Regulations Assessment	240
Policy NC1: Biodiversity and ecology.....	248
Policy NC2: Species of principal importance.....	252
Policy NC3: Biodiversity Net Gain	254
Policy NC4: Light pollution	255
Policy GE1: Geodiversity and English Riviera UNESCO Global Geopark	257
Strategic Policy GIS: Green and blue infrastructure.....	259
Chapter 10: Our Shared History - Protecting and enhancing Torbay's heritage and identity	263
Policy HES: Historic environment strategy.....	264
Policy HE1: Designated Heritage Assets (CAs Listed Buildings Structures and Gardens, Scheduled Monuments)	266
Policy HE2: Conservation Area protection and enhancement	268
Policy HE3: Non-designated heritage assets	271
Policy HE4: Schedules of redevelopment of heritage assets	272
Policy HE5: Investigation and preservation of archaeology and historic artefacts	272
Chapter 11: Designed with quality - Taking pride in Torbay's place-making.....	274
Strategic Policy DES: Design and placemaking.....	274
Policy DE1: Design quality and assessment.....	274
Policy DE2: Building for a Healthy Life.....	278
Policy DE3: Development amenity and living standards	279
Policy DE4: Building heights and urban form	283
Policy DE5: Extensions and standalone additions to buildings	285
Policy DE6: Advertisements.....	287
Chapter 12: Responsible resource use - Waste and Minerals.....	289
Policy WS: Waste spatial strategy	289
Policy W1: Waste hierarchy and sustainable waste management	289
Policy W2: Waste reduction and waste audit for major and significant waste generating developments.....	291
Policy W3: Safeguarding waste management facilities	293
Policy W4: Proposals for new waste management facilities.....	294

Policy W5: Waste water disposal and infrastructure capacity	296
Policy MS: Sustainable minerals strategy	297
Policy M1: Minerals extraction and environmental safeguards	297
Policy M2: Maximising the Use of secondary and recycled aggregates.....	299
Policy M3: Preserving and safeguarding of limestone resources and key local building stone	300

Chapter 1: Our shared vision - A healthy, happy and prosperous Torbay

Introduction

The scope of this Plan

- 1.1 This is the draft Local Plan for Torbay. It is a Plan for growth, within environmental limits, and strongly promotes regeneration and modernisation of the built-up area. It seeks to minimise damage to the natural environment and to provide resilience to the effects of Climate Change whilst reducing carbon emissions.
- 1.2 The Plan contains a strong Presumption in Favour of Urban Regeneration and support for affordable housing. It seeks to achieve an average of 400 dwellings per year over the Plan period 2025-45. This is a minimum number and not a ceiling, should sustainable urban sites be available to exceed this figure. It is also proposed to deliver a minimum of 80,000 sq. m. (up to 28ha of employment land). It will be important to provide sufficient affordable housing and family homes in order to reduce the risk of labour shortages: this theme is noted in the Community and Corporate Plan. Members have also agreed broad policy principles on Climate Change and Tourism for inclusion on the draft Local Plan.
- 1.3 The Plan is not intended to be a sales-pitch document. However, it seeks to implement and provide a positive planning framework to implement other key visions and strategies in particular:
 - The Council's Corporate and Community Plan 2023-43
 - The Torbay Story
 - The Housing Strategy
 - Regeneration and "Hotels to Homes" programmes.
- 1.4 When adopted the Plan will form the legal starting point for determining planning applications and related proposals in Torbay. Decisions are still subject to other material considerations, especially those set out in the government's National Planning Policy Framework (NPPF, currently December 2024), Planning Practice Guidance (PPG) and National Development Management Policies.
- 1.5 This plan will replace the Torbay Local Plan 2012-30. It covers the period 1st April 2025-31 March 2045. But realistically, the Plan will require a review five years from adoption.

This version of the Plan is the “Regulation 18” draft plan. This means that it is at an early stage of consultation where people’s views can be considered. It builds on, and fleshes out, the January 2022 Growth Options consultation and the October 2022 Housing Site Options consultations.

- 1.6 Local Plans are prepared within the strict parameters and legal framework that the government sets. These are set out in Legislation but also the National Planning Policy Framework National Planning Policy Framework - GOV.UK and accompanying planning practice guidance.
- 1.7 The Local Plan is required by planning law to promote sustainable development (S39 of the Planning and Compulsory Purchase Act 2004), and this means applying the Presumption in Favour of Sustainable Development in Paragraph 11 of the Framework. Although the “Regulation 18” stage is a chance to “have your say” the council has to follow planning law and guidance.
- 1.8 Comments made on the draft Local Plan will be used to compile a “Regulation 19” Pre-Submission Plan, which we intend to consult on in Summer 2026. The Regulation 19 consultation is often called a “preferred option” because it set out what the council consider to be a sound Plan. Consultation on this is much more restricted to whether the Plan meets its legal requirements or the “Tests of Soundness” set out in paragraph 36 of the NPPF. It is intended to submit the Local Plan to the Secretary of State for Examination before the end of 2026. Further information can be set out in the council’s Local Development Scheme Local Development Scheme - Torbay Council

Challenges for the Plan

- 1.9 Torbay faces significant challenges but also opportunities. We need to be realistic and acknowledge that Torbay has a significant need for development, but limited space or environmental capacity to grow, and limited viability to support its infrastructure and other needs.
- 1.10 There is a very high Local Housing Need figure as calculated by the government’s Standard Method, which changes twice a year but currently sits at 950 dwellings a year. This is more than Torbay has ever delivered, and there is limited viability for housebuilding. Nevertheless, Torbay has a very significant need for affordable housing (at least 1800 households on the waiting list for rented housing, not counting the demand for intermediate homes), and is one of the most deprived areas in the South West. The government’s clear commitment to boosting housing supply and support for regeneration provides a once in a generation opportunity to kick-start urban regeneration and economic recovery.

- 1.11 Torbay has a significantly ageing population and needs to plan for the implications of this. It needs to encourage a younger demographic, particularly working age families, as well as provide for the needs of older people. This will be important to meeting Torbay's economic regeneration goals.
- 1.12 Torbay fantastic environment is its Unique Selling Point. It is justly branded the English Riviera, with a world class tourism offer. It has glamour, high profile businesses, beautiful marine setting and internationally important environmental assets. This is accompanied by a rich historic environment dating back to prehistoric times. Torbay faces challenges arising from Climate Change and a need to achieve Net Zero. Development is likely to impact upon the South Hams SAC and the Lyme Bay and Tor Bay Marine SAC, and this needs to be mitigated. Torbay's best asset is its spectacular environment, and it is vital that development does not erode that. Hence the need to double down on urban regeneration and focus growth in the built-up area. Including building upwards where necessary and feasible.
- 1.13 Like the previous Torbay Local Plan, this is a Plan for growth within environmental limits, but the above seeks to be realistic about the scale of the challenges and the scope of a Local Plan to contribute to solutions. The solutions are wider than planning and it is critical that the land use framework supports the council's wider regeneration programmes.
- 1.14 The previous Local Plan 2012-30 contained a longer section on Torbay's natural beauty, and expounding on the opportunities for Torbay. Whilst not discounting these, the current Plan seeks to be focus more concisely on policies relevant to determining planning applications and governing land use. This is in the interest of a shortened more planning focussed plan and also recognises that the Torbay has other detailed visions and masterplans that provide a framework for what the Plan needs to achieve, always within the legal parameters set by central government.

The National Planning Policy Framework (NPPF)

- 1.15 The NPPF has a legal weight in Plan making. councils are required by law to prepare a local plan and to seek to achieve sustainable development. Key to this are the Presumption in Favour of Sustainable development at paragraph 11 (a-b) of the NPPF and the Tests of Soundness (Paragraph 36). The NPPF sets out what Local Plans should include:

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing

other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

16. Plans should:

(a) be prepared with the objective of contributing to the achievement of sustainable development (legally required under S39(2) of the Planning and Compulsory Purchase Act 2004).

(b) be prepared positively, in a way that is aspirational but deliverable;

(c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

(d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

(e) be accessible through the use of digital tools to assist public involvement and policy presentation; and

(f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area.

There is an expectation that Local Plans should be strategic in nature and should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:

a) homes (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

- 1.16 The NPPF is supported by online Planning Practice Guidance. The Levelling Up and regeneration Act 2023 allows the Secretary of State to publish National Development Management Policies (NDMPs) which when published will take primacy over local plans where they are in conflict.
- 1.17 Within these parameters, there are important local documents, visions and blueprints that the Local Plan seeks to support and ensure that land use decisions are aligned with meeting these community and corporate goals.

The Torbay Community and Corporate Plan 2023-43

- 1.18 The Corporate and Community Plan sets out the council's Vision, Objectives and Priorities, and to provides the strategically grounded foundation for everything the council does. This includes informing strategic, operational strategies, plans and policies including the Local Plan.

The Corporate and Community Plan perceptively states: “Despite everything that is fantastic about Torbay, we know that we face challenges and that some parts of the Bay suffer from nationally significant levels of poverty. There is huge potential, and this Plan brings together the interlinked priorities we need to address to make Torbay a happy, healthy and prosperous place for our whole community”.

The Plans' Vision Statement is:

We want to see a healthy, happy and prosperous Torbay.

Torbay is a glorious part of Devon with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.

We want to deliver for our people and our place. We know we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want make Torbay a great place to do business – a place where everyone is able to live their best life.

A healthy, happy and prosperous Torbay for all.

To achieve this the Corporate and Community Plan identifies three strategic themes, all of which are relevant to the Local Plan:

- **Community and People**
- **Pride in Place**
- **Economic Growth**

- 1.19 Land use planning policies are integral to Pride in Place and play a substantial role in community and people and achieving economic growth. Therefore, it is worth quoting from the Corporate and Community Plan at length on these objectives.

Community and People

- 1.20 On the face of it, the community and people objectives contain matters that go beyond land use planning. However, “Putting all of our residents at the heart of everything we do” means that the Plan will need to try to reach out to all sections of the community.
- 1.21 Providing all residents with a safe home in a thriving community means building homes as well as improving the stock of existing accommodation. The Community and Corporate Plan specifically identifies children and older people, and the need to ensure that town centres are safe and welcoming for all. Measures set out within the Community and People Theme include reducing the difference in age expectancy between the most deprived wards and the least deprived, and reducing the number of children living in the 20% most deprived areas. Supporting regeneration, ensuring access to active travel opportunities, open space, fresh food, education facilities are all key matters for the Local Plan.

Pride in Place

- 1.22 The Pride in Place objective is entirely development plan related. It refers to the provision of affordable housing, place-making and protection of our environment. It entails

regeneration, improved connectivity, and renewal of town centres and investment in the public realm, including waterfronts, residential areas, places of work and town centres. Increased town centre living is proposed.

- 1.23 The objective undertakes to protect Torbay's cultural heritage and address the Climate Emergency and reduce waste.
- 1.24 There will be more good quality, affordable and permanent properties that people, including those who are vulnerable or care experienced, can call their home. We will work with landlords and developers to maximise the use of suitable housing stock, including social housing, and create decent accommodation across Torbay. We want this to be an even better place for people to live in whilst protecting our environment.
- 1.25 In delivering our Housing Strategy, we will work to deliver a diverse choice of housing for our residents that meets every stage of life and lifestyle – homes that are safe, warm, fit for purpose and more environmentally friendly. Where appropriate, we will consider proactive intervention in the housing market. We will continue to protect homeless households and those threatened with homelessness, whilst putting an end to street sleeping.
- 1.26 We will work to get the basics right, so that our town centres, seafronts and residential areas are clean, safe and well-maintained. Alongside this we will also deliver an ambitious programme of investment across Torbay – improving the public realm, reshaping the town centres, increasing town centre living, improving connectivity – to bring confidence, employment and homes for our community.
- 1.27 We will celebrate and protect the places that make Torbay special, maximising the cultural, heritage and event opportunities for our residents and visitors alike. Working in partnership we will continue to address the climate emergency so as to create a sustainable future. Continuing to implement our Resource and Waste Management Strategy will see us working with our communities increase our recycling rate and reduce the amount of waste sent for energy recovery and disposal.
- 1.28 The outcomes we want to see:
- Enhanced high streets that attract long-term tenants and an increased number of visitors.
 - An enhanced and coherent culture, heritage and events offer with increased engagement and participation.
 - Increased customer satisfaction with our parks, green spaces and streets
 - More equitable access to warm, healthy, affordable homes for all people in Torbay

- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased customer satisfaction with the council's planning service
- Increased resident satisfaction with the local area
- How we will measure progress:
 - Delivery of town centre regeneration programmes
 - Net additional homes provided
 - Number of affordable homes delivered
 - Number of social rented housing available
 - Cultural participation
 - Percentage of people who are economically active in Torbay
 - Number of Resident Satisfaction Survey respondents who very or fairly strongly feel satisfied with their local area as a place to live (raw data)

Economic Growth

- 1.29 The Community and Corporate Plan seeks to improve employment and learning opportunities, to attract investment, and improve economic performance. The need to boost affordable housing, transport links and local training opportunities are important elements in supporting economic growth.
- 1.30 We will attract, retain and grow our economic specialisms so we have growth which builds on our reputation. There will be good employment and learning opportunities that enhance the potential for our residents and our communities. Residents will be able to access those opportunities because of the improved connectivity to, from and within Torbay.
- 1.31 Torbay is looking to the future and reaching out to collaborate, attract more investment and make the most of the considerable assets and opportunities it has. We will make the most of government and private sector investment, with the voice of business being heard as we move forward with our plans.
- 1.32 We want to create the conditions for a strong and sustainable economy that supports a diverse mix of industries and jobs that inspire, providing equality of opportunity. We will support businesses to flourish and grow as well as attracting new businesses to the Bay. In addition, we will work with our stakeholders to ensure that roles in key sectors such as tourism and health and social care are viewed as positive opportunities.
- 1.33 In delivering our Economic Growth Strategy, we will work with our partners, including those across the South West, to improve economic conditions and, in doing so, help

businesses to improve performance – creating new opportunities for residents, tackling poverty and improving health outcomes. We know that, to retain and attract the workforce that Torbay needs, we must have sufficient affordable housing and a sufficient supply of employment to accommodate growth and inward investment.

Our Priorities

1.34 We will:

- Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers.
- Drive training opportunities across all sectors to empower people to improve their skills.
- Improve transport links to and within Torbay.
- Develop a year-round economy.
- Increase the amount of full-time employment opportunities within Torbay.
- Focus on inclusive growth, with opportunities which benefit everyone.

1.35 The outcomes we want to see:

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages.
- People have better transport and digital connections to jobs and amenities.
- Vacancy rates falling year on year with business reporting they can find talent.
- Improved productivity in Torbay which closes the gap compared to the national data.
- The number of businesses and jobs in Torbay increases.
- Better balance of full-time to part-time opportunities.
- Targeted approach to inward investment which attracts new high- tech companies.

The Torbay Story

1.36 The Torbay Story is a strategic initiative aimed at transforming Torbay's prospects whilst celebrating and enhancing its glorious natural assets and heritage. The Torbay Story is the Torbay Place Leadership Board's springboard to promote investment, regeneration,

and community development across Torbay. The initiative encourages collaboration between public and private sectors to unlock Torbay's full potential.

- 1.37 It aims to celebrate and realise the fantastic opportunities for Torbay to be:
- The Premier Marine and Natural Experience
 - A hub for adventurers and tech innovation
 - A place to invest, live, and thrive
- 1.38 The Torbay Story promotes “tech by the bay” seeking to improve Torbay’s amazing knowledge based businesses scattered across the amazing environment. Whilst there is limited (but important) manufacturing; the Bay has a massive knowledge-based economy based on ideas, innovation thinking and ingenuity, with many globally significant companies in photonics (the science of light), environmental science, marine engineering, green technology, medical technology etc. The Torbay Story aims to grow relationships with regional universities and to encourage start-up business and benefit for the clusters of similar businesses. The spectacular environmental benefits of Torbay to live and work in are key to this.
- 1.39 The Torbay Vision wants the area to be a Hub for Active Adventurers enabling people to better curate their health and especially mental health by providing a connection with nature, with endless recreation activities in Torbay’s globally important countryside and marine environments.
- 1.40 The “Big idea” for Torbay is for an overall Torbay as The Premier Marine and Natural Experience. This idea is intended to help the public, private and voluntary sectors think differently to better utilise Torbay’s assets, radiate influence, cultivate and encourage strong leadership and developing new relationships to bring business and place together,
- 1.41 Within this “strategic signature” a vision for each town is set out, to develop their own distinct identities and roles to create a unified and complementary offer.
- 1.42 Brixham is a centre for creative arts and industries, Food and Fishing Fusion. Paignton is Family Fun on the Foreshore offering traditional values to the best standard it can be with beautiful sandy beaches, nearby zoo, steam railway and oldest surviving cinema in Europe. Paignton is also home to clusters of “tech by the sea” high tech businesses. It is therefore also a centre for Enterprise, Electronics and Entrepreneurship. Torquay is the heart of the English Riviera and a premier holiday experience with the marina, waterfront, Agatha Christie Heritage, Global Geopark, food and drink, leading on Leisure and Lifestyle by the Sea.

Town Regeneration Projects

- 1.43 A range of transformative projects and opportunities aimed at revitalising key areas are proposed as part of the Torbay Story and the council's wider regeneration programmes. Key to this is a range of ambitious urban regeneration projects, all of which are embraced and proposed for development in the Local Plan. These include:
- Stand Torquay
 - Union Square Torquay
 - Crossways Centre Paignton
 - Victoria Centre , Paignton
- 1.44 Wider regeneration to create jobs, invest in key economic sectors such as “tech by the sea” knowledge-based industries and medtech.
- 1.45 Working with the Plan for Neighbourhoods to help realise a 10-year strategy to help those in most need in Torquay.

Other Visions and Strategies

- 1.46 The above documents set out a high-level vision for Torbay. The Local Plan seeks to provide a land-use basis to realise those visions. Both the Local Plan and its supporting documents are informed by other Plans and Strategies. Where relevant, these will be returned to in the Policy Explanations or more detailed topic papers.
- 1.47 Some of the key documents are:
- Economic Growth Strategy - Torbay Council
 - English Riviera Destination Management Plan - Torbay Council
 - Housing Strategy 2023 to 2030 - Torbay Council
 - Greener Way for Our Bay Framework and Action Plan – Torbay Council
 - Torbay Council Climate Change Action Plan - Torbay Council
 - Environment and Net Zero Carbon Policy - Torbay Council

Local Plan Key Objectives

- 1.48 The Previous Torbay Local Plan 2012-30 sets out several key aspirations. These are still largely consistent with the objectives in the NPPF, Community and Corporate Plan and

The Torbay Story. The proposed aspirations are set out below but have been amended to confirm that they are the Plan's strategic priorities. They also take into account:

- A higher priority to urban regeneration and the provision of affordable housing.
- Responding to Climate Change being given a higher priority.
- A focus on matters that land use planning is unable to control (e.g. land use allocation) rather than things beyond the control of planning.

1.49 This Plan has five strategic priorities for the Bay:

- Achieve a better connected, accessible Torbay and essential infrastructure
- Secure economic regeneration, affordable housing, employment and success
- Respond to climate change
- Create more sustainable communities and better places
- Protect and enhance a superb environment

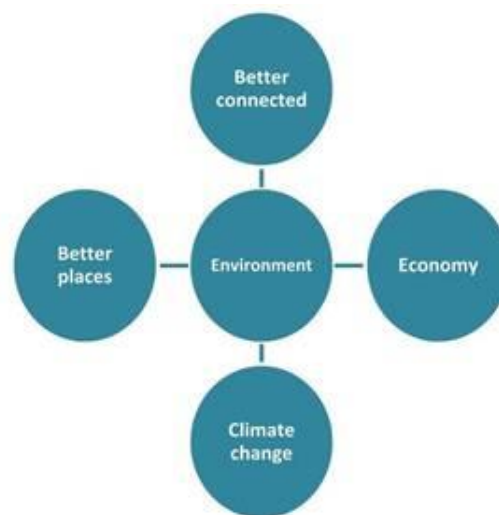


Figure 1 – The Five Strategic Priorities for the Bay

1.50 These aspirations are interconnected, but at their heart is the need to focus development on urban renewal in order to protect the wider environment.

Strategic Priority 1: Secure Inclusive Economic Growth for All

1.51 To achieve economic growth and deliver new jobs and housing, in order to promote equality, reduce disadvantage and poverty and increase Torbay's competitiveness. This will be achieved by meeting the following objectives:

- To strongly support town centre and other urban regeneration to provide more home, including affordable housing, jobs and commercial development. The Plan sets out a Presumption in Favour of Urban Regeneration.
- To drive forward regeneration schemes and provide sufficient land and co-ordinated infrastructure to achieve sustainable growth.
- To boost the supply of affordable housing.

- To provide sufficient, varied full-time employment and increase earning potential.
- To support existing employment sectors whilst providing land, training opportunities and a positive climate to encourage new employment, particularly in the knowledge based, high tech and medical technology sectors.
- To ensure the English Riviera achieves its potential as a premier tourist resort by continued investment in existing facilities, waterfront areas and marine environment, and the provision of new attractions.
- To cater for changing holiday demands and expectations to attract new visitors, investment in high quality facilities and accommodation, whilst releasing outdated accommodation and facilities for housing.
- To encourage a younger demographic in Torbay, including retaining college leavers by providing better job and training opportunities and better access to housing.
- To provide a range of goods, services, events and facilities that make Torbay a leading destination of choice for people with money to spend, particularly new and improved provision in the town centres.
- To strengthen Torquay town centre as the Heart of the English Riviera and a retail commercial, social and cultural focal point. Paignton and Brixham town centres to develop their role, on a proportionate basis, focused on meeting the needs of their own residents and tourists.

Strategic Priority 2: Respond to Climate Change and Protect our Communities

1.52 To ensure the use of energy and natural resources, the sensitivity of the natural environment and public health needs are taken into consideration when planning new development. This will be achieved through meeting the following objectives:

- To promote the installation of low carbon and renewable technologies, particularly making better use of existing and new roof spaces for solar energy.
- To improve the energy efficiency of new developments, and existing buildings, to reduce the reliance on fossil fuels and the impact of rising utility bills on poverty.
- To roll out a network of electric charging for vehicles and other infrastructure needed to transition to a low-carbon economy.
- To become resilient and adaptable to climate change.
- To minimise flood risk to new and existing development by incorporating sustainable drainage and other measures to address run-off, sea level rise, increased storminess and unpredictable weather.

- To recognise the multiple benefits provided by open spaces, biodiversity, green infrastructure such as green corridors/wedges, rural landscapes, beaches and the Bay itself, having regard to their statutory significance and value to the community over the lifetime of development.
- To minimise the generation of household, business and construction waste and reduce its negative impacts upon the environment by focusing on the prevention, re-use and recycling of waste as set out in the waste hierarchy and prevent pollution.
- To support the growth of environmental technology and related businesses in Torbay.
- To resist the installation of fossil fuel dependent infrastructure or facilities.

Strategic Priority 3: Connect Communities through Improved Accessible Transport and Technology

1.53 To ensure that Torbay has excellent accessibility and connectivity within the Bay and elsewhere. This will be achieved by meeting the following objectives:

- To increase accessibility throughout the Bay and beyond with fast, frequent, reliable and sustainable travel, giving people real choice as to how they make their journeys.
- To encourage active travel to promote health and environmental sustainability.
- To deliver an integrated transport system, providing a choice of transport and supporting walking, cycling and public transport.
- To improve road, rail links, cycling and walking routes, to reduce congestion and environmental impact.
- To promote water-based transport in the Bay, for both work and leisure.
- To ensure the safe and convenient movement of people and goods.
- To minimise the length of journeys for employment, shopping and other activities by the careful siting of development and through the detailed planning of the mix of uses in growth locations.
- To require the creation of permeability for active travel in all major development and to mandate interconnectivity between adjoining developments.
- To provide next generation broadband connections.

Strategic Priority 4: Protect Torbay's Natural, Cultural and Built Heritage

- 1.54 To conserve and enhance the richness and diversity of the built, historic, marine and natural environments, which provide Torbay with its unique setting and important economic benefits. This will be achieved by meeting the following objectives:
- To safeguard existing and maximise opportunities for biodiversity enhancement in and around developments to deliver a net gain for biodiversity.
 - To provide a network of recreation and Green Infrastructure including Suitable Alternative Natural Greenspace (SANG) to relieve recreational and other pressure on the South Hams Special Area of Conservation and other critical environmental assets.
 - To ensure new development makes a positive contribution to local character and identity, including the wider landscape character river corridors, open spaces, country parks and natural areas and setting of proposals.
 - To safeguard the Best and Most Versatile Agricultural Land to assist with food security in a changing environment.
 - To safeguard heritage assets including those at risk in a manner proportionate to their significance, having regard to their ability to deliver economic regeneration, express local identity, reveal social histories and narratives and increase the connection of communities with place.
 - To avoid mediocre design by the application of clear design standards, including the use of Torbay's Design Review Panel to maintain quality development that is well integrated in its surroundings and responds successfully to local character.
 - To require conversions and extensions positively to enhance the existing building, especially in Conservation Areas, removing unsympathetic extensions and rectifying poor quality alterations where necessary.
 - To encourage the re-use of empty homes and businesses, including bringing back historic buildings into beneficial use.
 - To make the most of the English Riviera's status as the world's first internationally recognised Urban Geopark in recognition of its geological, historical and cultural heritage and sustainable tourism value.

Strategic Priority 5: Build Better Communities with the Homes, Spaces and Opportunities that People Deserve

- 1.55 To meet the needs of Torbay's residents, including disadvantaged, care-experienced, and minority groups, and to provide everyone with a full range of opportunities in life. This will be achieved through meeting the following objectives:

- To build enough houses to give all Torbay residents a chance of a decent home.
- To end the cycle of deprivation linked to substandard accommodation and resist inappropriate conversions and poor design where this may exacerbate disadvantage and deprivation.
- To provide a range of supporting living opportunities to assist existing Torbay residents live independently in their own home for as long as possible.
- To resist development that will create additional costs to the healthcare and social services, unless the impact of these is fully funded.
- To provide a full range of facilities and shops within town centres necessary to meet day to day needs, particularly the provision of fresh food.
- To resist inappropriate development that would harm the vitality and viability of town centres.
- To diversify the leisure and cultural offer in the town centres, particularly the night time economy in Torquay.
- To create a more enjoyable, creative built and natural environment using heritage assets, public art and revitalisation of the public spaces to attract events, exhibitions and festivals that celebrate and enhance the culture of Torbay.
- To allow tall buildings in appropriate locations where this secures wider regeneration benefits.
- To provide a suitable and sustainable range of physical and community infrastructure to promote economic prosperity and social cohesion and contribute towards higher aspirations and achievement, particularly amongst the young.
- To support the expansion and improvement of existing educational establishments, especially South Devon College, and plan positively for new education and lifelong learning, and links to employment especially in the knowledge based economy.
- To help tackle hotspots of child poverty, multiple deprivation, high levels of crime and unemployment wherever they arise.
- To support new and enhanced recreational, play and leisure facilities, to promote health and social wellbeing for all, including young people.
- To create sufficient burial and ceremonial spaces, as part of the green infrastructure offer to provide dignified resting, ceremonial and remembrance facilities.

Housing Numbers

- 1.56 The Plan seeks to provide at least 400 homes a year. This is around the long-term average achieved since 1980 and will require a significant uptick in urban regeneration and increased urban living. There is a particular need to boost the supply of affordable housing.
- 1.57 Careful assessment of spatial options for growth has shown town centres, Torquay Gateway and West Paignton as the most sustainable locations. These will require updated masterplans.

Environmental Capacity

- 1.58 Crucially, the Plan recognises the unique quality of the Bay's natural environment. This attracts people, investment, businesses and visitors. It is vital this Plan protects and enhances that quality, to bring more investment, more visitors and more people into the Bay. Torbay enjoys a significant historic built environment, and there is a need to conserve and enhance the most important heritage assets, and also improve the quality and perception of parts of the built up area, to assist urban renewal.

Land and Labour Supply

- 1.59 The Local Plan, working alongside Torbay's Economic Growth Strategy supports a step change in the economic fortunes of the Bay. The Plan seeks to provide a minimum of 80,000 sq. m of employment land over the Plan period. The Local Plan seeks to set out a positive land use framework to support businesses, and particularly urban regeneration.
- 1.60 A key economic threat is a shortage of working-age people due to Torbay's ageing demographic. It will therefore be important to boost the supply of affordable housing and family homes to support economic recovery. It will also be critical to support the needs of young people, especially care-experienced, to enter the local jobs market, for example through local training agreements.

Infrastructure

- 1.61 The Local Plan recognises the need to invest in infrastructure across the Bay – whether in green infrastructure or additional road capacity. Much is already being planned to improve infrastructure: a new rail halt at Edginswell; an enhanced ferry service across the Bay; increased capacity on the Western Corridor, and flood protection scheme at Paignton.

- 1.62 At present, infrastructure ‘pinch points’, such as shared sewers in the town centres, the need for better resilience to climate change, and the need to improve the management of the South Hams Special Area of Conservation are potential constraints. The Plan sets out flood resilience, water management and Green Infrastructure proposals to address these issues.
- 1.63 The level of growth planned for in the Torbay Local Plan 2012-30 is unlikely to be exceeded until well into the 2030s, and therefore it is not thought that there are likely to be other infrastructure “show stoppers” in terms of water or power availability. However, this will be kept under review as the Plan progresses.
- 1.64 The level of environmental constraint and access difficulties get more significant in the south of Torbay, particularly south of Windy Corner. The Plan seeks to focus more strategic development in Torquay and Paignton, with more localised development proposed in the Brixham Peninsula focussed at meeting the more localised needs and its fishing and food specialisms.

Monitoring

- 1.65 The Local Plan will be monitored annually against the delivery of new homes, affordable housing and urban regeneration. The council will set these out in its Authorities Monitoring Report Adopted Local Plan (2012–2030) Evidence Base and Monitoring - Torbay Council

Duty to Cooperate

- 1.66 The government is proposing a system of strategic planning in the Planning and Infrastructure Bill. At present councils are still under a Duty to Cooperate with neighbour authorities and other key consultees/ prescribed bodies. The Localism Act 2011 requires councils to co-operate with their neighbours “constructively, actively and on an ongoing basis” when preparing local plans. The extent of co-operation is a key test of soundness of the Plan.
- 1.67 Although Torbay is a largely self-contained housing market area (HMA) and Functional Economic market Area (FEMA), its population growth is entirely driven by inwards migration. This is largely from people moving from elsewhere in the UK. Whilst the closest neighbours are Teignbridge and South Hams, the council considers that unmet housing need, (as calculated by the Standard Method and demographic projections) is a sub-regional matter that needs to be resolved in cooperation with wider Devon Authorities.

Navigating the Local Plan

1.68 The Local Plan is set out in theme-based chapters. The NPPF requires Plans to indicate where a policy is strategic. Each subject is prefixed with an overarching strategic policy (HS, ES etc.) however other policies in the Plan are strategic and these are indicated. The NPPF indicates that strategic policies are those that are necessary to address the strategic priorities for the area (including cross-boundary matters) but should not extend to more detailed matters.

- Chapter 1: Our shared vision - A healthy, happy and prosperous Torbay (this chapter)
- Chapter 2: Shaping our places - Local identity and community-led planning
- Chapter 3: Homes for all - Meeting Torbay's housing needs
- Chapter 4: Building a prosperous and inclusive Torbay - Unlocking opportunity for all
- Chapter 5: Thriving communities - Wellbeing, safety and belonging
- Chapter 6: Moving Torbay: Sustainable travel and inclusive access
- Chapter 7: Building for the future: Resilient and smart infrastructure
- Chapter 8: Our changing climate: Protecting our Bay for future generations
- Chapter 9: Our natural places: Protecting and enhancing Torbay's environment
- Chapter 10: Our shared history: Protecting and enhancing Torbay's heritage and identity
- Chapter 11: Designed with quality: Taking pride in Torbay's place-making
- Chapter 12: Responsible resource use: Minerals and waste
- Chapter 13: Making it happen: Monitoring and partnership working

Chapter 2: Shaping our places - Local identity and community-led planning

Torbay

The Premier Marine and Natural Experience

A Plan for a healthy, happy and prosperous Torbay

Spatial Strategy and Area Policies

Strategic Policy SS1: Torbay Growth Strategy - Prioritising our communities through improved health, housing, place making and opportunities for all

All development should support the achievement of Torbay Community and Corporate Plan 2023-43 priorities. In particular, proposals should contribute to achieving the following as far as relevant and proportionate:

People Priority

Support real, sustainable change for those in greatest need within our communities, to thriving communities where people can prosper. This should have regard to the following priorities:

- Ensure our town centres are safe and welcoming for all.
- Keep children safe in their communities and provide safe environments for our young people to thrive in.
- Ensure early intervention is effective and targeted.
- Provide the best care and support available so that residents are empowered to achieve what matters most to them.
- Provide clear signposting for those needing our help.
- Support and encourage community action.

- **Improve wellbeing and reduce social isolation.**

Pride in Place Priorities

Support investment in the three town centres to enable them to develop their own distinctive roles, including supporting the provision of affordable housing in town centres. Regeneration of brownfield urban sites will be supported in principle. Regard should be had to contributing to the following priorities:

- **Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects.**
- **Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.**
- **Ensure the effective operation of SWISCo to have resources to reinvest in Torbay.**
- **Deliver priority capital projects within the council's Capital Programme.**
- **Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay.**
- **Improve the delivery of our planning service.**
- **Protect and enhance our lived, built and natural environments, including our green spaces.**

Economic Growth Priorities

To attract, retain and grow the economy to create good quality and learning opportunities, and to retain and attract the workforce that Torbay needs including the provision of affordable housing and opportunities for investment in employment. This should have regard to the following priorities:

- **Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers.**
- **Drive training opportunities across all sectors to empower people to improve their skills.**
- **Improve transport links to and within Torbay.**

- **Develop a year-round economy.**
- **Increase the amount of full-time employment opportunities within Torbay.**

Focus on inclusive growth, with opportunities which benefit everyone.

Torquay will remain the largest town within Torbay. Major urban regeneration in the town centre and waterfront is proposed to support its housing, retail and tourism role as the Heart of the English Riviera.

Paignton will retain its family tourism role, particularly around the Esplanade and beaches and will provide better public transport and active travel links to other tourist attractions within Paignton and beyond.

Brixham and its rural hinterland will accommodate more limited development consistent with meeting its local needs and supporting its role as a major fishing port and high quality food and leisure centre of excellence.

All development should contribute to safeguarding the area's natural and built environment. The highest level of protection must be afforded to European Wildlife Sites.

All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay's carbon footprint, and provide resilience to climate change. All development must be supported by appropriate evidence setting out how it mitigates and adapts to climate change.

The Plan supports the creation of at least 80,000 sq. m of Class E(g)/B2/B8 net employment space over the Plan period, equal to at least 20 ha. with an emphasis on bringing employment space forward as early as possible in the Plan period. All developments capable of delivering 100 or more dwellings should provide at least 25% of the area as employment space.

The Plan also seeks to deliver at least 8,000 new dwellings over the Plan period of 2025-2045 equal to an average of around 400 dwellings a year over a 20-year Plan period.

Proposals for housing on previously developed land in the built-up area will be supported unless they cause substantial harm to the economy, environment or amenity. Proposals should contribute to creating mixed and balanced communities and avoid creating concentrations of deprivation or compounding the top-heavy demographic structure of Torbay. The council will apply the Presumption in Favour of Sustainable Development to proposals for brownfield regeneration that meet these criteria, even where the Local Plan's housing target is exceeded.

Town Centres

Town centre regeneration schemes will be brought forward and supported where appropriate through master planning.

Future Growth Areas

Future Growth Areas, shown outlined in red on the Key Diagram and shown on the policies map are the focuses for delivering growth and change in the Bay over the Plan period. They are allocated in the plan as strategic and sustainable locations for new employment space, homes, and infrastructure over the Plan period. They are:

SS1.1 Torquay Gateway

SS1.2 West of Paignton

Development in Future Growth Areas should come forward in accordance with updated masterplans, and/or in neighbourhood plans. They will deliver a balance of jobs, homes, and infrastructure, including green infrastructure. At least 30 % of new homes should be provided as affordable housing. A minimum of 25% should be provided as employment use, with a preference for on-site provision, or through developer obligations towards job creation or urban regeneration where not possible.

Other Housing Allocations

Other housing allocations are proposed in Policy H3 of the Plan and should be brought forward in accordance with the requirements in Policy H3.

Major development proposals outside the built-up area, Future Growth Areas and allocated sites will only be supported where all of the following are met:

The proposal is subject to an environmental assessment that shows it is acceptable in terms of landscape, biodiversity and infrastructure impacts, including consideration of the cumulative impact of development and;

- It is demonstrated that there is no likely significant effect, alone or in combination, on European Wildlife sites (or equivalent designation).
- Is demonstrated to meet an economic, social or environmental need that significantly and demonstrably outweigh the impacts of the proposal.

Explanation

- 2.1 The Local Plan seeks to balance the need for growth with the protection of the environment and responding to the Climate Emergency. It actively promotes urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. The strategy seeks to support the provision of affordable housing to meet local needs. This will be achieved within the Bay's built and natural environmental and infrastructure capacity. As described in Chapter 1, the Plan seeks to implement the priorities and vision of the Corporate and Community Plan 2023-43 and the Torbay Story.
- 2.2 This policy sets out a growth strategy for Torbay until around 2045. The Plan relies very heavily on regeneration of brownfield sites and other urban areas to maximise its development opportunities and deliver on town centre regeneration programmes, drawing investment into our towns and breathing life into our town centres. The Key Diagram below summarises broad locations for growth in the Local Plan.
- 2.3 The Local Plan proposed a minimum of 400 dwellings a year, equal to 8,000 dwellings over the Plan period. This is below the government's Local Housing Needs target but seeks to maximise the delivery of homes within Torbay's significant environmental and infrastructure limits, and high level of constraint. It would represent a return to housing delivery levels not seen since the early 2000s and the more benign economic climate of that time.
- 2.4 The Local Plan seeks to provide 80,000 sq. m of employment space and will especially safeguard key local economic sectors such as high-tech manufacturing, medical technology, and the maritime/fishing industries. Torbay is a premier tourism resort, and safeguarding its spectacular environment is critical to maintaining and developing this role.
- 2.5 The Local Plan contains a brownfield Presumption in Favour of Sustainable Development and is highly supportive of urban brownfield development, especially in town centres. This is applied at all times and is not dependent upon a five-year supply being demonstrated.
- 2.6 Within Torbay, the larger towns of Torquay and Paignton are expected to provide the main growth areas, particularly within the built up areas and Future Growth Areas at Torquay Gateway and to the West of Paignton.
- 2.7 The Bay has a rich biodiversity, geodiversity and historic environment which all contribute to its setting as a resort, in addition to being of value in their own right. It is important that the Plan does recognise Torbay's important environmental assets and that development

respects this. It also needs to acknowledge the limited economic viability to support new homes despite there being a high level of need. Notwithstanding this, the Plan recognises the need for some greenfield expansion in order to assist with meeting needs.

- 2.8 Brixham and its surroundings are the most environmentally constrained by the South Devon National Landscape (formally AONB), South Hams Special Area of Conservation (SAC) and travel times affected by the peninsular nature. Some limited development is proposed in the National landscape aimed at meeting local needs and supporting the local economy.
- 2.9 The Local Plan recognises the significant challenges that climate change will create over the plan period and the adaptations that will be needed. Proposals should contribute towards carbon reduction through location design and orientation. All development will be expected to submit an Energy Statement proportionate to the nature and scale of development. Proposals will also need to ensure that they are resilient to the effects of climate chaos, particularly in terms of flood, heat and drought resilience.
- 2.10 Torbay has Bay wide coverage of neighbourhood plans, which were adopted (“made”) in June 2019 and are therefore in need of refreshing. It is hoped that updated Neighbourhood Plans will be brought forward to support community aspirations about how development in their area will look and feel, within the legislative and policy framework imposed by central government. The Local Plan sets out strategic development (SD) policies for Torquay, Paignton, Boodsands Churston and Galmpton Villages (BCG Villages), and Brixham. These are intended to provide a framework for neighbourhood planning based on the most recent area arrangements, although these could change and the Local Plan is not proposing fixed neighbourhood areas.
- 2.11 The Local Plan proposes sites for major development. Major development is defined by the General Permitted Development Order (GPDO) and is generally taken to be 10 dwellings or 1,000 sq. m (whichever is smaller).

Figure 1 Local Plan Housing and Employment Targets by Neighbourhood Plan Area.

	Annual Housing target	Over 20 years. 2025-45	Class E(g), B2,B8 Employment Uses. 2025-45
Torquay	180	3,600	37,000 sq. m

Paignton	170	3,400	37,000 sq. m
Brixham (Town Council area)	20	400	5,000 sq. m
Broadsands, Churston and Galmpton Villages	30	600	1,000sq. m
Torbay	400	8,000	80,000

TORBAY LOCAL PLAN 2025-2045 KEY DIAGRAM

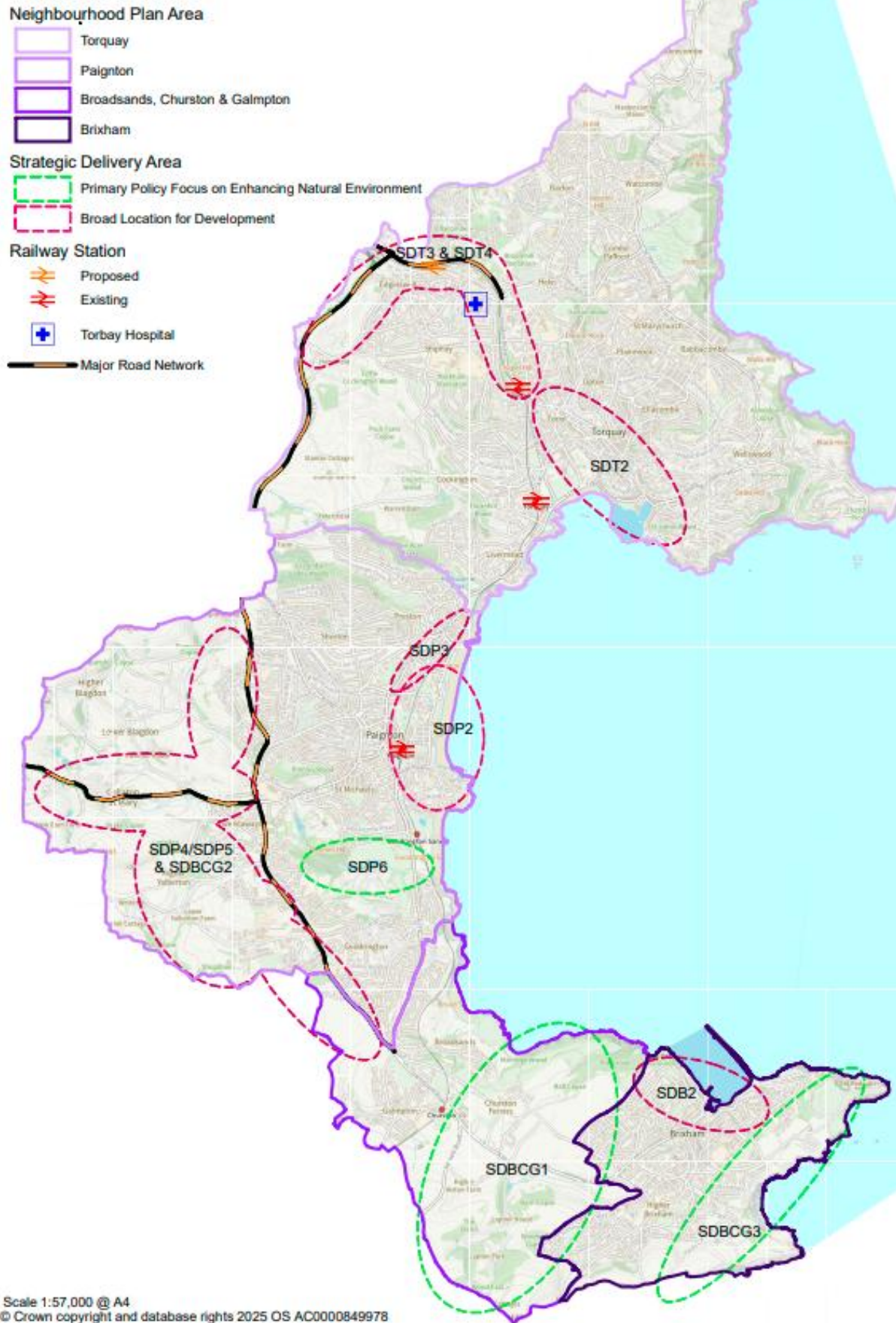


Figure 2 Torbay Local Plan Key Diagram

Neighbourhood Plan Area Policies:

Torquay

Leading on Leisure and Lifestyle by the Sea

How future development will protect and enhance Torquay's distinct identity and role, alongside valued lived, built and natural environments.

Strategic Policy SDT1: Torquay – A strategy for sustainable growth

Torquay will remain the primary commercial and healthcare centre of Torbay. Harbourside and town centre sites will be regenerated for appropriate mixed uses, including the provision of housing.

The urban areas will be improved and renewed, with strong support for family homes, where practicable.

Regeneration, comprehensive redevelopment, and large scale investment will ensure that the town centre and Torquay Harbour areas evolve as the principal town centre and the centrepiece of a modern, prosperous, and sustainable Torbay, whilst conserving or enhancing the historic and natural environment.

Torquay Gateway area to the northwest of Torquay is allocated for employment, housing, green infrastructure, and leisure provision. High quality developments will be sought, appropriate to their gateway setting, which respect and enhance the natural and built environment. The sub regionally important role of Torbay Hospital will be safeguarded.

Priority species such as Cirl Buntings and Greater Horseshoe Bats will be safeguarded.

All development will be required to adhere to the drainage hierarchy and minimise or reduce surface water draining into combined sewers, in order to safeguard the Marine Special Area of Conservation.

A strategic green gap between Torquay and Kingskerswell will be maintained.

Torquay will deliver a minimum of 37,000 square metres (net) of Class E(g), B1 or B2 employment floorspace and at least 3,600 new homes over the Plan period, equal to an average of around 180 dwellings a year over the Plan period 2022-42.

Explanation

- 2.12 As outlined in SDT1, Torquay Town Centre and Harbour will be a focus for regeneration which supports its retail & commercial role. This means high quality development which improves the public realm and provides an improved, multifunctional town centre, including higher levels of residential development. Regeneration will achieve a leisure based retail offer at Torquay Harbour.
- 2.13 The lower part of the town is within Torquay Harbour Conservation Area and development will be expected to complement the area's historic character.
- 2.14 Several key sites offer considerable opportunities for regeneration many of which will be further identified through masterplanning. The Local Plan supports all brownfield town centre development unless there are substantial reasons to resist development. However particular opportunities exist at Union Square, Lower Union Lane, the telephone exchange and Temperance Street.

Strategic Policy SDT3: Torquay Gateway – A sustainable growth hub for homes, jobs and nature

Torquay Gateway (also referred to as Edginswell) is allocated as a Future Growth Area. High quality homes, employment and leisure facilities will be delivered in the Torquay Gateway to raise the economic prosperity of Torbay, and complement town centre regeneration and provide transport improvements serving the Bay.

The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

1. Around 400 new homes of which at least 30% should be affordable.
2. At least 10 serviced self-build housing plots.
3. A stopping place/transit site for Travellers.
4. Mixed use employment space, with at least 25% of the area provided as Class E(G), B2 or B8 employment.

5. Improved sustainable transport infrastructure including a new train station at Edginswell and park and ride/transport hub at, or close to, Gallows Gate.
6. A landscape led design with integrated green infrastructure and biodiversity net gain.

A high quality of design will be required to enhance the built and natural environment, strengthen the sense of arrival into Torbay, and protect the green gap between Torbay and Kingskerswell.

Design should include the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Gateway area. Proposals must avoid significant effects on sites protected under European legislation, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape, particularly along the western buffer, in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.15 Torquay Gateway is an important area of growth for Torquay and has been rolled forward from the Torbay Local Plan 2012-30. The masterplan (adopted in 2016) will be updated
- 2.16 In addition to providing new homes and jobs, there will be opportunities provided through strategic developments to improve connectivity for pedestrians, cyclists, public transport and motor vehicles within the area and to the town centre. The council is seeking to achieve a new train station at Edginswell to support growth in the area and provide an opportunity for sustainable transport including to Torbay Hospital.
- 2.17 The setting of Edginswell Hall and Village will be conserved or enhanced. The effective provision of green infrastructure will be provided as part of the development to improve the

accessibility of greenspace in the area, improve connections between communities, manage flood risk (particularly minimising run-off into Aller Brook) and maintain and enhance a strategic green gap between Torquay and Kingskerswell.

Strategic Policy SDT4: Newton Road to Torre Gateway – A regeneration corridor for homes, jobs, health and connectivity

The regeneration of brownfield sites within the broad corridor between Edginswell and Torre, shown indicatively on the key diagram and policies map, will be supported to achieve:

- 1. The safeguarding of Torbay Hospital as a key healthcare facility. Support for upgraded and improved healthcare facilities and key worker accommodation at Torbay Hospital to support its role as a sub regionally important healthcare facility.**
- 2. The improvement and modernisation of employment facilities whilst rationalising outdated space.**
- 3. The provision of around 300 dwellings over the Plan period including a minimum of 30% affordable homes.**
- 4. The provision of water sensitive urban design and sustainable drainage.**
- 5. The improvement of facilities for active travel and public transport including the provision of improved integration of sustainable transport at Torre Station and delivery of a new railway station at Newton Road.**

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.18 SDT4 Newton Road to Torre Regeneration Corridor policy outlines a strategic vision for revitalising a key area in Torquay, with a focus on sustainable development and infrastructure improvement. It seeks to establish a regeneration corridor into Torbay Town Centre along key travel hubs and to maximise the use of available urban land, including at Torre Station. The Torquay Gateway Masterplan will be expanded to set out proposals for both Edginswell and the Newton Road to Torre regeneration corridor. Whilst there are

opportunities for brownfield housing in this corridor, it will be important to safeguard and improve prospects for employment.

Paignton

Family fun on the foreshore and a centre for enterprise, electronics and entrepreneurship.

How future development will protect and enhance Paignton's distinct identity and role, alongside valued lived, built and natural environments.

Strategic Policy SDP1: Paignton – A strategy for sustainable growth

Paignton will be rejuvenated through high-quality mixed-use development of key town centre, harbour, and waterfront sites. Improvement of the built environment will re-capture the historic character of the old town and appeal of the 19th Century 'Garden Suburb' to the east. Green infrastructure will underpin both recreational and flood-resilience measures, including a new sea wall. Residential uses will be supported in the town centre, subject to being safe for their lifetime, including from flooding and climate change risk.

The area around of Preston District Centre will be regenerated to make best use of underutilised brownfield land for housing, whilst maintaining the areas retail tourism, leisure functions.

The role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting the area's environmental assets and providing resilience to climate change.

Development of the Future Growth Area to the west of Paignton will be delivered through neighbourhood planning and master planning to provide employment and family housing opportunities. This will be underpinned by enhanced transport infrastructure along the Western Corridor and A385 Totnes Road and will take account of environmental sensitivity through a green infrastructure led design approach. Landscaping, biodiversity, and flood risk management measures will be needed to minimise the environmental impact of development, particularly cross-boundary impacts.

Priority species such as Greater Horseshoe Bats and Cirl Buntings and their habitats will be safeguarded, and any impacts mitigated.

Paignton will provide a minimum of 37,000 square metres (net) of Class E(g), B2 or B8 employment floor space, and at least 3,400 new homes, equal to an average of around 170 dwellings a year over the Plan period 2022-42.

Explanation

- 2.19 Paignton is the second largest town in Torbay, with a medieval core, C19th “Garden Suburb” east of the railway, and significant C20th residential suburbs. It includes the district centre of Preston.
- 2.20 There will be significant regeneration of Paignton town centre, harbour and waterfront areas to enhance its role as a tourism destination and provide an improved retail function. Rejuvenation of the town, including its historic core, will be achieved via masterplanning, major investment and new development. This will help the town reclaim its attractiveness as a Garden Suburb attached to an historic medieval settlement. Improved links within the town centre and to other parts of the Bay will be encouraged. Policy SDP2 deals with Paignton Town Centre in more detail. Regard should be had to the conservation or enhancement of the built, natural and historic environment, particularly within conservation areas, in accordance with other policies in this plan.
- 2.21 The cluster of sites to the north and west of Paignton will continue to be a key focus for urban expansion as a Future Growth Area. New housing and mixed use developments promoted to provide a range of residential, employment, of sites. These will require a high quality of design and appropriate landscaping to protect and enhance the rural backdrop to the area and should include the delivery of green infrastructure assets which provide multiple functions and benefits. On-line improvements and provision of walking, cycling and public transport facilities will be required to minimise congestion on the Western Corridor.

Strategic Policy SDP2: Revitalising Paignton Town Centre and Seafront - A destination for living, tourism and leisure

Paignton Town Centre will be regenerated in order to bring about improvements to its economy, built and natural environment. The connectivity from the Town Centre to the seafront, Paignton Harbour and surrounding parks will be restored and improved. New developments will complement the area’s historic character, rejuvenating Paignton as a popular tourist destination, a modern Town Centre to support the needs of the local residents and tourists. New residential development will be supported subject to heritage and flooding considerations.

Development must be resilient to the effects of climate change including sea level rise and contribute towards reducing flood risk. Sleeping accommodation in basements will not be allowed in areas at risk of flooding. A new sea wall is proposed on Paignton and Preston seafront.

The tourism role of The Esplanade and Harbour Core Tourism Investment Area will be enhanced and supported. A flexible approach will be taken to allowing residential use of holiday accommodation outside of the CTIA, in order to boost housing supply arising from former holiday accommodation.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.22 Paignton Town Centre will remain a focus for commercial and tourism activity. The Centre will be regenerated to strengthen and update its offer for businesses, tourists and residents. This will incorporate improved public space to help re-establish the formerly distinctive grid pattern of Paignton, linked to the regeneration of major development sites, connecting the medieval town with the Victorian garden suburb.
- 2.23 The boundaries of the retail core and Core Tourism Investment Area will be drawn back to encourage residential led regeneration, whilst improving the provision of modern purpose-built holiday accommodation on the Esplanade. Policy TO1 deals with Core Tourism Investment Areas. Policies TC1 and TC4 deal with town centre retail, including primary and secondary shopping areas.
- 2.24 It is critical that flood defence works are put in place to address the effects of climate change in the form of the Paignton and Preston Promenade Coastal Flood Protection Scheme. [**Paignton and Preston Promenade coastal flood protection scheme - Torbay Council**](#). Despite its vulnerability to flooding, Paignton Town Centre is a highly sustainable location for development and is well served by public transport. It is therefore sequentially preferable to other out of town locations as a focus for development. In some instances, an exceptions test will be required to support town centre development (as required by the NPPF and technical guidance). All development must meet the requirements of site flood risk assessments and be safe for its lifetime. Development will need to avoid flood vulnerable uses in high-risk areas; in particular, basement flats will not be permitted in areas at risk of flooding.

- 2.25 There are several significant sites in Paignton Town Centre that provide an opportunity for residential led regeneration. It will be important to make the best use of urban land and to encourage tall buildings as far as possible to maximise value and gain sea views. These include Crossways, Station Lane, Station Square and nearby buildings, and Victoria Square.

Policy SDP3: Preston – A thriving district centre and Regeneration Hub for living and community

A regeneration hub around Preston District centre is shown on the Policies map and indicatively on the key diagram. The role of Preston as a district centre serving local needs should be safeguarded but marginal areas of the District Centre will be released for residential redevelopment. Regeneration of suitable brownfield land, including under-utilised employment space will be supported, including the provision of taller buildings subject to design and amenity considerations. The area is expected to provide at least 250 additional dwellings over the Plan period.

Opportunities to improve active travel and public transport facilities, and links to Torquay and Paignton train stations should be maximised.

Proposals that secure viable economic future for Oldway Mansion will be supported in principle, subject to heritage and other considerations. This includes reactivating previously approved residential proposals.

Development should enhance the natural environment and support improvements to public open space at Hollicombe Park and Oldway and provide sustainable drainage and water sensitive urban design.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.26 The Local Plan supports new housing on brownfield sites in principle, subject to other considerations such as heritage and flooding. The Plan identifies particular brownfield regeneration opportunities in the vicinity of Preston District Centre, Paignton. This includes allowing more flexibility for residential development in the marginal parts of the District Centre and making better use of land within easy walking distance of the A3022 traffic

corridor. Support will be given to taller buildings subject to amenity and design considerations.

- 2.27 Public Open space at Hollicombe Park and Oldway Mansion will be protected.
- 2.28 It is noted that parts of Preston are sandstone, and development will need to have regard to ground conditions.

Policy SDP4: Collaton St Mary – Sustainable growth in a connected village

Collaton St Mary is allocated as a Future Growth Area, primarily focussed on new homes. The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

- 1. Around 600 new homes, including at least 30% affordable housing**
- 2. At least 12 serviced plots for self-build housing**
- 3. A transit pitch / stopping place for travellers**
- 4. Improved community facilities and strengthened village centre focussed on the east of the Future Growth Area**
- 5. Any retail (or other Class E/F1 uses) should be limited to meeting neighbourhood needs and no retail use of more than 500 SQ M (net) will be permitted**
- 6. Improved sustainable transport routes including bus and cycling facilities along the A385 Corridor**
- 7. Improved drainage and sewerage infrastructure**
- 8. Safeguard the area's heritage, including listed buildings**

Development should be accompanied by upgraded transport infrastructure. This should include including improved walking, cycling and bus routes and facilities along the A385 Totnes Road, and junction improvements at the junction of Stoke Road/Totnes Road. Development will need to contribute towards sewer and drainage infrastructure, including protection of the Water Meadow and watercourses from urban creep. Proposals must ensure that down-stream settlements are not put at increased risk of flooding.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Collaton St Mary area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Gird Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.29 The west of Paignton offers the largest area of land for expansion within Torbay, although there are infrastructure requirements that need to be met prior to or in parallel with major development. Sites allocated at Great Parks, Collaton St Mary, Yalberton, and White Rock will continue to be allocated, and the Local Plan expands on these areas as the least damaging option for greenfield expansion. The South of the wider growth area at Inglewood falls within the Broadsands Churston and Galmpton Neighbourhood Plan area
- 2.30 Development is dependent upon a vision led approach to improve reduce dependence upon private cars using the A3022 Western Corridor. Improvement works to Kings Ash and Tweenaway Cross have taken place during the previous Local Plan (2012-30) but scope and funding for further road improvements is likely to be limited, and therefore demand management and support of walking, cycling and public transport infrastructure will be important to support successful development.
- 2.31 The A385 Totnes Road needs a comprehensive approach to reduce existing congestion and minimise the number of new accesses onto it. The Local Transport Plan 4 2025-30 note that sustainable transport will be prioritised in order to unlock growth.
- 2.32 The wider corridor is well served in relation to retail, schools and employment, but connectivity between the different growth area is somewhat disjointed. Improved

permeability between development areas is needed and will be given a high priority in masterplanning of the area.

- 2.33 Improved sewerage infrastructure will be needed to connect development to the waste water treatment works at the West of Paignton.
- 2.34 An update to the current Masterplan (adopted 2016) is needed to support additional development at Collaton St Mary. The 2016 Masterplan proposes about 460 dwellings which remain proposed for development where not yet built (at 2025 some are under construction). At least 150 additional dwellings are expected to be provided beyond the boundaries of the 2016 Masterplan.
- 2.35 Developments should seek to achieve better access to the countryside south and west of the developed area, providing recreation, landscaping and biodiversity value and provision of green infrastructure including allotments. For example redevelopments in the area should consider opportunities for habitat enhancements, such as planting to provide bat and wildlife links through the area.

Strategic Policy SDP5: Long Road, Yalberton - Sustainable living and employment neighbourhood

Land to the west of South Devon College and south of Berry Acres is allocated as a Future Growth Area delivering a mix of new homes and employment land. The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

- 1. An additional 650 dwellings, including at least 30% affordable housing.**
- 2. At least 12 serviced plots for self-build housing.**
- 3. Provision of a negotiated stopping place for travellers or provision of an alternative site.**
- 4. 25% of the area to be Class E(g), B2 or B8 employment delivering at least 20,000 sq m of industrial development. Land allocated for industrial development will be safeguarded for such purpose.**
- 5. Any new retail provision in the area should be located in the local centres and strictly of a scale to meet local needs (around 500 sq. m maximum).**
- 6. Designate Devonshire Park retail centre as a District Centre, subject to improvements to active travel to and from the site.**

7. Strategic landscaping and open space to protect the highest parts of the landscape and rural setting of Higher and Lower Yalberton.
8. Yalberton Valley including Lower and Higher Yalberton will be protected for its biodiversity and historic environment value.

Development should be accompanied by upgraded walking and cycling and infrastructure, along the Western Corridor and linking the area to Paignton town centre, and improvements to sewerage capacity.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Long Road, Yalberton area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth
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Explanation

- 2.36 This area includes the Local Plan 2012-30 Future Growth Areas of Bery Acres, Yalberton (Wilkins Drive) and White Rock. The south of the area being built out at Inglewood is within the Broadsands Churston and Galmpton Neighbourhood Area but functionally relates to the developments on the West of Paignton. The Plan proposes further areas to those allocated in the previous local plan or with planning permission. These should deliver at least 200 additional dwellings beyond the number previously proposed at Berry Acres and Devonshire Park in the Torbay Local Plan 2012-30.
- 2.37 At least 20,000 sq m of employment land beyond that allocated in the previous Local Plan should be provided. It is important that employment land in the area is safeguarded for

such use, or sufficient financial contribution made as a site deliverability matter to unlock the provision of nearby sites such as Claylands Phase 2. South Devon College, Epic and a range of other businesses in the area form part of Torbay's "high tech hub and supporting the expansion and safeguarding these is an important Plan objective. Improvements and expansion of South Devon College, including provision of an energy centre / sustainable construction centre and similar facilities are a vital economic, social and cultural asset to the bay.

- 2.38 Note that detailed proposals for area will come forward through a new Masterplan for the area.

Policy SDP6: Clennon Valley - Active leisure and nature hub

Developments within the Clennon Valley Leisure Hub will comprise a mix of uses and deliver improvements to the recreation and tourism offer, whilst enhancing green infrastructure, walking and cycling, and biodiversity in the area.

Development should comprise a landscape and green infrastructure-led design approach to ensure the conservation of a strategic green corridor linking Goodrington's beaches with the top of the valley and nearby holiday accommodation and parks. Development in this sensitive location should provide resilience and adaptation to the effects of climate change and safeguard or enhance the integrity of important wildlife sites and features, including the South Hams SAC and Marine SAC.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 2.39 Clennon Valley is an important recreation, leisure and tourism destination for the whole Bay. It provides a good opportunity for expanded sports and recreation provision. Tourism uses, including water-based activities and holiday accommodation, are appropriate to this location. Seafront development should provide opportunities to improve permeability and public access to the beach and be of the highest quality reflecting the area's important natural setting.
- 2.40 Proposals should promote pedestrian and green links west-east, connecting South Devon College, Paignton Community College, Paignton Zoo, Long Road South Business Park and the wider countryside to Quaywest, Goodrington Sands and the sea.

- 2.41 Development will be expected to incorporate and contribute towards flood alleviation and sea defence measures to provide resilience to climate change, using sustainable drainage methods wherever practicable. Flood vulnerable uses will be directed to areas of no/low flood risk.
- 2.42 The integrity of the green valley that connects the open countryside with the sea should be conserved and enhanced. Any built development should be located and designed to conserve this important natural corridor and respect its natural setting.

Please note that Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner could also fit within this section of the Plan but is included within the BCG Village part of the Plan to reflect the neighbourhood Plan Forum arrangements for the area.

Brixham

A colourful collision of creativity, craft, food and fishing.

How future development will protect and enhance Brixham's distinct identity and role, alongside valued lived, built and natural environments.

Strategic Policy SDB1: Brixham – A strategy for sustainable growth

Brixham will accommodate appropriate but limited new growth aimed at regenerating the town centre and built-up area, to sustain a viable town centre retail function, maintain an appropriate range of community facilities and meet local housing and employment needs.

Brixham's role as a fishing port and resort, with a nationally important and historic working and creative harbour, will be enhanced.

New maritime facilities including improved water-borne transport and facilities to support the fishing industry including a Northern Arm Breakwater are proposed, subject to the area's important biodiversity value of natural and marine environment being safeguarded and enhanced.

Brixham will deliver around **5,000** square metres of employment floorspace and at least **400** dwellings over the Plan period, equal to around **20** dwellings a year, aimed at meeting the needs of local people.

The National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value, and for recreational and tourism purposes. Major development will not be permitted within the SDNL unless brought forward through Neighbourhood Plans, and is shown to be in the public interest.

Development in Brixham will only be acceptable if it can be accommodated without prejudicing the integrity of the South Devon National Landscape, and South Hams Special Area of Conservation. Development should be resilient to flood risk and the effects of climate change.

[Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth](#)

Explanation

- 2.43 This policy relates to the “parished” town of Brixham which is covered by Brixham Town Council. Brixham is bounded by the South Devon National Landscape (formerly AONB) which constrains its outward expansion. The area around Berry Head is a Special Area of Conservation, which is an international important wildlife designation. The coast is also bounded by the marine SAC designated for its reef and sea cave habitat. These constraints make it difficult for Brixham to meet its need for housing and other facilities, and some limited development will need to be accommodated within the SD BCG3 area (i.e. within the national landscape). It is important that this be limited to meeting local needs and that Brixham meets as much of its needs as possible within the “parished” town boundaries (i.e. the Brixham Town Council area).
- 2.44 It will be important that longstanding development allocations such as Northcliffe Hotel, Middle Street Car Park, Paint Station and former St Mary’s dairy are built out and residential opportunities made the most of.
- 2.45 There is scope for further urban regeneration within the harbourside and waterfront areas of Brixham. Land at Freshwater Quarry and Oxen Cove, and adjacent to the Fishmarket will provide employment space to support and improve maritime industries. The Northern Arm Breakwater has featured in previous Plans and continues to be allocated, subject to assessment of its environmental impact. Due to its scale and nature an Environmental Impact assessment and Habitats Regulations Appropriate Assessment will be needed. However additional floorspace can also be created within existing harbour land in the shorter term.
- 2.46 The tourism and leisure economy will be developed in a way that respects the towns rich historic and environmental character.
- 2.47 The appropriated investment in facilities such as Battery Gardens, Shoalestone Pool, Breakwater Beach and WW2 Hard, and Brixham Museum will be supported where these would enhance the conservation value and provide an alternative to reduce recreational pressure on Berry Head.

Strategic Policy SDB2: Revitalising Brixham’s Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism

Mixed use regeneration is proposed in the Brixham Town Centre, Harbour, and waterfront areas, to provide a range of retail, employment, leisure, and residential facilities appropriate to the scale of the town. The purpose of this development is to

meet local needs, to sustain Brixham's role as a vibrant maritime resort, to support and develop traditional industries and diversify the economic base. The provision of a Northern Arm Breakwater remains an aspiration, to enable the creation of additional employment and leisure opportunities.

Residential development above commercial

Development must take flood risk and water management into account, and make sustainable drainage, flood risk mitigation and resilience measures central to the design of development.

Any proposals that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.48 Brixham Town Centre will continue to provide local needs and quality retail facilities on lower floors with residential or commercial above. This will include the redevelopment of the car park at Middle Street, to provide food retail, car parking to serve the town, residential units and improved public realm. The scheme will create a high quality and vibrant public realm.
- 2.49 The harbour area will have improved sustainable transport links to reduce the need to travel by car. These will include park and ride facilities (SD BCG3 and Txx), and the improved water-based transport links (Policy xx). Such measures will be accompanied by improved walking and cycling facilities to increase the permeability of the town centre and provide a high class working and recreational environment for residents and tourists.

Strategic Policy SDB3: Berry Head to Sharkham Point - Coastal conservation and recreation management

The Berry head to Sharkham Point Special Area will be conserved and enhanced to protect its landscape and biodiversity value. Development will only be permitted within the area where it is shown to enhance the area's environmental or landscape

value and does not prejudice the integrity of the South Devon National Landscape, and South Hams Special Area of Conservation.

Should existing uses, including holiday parks cease to operate, there will be an expectation that they should revert to open countryside.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 2.50 Due to the incidence of numerous overlapping Local Plan policies within the Berry Head Country Park, the Key to the Policies Map shows a 'Berry Head Special Area'. This is shown for mapping purposes to clarify the range of designations lying within it. This part of Torbay constitutes the most environmentally sensitive, and peripheral part of Torbay.
- 2.51 There is existing tourism development and a need to balance competing pressures for tourism and recreation with safeguarding the internationally important environmental assets, and reducing existing degradation on the SAC including through recreation impacts. The area therefore needs careful management and development within an 8km zone of influence will be required to contribute to improve management or the provision of suitable alternative natural greenspace (SANG) alternatives.
- 2.52 Development that may have an adverse effect on the landscape and scenic beauty of the area or encroach further upon the area's special characteristics will be considered to constitute major development and only be approved if clearly demonstrated to be in the public interest.

Brixham Peninsula and Rural Villages

Rural hinterland to Brixham, valued landscapes and biodiversity, green farmland and villages rich in history.

How future development will protect and enhance the Brixham Peninsula and Rural Villages distinct identity and role, alongside valued lived, built and natural environments

Broadsands Churston and Galmpton (BCG Villages)

Strategic Policy SDBCG1: Broadsands, Churston and Galmpton Villages - Sustainable living and landscape protection strategy

North and West of Windy Corner

The focus of growth in the Broadsands Churston Galmpton Villages (BCG villages) Neighbourhood Plan area will be on the approved site at Inglewood and land to the North of Windy Corner (SDBCG2). This will include the provision of new homes and delivery of a school site on the Inglewood development, as shown on the Policies map.

A strategic buffer between Inglewood and Churston, Galmpton Broadsands, as shown on the Policies map will be maintained to safeguard the landscape character, ecological integrity, recreational and economic value of the “Brixham Peninsula” and its rural settlements (SDBCG1B).

South and East of Windy Corner

The focus of the plan to the south of Windy Corner (SDBCG3) will be to safeguard the area’s rural character, landscape, ecology, environmental and recreational value and strengthening settlement gaps. Landscape led development at Monksbridge and approved housing at Copythorne Road will meet the needs of Brixham. Other major development in the South Devon National Landscape will be resisted.

The Overall BCG Villages Area

The BCG Villages will provide at least 600 dwellings (equal to 30 dwellings a year) and 5,000sq. m. of employment land over the Plan period, as well as a school at Inglewood

and appropriate green infrastructure including a 1ha green burial site and dog-friendly Suitable Alternative Natural Greenspace (SANG) will be designated to reduce recreational pressure on Berry Head.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the BCG Villages area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Girt Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

[Link to the Community and Corporate Plan – Community and People, Pride in Place](#)

Explanation

- 2.53 The area between the south and west of Paignton and the North of Brixham is covered by the Breadsands Churston and Galmpton Villages Neighbourhood Forum area (BCG Villages). This area was formerly part of the Brixham Peninsula Neighbourhood Plan (adopted June 2019) and forms the rural hinterland to Brixham. The area contains some of the most environmentally sensitive area of Torbay, including the South Devon National Landscape (formerly AONB), Greater Horseshoe Bat Sustenance and Landscape Connectivity Zone as well as the largest area of Torbay's Grade 2 agricultural land. The rural villages have significant historic importance.
- 2.54 The BCG area broadly falls into two halves. The area to the north of Windy Corner junction and containing the Inglewood development area and relates functionally to the developed area of White Rock and the west of Paignton. Policy SDBCG2 sets out considerations for this area.
- 2.55 Windy Corner marks where the "Western Corridor" (A3022) rejoins the Torbay Coast Road (A379). The junction is located within Common land and is operating at above capacity, although recent junction improvements have improved capacity somewhat. Despite efforts

over many decades, no solution has been identified to overcome this bottleneck and far less funded. Measures within the Local Plan will need to manage demand for use of the road and promote better conditions for walking, cycling and public transport. There is potential for limited rail accessibility to Galmpton via the Paignton to Dartmouth Stram Railway. However, this is primarily a leisure route and not suitable or operated for commuter travel. The land to the south of Windy Corner contains Galmpton Common, The South Devon National Landscape, Greater Horseshoe Bat sustenance and landscape connectivity zone, as well as conservation areas covering the rural villages of Churston Ferrers and Galmpton. This area is therefore environmentally constrained as well as relatively inaccessible. Policy SDBCG3 deals with the Rural Villages South of Windy Corner, with a focus on conserving the area's rural character. Nevertheless, some limited development is proposed on the boundary with Brixham in order to meet the town's local needs. Other development should focus on meeting local need and major development in the National Landscape will be resisted (see below).

Strategic Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner.

Development in the north of the BCG Area will focus upon the approved development at Inglewood with some expansion into adjoining areas, as shown on the Policies Map. Sustainable transport and other functional links with the White Rock area and Paignton will be strengthened and improved.

Development in the SDBCG2 Area should achieve the following:

- i. A minimum of 450 dwellings over the Plan period (focussed at Inglewood and the adjoining area).**
- ii. At least 30% affordable housing on sites within the built-up area or areas proposed for development.**
- iii. The provision of a school and playing pitch.**
- iv. At least 100 sq m of employment land within Class E(G) , B2 or B8.**
- v. The provision of a green burial site of around 1ha.**
- vi. Maintenance and enhancements to public open space, including recreation facilities appropriate to the location, and enhancement of countryside access.**

- vii. **The retention and enhancement of a green landscape buffer between Inglewood and Whiterock to the north, Galmpton to the South and the National Landscape to the South and West.**

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the BCG Villages area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to:

- **Avoiding the loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.**
- **Recreational Impacts on the Berry Head calcareous grassland.**
- **Cirl Bunting habitat should also be protected and enhanced.**

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

- 2.56 Policy SDBCG2 deals with land to the north of Windy Corner. The bulk of the area is covered by the Inglewood development (under construction in 2025). Additional development opportunities in the Inglewood Area are shown on the Policies Map. The areas should provide for a school as shown on the Inglewood Masterplan (and Legal Agreement to application P/2017/1133 and varied by P/2023/0377). If not required for primary purposes, it should be retained for other education requirements.
- 2.57 The area is expected to provide around 600 dwellings and 500 sq m of employment land over the Plan period in the area within Torbay.

- 2.58 Land to the west of Waddeton Road is within South Hams and may be promoted for development to the neighbour authority. It will be important for joint working and agreement on cross-boundary matters. In addition, some ecological mitigation and agricultural mitigation land for development at Inglewood is located within the South Hams. This relates to mitigation of impacts on the South Hams Special Area of Conservation (greater horseshoe bat sustenance zone and other ecological mitigation), so it will be a matter of Habitats Regulations compliance to ensure that sufficient mitigation is provided to offset the impact of the Inglewood development. The land is also within the setting of the South Devon National Landscape (former AONB), and a high-quality landscape led design to any further development will be needed to minimise additional impact on the National Landscape.
- 2.59 The south of the SDBCG2 area is closer to the National Landscape and the village Galmpton. A green buffer between Inglewood and Galmpton should be maintained to provide a settlement gap and prevent coalescence of Paignton's southwards development with Galmpton. The area would be suitable for a green burial site and associated facilities to meet Torbay's need for cemeteries. This should help reinforce the undeveloped settlement gap.

Policy SDBCG3: Rural villages south of Windy Corner – Landscape, ecology and settlement gap protection zone

Development to the South of Windy Corner will focus upon protecting the area's significant landscape, environmental, historic and agricultural character, whilst providing sufficient development to meet the local needs.

Limited development and landscape led development at Monksbridge and approved development at Copythorne Road is proposed to meet the needs of Brixham.

The BCG3 area is expected to provide around 150 dwellings and 500 sq m of employment land within Class E(G) , B2 or B8. The BCG3 area should also provide a dog friendly suitable alternative natural green space (SANG) with recreation and leisure facilities appropriate to the area's rural setting, to provide an alternative to Berry Head.

The area will also provide a park and ride facility serving Brixham, ideally forming a recreational transport hub within safe and easy walking distance of Churston Station.

The South Devon National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value, and for recreational and tourism purposes, including the provision of walking and cycling routes.

Major development will not be permitted within the National Landscape unless brought forward through Development Plan, and shown to be in the public interest. Non-major development in the National Landscape will only be allowed as a rural exception to provide affordable housing for local people.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the SDBCG3 area.

All development in this sensitive location should adhere to planning guidance for Greater Horseshoe Bats within the South Hams SAC. All development should provide adequate mitigation that ensures:

- i. there are no further restrictions on potential movement of Greater Horseshoe Bats through the area; and**
- ii. the retention and enhancement of foraging and on-site roosting opportunities**
- iii. existing green infrastructure assets, trees, hedgerows, and connectivity between individual assets are safeguarded or enhanced**
- iv. no increase in lighting in bat flyways to greater than 0.5 lux; and**
- v. Mitigation of the impact of additional recreational pressure on the Marine SAC and South Hams SAC.**

Any proposals that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

[Link to the Community and Corporate Plan – Community and People, Pride in Place,](#)

Explanation

- 2.60 The land within the BCG Villages to the south of Windy Corner has substantial environmental constraints. It is partly within the South Devon National Landscape (formerly AONB), and the open country around Kennels Lane, Galmpton and Churston Ferrers forms an important valued landscape within the setting on the National Landscape. The land is also within the Sustenance Zone and landscape connectivity zone

for greater horseshoe bats associated with the Berry Head maternity roost, which is part of the South Hams SAC South Hams SAC HRA Guidance - Torbay Council.

- 2.61 Despite its high level of environmental constraint, some expansion of Brixham into the BCG Area is necessary in order to meet Brixham's development needs. Development on the boundary with Brixham necessarily entails development in the National Landscape but is a less bad option than development further away from the town which would still be on land within the setting of the National Landscape. Development has been approved at Copythorne Road and is allocated at Monksbridge in order to meet Brixham's local needs.
- 2.62 Any development beyond these allocations should be minor and limited in nature and aimed at meeting the area's local needs. The General Permitted Development Order defines major development as 10 or more dwellings or 1,000 sq. m floorspace. In the National Landscape, footnote 67 of the NPPF (2024) allows the decision maker to apply a different definition of major development based on an assessment of the nature scale and setting of development and whether it could have a significant adverse impact on the purpose for which land is designated. The council will take the GPDO as a starting point when considering whether development in the NL is "major" but may apply a smaller threshold where proposals could have a significant impact on landscape and scenic beauty.
- 2.63 Enhanced Park and Ride facility along the A3022 should provide a public transport link to Brixham and minimise car traffic due to the narrow nature of the street network in the town. This should provide a sustainable transport hub with tourism, leisure and other functions of the area. Ideally this should capitalise on the area's rich tourism and Agatha Christie associations. It will be important to manage recreation pressure and reduce canine faeces eutrophication of the calcareous grassland at Berry Head. The SD BCG3 area should therefore include a suitable alternative natural greenspace (SANG) with leisure/recreation facilities appropriate to the rural location. This is required to reduce recreational pressure calcareous grassland at Berry Head. It should include dog-friendly facilities to allow grazing on Berry Head which is needed to preserve the grassland. This will be part funded by development contributions from development within the Berry Head 8Km recreational zone of influence (see Policy xx).

Chapter 3: Housing and Regeneration Policies

Strategic Policy HS: Overall Housing Strategy and Presumption in favour of Urban Regeneration

The Local Plan proposes to deliver at least 400 dwellings a year, equal to 8,000 dwellings over the period 2025-2045.

The council will apply a presumption in favour of sustainable development to the development of previously developed land within the built up-area, subject to maintaining a strong economy, protecting the natural environment, securing good design and ensuring decent living environments. Proposals that achieve urban regeneration and boost the supply of housing on previously developed land in the built-up area will be approved unless approval would cause substantial harm.

Regeneration areas are proposed for Torquay, Paignton and Brixham Town Centres and are shown on the policies map. The council will work proactively and in partnership with landowners, applicants, and the community to find sustainable solutions to enable development.

The change of use or redevelopment of former hotels to housing will be supported subject to Tourism and Historic environment considerations. Where the retention of a building is required, the council will support the principle of residential use outside of Core Tourism Investment Areas.

Redevelopment opportunities in the Torre Gateway and Preston Down Road clusters will be supported subject to other policies in this plan. Proposals should contribute to the improvement of active travel and public transport links.

Major greenfield development outside of the built-up area or Future Growth Areas will be resisted, unless brought forward through a Neighbourhood Plan or area allocation development plan document, or meets the requirements of the Affordable Housing Rural Exceptions Policy H8.

All development should achieve the following:

- i. A high quality of urban design and create good quality living accommodation,
- ii. Mixed and balanced communities including the avoidance of concentrations of deprivation.
- iii. The provision of at least 30% affordable housing on major developments

iv. Resilience to extreme weather events and incorporation of sustainable drainage and climate resilience measures.

Proposals should maximise the use of land, consistent with protection of the natural, built, and historic environment and the creation of high-quality living environments.

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

- 3.1 Torbay’s substantial environmental, infrastructure and market-capacity constraints mean that it is not able to accommodate its full Local Housing Need (LHN) as set out in the government’s December 2024 Standard Method (which at Summer 2025 was about 950 dwellings a year). The council has applied the Presumption in Favour of Sustainable development in identifying housing land.
- 3.2 The Plan has sought to be very proactive in supporting brownfield regeneration. By a “freestanding presumption” it is meant that the presumption tests similar to that currently in Paragraph 11 of the NPPF will be applied to urban brownfield development independently of five-year supply or Housing Delivery Test penalty considerations. Accordingly, proposals that provide housing on previously developed land in the built-up area will be approved unless:
- 1) Harm to Habitats sites irreplaceable habitats SSSIs, National Landscape, designated heritage assets (and archaeological assets of equal value), or flooding and coastal change matters provide a strong reason for refusal. Or
 - 2) Adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when weighed against the development plan, Framework and other material considerations. This will take into account policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. Given Torbay’s difficult economic circumstances, special regard will also be had to the economic impact of proposals.
- 3.3 “Strong” reason will be taken to mean that the proposal would cause substantial harm.
- 3.4 This approach is consistent with the importance of making effective use of land and concentrating development in the built-up area close to existing facilities and sustainable transport.

- 3.5 The ambitious programme of urban regeneration and repurposing of existing accommodation will require public funding. The councils “accommodation repurposing programme” (also loosely referred to as its “hotels to homes” scheme but extending beyond hotels is essential to increasing brownfield and other urban development above recent trend rate and is pivotal to meeting the Local Plan’s housing target. It is intended that at least 120 dwellings a year be delivered early in the Plan period. This will be a key way of boosting affordable housing delivery in the built up area. Longer term delivery will need to be kept under review, and the Plan assumes that 1,000 dwellings will be delivered on major sites (10+ dwellings over the Plan period).
- 3.6 It is acknowledged that much of the urban area contains constraints such as flood risk and other infrastructure issues. In addition, a significant part of the built-up area, including the three town centres, are designated conservation areas. Nevertheless, the Plan’s key focus is to develop in these locations due to their wider sustainability benefits. Any heritage impacts of increasing densities and taller buildings in highly sustainable town centres will need to be minimised through high quality design. However, the benefits of development in highly sustainable urban locations and the likely environmental harm of building on less well-located greenfield sites will need to be balanced against heritage impact.
- 3.7 Policy H1 outlines town centre regeneration areas. The Local Plan identifies travel corridors in “Torre Gateway” between Edginswell and Torre in Torquay and around Preston District Centre in Paignton as sustainable urban locations where there are opportunities for urban densification and to make better use of underused land. These areas are in urban locations served by public transport, and within moderate walking distance of train stations. There is therefore scope to relax minimum parking requirements, so long as improvements to public transport and walking and cycling opportunities are achieved. Policies **SDT3** deals with the Newton Road to Torre Corridor, and **SDP3** with the Preston District Centre cluster.
- 3.8 Policy **HS** is also clear that a significant supply of homes will come forward through repurposing hotels and other brownfield land and buildings to homes. Given the viability challenges with brownfield development, ongoing public funding is likely to be needed particularly to deliver affordable housing from this source.
- 3.9 Policy H2 identifies existing and expanded Future Growth Areas. The West of Paignton was the main area of urban expansion in the previous Local Plan 2012-30, and it is proposed to continue this strategic approach. More detail about the policy requirements from these areas is set out in the area “Strategic Development” policies in Part 1 of the Plan. Broadly speaking, where clusters of development sites are likely to provide more than about 200 dwellings they have been treated as Future Growth Areas.

- 3.10 The Local Plan allocates major sites (that is developments of 10 or more dwellings or 1,000 sq. m). Policy H3 contains site allocations for major but less strategic housing proposals outside the town centre regeneration clusters and Future Growth Areas. It is acknowledged that this is not a comprehensive list, and windfall sites will arise over the Plan period.

Windfall sites

- 3.11 The Local Plan allocates sites for “major development” i.e. where the council has assessed that a site can deliver 10 or more homes. Because Torbay is an urban area, a significant portion of housing delivery often arises on smaller sites of fewer than 10 dwellings. It is not practical to allocate these on the policies map – other than to set out a supportive policy for achieving them.
- 3.12 Between 2012-24, the average number of completions from non-major sites (1-9 dwellings) was as follows:
- Torquay 65 (53.7%)
 - Paignton 42 (34.7%)
 - Brixham (Peninsula) 14 (11.6%)
 - Total average annual homes on non-major sites: 121
- 3.13 Based on historic rates of delivery, the Plan expects 120 homes a year to arise on non-major sites. It will be important to avoid double counting numbers e.g. some smaller hotels are likely to achieve fewer than 10 dwellings and are therefore “windfalls”. Neighbourhood Plans are welcome to allocate non-major sites, but caution will be needed to ensure that these are not double counted with windfalls.
- 3.14 Note also that the General Permitted Development Order defines major development as 10 dwellings or 1,000 sq. m. So, a development of fewer than 10 dwellings that is more than 1000 sq.. floor area is still liable for affordable housing under policy **H5**
- 3.15 It is likely that larger windfalls may come forward during the Plan period e.g. on sites of more than 10 dwellings. It is impossible to Plan for such events, nor can the plan rely on this to boost numbers. There is also a danger of double counting the numbers that may arise out of the council's accommodation repurposing programme. Where these sites are on previously developed land in the built-up area, Policies HS and H1 provide support in principle. Torbay does not have significant rural brownfield (or “greybelt”) sites other than holiday parks. Policy **Txx** deals with planning considerations affecting holiday parks. However, it is noted that some are located in the National Landscape and close to Berry

Head SAC, and if these fall out of holiday use, a substantial part of them will need to be restored to nature.

3.16 Proposals on unallocated greenfield sites outside of the built-up area (i.e. in the Countryside Area) are likely to be in conflict with the Local Plan's strategy and therefore will not be supported unless some other material consideration indicates otherwise. One such exception may be for affordable housing on rural exception sites, which is dealt with by Policy xx

3.17 Torbay has a pressing need for affordable housing, and Policy H4

Please note that the numbers in this chapter are changing and may not add up in this early draft.

Policy	Figure 4 Potential Local Plan Sources of Housing.		
		Total (20-year plan)	Per annum (20-year plan)
H1	Torquay Town Centre Regeneration	600	
H1	Paignton Town Centre Regeneration	260	
H1	Brixham Town Centre Regeneration	50	
HS	Hotels to homes and other brownfield regeneration.	1,000	
HS	Torre Gateway Corridor (The Willows District Centre to Torre Station)	300	
HS	Preston Brownfield Cluster (within environs of the District Centre)	200	
H2	Future Growth Areas	1,800	
H3	Other allocated sites of 10+ dwellings	2,360	
NA	Windfalls (all non-major sites) at 120 dwellings a year	2,400	

	Total	8,970	448
	10% non-completion	8,073	403

Strategic Policy H1: Town Centre Regeneration Areas

Proposals that regenerate town centre areas and adjoining areas, whilst enhancing the living environment and providing a high quality environment and resilience to climate change will be supported.

Proposals should promote good design that conserve or enhance the character of the built and historic environment, taking into account the need to support urban brownfield development and regeneration. Tall buildings and urban densification will be given significant weight in the planning balance and only resisted where adverse impacts constitute a strong reason to resist development.

The following areas are specifically proposed for regeneration or remodelling to provide mixed use developments including residential accommodation, including an indicative level of new housing provision.

Detailed proposals will be developed through master planning of the areas, as part of mixed-use developments. The town centre regeneration areas are expected to provide at least the following number of dwellings on major sites over the Plan period.

- Torquay 600 dwellings
- Paignton 260 dwellings
- Brixham 50 dwellings

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 3.18 In line with the Local Plan's driving strategy of maximising the use of previously developed land, Policy H1 sets out a presumption in favour of urban regeneration of brownfield sites.

The table below sets out broad areas and hypothetical number of homes that they could deliver. This should not be taken as maximums if schemes come forward that would exceed this number.

Area	Sites (for information)	Yield (Numbers are approximate and subject to further assessment)
Torquay		
H1T1 Castle Circus Area	Town Hall Car Park* 21T032a Magistrates Court 21T070 Municipal Chambers* 21T035 Castle Circus House & adj. Buildings 21T140	50
H1T2 Union Street, Union Square, Lower Union Lane,	21T075 Union Square 21T146 Land rear of Castle Circus House* 21T141 Former New Look Store	200
H1T3 Temperance Street, and Market Street, Pimlico	21T037 Former Blockbuster/ Morrisons TCRT09 3-9 Pimlico* TCRT010 Pimlico* 21T123 Telephone Exchange Lower Union Lane* 21T034 Land rear of Market Street (former Auction Rooms)	150

H1T4 Abbey Road, Rock Road, Roebuck House	21T038 Roebuck House* TCRT013 Adj. Abbey Hall (former Laundry Site)	100
H1T5 Fleet Street, Torquay Harbour: Living Coasts, Strand, and Marina Car Park	21T161 30-34 The Terrace* 24T008 48-50 The Terrace 21T081 Strand 21T139 The Marina Car Park (adj. The Pavilion) TCRT018 Living Coasts 21T093 The Imperial Hotel* 21T047 Fleet Walk Shopping Centre (upper floors).	100
Torquay Town Centre Sub Total		600
Paignton		
H1P1 Paignton Harbour	22P003 Paignton Harbour	30
H1P2 Crossways and adjacent land	21P025 Crossways	120
H1P3 Victoria Square	21P027 Victoria Square 24P005 12-14 Victoria Street	72
H1P4 Station Lane and Station Square	TCRP04 Station Lane, TCRP05 Station Square	40

	Car Park, Station Square.	
Paignton Sub Total		260
H1B1 Brixham	21B006 Town Centre Car Park Middle Street and town centre	50

- 3.19 Note that the town centre areas are promoted for wider regeneration, and that a range of sites may come forward for development. Further details are set out in the “Strategic Development” policies for the town centres. The Local Plan proposes a “Presumption in Favour of Regeneration” which supports brownfield urban development subject to other plan considerations. The above sites have been identified as being within the regeneration clusters. More detailed assessments will come through master planning or neighbourhood plans. Some of these sites will come forward as mixed use developments including ground floor commercial use where viable. Some of the sites are within conservation areas or other designated heritage assets. Good quality design will be required to conserve or enhance these; however the need to deliver homes in highly sustainable town centre locations carries significant weight in the planning balance.
- 3.20 It will be important that developments are made safe for their lifetime from the effects of climate change, and particularly flooding. It will simply not be possible to meet Torbay’s Local Housing Need as set down by government without placing some development in areas of flood risk. However, development should avoid sleeping accommodation on ground or basement floors in flood vulnerable areas and provide safe escape routes and resilience measures.
- 3.21 Within town centres a minimum level of car parking will be required (see policy xx) subject to appropriate investment into walking, cycling and public transport facilities. All development, and particularly new homes should provide secure, covered and fire-safe parking for electric cycles with charging facilities.

Strategic Policy H2: Future Growth Areas

Future Growth Areas are allocated for strategic development within Torbay. They show broad locations in which the council, community and landowners will work together to identify in more detail the layout, design, detailed balance of uses, detailed infrastructure (including green infrastructure) and delivery mechanisms required to develop the areas. More detailed requirements for Future Growth Areas will be brought forward through updated Masterplans.

The following sites are allocated for development:

- **H2T.1 Torquay Gateway, Edginswell: 350 dwellings**
- **H2P.2 Great Parks Paignton: 160 dwellings**
- **H2P.3 Collaton St Mary Paignton: 600 dwellings**
- **H2P.4 Long Road, White Rock and Inglewood, Paignton (and BCG Villages) 700 dwellings**

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 3.22 Future Growth Areas are locations where more than circa 200 additional dwellings can be achieved as part of mixed-use developments (including recent completions). They are shown as site allocations on the Policies Map. The sites will come forward through masterplanning showing how they can be delivered as mixed use areas that make provision for a range of uses including employment, housing. They should provide opportunities for sustainable transport and environmental protection, including biodiversity net gain.
- 3.23 **Torquay Gateway (Edginswell)** is allocated in the Torbay Local Plan 2012-30 but the number has been reduced to reflect viability constraints. The 2016 Masterplan will be updated to set out how the site can be delivered.
- 3.24 **Great Parks** Phase 1 was built in the 1990s, with some more recent completions of the second phase of development. The second phase has remained undeveloped for several decades due to infrastructure issues. The creation of a second access road to serve the Lidl store (opened in 2025) will help inlock the later phases of development to the north of the site. A non-statutory masterplan has been prepared for the area and endorsed by Policy PNP21 of the Paignton Neighbourhood Plan. Updated master planning will be needed to ensure that the area is delivered in a sustainable way.

- 3.25 **Collaton St Mary:** The bulk of Collaton St Mary is allocated for development in the Torbay Local Plan 2012-30 and the subject of a Masterplan supplementary planning document adopted in 2016. The draft Local Plan proposes to extend these areas. An updated masterplan will be needed to deal with access issues, and making the development accessible for active travel and public transport.
- 3.26 **Long Road/White Rock:** The Long Road/White Rock area is allocated in the Torbay Local Plan 2012-30 and is substantially built out. However, there are further opportunities for development of homes and employment. It will be important to preserve the environmental and historic character of Yalberton Valley and hamlets of Higher and Lower Yalberton.
- 3.27 The south of this area falls within the Broadsands, Churston, Galmpton Village Forum Neighbourhood Plan area. It will be important to maintain a settlement and visual gap between the built up area and the more rural settlements to the south, which sit within the setting of the South Devon National Landscape.

Ref.	Site	Estimate d Number of dwellings	
	Future Growth Areas: The following broad locations are proposed for development. Parts of the areas are allocated under the Torbay Local Plan 2012-30. These allocations are retained and expanded. The number quoted is the total proposed allocation for the area (unbuilt at 2025)		
H2T. 1	Torquay Gateway, Edginswell, Torquay	350	21T122 Number reduced from previous Local Plan to reflect deliverability.
H2P. 2	Great Parks Phase 2	160	21P014 North of Luscombe Lane, Great Parks 21P068 Great Parks Phase 2 (Allocation H1.12) 21P081 Former Local Centre 21P051 Hilltop Nursery (Number additional to completions at 2025).

H2P. 3	Collaton St Mary, Paignton (Extension	600	21P042 Land adj. Bona Vista Holiday Pk, Totnes Rd 21P043a Land adj. Beechdown Farm Bungalow, Totnes Rd (extended site) 21P041 Plot 1 & 2, Totnes Road 21P077 Western half of Taylor Wimpey Site, North of Totnes Rd 21P010 Land North of Totnes Road (Bloor now Cavanna Homes) 21P080 Torbay Holiday Motel, Totnes Rd, Collaton St Mary 21P015* South of Totnes Rd, Collaton St Mary 21P008* Land to the North of Totnes Road (Taylor Wimpey) 21P078* Land North of Totnes Road
H2P. 4	Long Road, Yalberton, White Rock and Inglewood (Extension)	700	Around 200 dwellings in addition to allocation in the Torbay Local Plan 2012-2030. 21P012 Lower Yalberton Holiday Park 22P001 Yalberton Holiday Park/Berry Acres 'Link' 21P067 Land North of Lower Yalberton Holiday Park, Long Road 21P001* Land off Brixham Rd (Devonshire Park) 21P053 R/o Local Centre 21P079 Limekiln Close

			21B002 Inglewood (under construction- within BCG Villages). 24BCG001 Inglewood pub-restaurant site.

Strategic Policy H3: Other Local Plan allocated sites

The following sites are allocated for housing. All proposals for housing, including those affecting the existing housing stock, will contribute to creating sustainable, inclusive and mixed communities. This will be achieved by providing an appropriate mix of decent, good quality homes, which provide for affordable housing as set out in Policy Hxx.

Sites should be developed at the highest density appropriate to their location and consistent with good design. Proposals that do not make optimal use of land will be resisted.

The following sites are proposed for housing development:			
Ref.	Site	Anticipated number	Notes
	Torquay		
H3T.1	Maidencombe North of Sladnor park and around Jon Glanvill Autos	150	HELAA Sites T21065, 21T126, 21T111, 21T158, 21T143
H3T.2	Sladnor Park, Maidencombe. Due to High Court decision the principle of development has been established, see application P/2020/0315*	120	21T064
H3T.3	Brunel Manor, Conversion of buildings only	45	Conversion of Brunel Manor 21T148. Land to the north 23T007
H3T.4	Great Hill	130	21T154, 21T155 and 25T001 land to the

			west between Great Hill Road and Claddon Lane (Cherry Blossom Farm) .
H3T.5	Land at Kingskerswell Road and r/o Barton Hill Road	10	21T056
H3T.6	Holiday Parks, North of The Willows	250	21T016,21T017, 21T018 Existing allocation. Need to retain and enhance tree cover.
H3T.7	Land adjacent and south of Watcombe Hall	10	24T012
H3T.8	Babbacombe Business Park, Babbacombe Rd, Torquay	12	21T072
H3T.9	Land North of Bottompark Lane, Barton Hill Road.	20	21T145
H3T.10	Former Tennis Courts, Palace Hotel	38	21T006 Under construction
H3T.11	Grand Hotel Garage Block	10	21T138
H3T.12	Land adjacent to Broadley Drive, Livermead, Torquay	50	21T050
H3T.13	Grounds of Rowcroft, Avenue Road	40	24/T009– assisted living units
H3T.14	Maycliffe Hotel, St Lukes Road South	10	24/T002
H3T.15	Meadfoot Beach Car Park	10	24/T001
H3T.16	Site 1 Higher Cadewell Lane	18	21T021
H3T.17	Site 2 Higher Cadewell Lane	12	21T020

H3T.18	Hatchcombe Lane, Scotts Bridge/Barton	50	21T129
H3T.19	Westhill Garage, Chatto Road	15	21T131
H3T.20	Seabury Hotel, 11 Manor Road, Torquay	12	21T080
H3T.21	Quintaville, Junction of Reddenhill Road	10	21T023
H3T.22	Stoodley Knowle, Ansteys Cove Road, Torquay	80	21T085(not including built units)
H3T.23	R/O Edinburgh Villas, McKay Avenue, Torre Marine (Specialist housing)	75	21T095
H3T.24	Shelley Court Hotel, 29 Croft Road, Torquay	20	21T003
H3T.25	Brampton Court Hotel, St Lukes, Road South	14	22T003
H3T.26	Conway Court, Warren Road	14	21T060
H3T.27	Shedden Hall Hotel Site, Shedden Hill	30	21T124
H3T.28	Bancourt Hotel, Avenue Road	30	21T054
H3T.29	Hollicombe (former gas works)	50	21T015
H3T.30	Coppice Hotel	20	
H3T.31	Hotel Virginia, Falkland Road	15	
H3T.32	Chelston Telephone Exchange Goshen Road	20	24/T005
H3T.33	Menzies House Parkfield Road	10	24/T007
	Torquay Sub Total	1362	
	Paignton		

H3P.1	North of James Avenue	30	21P087
H3P.2	Barton Pines	50	24P006. Removal of holiday occupancy policy
H3P.3	Stoke Road, West of Yalberton Valley	400	21P065a 24P001
H3P.3	Land at Preston Down Road North, Paignton	50	21P017
H3P.4	Land at Preston Down Road South, Paignton	50	21P018
H3P.5	Summerhill Hotel, Braeside Road	10	21P055
H3P.6	Former Kia Garage, Totnes Road	25	21P088. Existing permission for Screwfix- but keep allocation until implemented, due to the sustainability of the site.
H3P.7	Totnes Road Service Station	14	21P075
H3P.8	Oldway Mansion	46	24P004- see permission P/2011/0925
H3P.9	Alan Kerr Garage, Brixham Road	10	21P033
H3P.10	Church site, Bellfield Road, Foxhole	15	21P069
H3P.11	3 Keysfield Road	13	21P085
	Paignton Sub Total	615	

	BGC Villages		
H3BCG.1	Gliddon Ford Filling Station, Dartmouth Road, Churston Ferrers. Access to the Archery Field	10	21B001
H3BCG.2	Archery Field, Churston	50	21B005
H3BCGC.3	Monksbridge	130	21B015a
H3BCG.4	Copythorne Road	77	Permission P/2023/0480
	BCG Villages Sub Total	267	
	Brixham		
H3B.1	Wall Park Extensions (R/O Wall Park Farm, 39 Wall Park Rd), Brixham	20	
H3B.2*	Brixham Paint Station, Kings Drive**	10	Increase. 21B007 Include church area
H3B.3*	Site of Northcliff Hotel	15	21B008
H3B.4*	St Kildas (Specialist housing)	20	21B011
H3B.5*	Torbay Industrial Estate Part 1	10	21B053 Subject to amenity issues
H3B.6*	St Marys Road (Old Dairy Buildings)	30	22B001
H3B.7	Former Jewsons, New Road.	17	P/2024/0311
H3B.8	Brixham Hospital	15	25B001
	Brixham Sub Total	122	

	Total	2366	

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

- 3.28 Sites with a capacity for than 10 but less than circa 200 additional dwellings are allocated as housing sites. The Local Plan does not allocate sites with an assessed capacity of fewer than 10 new dwellings (i.e. it only allocates major developments). Non-major development can come forward as windfall and/or through Neighbourhood Plans.
- 3.29 It is recognises that this list of sites will change over time, and other applications will come forward and need to be considered on the basis of Policies HS and H1 of this Plan.
- 3.30 There is an expectation that all schemes will provide a minimum of 30% affordable housing in accordance with Policy SH4. Applications should also meet other Local Plan requirements in relation to providing a high quality of design, climate change resilience, environmental protection etc.

Policy H4: Minimum density

New housing should be developed at maximum densities consistent with protecting the natural and built environment and providing a decent standard of accommodation and residential amenity.

In particular, high densities should be developed on urban sites which have good access to walking, cycling and public transport facilities and are located within easy walking distance of food stores, community facilities and public open space. In these circumstances car parking provision may be reduced.

Developments should ensure that safe access for emergency vehicles can be achieved and that safe covered provision for electric cycles is provided.

Regard should also be had for amenity issues in relation to existing uses and avoid new housing where it would lead to pressure for existing commercial or leisure uses to be curtailed.

Explanation

- 3.31 Torbay has very little opportunity to expand outwards and the limited green hinterland that exists is covered by significant environmental designations. It is important that new housing on both greenfield and brownfield sites are provided at the highest density consistent with providing an adequate level of privacy, amenity and tranquillity for residents.
- 3.32 Paragraphs 129-130 of the NPPF (2024) require plans to make the best use of land and for minimum density to be considered especially in urban locations that are well served by public transport.
- 3.33 Because Torbay has a range of landscape, historic and built environment constraints, it is not feasible to set out a clear minimum density. However, greenfield housing developments should seek to achieve 30-50 dwellings per hectare. Proposals that achieve lower than 30 dwellings per hectare will need special justification in terms of design, landscape or ecological constraints.
- 3.34 Higher densities should be provided in town centres and other locations within easy reach of facilities and public transport. It will be important to consider living conditions of residents in such proposals and to avoid “agent of change” issues whereby new housing leads to conflict with existing businesses or uses. This will be an important consideration for new housing development close to commercial areas such as harbours and the fishing industry.

Policy H5: Conversion of buildings into flats

Where planning permission is required, applications for the conversion or sub-division of buildings into flats will be approved where:

- 1. The accommodation provided creates good quality accommodation of a reasonable size with ample provision for amenity space, parking and waste/recycling provision having regard to the surrounding area.**
- 2. The proposal does not lead to a concentration of deprivation, for example by creating very small dwellings or dwellings with poor living conditions. Special attention will be had to Community Investment Areas and other indicators of deprivation.**

3. The conversion of modest size family housing into small apartments will be resisted unless this can be shown to have a positive benefit for the creation of mixed and balanced communities.
4. The buildings are self-contained.
5. The proposal incorporates improvements to the fabric of the building, including the removal of deleterious additions to older buildings and in conservation areas.
6. The proposal is acceptable in terms of its environmental, water management, and ecological impact. In particular it will not lead to additional pressure on drainage and Special Areas of Conservation.
7. The conversion of buildings achieves best use of land, having regard to heritage and other policies in the Local Plan.

[Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing](#)

Explanation

- 3.35 Some conversion of buildings to apartments can be carried out under “prior approval” which is a reduced “permitted development” consent regime government policy and the Local Plan are strongly supportive of brownfield development. However, the creation of very small apartments can exacerbate Torbay’s severe deprivation problems and reduce the availability of family accommodation. It is also important that converted apartments should not result in poor living conditions. Whilst the policy does not apply rigid space standards, self contained apartments of less than 37sq m are likely to be in conflict with Policy H5 and regard will also be had to natural light, outlook etc.
- 3.36 Where historic buildings are sub-divided, the council will seek to achieve built environment improvements including the removal of harmful features, such as later lean-tos, roof extensions and other mid C20th features that were often applied to buildings formerly in holiday use.
- 3.37 Other policies relating to flooding, water management and reducing the amount of water draining into shared sewers, will be important to mitigating the impact of urban development on the Marine Special Area of Conservation.

Policy H6: Loss of homes

Where proposals result in the loss of housing, including through the combination of dwellings, applicants will be required to demonstrate that one or more of the following apply.

1. The proposal would result in improved standard of accommodation and improved living conditions
2. The proposal would make a positive contribution to reducing deprivation
3. The proposal would restore or enhance historic features or architectural features of heritage assets.
4. It is demonstrated that the loss of housing would be outweighed by an economic or environmental benefit.

Proposals that do not achieve one or more of the above will be refused. The council will consider the impact of loss of dwellings on housing supply and the creation of mixed and balanced communities.

A condition will be attached to restrict use as a House in Multiple Occupation unless all of the criteria in Policy Hxx are met.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 3.38 Torbay's constrained land supply means that it will be important to maintain the existing dwelling stock for residential use. As such the amalgamation of dwellings will be regarded as development that requires planning permission. It is important to note that some of Torbay's housing stock does not provide a good standard of accommodation, particularly in some instances where buildings have historically been sub-divided into flats, or holiday use lapsed into permanent occupancy. Concentrations of such accommodation can create deprivation hotspots and poor living conditions, mainly for private sector renters. In such cases the amalgamation of dwellings will be supported if it can be shown that this would improve the quality of the environment or contribute to the creation of more mixed and balanced communities.
- 3.39 The council will resist the creation of very large dwellings, where this does make good use of land or could lead to multiple occupancy. Where necessary, permitted development rights for use as class C4 HMOs will be removed.

- 3.40 In assessing the “reasonable” size for a dwelling the council will have regard to the following guideline sizes. Layouts that significantly exceed this (e.g. by more 20%) are likely to raise concerns about whether a proposal is making best use of land.

General description	Floorspace range (excluding communal areas)	Typical of dwelling type
Smaller Apartments	37 – 59 sq. m	Studio and 1-2 bedroom flats
Small-medium dwellings	60-79 sq. m	2-3 bedroom apartments, Smaller 2-3 bedroom houses.
Medium size dwellings	80-108 sq. m	Large apartments, 3-4 houses.
Larger dwellings	109+ sq. m	4+ bedroom houses

- 3.41 There may be instances where the loss of housing is necessary for economic purposes, e.g. to support infrastructure improvements. Such instances are likely to be relatively rare, and the public interest economic or other benefits will be taken into account as part of the overall justification for the loss of dwelling.

Strategic Policy H7: Affordable Housing

Policy requirement

To ensure that residential development contributes to meeting identified affordable housing needs across Torbay by requiring a proportion of new housing to be delivered as affordable homes.

All major residential developments (meaning developments including mixed use developments that contain 10 or more dwellings irrespective of use class or where the site has a combined gross floorspace of more than 1,000 square metres or is located

in the National Landscape) will be required to contribute towards the provision of affordable housing as follows:

New dwellings (gross)	Proportion of affordable housing	Equal to no. of homes	On-site or offsite
0-9			Proscribed by paragraph 64 of the NPPF. If this changes, affordable housing will be sought in accordance with national policy.
10	3%	0.3	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
11	6%	0.66	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
12	9%	1.08	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
13	12%	1.56	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
14	15%	2.25	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
15	18%	2.7	Onsite unless offsite is agreed with the Head of Housing.

16	21%	3.36	Onsite unless offsite is agreed with the Head of Housing.	
17	24%	4.08	Onsite unless offsite is agreed with the Head of Housing.	
18	27%	4.86	Onsite unless offsite is agreed with the Head of Housing.	
19	30%	5.7	Onsite unless offsite is agreed with the Head of Housing.	
20+	30%	6 (+0.3 per dwelling thereafter)	Onsite	
All sites within the South Devon National Landscape (where not approved as rural exceptions sites)	At least 35%		Onsite unless agreed by the Head of Housing. Unallocated sites in the National Landscape are likely to only be acceptable as rural exceptions sites.	

1. The affordable housing must be provided on-site where indicated above. Off-site provision or commuted sums will only be considered in exceptional circumstances, at the discretion of the Local Planning Authority (LPA), and must be justified with a planning statement demonstrating that:

- i. there is a good planning reason why on-site provision is not viable or practical.**

- ii. **Contributions of land and/or money are made sufficient to achieve the same or greater number of affordable homes off-site.**
- 2. **Within the South Devon National Landscape, allocated sites (of whatever size) should provide at least 35% affordable housing.**
- 3. **Unallocated sites in the countryside area will be subject to policy H8 Affordable Housing Exceptions sites in the Countryside.**
- 4. **A site's overall capacity to accommodate dwellings will be taken into account when calculating the affordable housing requirement. Proposals that artificially sub-divide, or under-develop sites will be resisted.**

Tenure Mix

- 5. **The tenure of affordable housing should be agreed through the planning process. The council will seek:**
 - i. **70% Social Rent**
 - ii. **30% Intermediate housing (e.g. Shared Ownership, Discount Market Sale)**

Regard will be had to up-to-date local evidence of housing need

Design and Integration

- 6. **Affordable housing must be indistinguishable in appearance from market housing and fully integrated within the development.**
- 7. **Affordable units must meet the Nationally Described Space Standards and Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) unless otherwise agreed.**

Viability and Flexibility

- 8. **Where applicants seek to provide fewer than the required affordable units due to viability concerns, they must submit a Viability Assessment in accordance with the national Planning Practice Guidance and local validation requirements.**

All viability assessments must be:

- Submitted at the planning application stage;
 - Made publicly available;
 - Reviewed by an independent assessor appointed by the LPA, at the developer's cost.
9. Before reducing the quantity of affordable housing, other options such as changing the tenure mix or other funding sources must be investigated.

Delivery and Timing

10. Affordable housing shall be delivered in phases alongside market housing unless otherwise agreed through a planning condition or Section 106 agreement.
11. Developers will be required to:
- Enter into a Section 106 Agreement to secure affordable housing;
 - Provide details of the proposed Registered Provider or alternative delivery mechanism.
12. The early development of affordable housing on site will be encouraged
13. The provision of additional affordable housing on non-major sites, or in excess to the plan requirement will be supported in principle, subject to the creation of mixed and balanced communities.

[Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing](#)

Explanation

- 3.42 Torbay has a very pressing need for affordable housing. Around 8% of Torbay's housing stock is made up of affordable housing, compared to around 18% nationally.
- 3.43 Policy H7 ensures that all major residential developments make a meaningful contribution to the affordable housing supply, supporting the creation of mixed and balanced

communities. The policy provides flexibility where schemes are genuinely unviable but prioritises on-site provision in line with national policy and local housing needs.

- 3.44 This policy provides clarification that all major residential sites will be expected to provide 30% onsite Affordable Housing unless robustly justified with evidence.
- 3.45 The Policy also supports the delivery of affordable housing on non-major sites although it notes that outside of the national Landscape the nationally prescribed threshold of 10 dwellings (or 1,000 sq. m) applies. On that basis, non-major sites are likely to come forward through non-S106 routes, unless provided as local need rural exceptions sites (see policy xx below).
- 3.46 Early discussion with the council's Affordable Housing Manager should take place to agree location, tenure and timing of provision.
- 3.47 When negotiating affordable housing tenure, regard will be had to evidence of housing need, including the latest Housing and economic Needs Assessment (currently 2021), waiting list and affordability data.
- 3.48 The expectation is that affordable housing should be provided on-site for larger sites. However, the policy allows for the provision of land or financial contributions for provision elsewhere. This must be agreed by the council's Head of Housing (or equivalent post) and provide for at least an equivalent number and type of affordable homes that would have been provided on site and also take into account the additional costs of off-site provision such as site acquisition.
- 3.49 The council will take into account a site's capacity to provide affordable housing and resist attempts to under-develop sites or subdivide plots to minimise affordable housing liability. This also includes providing abnormally large dwellings or void areas in building layouts (unless justified by other constraints such as flood risk etc). It will be assumed as a starting point that sites are capable of providing 30 dwellings per hectare gross, although extenuating factors will be considered. Developments of apartments are likely to be capable of providing significantly higher levels than 30 dwellings per hectare.
- 3.50 When assessing whether land is an "incremental" site where affordable housing may be sought the council will consider matters such as whether land is in the same ownership, directly adjacent or connected and any levels differences between sites.
- 3.51 Torbay's main need is for rented affordable housing; however it notes that demand for intermediate affordable housing has increased substantially in recent years (e.g. as shown by the increase from 10% of need in the 2011 Housing market assessment to around 40% in the 2021 HENA). It is also important that affordable housing is provided as mixed and balanced communities and that concentrations of deprivation are avoided (see Policy xx). The provision of intermediate housing can assist with the creation of inclusive and mixed

communities and aid viability. The council's preferred means of delivering intermediate housing is through shared ownership products managed by registered providers and there is currently a high take up for these. The NPPF does acknowledge that other forms of intermediate housing, such as discount market sales housing do exist. Other forms of tenure should be agreed with the Affordable Housing Manager.

- 3.52 The NPPF (paragraph 65) and PPG requires councils to allow Vacant Building Credit to be granted to incentivise the reuse or redevelopment of vacant buildings. Eligibility for VBC will be determined by Torbay Council. Robust evidence will be required to support the an application for VBC. Buildings that have been abandoned or made vacant for the purpose of redevelopment will not be eligible. The council will have regard to the definition of vacant buildings in the CIL Regulations (2010 as amended) when considering VBC eligibility i.e. a vacant building has not been in lawful use for 6 months or longer in the last 3 years. However, has the PPG is clear, the council will have regard of the intention of national policy of incentivising brownfield development.
- 3.53 Where the provision of affordable housing is argued to render affordable housing unviable, it is important that early discussion takes place with the council's Affordable Housing Manager. An independent assessment of viability will be required, with the developer underwriting the cost of the viability assessment. A reduction in the level of affordable housing provision will only be agreed where:
- i) The provision of affordable housing is shown to make the development unviable.
 - ii) Other options to achieve policy compliant level of affordable housing have been explored. These include (but are not limited to) increasing the proportion of intermediate housing, or sale to an affordable housing provider.
 - iii) A recovery mechanism is provided that allows affordable housing to be provided should viability improve, based on a deferred calculation of development profitability.
Make more robustly pro-affordable housing – don't encourage viability challenges.
- 3.54 Affordable housing will be prioritised for local people though local lettings policy such a Devon Home Choice. Proposals that provide particular support to groups such as care experienced young people will be given particular support. This policy will be reviewed periodically to ensure continued alignment with national policy, housing needs, and viability evidence across Torbay.
- 3.56 More detailed advice on the implementation of this policy will be set out in a Planning Contributions and Affordable Housing Supplementary Planning Document or similar guidance.

Policy H8: Affordable housing exceptions sites in the countryside

In the countryside (as shown on the Policies map), the development of sites for affordable housing to meet the needs of local people will be permitted, as a rural exception, where:

- i. There is a proven need for affordable housing from households that have a strong local connection; and
- ii. The site adjoins a settlement and does not have a significantly adverse impact on environmental, landscape, or historic assets, individually or in combination with other developments; and
- iii. The scale of provision is limited to meeting the identified local need; and
- iv. Dwellings remain as affordable housing for local people in perpetuity

There is an expectation that homes permitted as rural exception housing should be 100% affordable housing.

Where market homes are proposed to support the overall viability of the site, they will need to be supported by a viability assessment indicating why they are necessary to deliver the development. Market homes should in any event be a small proportion of dwellings, up to 30% of homes on site.

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

- 3.57 Policy H8 sets out criteria for considering rural exceptions where this would achieve affordable housing to meet an identified local need. Since the application allows housing to be built in locations where housing would not usually be acceptable, it should be limited to providing affordable housing. To achieve this a s106 obligation will be sought to require the dwellings to be provided as affordable housing and retained as such in perpetuity. Occupation will be triaged to meet local needs with a cascade to town level and Torbay level if not achieved. This will be managed through a local lettings policy via Devon Home Choice or similar.
- 3.58 It will be assumed that dwellings will be 100% affordable, with an emphasis on social rent. Where it is argued that market housing is needed to achieve viability, robust evidence will

be required to demonstrate this, having regard to other available sources of funding including public subsidy. No more than half the homes may be provided as open market dwellings.

- 3.59 Policy H8 is expected to deal with relatively small sites of up to circa 20 dwellings, as a general rule of thumb. Because the dwellings would not normally be acceptable other than to meet affordable housing needs, it is considered appropriate that the normal “major” development threshold outside the national landscape is waived. If the “major development” principle is applied, this would mean that Policy H8 could only apply to National landscape which would be a perverse unintended consequence.
- 3.60 Proposals should not cause serious landscape or ecological harm and should be able to provide safe access.

Policy H9: Self-build housing in Future Growth Areas

To accommodate demand for self-build homes, the provision of at least 2% of dwellings within Future Growth Areas, or sites of over 100 dwellings, shall be provided as serviced plots for sale to self or custom home builders.

This will be controlled by the following means:

- 1. The provision of serviced plots in an agreed location will be set out through a s106 Planning Obligation.**
- 2. Where on site provision is not feasible, and off-site provision of serviced land with permission is not possible, the plots should be provided as affordable housing.**

Where plots have been made available and marketed appropriately for at least 3 months and have not sold, the plot(s) may either remain on the open market as self build for up to 12 months, or be offered to the council for affordable housing. Where no take up of self-build plots occurs within 12 months, it should be offered to the council for the provision of affordable housing.

- 3. Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.**
- 4. If provision is made off-site, alternative sites should be provided as serviced plots with planning permission.**

5. **Where the provision of serviced plots for self-build is not practical for site assembly, layout or other reasons, an additional 2% of homes should be provided as affordable housing.**

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 3.61 Policy H9 provides for a small proportion of large housing sites (of 100 or more dwellings or those within Future Growth Areas) to be provided as self-build plots. In the context of this policy, self-build also refers to custom build plots. These should be provided by the developer as serviced plots, and will be allocated from the Self Build Register with first preference to existing Torbay residents or those with a strong family connection.
- 3.62 Where the provision of serviced plots is not practical, for example due to site servicing or insurance reasons, the provision should be rolled into the provision of affordable housing (and additional to the affordable housing requirement). The assumption will be that such units will be offered for sale through a Registered Provider as shared ownership products through a local lettings policy. Similarly, where there is no take up of self-build plots, they should default to affordable housing.
- 3.63 Where units are provided as self or custom-built housing, whether on allocated sites or through windfalls, it is essential that CIL Self Build Exemption is applied for as an application validation measure, even if the development is zero rated for CIL.

Policy H10: Houses in Multiple Occupation (HMOs)

The conversion of HMOs to self-contained dwellings will be encouraged and supported.

Applications for new buildings or sub-division of existing buildings into non-self-contained residential accommodation (HMOs) will only be permitted where the following criteria are met:

1. **The property is located within easy reach of sustainable transport and community facilities.**
2. **An acceptable standard of residential accommodation can be provided.**

3. The scale and nature of the use would not harm neighbourhood amenity, for example by way of noise, general disturbance, litter, on-street parking, or impact on visual amenity.
4. To avoid an over-concentration of similar uses that could exacerbate deprivation, no more than 5% of the total dwelling stock within 100 metres of the application site should be HMOs; and the application does not sandwich a C3 dwelling between two HMO properties.
5. The building is not within an area of significant deprivation.
6. The proposal is not within or directly abutting a Core Tourism Investment Area, and would not otherwise adversely affect the character of holiday areas.
7. Adequate storage facilities are provided for cycles, waste, and recycling collection; and
8. There is supervision by a resident owner or manager, or an appropriate alternative level of supervision. Ongoing management will be secured through condition or s106 Planning Obligations where appropriate.
9. Where new dwellings (within Class C3) do not meet the above tests, the council will restrict the change of use to Class C4 Small Houses in Multiple Occupation.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 3.64** An HMO is a building or part of a building that is being occupied as a main residence by more than one household, i.e. unrelated people who do not live together as a family but share some facilities such as a bathroom or kitchen. HMOs with more than 6 occupants are 'sui generis' and require planning permission. Small HMOs of 4-6 people fall within Use Class C4. These require planning permission where permitted development rights to change use have been removed, for example through an Article 4 Direction.
- 3.65** Planning control of HMOs is separate from housing legislation. The Housing Act 2004 defines licensable HMOs as 5+ occupants living in more than 1 household in buildings of three stories or more.

- 3.66 HMOs form 2.3% of Torbay's housing stock compared to a national rate of 1.6%. A proliferation of houses in multiple occupation, particularly where badly managed can lead fuel the serious urban deprivation that besets many coastal towns and lead to significant social problems.
- 3.67 On this basis, 'sui generis' or Use Class C4 HMOs will be resisted where there are concentrations of deprivation or where a proliferation of such properties could be harmful to achieving mixed and balanced communities. As a guideline, where applications make up more than 5% of housing stock within a 100m radius, or where areas are within the 10% most deprived Lower Super Output Area in the most recently published Indices of Multiple Deprivation, they are likely to meet the tests of Policy HB9.
- 3.68 HMOs should contain adequate provision for waste and recycling, cycle storage and resident amenity space. HMOs should seek to provide an area of 30-35 square metres per single bedspace. A proportion of communal lounges and kitchens, for example, may be considered as contributing to this space. Where permission is granted for HMOs, the council will require the property to be appropriately managed, either through an on-site manager or other arrangement that provides for 24 hour emergency cover. This will be secured through planning condition or s106 Planning Obligations, and a monitoring obligation sought.
- 3.69 There will be an expectation that HMOs will not be approved in CTIAs and other key tourism locations where they would adversely affect the tourist economy, and unauthorised HMOs will be prioritised for enforcement action. Note that Policy **TO2** has been drafted to make it easier to convert former holiday accommodation into residential use other than in Core Tourism Investment areas. Such accommodation should be provided as self-contained dwellings.
- 3.70 Policy H4 will apply to all HMOs. The council will use these Policy criteria in considering whether to pursue enforcement action against existing unauthorised HMOs. The Policy aims to reduce the number of poor quality HMOs and to slow the growth in their number in the Bay, whilst acknowledging that well-run establishments can contribute to meeting a need for low-cost accommodation.
- 3.71 Note that Policy H10 does not apply to accommodation where significant care or ongoing support is provided by a charitable organisation. Such uses are dealt with in Policy H11 below.
- 3.72 The council will resist very large dwellings which are likely to be HMOs where they fail the tests of this policy. In areas within the top 20% most deprived LSOAs, the council will restrict permitted development rights to convert Class C3 dwellings to Class C4 HMOs.

Policy H11: Specialist housing for people in need of care or support

The council will support measures to help people live independently in their own homes and to live active lives within the community.

This will be achieved through the following measures:

1. All new dwellings should be capable of adaptation for disabled people, as far as is practical. All major developments should provide a minimum of 25% of all new homes to Building Regulations Approved Document Part M4(2) (accessible and adaptable dwellings) standard.
2. The provision of accommodation providing additional support and assistance to local care-experienced young people will be support unless other policies in the Local Plan provide a strong reason for refusal.
3. Adaptations to assist people living with disability will be supported unless they conflict significantly with other Local Plan Policies. Where accommodation is provided for annexes for relatives or other dependants, the council will require accommodation to revert back to being part of the main dwelling when no longer needed for annex purposes, unless the annexe is suitable for residential accommodation according to the policies and obligations set out in this plan (or subsequent development plan policy).
4. Specialist accommodation (irrespective of use class) should be primarily aimed at meeting the needs of local people, or those with a strong family connection. As a guideline, the occupation of specialist accommodation will be restricted to people living in Torbay for a minimum of five years or with a direct family member living in Torbay. Exceptions to this will be provided where one or more of the following apply:
 - i. Specialist accommodation such as specialist dementia care and facilities etc. with support of adult social care
 - ii. Affordable housing or institutions (including extra care managed by local lettings agreement)
 - iii. Where specialist accommodation is not restricted to occupation by people with a strong local connection, and (i)- (ii) above does not apply, the council will seek financial contributions via s106 Planning Obligations to meet likely local healthcare and social service costs generated by the development. This

should reflect the average additional cost to Torbay Adult Social Care and the NHS arising from inwards migration of people likely to require additional care and support over the lifetime of the development.

5. Specialist accommodation for older people or other people in need of care should be located within easy reach of community facilities, shops, and public transport. They should be located on relatively level sites where possible.
6. New care homes and other specialist accommodation, extensions to existing care homes and development of retirement villages will only be approved where:
 - i. evidence of need is provided.
 - ii. they will not harm the creation or retention of mixed and balanced communities.
 - iii. they will not add undue pressure on local healthcare or social services; and
 - iv. the accommodation leads to an improvement in the quality-of-care facilities provided especially the provision of specialist nursing or care facilities.

Where development, including residential development, places an additional need upon health services or facilities, the council will seek financial contributions towards the funding of those facilities.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 3.73 A key issue that Torbay faces is an ageing population. By 2032, 30% of Torbay's population is projected to be aged 65 or older, up from 26% in 2022. This can bring considerable social and economic benefits to an area. However, it also raises significant health and accommodation issues and costs. In addition, there is a wide range of people with additional needs who may require some form of assistance to live independently. On this basis it is very important that the provision of homes for older people assists with freeing up local housing stock for working age people and families.

- 3.74 The overarching aim of Policy H9 is to assist people to live good-quality of life in their own homes for as long as possible. There are a range of ways of achieving this, ranging from providing adaptations to specialist accommodation.
- 3.75 Torbay's need for specialist housing was assessed by a Housing LIN (Local Intelligence Network) assessment in 2019 and partially updated in the 2021 Housing and Economic Needs Assessment. It identified a likely unmet need for around 850 dwellings for older people and about 280 units of extra care housing. It identified a surplus of about 190 residential care beds but a need for 370 nursing care beds. The Housing LIN assessment is currently being updated, but is expected to continue the trend of identifying a need to provide older persons' dwellings, an oversupply of residential care beds but a need for additional specialist beds providing additional facilities.
- 3.76 Torbay Council's and the Torbay and South Devon Healthcare NHS Foundation Trust's policy is to help people to live in their own homes for as long as possible. Therefore the Local Plan supports measures that will help people live independently. Adapting homes to provide facilities such as wheel chair access will not usually require planning permission, however a sympathetic view will be taken of people's needs in instances where permission is required. The creation of annexes for dependent relatives will be supported subject to design and neighbour amenity matters. It will usually be necessary that annexes are subject to a planning condition requiring planning permission to be sought for them to be used as a separate dwelling.
- 3.77 Age-restricted dwellings offering no additional facilities (sometimes referred to as sheltered housing) is likely to fall within use class C3, but likely to be subject to different space, parking and open space standards to general needs housing. Extra-care and supported housing providing additional care and facilities may fall within Use Class C2 or C3 but is still "housing" and liable for affordable housing under Policy H6.
- 3.78 The council recognise that there is a need for housing offering additional support and assistance for young people, including care experienced young adults and people with additional needs. These should be run by a recognised body such as a Registered Provider as affordable housing and provide additional support such as links to local employers' training agreements. Such dwellings may fall within Use Class C3(b) or sui generis depending on the number of residents and whether or not care is provided. Policy H8 seeks to provide a supportive framework for such accommodation, subject to other Local Plan considerations, particularly management arrangement sand neighbour amenity.
- 3.79 Where an application is likely to lead to an increase in health and social care costs in the area, the council will seek s106 Planning Obligations to meet the additional cost to the area. This will not be sought where occupation is restricted to Torbay residents or people

with a strong family connection. This will generally be taken to mean 5-years' or more residency or a direct family connection. In the case of affordable housing, occupancy will be managed via local lettings agreement at the discretion of the Head of Housing.

Policy H12: Proposals involving the loss of care accommodation

Proposals involving the loss of existing care accommodation will be supported where the facilities are not needed, or it does not represent the most appropriate way of delivering care.

Proposals for change of use or redevelopment of care accommodation should achieve a good quality of residential accommodation.

Where such a change of use is agreed, the creation of family homes or employment space will be encouraged, and the council will seek the restoration of buildings by the removal of unsightly features or additions relating to their specialist use.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 3.80 As set out in Policy **H11** the majority of Torbay's housing need, including specialist accommodation should be met by people living in their own homes. Care and nursing homes should provide for facilities such as dementia care or specialist facilities.
- 3.81 Properties converted into care homes, for example from Victorian Villas often lack facilities such as level access or ensuite accessible wet rooms. Policy H12 recognises that some care homes should convert or be redeveloped for residential purposes. This will allow need to be met through more modern purpose-built facilities.
- 3.82 Regard should be had to the design policies in the Local Plan in relation to the sympathetic conversion of such buildings (existing care homes), particularly the removal or improvement of unsightly features and additions.

Policy H13: Sites for travellers

The Local Plan will provide for a temporary negotiated stopping places for Travellers within Future Growth Areas of Torquay Gateway and Collaton St Mary. Provision may be made offsite, subject to suitable alternative sites being provided by the developer. These should have regard to the criteria below.

Other applications for caravan sites for travelling people, including residential sites for settled occupation, transit sites and temporary stopping places, will be assessed against the following criteria:

- 1. Evidence of need for pitches for travellers or plot/yards for travelling showpeople.**
- 2. The availability and suitability of accommodation on existing mobile home sites with licences for permanent occupancy.**
- 3. Proposals should promote peaceful and integrated co-existence between the site and the local community. They should not be to the detriment of the amenities of adjoining areas in respect of noise and other disturbance arising from the movement of vehicles to and from the site,**
- 4. Sites should be provided with a satisfactory means of vehicular access, together with adequate provision for turning, parking and stationing of incidental business vehicles on the site, (which should be an ancillary use of the site)**
- 5. Sites should be provided with an appropriate level of essential services including access to drinking water, refuse collection and sewage disposal.**
- 6. Sites should be located within reasonable distance of local services and facilities (e.g. shops, schools, and hospitals).**
- 7. Pitches should not be located in areas at risk of flooding.**
- 8. Sites will be acceptable outside the built-up area only if they are well-screened and do not conflict with landscape, nature conservation, countryside, and agricultural protection Policies in the Local Plan.**
- 9. Proposals in in rural or semi-rural settings, should ensure that the scale of such sites does not dominate the nearest settled community.**

Explanation

- 3.83 The government's Planning Policy for Traveller Sites was updated in December 2024 as a sister document to the NPPF. Where there is an identified need, councils should maintain a 5 year supply of pitches. Pitches may include:
1. residential sites for settled occupation (with infrastructure including provision of sanitation and other services);
 2. transit sites (possibly with limited facilities); and
 3. temporary stopping places (with normally only basic facilities)
 4. Plots or yards, for travelling show people with facilities to allow over-wintering and storage of equipment.
- 3.84 Torbay does not have a history of settled traveller communities, or those with a heritage of travelling expressing a wish for pitches. Furthermore, there have been no planning applications for any type of sites in the unitary area.
- 3.85 The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) in Torbay was carried out in 2014. The study confirmed that no evidence existed that indicated a need for the council to make provision for permanent or transit site accommodation for travellers or travelling showpeople. However, there is a need to identify negotiated stopping sites.
- 3.86 However, the need for accommodation will be reviewed in conjunction with other housing needs. In the event that a need for a permanent site is identified, the first preference will be in the built-up area in proximity to schools and other services. Torbay does have a significant stock of mobile home accommodation on the West of Paignton that is likely to meet demand for settled accommodation. If a need for local-need affordable pitches in the rural area is identified, Policy H14 will be the starting point for determining proposals.

Chapter 4: Building a prosperous and inclusive Torbay - Unlocking opportunity for all

Introduction

- 4.1 The Local Plan seeks to make a step change in the economic performance of the Bay, building on the recent signs of recovery and turning the tide in Torbay to address issues caused by past decline. The National Planning Policy Framework (paragraphs 18-22) places great emphasis on securing economic growth. Plans and decisions should support growth and to plan proactively to meet development needs.
- 4.2 This chapter is divided into three sections:
- Part 1: Economy and Employment Land
 - Part 2: Tourism
 - Part 3: Safe and Welcoming Town Centres For All (Town Centre and Retail policies)

Part 1 - Economy, Tourism and Town Centres

Economy and Employment Land

- 4.3 The **Torbay Economic Growth Strategy** was adopted by Torbay Council in 2023. This identifies a need to increase Torbay's productivity by broadening the economic base and reducing reliance on the service sector. The Economic Growth Strategy sets out how the council working with its partners can improve economic conditions and help businesses to improve performance, create new opportunities for residents, tackle poverty and improve health outcomes. Critical to the Local Plan, is the need to support the hi-tech sector and knowledge-based economy. Torbay has specialisms in areas such as photonics, electronics, and medical technology. Many firms are reaching capacity and need grow-on space. There is a need to provide improved employment prospects and learning opportunities, and to provide better opportunities for younger people to stay in Torbay. This involves improving links with education providers such as South Devon College and providing improved prospects for local young people, especially those from care-experienced and other SEND backgrounds. More details of the Economic Growth Strategy

are available at: [Economic Growth Strategy - Torbay Council](#) and the Economy Topic Paper.

- 4.4 **Torbay's Community and Corporate Plan** prioritises inclusive economic growth, aiming to create opportunities for all residents. This section supports that ambition by focusing on job creation, skills development, and business resilience. The emphasis on high-tech industries and education partnerships reflects a commitment to long-term prosperity and social mobility. Investment in employment land and infrastructure is key to unlocking Torbay's potential and reducing deprivation.

Strategic Policy ES: Torbay employment and innovation strategy

The Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Growth Strategy. Proposals that create or improve employment or enable expansion or diversification will be supported subject to other policies in the Plan.

The Local Plan proposes the creation of at least 80,000 sq. m. of new industrial space within Use Class B2/B8/ E(g), equal to 20 to 28 hectares of employment land. Additional provision will be made for healthcare and education where the need arises.

Phased delivery of mixed-use development must include early provision of serviced employment space, unless there are compelling reasons to justify later delivery, and safeguards to provide compensation in the event of non-delivery. The provision of local training and employment schemes will be supported.

Where planning permission is granted for Class E(g) or B2/B8 space the council will use conditions or seek a s106 obligation to ensure that the space is retained for employment purposes.

[Link to the Community and Corporate Plan – Economic Growth](#)

Explanation

- 4.5 The Local Plan sets out a positive spatial framework to support the economic prosperity aspirations of the Community and Corporate Plan and Economic Growth Strategy. Central to increasing Torbay's productivity and employment prospects, the Local Plan seeks to create a land use framework to support the maintenance and expansion of hi-tech

industries identified in the vision in the Torbay Economic Growth Strategy, Community and Corporate Plan and The Torbay Story.

4.6 Whilst not an exclusive list, the Plan seeks to promote growth in sectors that are particularly important in Torbay, namely:

- Tourism, hotel and catering
- Manufacturing
- Professional services
- Financial services
- Advanced electronics and photonics / hi-tech
- Medical / Healthcare
- Education and training
- Business Process Outsourcing and
- Food production and processing.

4.7 Policies ES and E1 set targets for the provision of employment land in Torbay. It is informed by the Torbay Economic Development Needs Assessment (EDNA) (DLP 2024) [Economic Development Needs Assessment Summary - Torbay Council](#) as well as the Torbay Economic Growth Strategy (2023) and findings of the previous Employment Land Review (2013). Based on the 2024 EDNA, the Local Plan seeks to allocate 28ha of employment land that should achieve at least 80,000sq m of net additional employment floorspace within Class E(g) , B2 or B8. Policy E2 sets out site allocations. There is an emphasis on traditional former “Class B” jobs in these allocations due to the need to increase GVA and widen the areas industrial/high tech base. The allocation of 28ha will be kept under review in order to determine that it delivers at least 80,000 sq. m. class B2/E(g) space. Accordingly, an allowance has been made for other uses including Class B8, which is why leeway has been made to the standard 40% site coverage/4000 sq. m. floorspace per hectare formula.

4.8 The 80,000 sq. m. /28 ha. employment land allocation does not include provision for education or healthcare jobs. Provision should be made for growth within these sectors, particularly at Torbay Hospital, South Devon College and other institutions. Development in Future Growth Areas should make provision for education and healthcare facilities in line with Policies SCxx.

4.9 The Local Plan places a strong focus on town centre regeneration and revitalising traditional industries such as tourism and fishing, but new opportunities in growth sectors are also supported.

- 4.10 Home working has become increasingly important, both because of flexible working arrangements, improvements to ICT and AI. This usually takes place as ancillary to the domestic use of properties, and there has not been an upsurge in demand for live-work units. However, the Local Plan seeks to accommodate the rise in home working through policies supporting to the door fibre (Policy **IN2**) and provision for vans as part of residential layouts (See Policy **TA3**). Policy **DE5** on domestic extensions is also relevant. The above does not preclude the provision of work hubs or start up units are part of the Class E(g) employment space offer.

Strategic Policy E1: Strategic employment land allocation

In order to meet the needs of existing, growing and new businesses, sufficient high quality space will be provided to meet existing and arising requirements of employers.

The following sites are proposed for employment use within Class B2, or E(g).

Within these areas, a minimum of 50% (or 2000 sq. m. per hectare) will be provided as Class B2 or E(g) employment and up to 50% of other employment uses, subject to policies in this Plan. Early delivery of serviced units of Class E(g) or B2 space will be required. Where later delivery of B2 /E(g) units is proposed, a S106 phasing agreement will be required setting out safeguards including compensation for no-delivery of employment units.

	Site	Site Size	Notes	Status
	Torquay			
E1T. 1	Land at Orchard Way	1.5ha		
E1T. 2	Adj. Ridge Lane and Moles Lane, Edginswell	3ha	23T003- New allocation. Land to the West of the Ring Road.	Proposed new allocation
E1T. 3	Kingsland, Torquay	3.2ha	Allocated as part of SDT3 and shown on the Adopted Masterplan (2015) as employment. HELAA site 21T125.	Allocated in Local Plan 2012-30

			Application P/2019/0710 for 90 houses and offices refused/appeal dismissed.	
E1T.4	Land adj. Kingsland Torquay	1.2ha	HELAA site 21T004	New proposed allocation
E1T.5	Former Market Site, Stantor Barton	1.3ha	HELAA site 21T136 Promoted for housing in the HELAA).	New proposed allocation
E1T.6	Riviera Way adj Magistrate's Court	0.6ha	Has outline permission	
	Paignton			
E1P.1	Claylands Cross phase 2	2.4ha	Allocated site in Local Plan 2012-30 (SDP1/SDP3) Permissions P/2016/1115, P/2016/1123, P/2018/0700, P/2020/0187 2022/0027 Hybrid permission 11,188 sqm B2/B8 floorspace (10,788 sq m +400 sqm approved under P/2018/0700 in 2 units. Unit 1 built out (5,600sq m). Outline permission for phase 2. (Circa 5,600 sq. m).	Allocated and committed site. 5,574sq m built; outline permission for phase 2 (circa 5,035sq m).

E1P. 2	Land at Yalberton Road/Berry Acres	1.7ha	Berry Acres Development allocated for business use, rear of Yannons Farm. Part of a mixed use site approved as P/2014/0983. The housing is being built out P/2014/0983 and P/2018/0977, P/2019/0605, P/2019/0173. Circa 7,400sq. m of employment. S106 plan shows three fields at north of site for employment (0.68ha +0.98ha+ 0.431 ha). (Plus a separate plot at Wilkins Drive -see below). Part of the land used for SuDS and access. So likely to be middle portion of land circa 1ha that is deliverable.	Allocated site with outline permission. 1ha likely to be deliverable.
E1P. 3	Wilkins Drive, Yannons Farm	1.3	Standalone part of Berry Acres (Jackson Land). Ransomed access by local housebuilder being Site is being promoted for housing. Allocated site in Torbay Local Plan 2012-30 SDP3.4 If it comes forward as housing, there would need to be compensation for loss of employment land.	Allocated site in Torbay Local Plan 2012-30. Outline permission – but being promoted for housing
E1P. 4	Land north of Wilkins Drive PMU	1.5ha	21P034 in HELAA	New proposed allocation
E1P. 5	Land at Long Road/Lower Yalberton Farm Holiday Park .	4.7ha	21P012 (south of 21P067) - promoted to the HELAA as housing/mixed use development.	New Proposed allocation

E1P. 6	Land at Devonshire Park Long Road	(Circa 0.7ha)	Allocated/ part of outline P/2014/0947. 5,547 sq. m of Class B1/B8. Retail park built out (8,501sq m +139 sq. m of Class E). Housing and employment land not started.	Existing allocation with permission. Not being actively promote for employment.
E1P. 7	Land at White Rock (South of Woodview Road)	4.77ha	Units C (12,000 sq. ft), G (930 sq m. 10,000 sq. ft), F (1,120 sq. m/12,000 sq. ft) approved. Part of P/2011/0197 and subsequent RMs for 350 dwellings and 36,800 sq. m of employment floorspace plus 1652 sq. m retail and 392 sq. m A1/A3 units. Two sites to the south of approved units G and C. H 1400 sq. m./15,000 sq. ft. J 1,860 sq. m/ 20,000 sq. ft.	Part existing allocation with Permission / Part new proposed allocation
E1P. 8	Land North of Peters Copse, Long Road (West of Graphics Contol, Western Bowl).	1.7ha	Part of HELAA site 21P060. Being promoted for residential use.	New Proposed allocation
E1P. 9	Land South of Peters Copse, Long Road. (To the West of Graphic Controls).	2.5ha	Part of HELAA Site 21P060 Within White Rock Future Growth Area but not previously shown as development land. Three Units	New Proposed allocation

			K 2,440 sq m./ 26,250 sq. f. L 1,770 sq m / 19,000 sq. f. M 1,120 sq.m. 12,000 sq ft)	
	Brixham			
E1B.1	Oxen/Freshwater Cove	0.9ha	Allocated in BPNP and Local Plan 2,000 sq m (Policies J1 and J7) Total site is 1.8 but 0.9ha assumes retention of car park.	Existing allocation with no permission
E1B.2	Monksbridge (as part of a mixed use development)	0.25ha	Approx. 1000sq m of Class E(g) as part of mixed use development	New proposed allocation
E1B.3	Northern Arm Breakwater		Subject to Environmental Impact Assessment	Existing allocation rolled forward.
	Total (excluding committed)	33ha		

[Link to the Community and Corporate Plan – Economic Growth](#)

Explanation

4.11 Policy E1 proposes employment allocations. The main focus of these should be on providing employment space within the “industrial” use classes which are needed to support Torbay’s key employment sectors such as photonics and MedTech, as well as the Bay’s Marine economy. There is an emphasis on the following use classes to support these sectors:

- B2 General Industry

- E(g)(i) Office
 - E(g)(ii) research and development
 - E(g)(iii) any industrial process which can be carried out in a residential area.
 - Limited Class B8 Storage and distribution where necessary to support key industries or the wider economy.
- 4.12 The table above provides around 33 ha, but not all of the areas are likely to be suitable for employment development at 40% site coverage and some are subject to alternative proposals. Delivery of employment land will be kept under review to ensure that at least 80,000 sq. m. of B2/E(g) floorspace is delivered early in the Plan period.
- 4.13 Where proposals are part of wider mixed-use areas, such as Future Growth Areas, there should be a value-equalisation agreement over the site where practicable to assist with the delivery of employment areas. Development should be phased to ensure early delivery of employment areas.
- 4.14 Proposals for non-employment use of these allocations will be resisted, subject to the considerations in Policy E4 below. The council recognises that there is likely to be limited demand for new office space, and proposals should avoid this as an element of mixed-use developments, unless supported by clear evidence that it is deliverable.
- 4.15 Employment sites should be suitable for modern users and not unduly constrained by operational requirements. Care will need to be taken when locating employment next to residential development, and areas should be master planned to accommodate employment use. Advice on the needs for employment space, how it should be laid out etc. is available from the Economy Team.

Policy E2: Employment area renewal and modernisation

The refurbishment and improvement of the existing employment estates will be supported subject to other policies in this Plan. Development should not result in a net loss of Class B2/E(g) floorspace, unless the quality of employment space is significantly improved. A proactive approach will be taken to bringing underutilised space into productive use.

Other uses, including residential development will only be supported where it achieves an improvement in the provision of high quality employment space or substantial public benefits, and does not sterilise the area from employment or undermine existing industrial uses.

	Site	Notes
	Torquay	
	Edginswell Business Park (Torquay)	Partly built out
	Woodlands Trading Estate (Torquay)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
	Lymington Road/Teignmouth Corridor	
	Broomhill Way, Torquay	
	Paignton	
	Claylands Phase 1	
	Yalberton Industrial Estate (Paignton)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
	Brixham	
	New Road Trading Estate, Brixham	
	Northfields Trading Estate (Brixham)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 4.16 Policy E2 proposes the refurbishment and improvement of existing employment areas. The Local Plan recognises that there is scope to make better use of land in some of these locations, including the introduction of some other employment or residential uses. However, the policy seeks to improve the quality of employment space and achieve no net loss of Class E(g), B2 or B8 space, unless there is a clear improvement in the quality of space provided or other public benefit. Nor should new uses sterilise existing industrial uses.
- 4.17 Whilst the emphasis is on the retention of industrial and hi-tech uses, it is recognised that some uses such as “trade counters” and car showrooms already operate in these areas, and that other non-industrial (i.e. former Class B) uses may be appropriate in these areas, subject to Policies **TCxx** dealing with the town-centre first approach for retail and related town centre uses.
- 4.18 Further Masterplans will be brought forward to assist the regeneration of industrial land and identify opportunities for residential development. Where mixed use developments are approved, the delivery or enhancement of employment space will be required through phasing agreements and land equalisation measures.

Strategic Policy E3: Supporting a sustainable marine and coastal economy

The council will support investment in marine-related development where this produces economic, social or environmental benefits to the area. Proposals should be consistent with wider environmental, historic environment, landscape, seascape biodiversity, climate, amenity and coastal defence objectives. Sites of importance to marine-based activities will be protected for such use, subject to the other Policies in the Local Plan.

The following schemes are proposed:

- An extension to Torquay Harbour
- Improvements to Paignton Harbour
- Construction of Brixham Northern Arm Breakwater

Proposals will only be permitted where it can be demonstrated that there would be no adverse effect on the integrity of any European site through a Habitat Regulations Assessment (see also Policy NCS2). Environmental Impact Assessment will be

required for proposals which fall within the remit of the Regulations, as determined by a screening opinion.

Proposals should be consistent with South Marine Plan to ensure integrated marine and terrestrial planning is delivered for Torbay.

[Link to the Community and Corporate Plan – Economic Growth](#)

Explanation

- 4.19 The Local Plan places very great emphasis on achieving urban regeneration to support economic growth and provide housing opportunities. Policy E3 sets out a supportive framework for employment uses that require a maritime location, particularly those related to harbourside and waterfront improvements and the fishing, tourism and related marine industries.
- 4.20 Tor Bay is a beautiful natural harbour which provides a protected area of water for leisure, recreational, tourism and commercial use. The coastline and the harbours are a vitally important resource for the community and economy. Torquay, Paignton and Brixham each have working harbours, with Brixham Harbour being the largest fishing port in England and Wales, in terms of the value of catch landed there.
- 4.21 The Bay is part of the Lyme Bay and Tor Bay Special Area of Conservation (SAC). Tor Bay is also designated as a Marine Conservation Zone (MCZ) and contains several geological Sites of Special Scientific Interest (SSSIs). The coastline provides a flood defence for low lying coastal areas.
- 4.22 Torbay's unique coastal setting offers potential to support economic regeneration through investment in marine-related development. A number of such projects are identified in the Tor Bay Harbour Authority Port Masterplan Addendum (2019). Accordingly, sites that are of importance to the marine economy will be safeguarded for such use (see also Policy C2).
- 4.23 All marine-related development must avoid harm to marine biodiversity, geodiversity, human health and the wider environment.
- 4.24 Proposals must demonstrate that air quality, noise, vibration and water quality impacts have been taken into account and that any such impacts are minimised and mitigated sufficiently. This includes physical impacts such as, contamination and non-toxic changes (for example to salinity, turbulence nutrients and organic matter), as well as minimising the impacts on wildlife through piling, noise or other disturbance. Many marine species are

protected by wildlife legislation, and a licence may be required to carry out works affecting marine species or their habitats.

- 4.25 Marine related developments are likely to require an Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA) or screenings to be carried out at the application stage. Development that is likely to have a significant effect on the Lyme Bay and Torbay Marine SAC will not be permitted unless an Appropriate Assessment has ascertained that following mitigation, there is no adverse effect on the integrity of the site, taking a precautionary approach (see also Policies NCS1 and NCS2). Only as a last resort, in highly exceptional cases where there are no less harmful solutions, and the development is required for Imperative Reasons of Overriding Public Interest, will compensation for adverse impacts be permitted. Proposals likely to impact the protected features of the Torbay MCZ will require an MCZ assessment.
- 4.26 The council will work with the Marine Management Organisation when considering marine development, especially where developments may also require a Marine Licence.
- 4.27 Visual, cultural, historical and archaeological impacts should also be considered. Torbay has an important maritime history; all three harbours are recognised as designated heritage assets and form the focal point of their surrounding conservation areas. Policy HE1 is relevant when considering historic assets.
- 4.28 Marine activities and development should not prejudice the interest of defence and national security and the MoD should be consulted accordingly. Development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere.

Policy E4: Safeguarding strategic employment land (proposals involving the loss of employment land)

Proposals for the loss of existing or allocated employment space will be considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within a locality, and on the amenity of people in the area.

The loss of sites that provide employment of strategic importance to the Bay's key economic sectors will be resisted.

Within allocated sites in Policy ES and E1, Proposals that result in the net loss of employment space will be refused unless it is demonstrated that the proposal results in a significant public benefit that cannot be achieved elsewhere in Torbay, and that there would be no adverse effect on the retention of existing employers in the Bay.

Where it is demonstrated that there is no reasonable prospect of a site being used for other (Class B2, B8 or E(g)) employment purposes, or such a use would conflict with the Local Plan, alternative uses that provide wider sustainable local communities will be supported.

Where the proposed loss of employment space is agreed, the council will seek financial contributions to compensate for the loss of employment.

If planning permission is granted for E(g) space the council may restrict permitted development rights for change of use to residential, in order to protect key economic sectors.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 4.29 The Local Plan and Economic Growth Strategy do not seek to promote Torbay as a commuting or retirement resort. It is therefore important that opportunities for employment are protected, and sufficient land retained to meet the demand of existing and new companies.
- 4.30 Whilst the number of people in Torbay with jobs has increased since 2001, the number of Torbay based workplace jobs has remained relatively static, as shown set out in the Economy Topic Paper.
- 4.31 Torbay's high levels of deprivation stem primarily from low wages and poor employment prospects, rather than abnormally high property prices per se. The hi-tech elements of the local economy are seen in the Economic Growth Strategy as key to raising GVA. There is also a national dimension that such industries are important to the economic prosperity of the country especially in the face on uncertain global events.
- 4.32 Accordingly, Policy E4 seeks to retain employment space for employment purposes, subject to a "reasonable prospects" test. Applications for non-employment use should be supported by evidence that there is no reasonable prospect of employment use. This may include details of marketing including to the council, or seeking funding support for aspects of the application such as assisting with infrastructure provision. Where such support is provided through developer contributions from elsewhere, the council will seek a wider public benefit such as local training agreements.

- 4.33 Where loss of employment is deemed acceptable in principle, a S106 obligation will be sought to compensate for the loss of employment and will be used to support the delivery of jobs, infrastructure or local training facilities elsewhere in Torbay.
- 4.34 Note that Policy E4 relates to a net loss of jobs. It will not be applied where proposals are likely to modernise or make better use of employment space, and are thereby likely to improve employment opportunities, although the council is likely to still seek local skills and training agreements in line with Policy E5.
- 4.35 Policy E4 seeks to protect a stock of employment space broadly within the hi-tech and industrial uses. Proposals for the loss of employment within town centres, holiday accommodation or retail will be considered on the basis of policies in those sections of the Local Plan (add cross references). However, where a non B2/B8/E(g) building located within an industrial area/trading estate becomes available, the council will seek to retain/revert its use for industrial on the basis of the above policy tests.
- 4.36 The council recognise that employment land enjoys a range of permitted development rights and that some changes of use fall outside of planning control.

Policy E5: Education and Local Employment Partnerships

The council will support initiatives and development that improve skills and links between work and education, particularly through South Devon College and the Torbay and Southern Devon Health and Care Trust.

Applications for major development should be accompanied by an Employment and Skills Plan, proportionate to the scale of the development. The council will promote and encourage links to local education providers, apprenticeships and other measures to support people into work from the local area.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 4.37 Policy **E5** promotes local training arrangements, placements and apprenticeships, to maximise the benefits of development to the local economy. It is important that measures are put in place to support people in Torbay to learn and retain the skills needed by growing and new businesses.

- 4.38 The council recognise the role of key worker and self build housing to strengthening links between work and skills, and housing. Policy **H7** seeks a proportion of affordable housing to be provided on larger development sites.
- 4.39 The council is unable to require the use of local labour. However, it will encourage developers to employ local people where it is practical to do so. This is particularly the case in schemes where an element of 'exception' to planning policies is made in order to permit development. For example, developers will be encouraged to use employment and skills plans to better establish links between education and employment. Advice on the content and scope of Employment and Skills Plans is available from the Economy Team. Policy **CS3**

Part 2 - Tourism

Introduction

- 4.40 Torbay has a fantastic brand – the English Riviera – and is a world class tourism destination. In 2023, Tourism contributed over £431 million to Torbay’s economy. Tourism accounts for about 15% of all employment in Torbay: about 6,520 full time equivalent jobs directly and a further 2100 FTE jobs indirectly. There are some very positive signs of a changing tide for tourism. The need to modernise the tourism sector and “Turn the Tide” on the decline that has beset many coastal resorts has been part of planning policy for several years. The tourism economy has been hit hard by the early 2020s and cost of living challenges. Despite this, there have been several hotels opened in Torbay over the last decade, which is likely to have led to a small increase serviced bedspaces (i.e. hotels and guesthouses) from around 13,300 in 2012 to 14,300 in 2023 (South West research Company- see Economy Topic Paper).
- 4.41 *The Torbay Community and Corporate Plan* notes that Tourism is a vital part of Torbay’s identity and economy, and the Community and Corporate Plan recognises its role in creating inclusive opportunities. This section supports the Plan’s ambition to make Torbay a premier destination while ensuring that all residents benefit from its success. By focusing on modernisation and investment in Core Tourism Investment Areas, the Local Plan aims to deliver high-quality experiences and facilities. This approach also supports year-round economic activity and community wellbeing.
- 4.42 Tourist accommodation is key to the success of tourist resorts. The [English Riviera Destination Management Plan](#) updates this strategy for 2022-30 and is part of the wider Torbay Economic Growth strategy. The Management Plan indicates that there are 31,000 tourist bedspaces, of which 15,000 are in hotels (serviced accommodation), which represents an oversupply. It recommends a reduction of 2% by 2027. This is currently being refreshed. However the general approach of encouraging modern accommodation including hotels in prime locations, but allowing change of use of less well located or outdated accommodation to residential use is likely to continue.
- 4.43 All three towns contain important Waterfront and harbourside areas. Brixham and Torquay also contain marinas. These are within the Core Tourism Investment Area, and tourism, leisure maritime investment in these areas is supported. Brixham is a major fishing port and supporting the fishing industry is important to the Bay’s economy, and relevant to its seafood specialism. Tor Bay is environmentally very important, being designated as a Marine Special Area of Conservation and National Nature Reserve. Accordingly, the Local

Plan seeks to balance the internationally important environment with the area's economic needs.

- 4.44 The definition of “tourist” is not always straightforward. For the purpose of this chapter a tourist is defined as person or group visiting on a temporary basis and not staying in their sole place of abode. It can include domestic and international holiday makers, language students, business travellers and travelling workers (who have another homes). It does not include people who have no other home. Accommodation for such people is likely to fall into Class C2(if its purpose is to provide care), C3 dwelling house, C4 Small HMO, or Sui Generis (HMOs, hostels and other accommodation within its own class). Such uses are not tourist accommodation and would be considered by other policies in this Plan. (Pending judgement in relation to Epping Forest).

Strategic Policy TOS: Sustainable tourism and cultural investment strategy

Torbay's tourism offer will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination. Tourist facilities and accommodation will be improved and modernised, and new tourism facilities provided. Sustainable tourism will be actively encouraged.

The quality of accommodation will be improved with a wider range of new and refurbished facilities and services. This will be achieved through the following measures:

- 1. Supporting the improvement of existing and provision of new tourist accommodation, attractions and facilities, subject to other policies in this Plan. In particular proposals that make positive use of Torbay's marine environment, culture, heritage, biodiversity and Geopark will be encouraged.**
- 2. The retention, improvement and creation of new, high quality tourism and leisure attractions, facilities, and accommodation in sustainable, accessible locations with a particular focus on Waterfront areas and Core Tourism Investment Areas (CTIAs), as the main areas for investment in tourism:**
 - i. Babbacombe Downs**
 - ii. Torquay Harbourside, waterfront and Belgrave Road, Torquay**
 - iii. Seafront, harbourside and Green Coastal Park, Paignton**
 - iv. Goodrington, Paignton**

v. **Harbourside and waterfront, Brixham**

3. **Allowing poorly located and outmoded accommodation located outside of CTIAs to revert to decent self-contained dwellings, subject to the holiday character of the area and range of accommodation offered not being undermined; and there being tangible regeneration and improvement to the fabric of the built environment and character of the area.**
4. **Resisting the provision of small apartments, hostels houses in multiple occupation (HMOs) or other incompatible uses in tourism areas; and focussing interdepartmental enforcement action on problem uses, such as some HMOs, in tourism areas (see also Policy H4).**

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 4.45 **Policy TOS** provides a spatial context for the tourist economy. The Policy seeks to maintain and enhance the most important tourism areas as Core Tourism Investment Areas (CTIAs), as defined in the Policies Map..
- 4.46 Policy TOS provides a supportive framework to tourism in general, particular within the designated Core Tourism Investment Areas. Tourism and leisure investment will be given substantial weight in CTIAs. Torbay's marinas are also included within the CTIAs. The Policy also recognises the need to focus on modernising the key areas, and the role that more marginal areas can play in providing a source of brownfield housing.
- 4.47 Torbay's tourism strategy is closely aligned with the Community and Corporate Plan's vision for a vibrant, inclusive and sustainable economy. By focusing investment in key waterfront and cultural areas, the Plan aims to enhance the visitor experience and support local businesses. It also recognises the importance of protecting the character of tourism areas while enabling regeneration. This balanced approach ensures long-term benefits for residents and visitors alike.
- 4.48 Not all areas within CTIAs are suitable or proposed for development. For example, they contain areas of significant natural or historic environment importance. This will need to be taken into account when considering proposals, particularly where they affect the Marine or South Hams Special Area of Conservation.

Policy TO1: Supporting tourism and leisure infrastructure (Proposals for new and safeguarding of existing tourism and leisure facilities).

Improvement of existing and the development of new tourist/leisure facilities and attractions, particularly all-weather facilities, will be supported subject to other local plan considerations.

Tourism and leisure facilities will be protected for tourism purposes, proportionate to their economic, social and cultural value to their tourism economy. Where an element of non-tourism or leisure development is allowed, it should contribute significantly to the viability of the area or regeneration of the resort.

The provision of enhanced tourism and recreation facilities at Broadsands are proposed, respecting the important environmental assets of the area, to serve as a suitable alternative natural greenspace to relieve recreational pressure on Berry Head.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.49 Supporting existing facilities such as theatres, music venues, attractions etc, and promoting high quality all year round new facilities is vital to ensure a successful tourist economy. **Policy TO1** provides an overarching policy to protect tourism and leisure facilities. Many tourism and leisure uses, including eating and drinking are “main town centre uses”. Policy TO1 encourages the improvement and provision of such facilities in CTIAs. When considering proposals for such facilities, their value for the tourist economy will be an important material consideration.
- 4.50 However, policy TO2 recognises that some important leisure facilities are located outside of CTIAs and town centres, and sets a framework to protect them proportionate to their economic, environmental and cultural value. Areas such as Cockington, Ocombe and Berry Head Country Parks are not designated as CTIAs, but have significant value for tourism because of their focus for rural crafts and green infrastructure. Policy **SS9** deals with policy in Country Parks. Significant attractions such as Kents Cavern and Babbacombe Model Village fall outside the boundaries of CTIAs.
- 4.51 Whilst the list is not exhaustive, the following attractions are considered to be of significant importance to Torbay’s tourism offer:
- All of Torbay’s beaches and waterfronts.

- Babbacombe Model Village
- Babbacombe Cliff Railway
- Bygones, Babbacombe
- Cockington Manor, Crafts Centre and Country Park.
- Kents Cavern, Torquay
- Torre Abbey
- Torquay Museum
- Hollywood Bowl
- Music venues in the harbourside and waterfront area (including but not limited to The Arena and The Foundry).
- Beacon Cove (former Living Coasts).
- Paignton Zoo
- Occombe Farm and valley
- Splashdown, Quaywest.
- Babbacombe, Princes, Little Palace Theatres.
- UNESCO Geopark
- Dartmouth Steam Railway
- Golden Hinde replica, Brixham
- Battery Gardens and WW2 coastal defences.
- Berry Head.

4.52 It is noted that many of these attractions are also covered by other designations, in particular Kents Cavern, Torre Abbey, Battery Gardens and Berry Head fortifications are Scheduled Monuments. Berry Head is also particularly environmentally important as a Special Area of Conservation designated for its Greater Horseshoe Bat colony and calcareous grassland. The Local Plan proposes several Suitable Alternative Natural Greenspace to reduce recreational pressure on Berry Head. It is noted that Torbay's waters have important environmental constraints including the Marine SAC and important seagrass beds. Proposal must enhance and improve protection and interpretation of these assets. Where development in Torbay is likely to generate recreation pressure on Berry Head, developer contributions will be sought to provide mitigation, including to help fund SANG proposals.

Strategic Policy TO2: Core Tourism Investment Areas (as shown on the Policies Map):

There is a presumption that the tourism role of Core Tourism Investment Areas (CTIAs) will be retained and enhanced. The development of tourism accommodation and facilities in CTIAs will be supported, subject to other local Plan considerations.

The change of use of accommodation or facilities to non holiday uses within CTIAs will only be permitted where:

1. The holiday character of the area and range of facilities and accommodation offered in the CTIA are not undermined; and
2. It lacks an appropriate range of facilities and scope for improvement to meet modern standards; and
3. It is demonstrated that there is no reasonable prospect of the site being used or redeveloped for tourism or tourism related purposes, taking into account historic and built environment, amenity and other material considerations.

Non-tourism development or uses will only be permitted in CTIAs where they are compatible with the tourism character of the area and will not introduce incompatible uses or accommodation that would detract from the holiday character or place pressure on nearby holiday business to curtail their operation.

Where a change of use away from tourism is permitted, there will be a requirement to restore or enhance buildings or land by the removal of unsightly features, signage, clutter and extensions relating to the holiday accommodation use. Where appropriate there will be a requirement to reinstate amenity space, and permeable surfaces, lost through over development as a holiday use. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 4.53 Policy TO2 deals with proposals affecting Core Tourism Investment Areas. It reinforces the intention of Policy TO1 to retain CTIAs as the heart of Torbay's tourism offer. CTIAs were reviewed as part of the current Local Plan Update, but only small adjustments were identified as being required, following the drastic reduction in area from the Principal

Holiday Accommodation Areas in the Torbay Local Plan 1995-2011 to the much more focussed CTIAs in the Torbay Local Plan 2012-30. CTIAs account for less than 20% of Torbay's serviced accommodation, but do contain most of the key hotels.

- 4.54 It is noted that some parts of the CTIAs are in need of investment and regeneration. However, CTIAs are focussed upon Waterfront and key tourism locations whose success is critical to Torbay's tourism economy. Neglect or underinvestment will not be treated as a reason for granting permission for non-tourism uses. The prevailing use in these areas should be for tourism or leisure. Change of use or redevelopment for non-tourism purposes is likely to significantly and demonstrably conflict with the Local Plan unless it achieves substantial regeneration or other benefits. The council will support regeneration and tourism promotion in CTIAs. It will also target enforcement at unauthorised uses and development which detract from the character of these areas.

Strategic Policy TO3: Redevelopment and reuse of holiday accommodation outside Core Tourism Investment Areas and Tourism Regeneration Areas (as shown on the Policies Map)

The change of use or redevelopment of holiday accommodation or facilities outside Core Tourism Investment Areas will be supported where:

- 1. The holiday character of the area and range of facilities and accommodation offered in Torbay are not significantly undermined, and**
- 2. The redevelopment or change of use achieves regeneration, improvement to the built environment, and the provision of self-contained and housing that meets space standards set out in Policy DE3**

Proposals for small apartments, hostels, and houses in multiple occupation (HMOs) or other incompatible uses will not be permitted where they would conflict with the tourism character and offer of the Bay or increase concentrations of deprivation or other incompatible uses (see also Policies H4 and SS11).

Where a change of use away from tourism is permitted, there will be a requirement to restore or enhance buildings or land by the removal of unsightly features, signage, clutter and poor quality extensions relating to the holiday accommodation use. Where appropriate there will be a requirement to reinstate amenity space and sustainable drainage features. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

Explanation

- 4.55 The English Riviera Destination Management Plan recognises a continued need to reduce and modernise the stock of holiday accommodation, whilst retaining good quality accommodation and protecting the area's status as a premier resort. Whilst there remains a demand for a broad range of accommodation, evidence of occupancy suggests that there is scope to reduce the number of traditional guest house and small hotel type accommodation.
- 4.56 Policy TO3 deals with proposals outside designated CTIAs. It sets a much more relaxed approach to allowing change of use or redevelopment of holiday accommodation outside of designated CTIAs. However, where holiday accommodation offers a range of facilities not available elsewhere in the area, or is within a key tourist setting, Policy TO3 seeks to retain the holiday use. Instances where this is the case are likely to be relatively rare, but are likely to include the Former Palace Hotel, Babbacombe, where redevelopment of the Victorian Bishop's Palace and enabling residential development has been approved specifically to support retained tourism use.
- 4.57 Policy TO3 does not require proposals to show that they are not viable for tourism use (unlike in CTIAs, where a "reasonable prospects test remains in place). However, neglect or underinvestment will not on their own be sufficient reasons to grant planning permission away from tourism use. Conversely, outside of CTIAs, the council will consider the intrinsic merits of the property and location and will not penalise past investment in otherwise unexceptional accommodation.
- 4.58 Residential use of holiday apartments must provide an acceptable standard of accommodation, having regard to Policy SS11 and DE3, and not introduce discordant uses into areas that retain a holiday function. The council's starting assumption is that residential uses and holiday uses can coexist, but Torbay's key industry is tourism and the introduction of residential uses into tourism areas should not place undue pressure on remaining tourism facing businesses to curtail their use.
- 4.59 Where a change of use results in the loss of employment, the council will seek s106 Planning Contributions to mitigate this impact, as set out in Policy TO9. This will be focussed on improving the tourism economy, and the character and appearance of the area.
- 4.60 Some hotels and guesthouses have accrued unsightly clutter, signage or extensions that would not be currently permitted. The removal of such features will be sought as a condition of granting planning permission for a change of use. This will be particularly relevant for proposals affecting conservation areas and listed buildings. Proposals for

redevelopment will be considered on the basis of Policy **SS10** 'Conservation and the Historic Environment', and **HE1** 'Listed buildings' if they are listed.

- 4.61 As a minimum, in all areas, cosmetic features such as signage and awnings should be removed when conversion to residential use takes place. Many hotels/holiday flats comprise Victorian buildings with large C20th extensions which were permitted because of their contribution to tourism rather than their design. Where feasible the council will seek to remove unsightly features such as flat roof extensions, box dormers etc, particularly in conservation areas. In many cases their replacement by more in-keeping buildings will be appropriate. However, it cannot be assumed that like-for-like replacement will be acceptable if the site has been over developed when judged against modern standards. If the removal of unsightly features is considered to undermine the viability of development, an independent assessment of viability may be sought. The council will seek to negotiate an acceptable design solution that improves the visual appearance of the building, and may agree to relax other s106 Planning Obligations to assist viability.

Policy TO4: Flexible use of holiday apartments and accommodation (excluding holiday parks)

Within Core Tourism Investment Areas, self-contained holiday accommodation will be restricted to tourism use. Change to non-tourism occupancy will not be supported unless such a change achieves significant regeneration, built environment or tourism improvements.

Outside Core Tourism Investment Areas, the council will not seek to restrict the use of accommodation to tourism use, unless there are strong tourism related reasons for doing so. Where holiday occupancy conditions are removed, the council will seek development contributions to address the net additional impact arising from residential use.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 4.62 Some of Torbay's holiday accommodation is self-contained holiday apartments. **Policy TO5** deals with these. South West Research Company figures suggest around 1130 units of self-catering accommodation, although this does not include Airbnb, second homes

and other temporary use of residential accommodation for holiday use. The main approach of Policy TO4 is to allow greater flexibility of use outside CTIAs to use holiday apartments and accommodation either for residential or holiday use. Within CTIAs their holiday use will be regulated more closely.

- 4.63** Planning law on the status of holiday apartments is not entirely clear, and depends on a range of factors such as the range of facilities offered, degree of holiday use etc. Suites of rooms and even self-contained flatlets within hotels – often called “Apart hotels”- will fall within Class C1. However, holiday flats and dwellings used for holiday purposes typically fall within Use Class C3 “Dwellinghouses” in England. The government is proposing to introduce a new use class C5 for short term lets that are not used as a sole or main home. There are proposed Permitted Development Rights for use of a dwelling (class C3) for limited short-term occupation. However, these changes have not (at September 2025) come into force.
- 4.64** **Policy TO4** sets out criteria relating to proposals for holiday apartments, or for the removal of occupancy conditions/ change of use to allow holiday apartments to be used for full time occupancy.
- 4.65** Within Core Tourism Investment Areas, the starting point is that holiday accommodation should be conditioned for holiday occupancy (tourism) usually through planning condition or by making it clear that accommodation falls within Use Class C1 (and not C3 or sui-generis). Unfettered occupancy within CTIAs will only be allowed where the relaxation would facilitate significant regeneration or other public benefits and unlock investment into the area. In such instances, regard will be had to possible “agent of change” issues and full residential use will not be approved where there this is likely to sterilise tourism use e.g. through noise complaints or objections to the operation of nearby tourism attractions or facilities. The council will not pursue action that would undermine the reasonable tourism operations of tourism within CTIAs.
- 4.66** Outside of CTIAs, the council will not usually imposed holiday occupancy restrictions on holiday apartments, other than in special circumstances: for example, where residential accommodation would not be otherwise approved. Such accommodation is likely to be liable for affordable housing and other residential S106 requirements and these will only be relaxed where a S106 is entered into undertaking to provide them in the event that holiday use ceases.
- 4.67** Where occupancy is restricted to tourism use, the council will require a monitoring contribution to ensure its occupation for tourism purposes.

Policy TO5: New holiday parks and extensions to existing facilities

Proposals for new holiday parks, including chalet, caravan and camping sites, or schemes for the extension, refurbishment and upgrading of existing facilities will be supported, provided that the following criteria are met:-

1. The modernisation and improvement to the tourist economy will be treated as a positive benefit in favour of proposals.
2. The development does not have an adverse impact on the landscape conservation, nature conservation and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land; and
3. The development is acceptable in terms of transport, access and safety considerations; and
4. The proposal does not adversely affect the amenities of any adjoining residential areas.
5. The use will be restricted to holiday use and a monitoring contribution sought to monitor the ongoing tourism operation, to prevent residential occupancy.
6. Where other uses would not be appropriate, a site restoration condition or obligation will be applied requiring the site to revert to be restored to its original condition should tourism use cease.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.68 Holiday Parks and Centres form another element of Torbay's tourist accommodation offer. South West Tourism Company data indicates that in 2023 there were about 1740 static caravans or chalets in holiday parks, and 1290 touring pitches in Torbay. The facilities provided by holiday centres and parks offer an important source of holiday accommodation, particularly in Paignton and Brixham. As with serviced accommodation, there has been a general move to provide more modern facilities and accommodation in

holiday parks. Holiday Parks fall outside of CTIA designations but are still important to the tourism industry. Policies TO5 and T06 set out considerations for proposals affecting holiday parks. It seeks to support investment in existing parks, subject to landscape, ecological and other considerations.

- 4.69 Holiday parks tend to be located in countryside areas and other environmentally sensitive locations. The Local Plan recognises the need to modernise and upgrade facilities so that holiday parks continue to meet modern requirements. Accordingly, it seeks to support the investment in holiday parks subject to other environmental considerations. Brixham remains a popular destination for holiday parks. However, development in this area is already close to the boundary of the South Hams Special Area of Conservation and within the South Devon National Landscape. Accordingly, new uses or buildings will only be permitted where proposals have demonstrated that they would have no likely significant impact, alone or in combination on the South Hams SAC. This will also require mitigations of additional recreational pressure.

Policy TO6: Change of use or redevelopment of existing holiday parks to non-tourism uses

Unless proposed for alternative development in the Local Plan or other development plan document, the change of use or redevelopment of existing holiday centres, chalets, caravans and camping sites to non-tourism uses only be supported where;

- i. the site is not in a prime location for holiday use (i.e. coastal, rural or close to major tourist attractions);**
- ii. the proposals would not result in the loss of a site which offers a good range of facilities and makes a significant contribution to the stock of holiday accommodation in the resort;**
- iii. the proposal does not conflict with countryside, landscape, coastal management, or ecology policies set out in the Local Plan.**
- iv. The new use, including residential accommodation, would be accessible by including active travel and public transport.**

Where holiday parks and chalets are located within the South Devon National Landscape or its setting, or within 0.5KM of the South Hams SAC, there is an expectation that they will revert to nature if tourism use ceases.

Explanation

- 4.70 It is noted that there has already been a significant fall in holiday park bedspaces over the last two decades, particularly in Brixham. It is anticipated that improvements in the quality and modernisation of chalets will result in the bulk of any further reduction in bedspaces, whilst improving the range of facilities offered. Policy TO6 deals with proposals to change the use, or redevelop, holiday parks to non-tourism uses. Policy H1, Policy TO2 and the landscape and environmental policies in the Local Plan are also relevant.
- 4.71 Holiday parks have often been allowed in coastal and National Landscape (AONB) locations particularly because they cater to the tourism economy. They have also evolved over many years and their original planning status may be unclear. Accordingly, where development away from tourism is considered, the starting point should be that all, or the major part of the site should revert back to open countryside or provide other landscape or ecological benefits.
- 4.72 The Local Plan also seeks to retain holiday parks in prime tourism locations or where the loss of facilities or tourism location would be harmful to Torbay's tourism offer.
- 4.73 This policy does not seek to resist the redevelopment of holiday parks that are allocated for residential use in the development plan (i.e. Kingskerswell Road, Torquay, TNPH1, TNPH2).

Policy TO7: Tourism investment and monitoring contributions

Where change of use or redevelopment of tourism and leisure facilities or accommodation is approved, the council will seek contributions to mitigate the impact of loss of tourism facilities and employment, proportionate to the scale and nature of the proposal.

Where development generates a monitoring cost to ensure compliance with tourism occupancy or other requirements, the council will seek a contribution towards monitoring.

Where change of use or redevelopment away from tourism is considered acceptable subject to mitigation of the economic impact of the loss of tourism use, the council will seek planning contributions proportionate to the proposal's net impact.

Explanation

- 4.74 Policy TO7 recognises that tourism development can impact upon the need for infrastructure or create a monitoring need. Policy TO7 identified that S106 contributions will be sought to address this, where necessary to make development acceptable in planning terms. Particular regard needs to be given to mitigating the recreational impact on the South Hams Special Area of Conservation (Policy xx) and the effect of marine tourist development on the Marine SAC.
- 4.75 Proposals involving the loss of tourism may result in a negative economic impact. In such instances a contribution may be sought to mitigate the loss of employment. This will be based on the net impact of proposals, and other public benefits such as improvements to the built or natural environment, or the creation of affordable housing will be taken into account in calculating the net impact of a proposal.

Part 3 - Economy, Tourism and Retail

Safe and Welcoming Town Centres for All (Town Centres and Retail Policies)

Introduction

- 4.76 The role of retailing and the town centres is rapidly changing, although the changes hitting town centres have been clear for some time. The rise of the internet has profoundly affected every aspect of town centres. Linked to this the rise in home working and parcel collection has increased the demand for neighbourhood centres. There is a need for town centres to adapt and diversify towards providing a range of commercial services and good quality accommodation.
- 4.77 In the context of the Local Plan and the Town Centre Regeneration Visions, there is a policy shift of moving the Primary Shopping Areas closer to the Harbourside and Waterfront areas. There is a need to make town centres places where people want to live, and providing a high-quality built environment, realising the potential of heritage assets, and reducing crime and the fear of crime are a key part of this strategy.
- 4.78 Many of these trends were apparent when the former Torbay Local Plan 2012-30 was being prepared, and therefore the Policies set out in this chapter represent an evolution in the previous plan's approach. A significant change is the council's transformational regeneration vision and programme, as well as the ambitious accommodation repurposing proposals. These provide a better chance of significant changes in the town centres being achieved in the Plan period.

The NPPF, Class E and Permitted Development Rights

- 4.79 Chapter 7 (paragraphs 90-95) of the NPPF (2024) reflects the changing role of town centres and promotes a much more flexible approach overall. However, planning policies should still support the role of town centres and take a positive approach to their growth, management and adaptation. Plans should identify a hierarchy of town centres and promote their long-term viability, including allowing them to grow and diversify.
- 4.80 The NPPF defines town centres to mean city and town centres, district and local centres but excludes small parages of shops of purely neighbourhood significance. The NPPF defines **Main Town Centre Uses** as: *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs,*

nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Some (but not all of these are in Class E- see below).

- 4.81 Planning for town centres (and employment land) has undergone a major change through the introduction of a wide-ranging commercial Use Class E August 2021. Class E covers a range of former “Class A” retail uses, as well as other leisure and entertainment uses. The government has also extended permitted development rights to convert commercial property into residential use, subject to a slimmed down “prior approval” mechanism. These changes reflect the changing nature of town centres away from being limited to retail shops, towards needing to embrace a much wider range of uses. It heralds a less restrictive approach to town centre planning through the removal of many former traditional planning controls.
- 4.82 The NPPF requires Local Plans to designate “primary shopping areas” where a range of main town centre uses are supported. However, the concept of “primary shopping frontages” which should be reserved for retail shops along is no longer required by the NPPF.

The Community and Corporate Plan and Town Centre Regeneration Visions

- 4.83 The Torbay Community and Corporate Plan recognises that town centres are at the heart of Torbay’s communities, and their regeneration is a key priority in the Community and Corporate Plan. This section outlines how the Local Plan supports safe, welcoming and economically vibrant centres through investment, diversification and improved public spaces. It reflects a shift towards mixed-use neighbourhoods and a more compact retail core. These changes aim to make town centres places where people want to live, work and visit.
- 4.84 The Community and Corporate Plan 2023-43 has several priorities relevant to town centre regeneration and relevant to retail policy:
- Ensuring our town centres are safe and welcoming for all
 - Drawing investment into our town centres, partnering with the private sector to deliver major projects
 - Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors
 - Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay
 - Develop a year-round economy

- Focus on inclusive growth, with opportunities which benefit everyone

- 4.85 The regeneration visions for Torquay, Paignton and Brixham are central to delivering the Community and Corporate Plan's goals for inclusive growth and community wellbeing. These visions focus on improving housing, reducing deprivation, and enhancing the built environment. By drawing investment and creating safer, more attractive spaces, the Local Plan supports long-term transformation. It also promotes heritage, culture and public realm improvements as drivers of economic and social renewal.
- 4.86 The regeneration and improvement of town centres is central to the Local Plan. More details are available at: [Growth and Regeneration - Torbay Council . Town Centre Place Visions](#) are being prepared to assess the strengths and weaknesses of the three towns and to recommend indicative regeneration. At the time of writing (September 2025) the Torquay Regeneration Vision (by Millican and Leonard Design) is the most advanced. It identifies the need to reduce the size of the retail core and strengthen the retail offer south of the GPO Roundabout (i.e. Strand and Fleet Street). Improvements to the public realm, reducing and anti-social behaviour around Castle Circus and changing the perception of the town away from a "Seaside Destination" towards being a vibrant coastal Town".
- 4.87 Key to the current Town Centres Chapter of the Local Plan is the consolidation to the retail core of the town towards the harbour area, and introducing more mixed-use neighbourhoods elsewhere in the town centre, with a substantial uptick in good quality housing. The need to reduce crime and the fear of crime in this town centre will be an important element of making the town centre a place where people choose to live.
- 4.88 The Local Plan is supported by a detailed Retail Study carried out by Avison Young (2022). This replaces the former Study carried out in 2013. This contains a detailed assessment of Torbay's town centres, retail trends and policy implications. It made detailed recommendations for each of the three town centres, and the district and Local Centres. Its summary findings are set out in the Economy Topic Paper and at **xxxx**.

Structure of this Chapter

- 4.89 Policy TCS sets out a town centres and regeneration strategy, which seeks to support the regeneration and renewal of town centres and to focus retail and commercial activity closer to harbourside and waterfront areas.
- 4.90 Policy TC1 sets a retail hierarchy. Torquay is proposed to remain the principal town centre and largest retail, and leisure centre in the Bay, as well as being a sub-regional retail and leisure destination. Paignton's role will support its key tourism role, Brixham will primarily support local needs as well as the town's food and leisure specialisms. The Plan also

identifies District Centres at Preston, St Marychurch, The Willows and a new District Centre at Devonshire Park. It is recognised that The Willows and Devonshire park have characteristics of an out of town retail parks and should accordingly be regulated. Nevertheless, they serve a retail role for areas of significant housing. Policy TC1 also sets out a network of local centres with more limited range of facilities than town and district centres. Some of Torbay's former Local Centres are of only neighbourhood significance and have therefore been reclassified as Neighbourhood Centres.

- 4.91 Policies TC2-TC7 deal with proposals for main town centre uses.
- 4.92 Policy TC8 deals with S106 contributions to support town centre regeneration. These will be sought to mitigate the impacts of development that have an impact upon the three main town centres, and are similar to loss of employment contributions.
- 4.93 Policy TC9 deals with crime and anti-social behaviour issues, especially relating to the evening and night-time economy.

Strategic Policy TCS: Town centre renewal and retail strategy

The primary locations for retail and other main town centre uses in Torbay will be the town centres of Torquay, Paignton and Brixham, as defined in the Policies Map. The vitality and viability of these town centres will be enhanced through the regeneration of key sites.

Future growth in main town centre uses should follow a town centre first approach, resisting out of town and out of centre main town centre uses that would harm the vitality and viability of town centres.

The Local Plan supports the following:

- 1. Working with the private sector to draw in investment in town centres and support the delivery of major projects**
- 2. The delivery of regeneration visions for Torquay, Paignton and Brixham town centres;**
- 3. Mixed use regeneration of key sites in town centres as identified in the relevant place policies (refs) and regeneration visions, including the provision of major residential, retail, leisure, cultural, healthcare, recreational and event space, and the comprehensive redevelopment of parts of the town centres;**

4. **Significant increase in the number of dwellings in the three town centres, particularly within peripheral parts of the designated town centre and on upper floors.**
5. **Maintaining and enhancing a reduced and more focussed Primary Shopping Area where active ground floor retail, leisure or commercial frontages will be maintained. The Primary Shopping Area is noted on the Policies Map.**
6. **Allocating a medium sized food store (1500sq m-2000 sq m) within a town centre or edge of Town centre site in Torquay and Paignton town Centres.**
7. **In all three towns, shifting the retail core towards the Harbourside and Waterfront areas.**
8. **Greater flexibility for a range of commercial, and particularly residential schemes outside the primary shopping area, to achieve more balanced communities by delivering a mix of housing, employment, tourism, leisure, retail, family, healthcare, education and other commercial facilities.**
9. **The use of heritage assets, public art and public space, events, exhibitions and festivals to provide a more enjoyable, creative environment in town centres;**
10. **Maintaining a network of district and local centres to provide a range of goods and services that meet the day to day needs of local communities, including the provision of healthcare facilities, skills training, employment and local food outlets.**
11. **The retention of neighbourhood centres and small “corner shops” which serve a more localised function such as providing access to fresh food and top-up items.**
12. **Investment in CCTV and policing to ensure that town centres are safe and welcoming for all.**

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.94 This Plan promotes a range of town centre redevelopments to provide new retail, leisure, residential and cultural facilities as part of mixed-use developments. There is an urgent need to regenerate the town centre and make them attractive living and commercial environments. Masterplans and Regeneration Visions commissioned by the council, or Design Codes will have a key role in ‘place shaping’ within each of the three town centres.
- 4.95 As noted, the introduction of Class E and residential permitted development rights have the government has significantly changed planning for town centres. The Local Plan is not couched in terms of a particular use class, but many main town-centre uses are within Class E “commercial business and service” and some other main town centre uses may be in Class F1 Learning and non-residential institutions or F2 “Local Community Uses”
- 4.96 The town centres, harbourside and waterfront areas are likely to be suitable for a range of commercial uses within Class E to support a prosperous Torbay. Regard will need to be had to “agent of change issues” and the avoidance of incompatible developments that could undermine existing uses.
- 4.97 The Local Plan proposes a significant uptick in town centre housing, and the Retail Study indicates a shortfall in large town centre foodstores. There is a need to improve convenience provision, especially fresh food, in all three town centres. This is especially the case for Torquay, where convenience floorspace is only 9.6% of town centre floorspace compared to the national average of 19% (see above). In Paignton convenience retail is 13% of town centre floorspace compared to a national average of 19%. In Brixham the convenience provision of about 16% is only slightly below the national average. It is anticipated that convenience floor stores of around the following trading floorspace should be provided in the town centres as part of regeneration schemes, or on edge of centre locations. Where on edge of centre locations there will be a requirement for active travel and public transport links to the Primary Shopping Area.
- 4.98 Accordingly, the Local Plan allocates sites for in-town convenience stores in the three towns. The need and size for these will be kept under review as part of the town centre regeneration visions.
- 4.99 It is recognised that each of the three town centres is currently geographically spread out and there are opportunities to reduce their extent in order to focus town centre activities into a more compact and vibrant heart. In light of the need for town centres to take on a wider role, the “primary retail areas” have been reduced in size and shifted closer to the Waterfront and Harbourside areas. A partial exception to this is Union Street Torquay (up to Market Street) where there is a concentration of larger retail units.

- 4.100 The NPPF simplifies the number of town centre designations by removing the requirement to designate primary and secondary frontages. Based on the Retail Study, the Local Plan has retained the previous town centre boundaries, but amended “primary shopping areas” to reflect the areas of town centres that should be the focus of retail and commercial activity.
- 4.101 All town centres contain historic elements, and regard needs to be had to conservation or enhancement of heritage assets and achieving a high-quality living environment.
- 4.102 Torbay Community and Corporate Plan – This strategy directly supports the Community and Corporate Plan’s ambition to revitalise town centres and promote inclusive economic growth. By consolidating retail areas and encouraging mixed-use development, the Plan aims to create vibrant, resilient communities. Investment in public realm, housing and cultural assets will help make town centres more attractive and accessible. The strategy also supports safer environments and better access to essential services.

Policy TC1: Town centre hierarchy

Retail, leisure and other main town centre use development will be supported within the following centres where it is appropriate to the role, function and scale of those centres, having regard to the shopping hierarchy below. Major developments will be sited in town centres, with smaller developments in district centres, then local centres in sequential order and in relation to local needs and function.

The following Centres (and associated primary shopping areas for the three main Town Centres) are defined in accordance with the town centre hierarchy specified below and are shown on the Policies Map:

Shopping centre hierarchy	Torquay area	Paignton area	Brixham area
1. Town Centres	1. Torquay	2. Paignton	3. Brixham
2. District Centres	1. The Willows; 2. St Marychurch	3. Preston 4. Devonshire Park & White Rock	
3. Local Centres	1. Hele Road, Hele; 2. Kerswell Gardens	4. Winner Street (removed from Town Centre)	

	3. Plainmoor;	5. Great Parks 6. Yannons & Yalberton (Sainsburys and Aldi (subject to improved walking and cycling links))	
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[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 4.103 The Torbay Retail Study (2022) contains a detailed health assessment of Torbay's town centres. Uses within all Torbay's centres are monitored annually.
- 4.104 Town centres are the most significant centres within the retail hierarchy in Torbay with large trade catchment areas. They will remain the focus for retail, commercial and other typical town centre-related activities. Torquay is the key town centre in terms of size and range of facilities, levels of investment etc. Paignton and Brixham are of a smaller scale and trading influence. A significant focus of the plan is to regenerate the town centres and increase the amount of high quality residential accommodation within them. The Local Plan seeks to locate major proposals for main town centre uses in the Town Centres where possible.
- 4.105 District centres offer a good range of retail facilities and related services but to a more localised catchment area. Whilst Preston and St Marychurch are traditional district centres, with significant numbers of local traders; the Willows serves the car-borne shopper carrying out weekly or less frequent shopping visits.
- 4.106 A fresh review of Torbay's existing local centres has been undertaken in the light of updated guidance in the NPPF that "small parades of shops of purely neighbourhood significance" are unlikely to constitute "town centres". Accordingly, the number of local centres has been reduced and the number designated as neighbourhood centres increased. Local Centres are the smallest designated centre (referred to as a "town centre" in the NPPF) with a position in the retail hierarchy. As a general rule, stores of no more than about 1600 sq m (net) floor area are likely to be the maximum that is appropriate to a local centres.
- 4.107 Neighbourhood Centres are the most localised designation, and contain shops and other facilities of purely neighbourhood significance. They serve an important role in providing access to neighbourhood services and top-up items. They are outside of the retail

hierarchy for major retail or other main town centre uses. As a general rule, proposals of more than 280 sq m (net) will be treated as being of more than local significance.

Development of New Retail and other Main Town Centre Uses

Policy TC2: Development in Town Centres

A new food store (convenience retail) should be provided in Torquay and Paignton Town Centres as an element of regeneration proposals.

New retail and other main town centre use development within Torquay, Paignton and Brixham Town Centres will be supported where they:

- 1. Are of a scale appropriate to the nature and size of the Centre and complement its role and character; and**
- 2. Sustain the shopping, leisure, tourism and commercial role of the Centre and contributes to improving its vitality and viability;**
- 3. Protect or enhance cultural or tourism appeal;**
- 4. Enhance the overall attractiveness of the Centre for its users through environmental improvements, better pedestrian permeability, improvements to vehicular access and parking arrangements, and other town centre management measures;**
- 5. Retain active ground floor frontages such as shopfronts within Primary Shopping Areas.**
- 6. Contribute to reducing crime and the fear of crime.**

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.108 Policy TC 2 supports the roles of the three town centres as key parts of Torbay's town centre hierarchy. Torquay will remain the main town centre and heart of the English Riviera. Paignton's role as the leading family tourism destination, and Brixham's specialist

role as food and maritime port will be supported and enhanced. Town Centre Regeneration Visions will be key to bringing

4.109 The Local Plan identifies a need to improve foodstore provision in town centres. The following guidelines will apply to the location of convenience stores:

- Torquay 1500-2,000 sq. m (Lymington Road, former New Look or Fleet Walk).
- Paignton 1200-1,600sq. m (Victoria Centre)
- Brixham 1,100-1500 sq. m (Middle Street or Monksbridge if suitable town centre mitigation is provided).

Policy TC3: District Centres

The following District Centres are shown on the Policies Map:

- **St Marychurch, Torquay (existing)**
- **Preston, Paignton (existing)**
- **The Willows, Torquay (existing)**
- **Devonshire Park and White Rock, Paignton (Proposed redesignation of existing out-of-centre and local centre)**

1. St Marychurch and Preston District Centres:

New retail and other main town centre uses within St Marychurch and Preston District Centres will be supported where:

- a. It is of a scale appropriate to the nature and size of the Centre and complement its role and character; and**
- b. It provides for and sustains a range of services and facilities which contribute to the long-term vitality and viability of the Centre and the ability of people to meet their needs locally.**

2. The Willows and Long Road/Devonshire Park:

Proposals for new retail and other main town centre uses within the Willows District Centre or Devonshire Park will be supported where all of the following criteria are met:

- a. Major development will only be permitted where it cannot reasonably be located within the three main Town Centres; and
- b. Proposal over 500 sq m should demonstrate that there is no significantly adverse impact on town centre investment or vitality and viability
- c. Development is of a scale appropriate to the nature and size of the Centre and complement its role and character; and
- d. It provides for and sustains a range of services and facilities which contribute to the long term vitality and viability of the Centre and the ability of people to meet their needs.
- e. Development supports measures to improve accessibility by walking, cycling and public transport.
- f. Where adverse impact on the Town Centres are identified but assessed to be less than significantly adverse, these should be mitigated or compensated in accordance with Policy **TC9**

Link to the Community and Corporate Plan – Community and Place

Explanation

- 4.110 District Centres are of town significance and intended to provide a range of retail and service facilities able to meet most needs. St Marychurch District Centre has a strong tourism and heritage role, being located close to several tourist facilities. Preston District Centre is located in an area where there is scope to densify the built-up area and contains several brownfield regeneration sites (See Policy **SDPxx**). It will be important to maintain retail and other facilities serving those communities.
- 4.111 Both the Willows and the proposed new District Centre at Devonshire Park have characteristics of out-of-town retail parks. The Willows at Scotts Bridge Barton (and nearby out of centre retail stores) was developed in the early 1990s as part of the urban extension which is now Scotts Bridge/Barton. The centre (and nearby out of centre stores) serves a sub-regional role and has a significant trade draw from the town centre and offer a wider range of goods than sold in the town centre. It is proposed to make the recently developed (twenty-teens) Devonshire Park a District Centre. Although there is an element of reactive planning, the location serves an area of significant recent residential expansion

and planned future growth. It has good links with South Devon College and other employment.

- 4.112 Accordingly, Policy TC3B recognises the potential impact that major development in these centres could have on the town centres and other District Centres, and therefore seeks to regulate growth in these areas to minimise adverse impacts. The threshold for determining a “significantly adverse” impact on town centres requires a planning judgement. In assessing this, the identified retail capacity (see above), trade draw from the town centre, and qualitative factors which as the range of facilities available in the town centres will be considered.
- 4.113 It is recognised that the Internet is now also affecting out of town centre retail. As Class E uses the stores could become a range of other class E uses. However, this is likely to require planning permission due to conditions imposed on permitted use and nature of goods sold at The Willows and Devonshire Park.

Policy TC4: Supporting Local Centres

Development of new retail and other main Town Centre uses within Local Centres will be supported where:

- 1. It is of a scale appropriate to the nature and size of the Centre and complement its local role and character. There is a general expectation that major development should be located in the Town or District Centres in preference to local centres; and**
- 2. It provides for and sustains a range of services and facilities which contribute to the long-term role of the centre in assisting people to meet their needs locally.**
- 3. Unless allocated in a development plan, proposals for more than 500sq m of Main Town Centre use floorspace should be supported by a sequential and impact test to demonstrate their impact on Town and District Centres.**
- 4. Development is designed to be easily accessible by active travel or public transport.**

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.114 Local centres are the lowest tier of the retail hierarchy and the smallest centres that the NPPF refers to as “Town Centres”. They are primarily intended to help serve day-to-day needs. As such the size of stores appropriate to these centres is likely to be limited. New major development (i.e. with a floorspace of 1,000 sq m or more) is likely to be more appropriately located in Town or District Centres.
- 4.115 Nationally the increase in home-working and “click and collect” locations has helped maintain the purpose of smaller centres and it is proposed to maintain Local Centres. However, more substantial growth should be directed to higher order centres where possible.
- 4.116 On that basis, and as advised by the Torbay retail study, proposals of more than 500 sq m of new Main Town Centre use floorspace should be supported by a sequential and impact test, to demonstrate that they would not have a significant adverse effect on town centre investment or vitality and viability.
- 4.117 The NPPF excludes parades of shops of only neighbourhood significance from being Local Centres and treats them as “out of centre” locations (see Policy TC5 below). Torbay contains a network of smaller retail areas of purely local significance. As part of the Local Plan update, several of these smaller centres have been redesignated as Neighbourhood Centres or standalone “corner shops” to accurately represent their status and role in the retail hierarchy.

Policy TC5: Managing retail outside designated centres

Proposals for retail and main town centre uses of more than 280 sq m outside of town, district or local centres must meet the following criteria:

- 1. No other town centre site, edge-of- town centre, district or local centre site is suitable or available (or expected to be available within a reasonable period)**
- 2. Proposals should not cause significant adverse impacts either individually or cumulatively on the vitality and viability of existing and planned town, district, local or neighbourhood centres in the catchment area of the proposal. Proposals for main town centre uses over 500 sq m gross must provide a retail impact assessment; and**
- 3. Should not adversely impact on proposed regeneration schemes in the three Town Centres. Where an impact on town centres is identified which can be**

satisfactorily mitigated, proposals should provide financial or other contributions to offset harmful impacts on designated Centres.

4. Development would improve the spatial distribution of accessible facilities throughout the Bay and help to achieve greater social inclusion.

5. Be easily accessible to active travel and public transport.

Proposals for tourism and leisure developments within Core Tourism Investment Areas will be supported subject to other policies in this Plan and will not be required to demonstrate a sequential or impacts test. In such cases it may be necessary to restrict uses to those appropriate to the tourism setting of the area.

Neighbourhood Centres are designated below;

4. Neighbourhood Centres (not part of the retail hierarchy)	1. Maidencombe Cross (proposed) 2. Moor Lane, Watcombe; 3. Fore Street, Barton; 4. Upton Road, Upton; 5. Sherwell Valley Road, Chelston; 6. Ellacombe; 7. Roundhill Road, Livermead; Former Local Centres redesignated as neighbourhood centres 8. Cadewell Lane, Shiphay; 9. Babbacombe; 10. Old Mill Road, Chelston; 11. Walnut Road, Chelston; 12. Lucius Street; 13. Belgrave Road; 14. Higher Union Street, Torre	18. Preston Down Road;; 19. Collaton St Mary (proposed) Former Local Centres redesignated as neighbourhood centres 20. Marldon Road; 21. Foxhole 22. Cherrybrook Square; 23. Churston Broadway; 24. Three Beaches, Goodrington;	25. Pillar Avenue; 26. Summercourt Way
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	15. Wellswood		
	16. Lisburne Square, Torwood;		
	17. Barton Hill Road, Barton;		

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.118 Policy TC5 deals with proposals for retail and other main town centre uses outside of designated Town Centre, District Centre or Local Centres. (Collectively called town centres by the NPPF). Policy TC5 applies a sequential and impacts test in accordance with Paragraphs 91-95 of the Framework, and the Planning Practice Guidance (currently 2b-09-20190722 to 2b-018-20190722).
- 4.119 There are some local specific circumstances that justify a local bespoke policy. Firstly, the Retail Study identifies the town centres as being vulnerable to relatively modest out of town centre proposals, and therefore recommends a threshold of 500 sq. m. (rather than the NPPF default figure of 2,500 sq. m).
- 4.120 The NPPF indicated that “references to town centres or centres apply to city, town , district and local centres but excludes small parages of shops or purely neighbourhood significance. Torbay’s centres have been reviewed, and those of “purely neighbourhood significance” have been redesignated as Neighbourhood Centres. These do not have a role in the retail hierarchy in relation to the sequential preference for main town centre uses. However, they still serve a localised role in meeting day to day needs, and policy TC5 seeks to support development that will help them meet that need (insofar as the matter falls within planning control).
- 4.121 As a major tourism resort some “Main Town Centre Uses” such as food and drink, hotels, cultural facilities etc.) will often be appropriate within Core Tourism Investment Areas but outside main town centres. In such instances proposals will not be required to demonstrate a sequential or impact test. Other policies in the Plan, such as TO1 remain relevant. It may be necessary to restrict use to a range of uses appropriate to CTIA locations rather than the full gamut of Class E uses.

Policy TC6: Supporting access to local retail and services

The introduction of new corner shops, village shops or shops and facilities serving isolated communities will be supported in principle, where such provision enhances the sustainability of new or existing communities, and are of an appropriate scale to cater for local needs. Out of centre retail shop premises should be no more than 280 sq m.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

4.122 Policy TC6 provides support for small out of centre shops. Where more than 1km from other shops these fall within Use Class F2 where their premises is less than 280 sq. m. Note that the amendments to the Town and Country Planning Use Classes Order (1987) that were introduced in 2020 and 2021 limit the size of store by “premises” and not trading floor area. The council will take this to mean the gross external area (also called “gross retail floorspace) which is the total built floor area occupied by a retailer or retailers, and excludes open display, storage or sales areas).

Proposals involving the loss of retail or main town centre uses.

Policy TC7: Change of use away from main town centre uses in Town, District or Local Centres

Proposals for changes of use or redevelopment from retail or other main Town Centre use in Town, District, Local Centres will be supported where all of the following apply:

1. The vitality, viability or character of the Centre as a whole is not undermined, and the Centre retains sufficient main town centre uses to maintain its role and function;
2. A viable concentration of commercial uses and frontages is retained.
3. Proposals are appropriate to the scale and nature of the Centre and will not introduce conflicts that will undermine the continued operation of other businesses in the centre.

Within Town Centre primary shopping areas, as defined in the Policies Map, proposals should retain active shop frontages and main Town Centre uses at ground floor level.

Outside of the primary shopping area, the council will seek to maintain active frontages where their loss would lead to a fragmentation of the overall commercial character or coherence of the centre.

Residential use will be supported in principle on upper floors of the primary shopping area. Residential use will only be supported on ground floors outside of primary shopping areas, where this does not lead to fragmentation of the centre, for example by creating inactive frontages.

Proposals for residential use in the town centres should have regard to existing and proposed nearby commercial uses and the likely impact of them on the amenity of residents.

Where commercial buildings are converted to residential use, there will be a requirement to restore building to their original historic form by the removal of unsightly features such as build outs and signage. Where historic shopfronts need to be retained, they should be incorporated into the design of dwellings.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.123 Policy TC7 seeks to retain ground floor commercial uses in town district and local centres. The policy does not restrict residential or other uses on upper floors, subject to amenity considerations. The policy must operate within the scope of permitted development rights, but as a general rule, active commercial frontages should be maintained in town centre areas.
- 4.124 As noted, the introduction of Use Class E, changed to permitted development rights, amendments to national planning policy, and changing shopping patterns remove the traditional role of retail policies to keep town centre as the preserve of Class A1 retail uses. Nevertheless, town centres and particularly the primary shopping areas should remain and be enhanced as the focus of retail, leisure, commercial and cultural activity. This will also assist in their regeneration as vibrant places where people want to live. Policy TC7 seeks to provide a flexible framework that supports the retention of a range of retail and main town centre uses in the town centres, whilst also encouraging increased residential use.

- 4.125 Policy TC7 incorporates an “agent of change” principle that new development should take into account nearby existing uses, and not lead to a sterilisation of longstanding existing uses. This is particularly important in Harbourfront and other areas where the night-time economy operates (see also paragraph 200 of the (2024) NPPF. Residential development should comply with other Policies in the Plan, particularly design and housing policies. Ground floor residential uses should not create 'dead frontages' in the street scene and are therefore more likely to be appropriate in the peripheral areas of town centres.
- 4.126 It is important that district, local centres retain a mix of uses that provide a useful service to local communities.

Policy TC8: Change of use away from main town centre uses outside Town, District or Local Centres

Outside the designated Town, District or Local Centres, proposals for change of use of shops and other main Town Centre uses will be permitted where this would not result in the significant loss of facilities serving the day-to-day needs of local communities.

The council will seek to retain a small convenience store and other facilities serving a local area in neighbourhood centres or isolated shops unless one of the following applies:

- i. There is an alternative shop or comparable facility within 400m of the shop; or**
- ii. It can be demonstrated that there is no realistic prospect of the building operating for retail or main Town Centre use**

Where commercial buildings are converted to residential use, there will be a requirement to restore building to their original historic form by the removal of unsightly features such as build outs and signage. Where historic shopfronts need to be retained, they should be incorporated into the design of dwellings.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 4.127 **Policy TC8** seeks to retain local-food stores and other facilities such as hair salons, pubs and cafes in neighbourhood and out of centre locations. However, it is recognised that

these can also provide new homes. The Local Plan seeks to allow change of use or redevelopment of such areas, so long as alternative provision is available within moderate walking distance (400 m). It seeks to resist changes of use that would leave neighbourhood isolated or dependent upon car travel to meet “top up” needs. Policy TC8 does not refer to the Use Classes Order, but greatest attention will be given to protecting small shops selling essential items, particularly food (whether within Class E or Class F(2)).

Policy TC9: Town Centre Regeneration Contributions (New Policy)

Where proposals have an adverse impact on the vitality or viability of town centres which is assessed to be less than significantly adverse, or where other material considerations indicate that permission should be granted; a contribution will be sought to mitigate that impact through supporting town centre regeneration projects.

[Link to the Community and Corporate Plan – Economic Growth](#)

Explanation

- 4.128 The NPPF indicates that proposals that have a “significant adverse” impact on town centre investment, vitality and viability, choice and trade, should be refused. There is no hard and fast rule about the scale of trade-draw (i.e. the amount of retail spend diverted away from a centre by a new proposal) should be considered as “significant adverse” but the council considers that impacts of more than around 4% cannot be considered insignificant.
- 4.129 However, there will be instances where the Local Planning Authority is minded to approved proposals that have an impact on town centres: either because they consider the scale or nature of impact to be less than significantly adverse, or because of other material considerations. This could include matters such the improvement of residential amenity, reduction on deprivation or the provision of affordable housing.
- 4.130 In such instances, the council will seek planning contributions (under S106 or any replacement regime) to mitigate the impact. The starting point for assessing these will be the scale of impact measured over five years. This will be used to support the Town Centre Vision or other regeneration proposals.

Policy TC10: Safe and welcoming town centres for all

The Local Plan will support measures to make town centres, harbourside and waterfront safe and welcoming for all. In principle, development that helps create a vibrant, diverse daytime, evening and nighttime economy or would contribute positively to environmental improvements, lighting and safety measures within the town centres, seafront and harbour areas of the Bay will be approved.

Development proposals will be resisted where:

1. Proposals likely to attract crime and anti-social behaviour will be resisted unless it is demonstrated that they can be sufficiently controlled.
2. Whilst there is an expectation that food and drink uses are a suitable use in Harbourside and waterfront Areas, the cumulative impact of licensed premises, and those providing late night entertainment and services will be resisted where this would create serious amenity, or crime or fear of crime issues.
3. It would adversely impact on amenity or cause disturbance to nearby and neighbouring uses (including residential properties).

Uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make appropriate contributions towards the costs of monitoring, maintenance or policing arising from the development.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 4.131 The evening and nighttime offer in Torbay is currently focused on the harbour areas of Torquay and Brixham and the waterfront of Paignton and is overall more focused toward the nighttime economy. There is a need to diversify the offer in these areas to create a more balanced range of facilities with a more family friendly appeal. There is also a need for the town centres to diversify their current day time offer, and to extend their times of patronage, creating a more vibrant environment, with a wider range of uses, including cultural and family based activities.
- 4.132 It is intended that future developments will create town centre, waterfront and harbour areas that can be accessed by all groups in the day and night without fear of intimidation or conflict.
- 4.133 While there are opportunities and benefits to expand the evening and nighttime economies, there are also associated problems with certain existing characteristics of the

night-time economy particularly regarding alcohol-related crime and disorder, and noise nuisance from customers. Perceived risks may discourage other groups such as older people and families from entering these areas at night.

- 4.134 The Local Plan seeks to expand the number of homes in town centres, particularly in mixed use residential neighbourhoods. While town centre residents must accept, and may well welcome, the noise and bustle of town centre living, their residential amenity must be respected, particularly very late at night. This sector needs careful management. The award of the “Purple Flag” for the effective management of the nighttime economy is a significant accolade. This requires ongoing management to ensure it is retained, for example to keep public toilets open and clean, clear up litter, provide policing and pastoral support. Where planning applications come forward which could put demands on these matters they will be required to make appropriate contributions towards CCTV, town centre monitoring and policing, and partake in strategies and initiatives to mitigate the cumulative impact of venues.
- 4.135 Torquay and Paigton Town Centres in particular contain concentrations of deprivation, which is in part driven by a concentration poor quality accommodation in the area. Improved safe and regulated accommodation is needed for homeless people on Factory Row, and some of the accommodation close to the town centre. The renovation of buildings and improved streetscape will be supported to concerns about the Castle Circus area of Torquay, and urban renewal and community capacity building projects such as Make Melville Marvellous will be supported.

Chapter 5: Thriving communities - Wellbeing, safety and belonging

Policy SCS: Sustainable and inclusive communities strategy

Development will be assessed against its contribution to improving the sustainability of existing and new communities within the Bay, and especially the way in which it closes the gap between the most and least disadvantaged neighbourhoods in Torbay.

Development must help to create cohesive communities within a high quality built and natural environment where people want to live and work.

Proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay, and particularly within deprived areas, will be supported in principle.

Development proposals will be assessed according to whether they achieve the following criteria, insofar as they are relevant and proportionate to the development:

1. Meet the needs of and enhance the quality of life of residents;
2. Help to close the gap between the most and least disadvantaged people and neighbourhoods in Torbay;
3. Help to develop a sense of place and local identity;
4. Promote social inclusion, and seek to eliminate exclusion based on access to housing, health, education, recreation or other facilities;
5. Help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict;
6. Support local food production and consumption;
7. Create a well-connected, accessible and safe community;
8. Contribute to the success of the local labour market by improving provision of and/or access to jobs and widening the pool of available labour;
9. Protect and enhance the local natural and built environment, including where appropriate through planning contributions;

10. **Deliver development of an improved type, scale, quality, mix and density in relation to its location;**
11. **Contribute towards any additional educational or training needs including the promotion and negotiation of local labour training arrangements, placements and apprenticeship schemes, and by promoting the provision of local employment space, in order to tackle worklessness;**
12. **Enable people to have access to local services to meet their day-to-day needs including open spaces, community halls (or rooms), play areas, leisure and recreation facilities and allotments;**
13. **The maintenance and improvement of strategic health services in Torbay commensurate with the population size and age structure, with a key focus on Torbay Hospital.**
14. **Contribute to health services, policing and other social infrastructure where development would exacerbate shortfalls in provision; and**
15. **Provide a good standard of residential accommodation, by seeking to retain small to medium sized homes (2–4 bedrooms) and resisting change of use of buildings to HMOs and small self-contained dwellings. This applies especially in areas with significant deprivation.**

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 5.1 The Local Plan focusses development into existing urban areas. It is important that the opportunity that development provides to help shape our urban areas in sustainable and healthy ways which benefits local communities, is achieved. We want our existing urban areas, particularly our town centres, to be places people increasingly aspire to live in.
- 5.2 Conversely, new out-of-town centre housing should not be car dependent and bereft of local amenities and services.
- 5.3 Good quality sustainable communities and neighbourhoods should have good access to employment, housing and essential infrastructure such as health and policing. Measures will be supported to safeguard and improve the provision of facilities, such as those for health, education, social interaction, sport, recreation, and transport, as well as services

such as crematoria and cemeteries. Contributions will be sought towards the provision by the development of new facilities where levels of demand show this to be necessary.

- 5.4 Health, well-being and the built environment are inextricably linked. The implications of the proposals upon the health and the well-being of the affected communities must be considered at plan making and planning application stages. Health and well-being is enhanced by attractive, inspiring environments which offer a chance to make contact with nature.
- 5.5 However, the NHS has identified severe shortfalls in primary and secondary health across Torbay. Accordingly, contributions will be sought towards healthcare provision from developments that are likely to increase pressure on health services.
- 5.6 Planning should create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion (NPPF paragraph 58 refers). The Police Architectural Liaison Officer (ALO) will provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment. (See also Policy TC5 Evening and night-time economy and DE1 Design.) Where the Police identify that development would create additional pressure on services a contribution will be sought towards additional infrastructure.
- 5.7 Torbay, like many seaside resorts, is characterised by pockets of severe deprivation, which often exist close to more affluent areas. In the 2019 Indices of Deprivation, Torbay was the 38th out of 151 most deprived unitary local authority area in England and the most deprived in the South West Region. The clearest factors were poor employment and low income. 27% of Torbay's 89 lower super output areas (LSOA- broadly a neighbourhood area of up to about 3000 people) were within the 20% most deprived LSOA in the 2019 Indices. 10 LSOAs (16%) were in the 10% most deprived neighbourhoods in the country. Although living environment deprivation is less severe on a national scale, deprivation is clearly concentrated in Torquay and Paignton "central areas" where former holiday accommodation or Victorian housing, often poorly converted into flats in the private rented sector, create concentrations of deprivation. Deprivation is also severe in Hele and Watcombe, Torquay and the Foxhole and Queen Elizabeth Drive areas in Paignton.
- 5.8 The Local Plan identifies "deprived areas" as those within the 20% most deprived Lower Super Output Areas LSOAs in England in the 2019 Indices of Deprivation. Where later data is published the council will publish this and refer to this later information.
- 5.9 The Local Plan will support schemes that deliver a mix of employment, family housing, healthcare, childcare, education and local centre facilities,
- 5.10 The Local Plan needs to be realistic that such areas are likely to include "lower quartile" housing and are often sustainably located close to shops and other facilities; and can therefore be good locations for affordable housing. However, the council will resist the

creation of very small apartments, HMOs where this would make deprivation and associated issues more severe. Conversion of existing buildings should be carried out to a good standard that creates a decent home, rather than simply repurposing commercial accommodation for residential use at minimum cost. This would include, for example, the creation of proper house frontages rather than curtaining over shop front windows (and subject to other design and historic environment considerations). The refurbishment and retrofitting of existing properties to secure a better standard of accommodation, improved energy efficiency, renewable energy provision and improved public space will be supported.

- 5.11 Because Community Investment Areas are usually within established built up areas, the scope for new greenfield development within them is likely to be relatively limited. In appropriate circumstances developer contributions from other areas may be pooled to support refurbishment, bringing vacant property into use or other environmental improvements, in Community Investment Areas. The council are seeking to bring at least 150 vacant dwellings per annum back into use, which has multiple benefits of regenerating areas, providing affordable housing and building local skills through social enterprise.
- 5.12 The council will use Local Development Orders, Article 4 Directions and Compulsory Purchase powers to help deliver comprehensive urban renewal schemes and the ambitions of this policy.

Policy SC1: Public health and wellbeing

Development must contribute to improving the health and wellbeing of the community by reducing health inequalities and helping to deliver the conditions to enable healthy lifestyles and sustainable neighbourhoods. Development which exacerbates factors which worsen living conditions, and therefore harm public health objectives, will not be supported.

Development must have regard to the health needs of the population (all age-groups) and have special consideration towards measures which will address reducing health inequalities, including those geographically across the Torbay area and those which are experienced between different population groups.

To achieve these requirements, development must, through its location, design and suitability to local context, maximise its potential to address the place-based determinants of ill-health in the local area, including with strong reference where relevant to:

- **Active travel - enabling active mobility through walking, wheeling and cycling**
- **Housing – delivering diverse house types; affordable housing and accommodation to address local needs; energy efficient homes with good daylight, ventilation and thermal comfort; and comfortable living environments**
- **Employment – taking opportunity to provide local employment through construction and operation**
- **Natural environment – reducing exposure to environmental hazards, facilitating access to nature, and participation in physical activity in outdoor settings**
- **Transport – enabling ‘access for all’ and the use of public transport**
- **Healthier food – providing opportunities to produce and increase access to healthier food and decrease exposure to unhealthy food environments**

Development proposals should be prepared with special consideration for the identified needs and issues of the local community and neighbourhood where it is located. This means early engagement with the public and local stakeholders, as well as referring to available local evidence which can augment this understanding.

Development which creates an improvement of access and provision to health and care services will be supported.

Developments which offer the potential to give rise to significant health impacts will be required to undertake a systematic assessment of those impacts through mechanisms such as Health Impact Assessment.

Link to the Community and Corporate Plan – Community and Place
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Explanation

- 5.13 A ‘healthy place’ is a good place to grow up, live, work and grow old in. It is a living environment which supports people to live their lives in a state of good physical, mental and social well-being. Healthy places contribute to the prevention of ill health and provide the environmental conditions to support good health.

- 5.14 Health, well-being and the built environment are inextricably linked. New development has the potential to positively or negatively affect the wider determinants ('the causes of the causes') of health in our neighbourhoods. Where new development occurs it is therefore important that the implications of the proposals upon the health and the well-being of the affected communities are considered.
- 5.15 Health indicators for Torbay relating to poor health and premature mortality show a relationship strongly related to demographics and levels of deprivation, including significant levels of health inequality (variation in health and wellbeing across different population groups). In our most affluent areas residents can expect to live almost eight years longer than those in our most deprived communities. There are significant gaps in healthy life expectancy (years in good health) between the most affluent and deprived areas. Torbay's annual Joint Strategic Needs Assessment provides further detail about the specific health needs of the population across Torbay and should be referred to as part of the development of planning applications, particularly when considering Health Impact Assessment.
- 5.16 Development can contribute to creating healthier communities in a number of ways, for example by providing decent accommodation, reducing the effect of fuel poverty, providing open space and recreation areas, access to healthy food and supporting active travel. Torbay has a significant ageing population and the implementation of Age-Friendly initiatives to promote inclusive, healthy environments is important. Also, child-friendly design is also crucial in helping to enable the prevention of ill health across the life-course.
- 5.17 All developments should consider how they can promote healthier outcomes and proposals will be expected to assess their impact on health, proportionate to the scale of development. Health Impact Assessment is one mechanism that can be incredibly useful to help consider and integrate health within the design of new development. It can be implemented at various scales (for instance comprehensive, rapid or desktop) tailored to the complexity and scale of proposals. Torbay Council provides local planning guidance on methods to help developers assess and evidence how health and wellbeing has been considered and integrated into proposals and will use this information to aid decision making.
- 5.18 Approaches to delivering healthy places across Torbay need to take account of their context and the community within which it is placed. Our communities are different. There are 16 Community Partnerships across Torbay, with their own specific needs. Engagement with communities and local stakeholders is really important when considering how new development can contribute to creating healthier places. The local needs of different population groups within local areas will be expected to be considered and referred to as part of the development of proposals. Development proposals which make genuine efforts to support these needs will be looked upon more favourably.

Policy SC2: Sport, leisure and recreation for healthy living

Physical activity and access to open spaces is important for health and Well-being. Development should provide access to sport, leisure and recreation facilities according to the additional demand it generates and the capacity, condition and location of existing facilities. Where a need is identified for new facilities, they should be appropriately inclusive and provided in appropriate locations, preferably co-located with existing and other planned sports facilities, where they are accessible for all users (i.e. following the transport hierarchy) including a range and choice of transport and comply with other policies in this Plan, particularly in relation to residential amenity.

An assessment of existing provision of such facilities will be required with development proposals proportionate to their scale, allowing the council to determine whether a contribution is needed towards new facilities or the enhancement of existing provision at least in line with the Fields In Trust open spaces standards¹

Major new leisure facilities should be developed on accessible and well-located sites, wherever possible, using available town centre sites as first preference, then edge of town centre sites, district centre locations and existing concentrations of facilities. Any proposal that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

The key sports and recreation facilities and improvements to these facilities will be supported:

1. Torquay United Football Grounds and environs.
2. Riviera International Conference Centre and environs
3. Sports facilities at Torbay Leisure Centre and associated VeloPark and pitches at Clennon Valley, Paignton;
4. Watersports facilities at Torquay, Paignton and Brixham
5. Sports facilities at Churston, Brixham (area of search)².
6. Other Sports pitches identified in the Torbay Playing Pitch Strategy (2024), Local Football Facilities Plan (2024) and other evidence base that emerges.

There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, that should not be built on unless:

- i. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- ii. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- iii. The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.**

Planning Contributions in accordance with the Planning Contributions SPD will be sought for the long-term maintenance and management of new recreation provision and mitigation where appropriate.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 5.19 Torbay has a fantastic environment for sport and recreation, and there are clear links to health, well-being and productivity. Assessments of existing and future sports and recreational need have been undertaken by the council. This evidence base will be updated periodically as required and this Policy should be applied to development
- 5.20 The Local Plan has an important role in protecting and enhancing existing provision, supporting the development of new facilities and helping to bring forward the ambitions of people, clubs and representative organisations.
- 5.21 The provision of sports facilities often involves significant investment, and proposed new sites must be capable of sustaining and servicing any development through, for example, adequate car parking, and accommodating appropriate intensification of use, such as floodlighting. However, in accordance with other Policies in this Plan, relating specifically to countryside and design, provision of sports, recreation and leisure facilities in more rural areas will need to be sensitively and carefully designed to ensure the facility, and its use, complements and does not unduly harm the character and appearance of the area.
- 5.22 The availability, within an acceptable safe walking distance, of sport, leisure and recreation facilities is an essential ingredient of a sustainable, healthy community.

- 5.23 Where proposals result in the loss of open space or recreation facilities, the above Policy and the NPPF require an assessment of their value to be carried out and replacement facilities of equivalent or better quality, quantity or location, to be provided.

Strategic Policy SC3: Education infrastructure and inclusive learning strategy

The Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. This includes both the expansion of schools to meet identified needs in terms of providing sufficient places and improving the quality of provision; and the construction of new schools to address longer term requirements associated with the delivery of new homes. The ongoing needs of South Devon College will be supported.

Planning Contributions will be sought from development that generates a need for school places or facilities.

The following education facilities are proposed in the Local Plan, subject to master planning and confirmation of need from Childrens Services:

1. Improved provision of early years facilities within existing schools
2. Improved primary school facilities serving the north and west of Torquay including new facilities at Torquay Gateway.
3. The provision of an improved Special Education Needs and Disability (SEND) school to consolidate and expand existing provision.
4. A new school at Inglewood, Paignton.
5. Identification of a site for a ninth secondary school in the Bay, or expansion of existing schools to meet demand for secondary places.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 5.24 The NPPF requires local planning authorities to give great weight to the need to create, expand or alter schools, and to work to resolve key planning issues. The Local Plan supports the delivery of the council's capital programme to address current pupil number

increases across Torbay. Policies IN1 and IN2 seeks developer contributions towards infrastructure, including education facilities, where this is needed for development to proceed. Policy E6 deals with Local Training Agreements.

- 5.25 The Community and Corporate Plan prioritises the provision of safe environments for young people to thrive in and providing opportunities for everyone to raise their skill level. The Plan seeks to establish pathways for all young people, including those with special educational needs and/or disabilities (SEND) and care experienced young people.
- 5.26 The need for school places will be kept under review by the council's Education Team. The council's 2025 School Place Planning Statement indicates the impact of low birth rates in Torbay (mirroring the national trend) leading to spare capacity of primary places: 28.3% in Torquay, 25.5% in Paignton and 37.7% in Brixham. Closing schools is always a difficult decision and results in the loss of a wider community facility and a local source of good quality employment. It is not currently proposed to close any schools unless better alternative provision is made. However, this will need to be kept under review. However, there is likely to be a need for school improvements and potentially relocation where existing premises lack modern facilities
- 5.27 In terms of secondary schools, there is a high inwards migration at secondary school level due to the pull of Torbay's three selective schools. This creates a capacity pressure on the secondary sector, although it is currently intended to meet this capacity within existing school campuses.
- 5.28 There is a significant, and growing, demand for Special Educational Needs (SEND) provision and provision is split across several sites. In the short term it is proposed to expand and utilise existing buildings. However, the Local Plan, in partnership with Children's services and the School Place Planning Team needs to consider allocating a single site to consolidate and expand SEND provision.
- 5.29 The Plan is committed to provision of full coverage of education facilities located close to local communities. Where the expansion of a school results in the loss of public open space, Department for Education funding will be sought to identify and improve alternative open space and facilities in line with Policies SC1 and SC2.

Policy SC4: Sustainable food production and land protection

The protection of existing and provision of new local food growing spaces, at a variety of scales, will be supported and expected from new development wherever practicable.

The change of use or redevelopment of allotment sites will not be permitted unless appropriate improved or equivalent alternative publicly available provision is made, or it can be clearly evidenced that there is no demand for the facility.

Development which would result in the detriment to or loss of the best and most versatile agricultural land (Grades 1, 2, or 3a) will only be permitted where there is an overriding need for the development and it is demonstrated by the applicant that it cannot be accommodated on lower grade land. Where development is proposed and there is a choice between sites of different grades, development should take place on land of the lowest grade feasible, subject to other Policies in the Plan. Where development is approved on the best and most versatile agricultural land the local authority will require a schedule for the reuse of soils to be provided in accordance with the agreed agricultural land assessment.

Residential schemes at all scales should include provision for sustainable food production, proportionate to the scale of development. As a guide, for specific types of residential development, we would expect the following types of opportunities to be realistic and provided for at these development scales (see table below). Food growing opportunities will also be sought from non-residential development on a case-by-case basis.

Development scale	Edible Landscaping e.g. hedgerows, trees, vertical growing (provided in public and private spaces) provided specifically or integrated with ornamental planting	Private gardens and/or balconies e.g. ground/roof gardens with appropriate soil conditions, balcony provision of growing space	Outdoor public amenity growing space e.g. communal and community gardens, atriums/courtyards, orchards, neighbourhood growing schemes (at a variety of scales)	Allotments e.g. public provision of dedicated allotment spaces for the managed use by individuals and groups
1-9 dwellings	✓	✓		

10-29 dwellings	✓	✓	✓	
30+ dwellings	✓	✓	✓	✓

Food production features may include edible landscaping (hedgerows, trees, vertical growing), public amenity space (communal gardens, orchards, allotments, roof gardens, atriums/courtyards) and/or private amenity space (balconies, gardens). On larger development sites the specific provision of allotments or neighbourhood growing spaces will be sought. Where provision cannot be achieved on-site, off-site contributions to schemes within the nearby area will be considered.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 5.30 Growing local food encourages people to lead more active, healthy lifestyles and generates community cohesion. Sustainable food production is a component in creating a low-carbon society and it helps the Bay become more resilient to future food insecurity. Local food has fewer food miles, and therefore less associated carbon emissions, and also helps support the local economy. Torbay stakeholders have identified allotment shortages, lack of community growing areas and a lack of producer outlets in towns as key issues to be resolved.
- 5.31 The accommodation of new development will inevitably put pressure on productive agricultural land, especially in an area as constrained (in terms of land area) as Torbay. The location of allocated development sites, as identified in this Plan, has been informed by Sustainability Appraisal and Habitats Regulations Assessment. Consequently, the loss of best and most versatile agricultural land has been minimised. However, there are also many opportunities for development to help contribute at smaller and larger scales towards providing important local food growing and foraging opportunities.
- 5.32 Development and changes of use which result in the loss of high-grade agricultural land will need to establish that alternative, previously developed sites within existing developed areas have been investigated. Where there is an overriding need to develop on agricultural land of Grades 1, 2 or 3a and there is a choice between sites of different grades, land of the lowest grade should be developed, unless the lower grade land has an

environmental value in terms of its landscape, nature conservation and historic or archaeological status which outweighs its agricultural significance.

- 5.33 The on-site provision of new allotments will be sought from major residential (30+ dwellings) and mixed-use schemes. However, it is recognised that the opportunity for some schemes to realistically deliver formal allotments may be limited. For instance, site-specific constraints and circumstances will have an impact. Opportunities to deliver allotments may be better realised through larger, strategic sites which offer a scale of development with greater prospects to secure their delivery. The enhancement of orchards will be supported, particularly where this would strengthen the growing of local varieties of fruits. Off-site contributions to support schemes, particularly the provision of neighbourhood growing, in the local area will be considered where sufficient on-site provision is not achievable.

Policy SC5: Community facilities, infrastructure provision and developer contributions.

All development should contribute positively to the provision of the necessary community facility demand that will arise. Major proposals should provide the necessary supporting infrastructure and community facilities (appropriate to the scale of the development): These will include health, leisure, educational, and cultural infrastructure alongside cemetery provision and other community facilities such as allotments or community food growing.

Local services and facilities should be accessible via their location and have good transport connectivity. The loss of existing community facilities and buildings will be resisted.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 5.34 In relation to social, recreational and cultural facilities and services the community needs, the NPPF requires local plans to plan positively for the provision of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) to enhance the sustainability of communities and residential environments, and should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 5.35 This policy seeks to create sustainable communities where residents enjoy a high quality of life by protecting, retaining and enhancing existing community facilities, including resisting the loss of community facilities except in exceptional circumstances, and ensuring that new community facilities are located in accessible locations within existing settlements. Development should only be approved where there is sufficient capacity within existing infrastructure, or where there is a programme for improvements or planning contributions can be provided which will mitigate the associated demand.

Policy SC6: Cemetery and memorial provision strategy

A new site is proposed for Green Burial in the Broadsands, Churston, Galmpton Neighbourhood Plan Area. The specific site will determined on the basis of the following criteria. Proposals for other cemetery provision, crematoria or gardens of memorial will be supported where they meet the following criteria:

- i. Do not have an unacceptable impact on landscape sensitivity, biodiversity, heritage, archaeology or residential amenity.**
- ii. Provide a level of tranquillity and dignity. Where proposals include crematoria or the scattering of ashes, they should be located away from residential properties and safeguard residential amenity.**
- iii. Where proposals include chapels, or other ceremonial facilities, they should not cause severe harm to the road network and should be reasonably accessible to active travel and public transport.**
- iv. Are located outside Groundwater Protection Zones or areas at risk of flooding.**
- v. Are outside areas of contaminated land or former landfill areas.**
- vi. Proposals should not result in the loss of public access, open space or areas of recreation. Support will be given to proposals that enhance and improve public access, especially in relation to the provision of Suitable Alternative Natural Greenspace.**

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 5.36 Torbay's cemeteries are nearing capacity. Current projections indicate a need to identify about a hectare of land for burials. To avoid a disruption in burial services, new provision or a new cemetery site will be required during the Plan period. The Local Plan proposes additional burial facilities in the south of Torbay and provides an area of search. However, the local of cemeteries are subject to detailed Environment Agency Regulations (*the Environmental Permitting Regulations, particularly in relation to watercourses and avoiding contamination*), and therefore an "are of search" is included at this stage of the Plan.
- 5.37 Appropriate locations for new cemeteries will need to consider potential impacts on waterbodies. Cemeteries must not pollute groundwater or surface water and the Environment Agency will normally object to the locating of any new cemetery or the extension of any existing cemetery which could have a detrimental effect on groundwater, well, borehole or spring used to supply water that is for human consumption.

Chapter 6: Moving Torbay - Sustainable travel and inclusive access

Policy TAS: Integrated transport vision, transport hierarchy and strategic connectivity

Transport Vision and Hierarchy

All new development shall contribute to the achievement of the Transport Vision:

To provide integrated, accessible, and inclusive transport for everyone, in line with the transport hierarchy, that facilitates growth and supports reaching net zero carbon.

This is expected to be achieved through development that is led by the transport hierarchy, with effective digital communication to facilitate work and leisure activities and that is connected to the existing transport network across all layers of the transport hierarchy, improving travel choice and delivering benefits to the health and wellbeing of those within the proposed development and those around and/or interacting with it. Improvements to the transport network to deliver these connections may be required to provide integration, accessibility, and inclusivity.

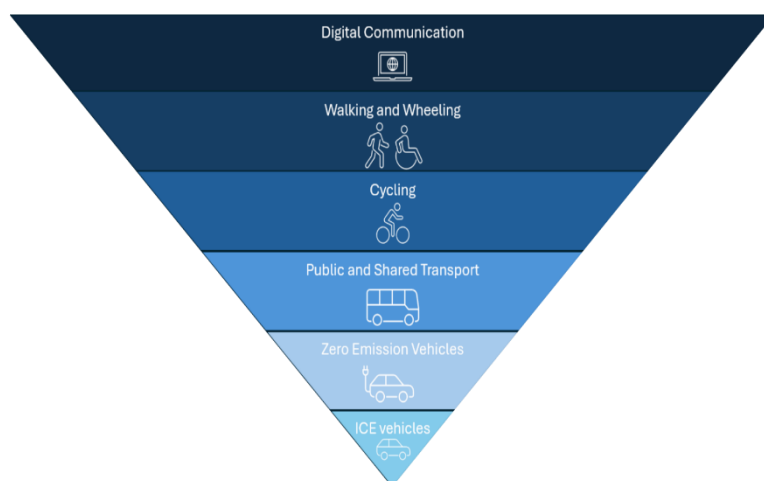


Figure 3 The Transport Hierarchy

Strategic Improvements

The council will support improvements to the strategic transport system that enhance the connections between the three towns, between Torbay and the rest of the sub-region, and between Torbay and national or international markets. The council expects new development to support this directly where applicable or will seek to facilitate delivery of these schemes through the safeguarding of land and/or contributions from development.

Proposals will generally be set out within the Devon and Torbay Local Transport Plan or supplementary documents.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 6.1 By improving transport connectivity and sustainability it will help deliver the transport infrastructure that is needed for our people and our place, underpinned by the need for resilience and safety on the network.
- 6.2 We know that transport has a significant impact on our local environment, and it is therefore important that we keep people and businesses connected whilst also improving air quality, enhancing our natural environment and reducing emissions. To do this we will ensure all aspects of the transport hierarchy are considered appropriately.
- 6.3 How we travel is changing, with increased use of online access influencing how we shop, work and access services. As our climate and the way people travel changes, we need to adapt our transport system to ensure infrastructure remains resilient and will support our needs now and in future through choice.
- 6.4 The transport hierarchy ensures that as much emphasis as possible is given to the most sustainable modes of transport, but also to ensuring there is a choice of transport options for all.
- 6.5 To deliver the Local Plan's aspirations and objectives, improvements are needed to ensure the Strategic Transport Network across all modes is fit for purpose and accessible, in order to ensure free movement around the Bay and to the wider sub region and beyond. This is vital to delivering economic prosperity and also to support new development.
- 6.6 Proposals such as junction improvements, a new railway station, mobility hubs and new cycle routes will contribute directly to ensuring the success of the Strategic Delivery policies.
- 6.7 The Major Road Network is nationally defined and multi-modal improvements to it will be critical in ensuring the economic growth and delivery of future development in all areas of Torbay.

Walking and Cycling Network

- 6.8 Delivery of Local Cycling and Walking Infrastructure Plan identified Bay Trails and supporting/connective walking and cycling infrastructure across Torbay, as well as

enhancement and protection of South West Coast Path and King Charles III England Coast Path.

- 6.9 Local enhancements to walking and cycling infrastructure to ensure effective integration with facilities and public transport services. Major development, and all development in growth areas will be expected to provide connectivity through and around the development proposal, providing key links for access to services, commuting and leisure.

Local Public Transport Services

- 6.10 Improvements to the bus and public transport networks and infrastructure to provide a step change in quality, accessibility and integration with other forms of transport.

Mobility Hubs

- 6.11 Development of multi-modal mobility hubs in key locations to support connectivity to the transport network and increase travel choices. Individual hubs may provide different facilities appropriate to the location, but all major development must consider opportunities within the proposals, and those in growth areas must provide suitable facilities. These locations will increase travel choice opportunities for residents, visitors, and commuters. Sites suitable for more significant and/or bespoke facilities include (but are not limited to):

- Paignton Transport Gateway, bringing together investment in the railway station, bus station, car parking and public realm
- the former Park and Ride site at Churston, Brixham,
- the site adjacent to Gallows Gate. Torquay.

Electric Vehicle Infrastructure

- 6.12 Electric vehicle infrastructure will not be considered in isolation and will feature across strategic and non-strategic investments in the transport network.
- 6.13 The ongoing delivery of on and off-street public charging infrastructure will be supplemented by new development requirements for associated provision.

Rail Network

- 6.14 New railway station within the Torquay Gateway, Edginswell, to support residential growth, employment sites, and critical health facilities.
- 6.15 Upgrades to existing stations to provide enhanced accessibility and other facilities to ensure everyone can access rail services within Torbay and supporting rail patronage to grow.

- 6.16 Development of proposals to extend the railway line to, and with a new station at, Goodrington Sands and continued maintenance and enhancement of the rail network serving the Bay, supporting the future needs.
- 6.17 Minimising the impact of development upon level crossings, and where necessary seeking developer contributions to help fund improvements to, or consider alterations to the operation of, level crossings, where these are required as a result of development.

Highway Network

- 6.18 Multi-modal enhancement of the Major Road Network, including the critical junctions and improving the flow of traffic, to ensure reliable connectivity within, to and from Torbay.
- 6.19 On-line multi-modal improvements, resilience, and traffic management schemes where necessary to protect and enhance critical route infrastructure.
- 6.20 The A385 Totnes Road (Torbay / South Hams border to Tweenaway Cross) remains a well used and important connection that is also proposed to accommodate significant new development. We will ensure better connectivity on that corridor across all modes. A comprehensive solution to transport issues is needed to enable the longer term development in Collaton St Mary (SDP3.3), and development contributions are expected to help fund these strategic improvements.

Policy TA1: Reducing the impact of transport and promoting sustainable travel

Proposals shall support principles set out in Policy TAS and accord with the design code or supplementary planning document to support high quality places (planned).

To assess and mitigate the impact of development and to promote sustainable travel choices, the following information will be required to support planning applications:

A Transport Assessment and Travel Plan: where the proposed development is likely to have significant transport and related environmental impact (in accordance with Department for Transport guidance); or

A Transport Statement: where the development has relatively minor transport implications (in accordance with Department for Transport guidance).

Where there is an existing Travel Plan but only minor transport implications are expected, an update to the Travel Plan may still be necessary.

School Travel Plans (or updates) are required where provision for 30 or more extra pupils is planned. A Transport Assessment is required for proposals generating over 30 trips during the morning peak period of 8-9:30am.

The visual impact of transport infrastructure (including signage) within the street scene will be kept to a minimum, to avoid proliferation of unnecessary clutter or harm to amenity and the historic features.

New development must contribute to improved accessibility and a healthy living environment.

[Link to the Community and Corporate Plan – Community and People](#)

Explanation

- 6.21 An effective and efficient transport network is vital for people's lives and livelihoods.
- 6.22 A reliable, sustainable, safe and connected transport system can help improve the quality of life for residents and create a fairer and healthier society. It supports economic growth and productivity. It enables more equitable access to jobs, education and services. It provides opportunities for physical activity, social interaction and access to the beautiful coast and countryside.
- 6.23 It is necessary to appropriately and proportionately assess the impact of development to ensure it is contributing and not adversely impacting or stifling economic growth within Torbay.

Policy TA2: Effective and inclusive transport system

Where developments generate new or additional journeys, it may be necessary to seek financial contributions towards enhanced transport infrastructure or service provision.

All new development impacting on transport, in particular where there is evidence of new or additional journeys arising from the development, where the proposal sets out expected public transport use, or where reduced car parking provision is featured, will support intensive public transport services and investment on Key Corridors (see bus service improvement plan), integration of services with other modes, a single bus network system that is safer for all to use, and where necessary, provision of socially necessary connections.

Developments, particularly where related to town centres and harbour areas, shall also consider measures to enhance accessibility and use of taxi and ferry services – balanced against other modes.

It is important that future development makes an appropriate contribution to delivering across these areas to ensure an effective transport system. Where development does not include proposals for encouraging sustainable modes of transport, this may indicate that the proposal is unacceptable.

An effective transport system will be achieved through:

- Focusing development in locations that are accessible and safely connected by foot, cycle and other wheeled users, public transport, as well as by private vehicles to essential, everyday facilities and supported by opportunities for digital communication and remote working to reduce the need to travel.
- Where not already suitably located, improvements shall be sought to ensure users of the new development shall be able to more easily access everyday facilities safely in accordance with the transport hierarchy.
- Ensuring that the full extent of the transport hierarchy is provided for as an integral part of all developments, in a safe accessible way that minimises conflict between users.
- Improving road safety reflecting the hierarchy for all users and equality of access for all.
- Maximise the opportunities for sustainable transport of freight in addition to the high level of choice for employees and visitors.
- Appropriate provision of facilities for disabled persons, such as suitable levels, signage, facilities and parking bays must be included within all development.

Link to the Community and Corporate Plan – Community and People

Explanation

- 6.24 The council is delivering a sustainable, accessible, integrated and high-quality transportation system which enables travel choice for everyone and promotes Torbay's

economic competitiveness, whilst reducing the need to travel and its environmental impact. It is expected that all new development will contribute towards this.

- 6.25 Improvements to transport will support Torbay to be healthy, happy and prosperous. These include a focus on improvements to help regenerate the town centres and improving travel choices throughout Torbay.
- 6.26 Major investment in Edginswell railway station and zero emission buses will be supported by longer operating hours, faster services, more accessible infrastructure and better bus stop facilities to provide a step change in the quality of public transport services and infrastructure. Improvements to walking, wheeling and cycling facilities and roll out of shared mobility will further enhance transport choice and make sustainable travel easier and more attractive for residents and visitors across Torbay and beyond.
- 6.27 All of this contributes to an effective transport system for Torbay and new development will support this.

Policy TA3: Development layout, access and connectivity standards

Delivering suitable layouts

Layouts will provide and connect to a network of footpaths, cycle routes, green infrastructure and public transport, identified in the Torbay Green Infrastructure Delivery Plan, LCWIP, BSIP etc.,

Multi-modal travel links to, from and through new development will be provided for or secured in perpetuity along with links to potential future development surrounding the site.

Major development, and all development in growth areas, will be expected to provide connectivity through and around the development proposal, providing key links for access to services, commuting and leisure.

All development shall provide safe turning/manoeuvring and stopping areas for vehicles within the site, including deliveries.

Measures for emergency service vehicles, waste collection vehicles and public transport vehicles to access and service the site, as necessary and appropriate, in a way that would not disrupt the service they provide must be included within proposals.

As a minimum, estate roads serving major development will be constructed, completed and maintained to the council's approved highway standards, meet highway safety standards and be appropriately available for use by the occupants, and other users of the development.

The Local Highway Authority will seek to adopt residential estate roads via Section 38 of the Highways Act 1980 as a default position. All estate roads serving minor and major development (commercial or residential) will be required to have a Private Management and Maintenance Plan confirming funding, management and maintenance regimes for the lifetime of the development, if a S38 Agreement as not been entered into.

Accessing the highway network

Schemes which require new access (vehicular, pedestrian or cycle) to/from the highway network will be supported where they:

- Are essential to access the schemes and can demonstrate significant environmental, safety or economic benefits;
- Provide access for all modes to a safe standard, that minimising conflicts between modes and users;
- Maintain an acceptable network capacity or provide suitable mitigation for any negative impact on capacity; and
- Enhance and contain high quality provision for sustainable modes of transport, proportional to the scale and type of development, prioritised in accordance with the Transport Hierarchy

New access points will not be permitted where there is an unacceptable impact on road safety, or severe impact on the highway operation.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 6.28 It is an important principle that new development should integrate with the surrounding area in terms of its connectivity and should be accessible by a wide range of means to provide choice for residents/users.

- 6.29 Safe, free flowing and well maintained vehicular access throughout development is a vital element of a high quality development.
- 6.30 Development proposals that require new access provision for any mode will be permitted where the proposal does not create a safety concern for any user, significantly reduce capacity on the road network or impose delays to essential services.

Policy TA4: Parking and shared transport provision

Parking provision should be in accordance with the council’s adopted parking standards detailed in the Supplementary Planning Document (to be developed).

In new development, appropriate levels and standards of parking will be incorporated for all users, including cycles, vehicles, electric charging, deliveries, disabled and visitors, that is well-designed, integrates with other public space uses and does not dominate the built environment. This will include, as a minimum the in principle standards set out in the table below.

The loss of existing parking provision for any mode, will be a material consideration in planning applications and must not result in the net loss of parking provision to below the standards and additional development shall provide parking sufficient for the proposal which may exceed the existing.

Shared Transport/Car Club

For all residential developments over 100 units, allocated parking capacity with safe and efficient access to/from new homes and the public highway for shared cycle provision (at 1 space per 20 homes ratio) and shared car provision (at a ratio of 1 space per 100 homes) will be required.

For all residential, leisure and employment uses, appropriate contributions towards this provision of shared transport is expected to be necessary.

Provision of these should not be considered as a substitute for parking requirements unless otherwise agreed through an appropriate Transport Assessment/Statement and Travel Plan.

Table X : In principle parking provision:

Cycle Parking	Dedicated cycle parking is required within all new development. This can be either through internal storage as part of a non-habitable room, or within a garage, or a purpose-built cycle store. All cycle parking and any
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	associated access routes must be well-illuminated with good natural surveillance to deter theft and engender a feeling of personal security. All cycle parking must be designed for the exclusive use of cycles and maintained in perpetuity. Whether cycle storage is provided within a standalone store or in an internal area of a building, it should be conveniently located with level access and users should not have to negotiate more than one door with their cycle (with a minimum width of 1.2m). Where rear storage is provided an accessway is expected to be designed in from the beginning (eliminating the need for cycles to traverse inside the property from rear to front (and vice versa). Note: Cycle storage identified in habitable rooms, general storage areas, bin stores, circulation areas, or on balconies will not be considered acceptable. Residential use: 1 space per 1-2 bedroom for minor flatted development and 1.5 spaces for major flatted development. Residential use : 2 bedrooms plus - 2 parking spaces per unit/dwelling
Provision for scooters (foot propelled) and powered two-wheeled vehicles including motorcycles.	Secure and sage provision for scooters (foot propelled) and powered two-wheeled vehicles including motorcycles. Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.
Provision for mobility scooters:	New development that is likely to cater for those making use of a mobility scooter, such as Care Homes and Retirement Homes, will be expected to make provision for storage areas and dedicated charging points on the ground floor and must form an integral element of the design of the development.
EVC provision:	Proposals for houses with at least one designated parking space within the curtilage of its own plot must ensure the installation of at least one active EV charging point. Conversions and change of use applications will be agreed with the LPA on a case by case basis however an expected ratio of 20% 'active EVC' is expected on minor residential development (with 10 plus spaces) and 50% on major schemes with 30% on commercial units. The EVCI charge requirements increase in line with the number and intensity of usage.
Disabled parking requirements:	Residential units: 1 space per wheelchair accessible unit plus provision for non-ambulant visitors.
Parking for People with Young Children and specialist parking	Provision for child and parent or specialist parking for development where appropriate.
Shared Transport /Car Club	Residential developments over 100 units, allocated parking capacity with safe and efficient access to/from new homes and the public highway for shared cycle provision (at 1 space per 20 homes ratio) and shared car provision (at a ratio of 1 space per 100 homes) will be required. All residential, leisure and employment uses: appropriate contributions towards provision of shared transport is expected to be necessary.
Car parking provision:	All development (should provide an appropriate level of car parking spaces per unit for occupants, staff and visitors to avoid overspill on-street parking. Specific requirements for other uses will be set out in the

	supporting Supplementary Planning Document (SPD). Where no specific provision is defined, parking should be provided in accordance with a reasoned and site specific prediction of demand, which will need to be set out within the planning application documentation. Out of town-centre dwellings: 2 spaces per dwelling, 1.5 spaces per apartment with additional parking provision within the curtilage will be required for larger residential accommodation (3-4 bedrooms plus). Parking provision must include additional provision for visitors, appropriate to the nature and scale of the development. HMOs should provide 0.25 car parking spaces per bedroom (when calculating parking provision, fractions of spaces should be rounded to the nearest whole number) In sustainable locations, where sufficient parking cannot be provided within the curtilage; additional sustainable transport measures will be considered if they can adequately off-set parking demand for the lifetime of the development. Provision of these should not be considered as a substitute for parking requirements unless otherwise agreed through an appropriate Transport Assessment/Statement and Travel Plan. The active travel measures and improvements will be sought as a site deliverability matter where parking is below standard. In considering parking requirements, areas which already or potentially have a high-level access to facilities or within a sustainable transport corridor (e.g., within 400m walking distance of a high-frequency route). Subject to active travel measures and improvements – sought as a site deliverability matter where parking is below standard. may be expected to adopt more rigorous parking standards than less accessible areas.
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[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 6.31 Parking standards need to reflect a balance between ensuring that the levels of car parking generated by any type of development are met on-site (and therefore overspill and the proliferation of on-street parking is limited) with the need to ensure that the consideration of sustainable transport is fully embedded into the design for new developments. The Local Plan recognises that many people will own motor vehicles and seeks to provide alternatives to car use rather than seeking to inconvenience ownership. The Plan therefore requires residential development to provide adequate on-site parking where possible, but these requirements should not dominate the site's appearance and should be useable. In broad terms, the provision of adequate and appropriate residential parking should be safe, convenient and discrete so that vehicles do not obstruct the highway or dominate the street scene. Torbay Council will take a site specific approach taking into account the above considerations. Reduced parking requirements may be permissible in active travel/sustainable transport corridors, subject to active travel

measures and improvements which will be sought as a site deliverability matter where parking is below standard. For all residential, leisure and employment uses, appropriate contributions towards this provision of shared transport is expected to be necessary. The associated SPD will set out further details on the nature and scale of development parking provision

- 6.32 Changes of use will be particularly scrutinised to ensure they do not result in localised parking problems or harm an area's character, or undermine economic viability. Levels of car parking provision should also take into account peak and seasonal effects, particularly the additional tourist demand during summer months. High traffic generating uses, particularly out of town developments requiring a Travel Plan, will need to examine how parking provision can affect the way people choose to travel.
- 6.33 The layout and design of car parks should reflect the scale and character of the area; they should be accessible and safe, with careful consideration given to the pattern and scale of buildings and open spaces in the vicinity. They should positively contribute to the urban environment with appropriate hard and soft landscaping, surface materials and street furniture.

Chapter 7: Building for the future - Resilient and smart infrastructure and developer contributions

Strategic Policy INS: Sustainable infrastructure

A range of physical, social and green infrastructure will be sought in order to help Torbay grow in a sustainable, healthy, safe, and prosperous way.

Development must be supported by the critical infrastructure required for the development to proceed. Development that does not meet critical infrastructure requirements such as those relating to flooding and highway safety or ecological/environmental improvements to meet Habitats Regulations requirements will not be permitted.

All development will be expected to proportionately and promptly meet the physical, social and environmental infrastructure needs created by the development, commensurate with the type and scale of the proposal and the needs of the area.

The council will seek to ensure that residents of Torbay have excellent access to a wide range of community facilities necessary to create and maintain communities that are sustainable, socially connected, inclusive, healthy and safe.

Where necessary, development will be phased to ensure it comes forward at the same time as, or following, the provision of infrastructure.

New infrastructure should be provided in the most environmentally friendly way possible, consistent with meeting communities' needs, safety and amenity. Infrastructure should encourage healthier lifestyles and provide recreational opportunities by providing for walking, cycling and other recreational opportunities.

The infrastructure needs arising from a development will either need to be met on-site through provisions made directly by developers as an integral part of the development. Where appropriate, this will be regulated through Planning condition or legal agreement. The council's preferred means of achieving this will be for on-site infrastructure (notably including all internal roads and open spaces) to be transferred into the council's ownership with financial contributions towards the council's ongoing management and maintenance costs.

Where safe and practical to do so, all infrastructure provided on-site will be publicly accessible at all times, and will be supported by the necessary management arrangements to ensure that infrastructure is well maintained and fit for purpose for its lifetime.

Where onsite provision of infrastructure is not possible, developer contributions will be sought to achieve offsite provision, in accordance with the hierarchy set out in Policy IN2.

New Infrastructure Projects

The council will take a supportive approach to the development of new or improved infrastructure meeting the needs of the Bay, particularly infrastructure that is of strategic importance, subject to an assessment of the proposal's impacts including on amenity, the natural environment (including any European Wildlife Sites), landscape character, and the historic environment, and any necessary mitigation measures.

In the planning and design of infrastructure projects, opportunities to co-deliver environmental benefits (including habitat creation, ecosystem services [Define in Glossary]1), and social benefits (including increased opportunities for social interaction, active travel and outdoor recreation), should be maximised.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 7.1 The full range of physical, social and green infrastructure projects needed over the plan period will be set out in an Infrastructure Delivery Plan, developed with input from infrastructure providers. The Local transport Plan, LCWIP and green Infrastructure Plan also set out green infrastructure needs.
- 7.2 The Torbay Local Plan 2012-30 was supported by an Infrastructure Delivery Study (PBA 2013) that outlined Torbay's infrastructure needs. This will be updated as part of the Local Plan preparation and a new Infrastructure Delivery Plan produced.
- 7.3 Most of Torbay's infrastructure requirements are likely to fall within Torbay Unitary Authority's boundaries. Wider infrastructure such as water and electricity supply are covered by other regulatory and funding regimes. The need for cross-boundary infrastructure contributions will be kept under review, but are not currently proposed. The exception to this is likely to be where development affects Habitats regulations matters.

- 7.4 There are likely to be different ways in which infrastructure can be provided. The council will seek in particular the delivery of environmentally friendly infrastructure, such as sustainable drainage, water efficiency measures and renewable energy/micro generation solutions, so long as these have major biodiversity and recreation benefits and do not prejudice the effective operation of infrastructure or community safety.
- 7.5 Infrastructure and service delivery should advance equity and should help close the gap between the most and least disadvantaged neighbourhoods and communities within the Bay. It is important that infrastructure facilities and services are well located in relation to need, and are accessible, useable and safe for all. It is important that, where negative impacts associated with new infrastructure are unavoidable, these impacts are fairly and equitably distributed, and that vulnerable or disadvantaged groups are not disproportionately burdened.
- 7.6 Torbay is a Critical Drainage Area, and flooding, coastal change management and sewer capacity are increasingly important infrastructure issues in the Bay. The council will require that all development contributes towards reducing the volume of water entering the combined sewer system through a range of strategies including designing in water efficiency measures to reduce water consumption, promoting the use of sustainable drainage systems, and increasing the permeable area of development sites. Local Plan policies on drainage, water management and flood risk set out the council's requirements in this regard in more detail.

Policy IN1: Prioritisation of planning obligations

Where possible, infrastructure will be provided onsite in accordance with Policy IN1. Developer Contributions will be sought for the provision of infrastructure, affordable housing and other matters required to make development sustainable in planning terms. Where S106 contributions are argued to make development unviable, an independent assessment of viability will be required, proportionate to the scale of the proposal before S106 requirements are relaxed. Where a reduction in contributions is agreed due to viability constraints, the following order of priority will be taken into account when reducing contributions.

Contributions will be sought on the basis of the impact of the specific development and needs arising from it. In seeking developer contributions, regard will be had to the following order of priority:

- 1. Site Deliverability Matters: The provision of critical infrastructure, e.g. flood defence works, highway safety and/or ecological/environmental**

improvements to meet Habitats Regulations requirements, and monitoring of obligations

- 2. Heathy Environments including active travel and green and open space.**
- 3. Affordable housing**
- 4. Employment and Healthcare contributions**
- 5. Broader Sustainable Development Contributions (Public transport, Education, Lifelong learning), offsite waste management, sports pitches and offsite open space**

Where development pays CIL an equivalent reduction from Broader Sustainable Development Contributions will be granted.

Where policy requirements are not met due to an agreed viability reason, the s106 Agreement will include mechanisms for the deferred calculation of viability to ensure that developers meet their policy obligations where the viability of the development has improved at a later date.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 7.7 Developer contributions towards infrastructure delivery will be sought in the form of the community infrastructure levy and/or section 106, as described in more detail in the council's adopted CIL Charging Schedule, the Planning Contributions and Affordable Housing Supplementary Planning Document, and/or any subsequent local planning documents.
- 7.8 Developer contributions may be pooled towards the delivery of strategic infrastructure elsewhere within the Bay where this would constitute the most effective and equitable means of meeting the infrastructure needs arising from the development.
- 7.9 Policy IN1 seeks to set out the council's priorities for S106 Contributions. More details are set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (currently 2022, which will be updated as a supporting document to the Local Plan). www.torbay.gov.uk/media/19610/planning-contributions-spd_2022.pdf
- 7.10 Policy IN1 sets out the following priority order for Planning Contributions:

1. Site Deliverability Matters. Critical infrastructure (also called “integral infrastructure”). This is physical and enabling infrastructure, which must be delivered on time to allow proposed development to proceed in narrow physical or safety terms (e.g. road access, flood defence works, sustainable drainage, sewerage capacity, water and electricity). Contributions for ecological mitigation etc. which are necessary to make development comply with Habitats Regulations requirements, particularly affecting the SAC and Marine SAC or biodiversity net gain, will be treated as critical infrastructure. Where possible this will be delivered onsite although it may be covered by a S278 Highway Agreement or part of a S106 Agreement. The council’s preferred method of delivery is through transfer of open space, highways etc to the council for adoption, with a maintenance and monitoring fee.
2. Healthy Environments. This includes the provision of accessible route for active travel, permeability between the site and nearby facilities, the provision of open space etc. Where possible this will be delivered onsite and should be integral to the design of development. although it may be covered by a S278 Highway Agreement or part of a S106 Agreement.
3. Affordable Housing. This is covered in more detail in Policy H7
4. Employment, Town Centre regeneration, These will be sought to mitigate the impact of proposals that have an impact on town centres or result in the loss of employment See Policies XX in Chapter 4.
5. Wider sustainable development Contributions. These are sought to support the infrastructure and other requirements that development generates a need for. Whilst not necessary to make development stand up or remain safe in narrow physical terms, such infrastructure is required to make development acceptable in planning terms. This covers public transport contributions, Education and Lifelong Learning, Health facilities, community safety facilities, off-site provision of Playing pitches and strategic recreation facilities, offsite waste management facilities.

7.11 The above priority list is a starting point only, and each application must be assessed on its merits to determine what obligations are necessary to make the proposal acceptable in planning terms, directly related to the proposal and fairly related to the scale and kind of development. For example education contributions will not be sought from development of older peoples’ accommodation, although this may attract a higher level of healthcare contribution.

7.12 Developer Contributions are usually provided through S106 Obligations, although conditions will be used where possible. The use of S106 Obligations is regulated by the Tests of Lawfulness set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010 as amended) and the NPPF (paragraph 58 of the 2024 Framework). These require that obligations are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

- 7.13 Mitigation will be provided from Sustainable Development Contributions for affordable housing provided through s106 Contributions or other mechanism that secure the housing as affordable in perpetuity.
- 7.14 The council adopted a Community Infrastructure Levy (CIL) in 2017 and this will be updated as part of the Local Plan Update. Where development pays CIL the amount of CIL paid will be deducted from the Sustainable Development Contribution liability. However, Site deliverability matters must still be met irrespective of CIL. It is important that mandatory CIL relief for social housing and other matters is sought before development is commenced.

Viability Issues

- 7.15 Whilst Torbay is a high-need area, it is not a particularly high value area, and the council recognise that development should be viable.
- 7.16 A Whole Plan Viability Assessment is being prepared as part of the Plan preparation. Therefore, all developments are expected to meet policy requirements and developer contributions in full under normal market conditions. It is not possible for the Torbay Local Plan to anticipate extraordinary events that may occur during the plan period, and therefore it is accepted that abnormal costs or other circumstances may arise which impact upon viability to the extent that the full range of policy requirements and planning obligations set out in the local plan cannot be met.
- 7.17 Where planning contributions are argued to render development unviable, a viability appraisal of the development proposal will need to be submitted by applicants. For major developments, the council will obtain an independent review of the submitted viability appraisal and will recover from the applicant its reasonable costs in doing so. The submitted viability appraisal and the independent review will be published by the local planning authority with the planning application documentation.
- 7.18 The council will publish an updated Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) to support the Local Plan to expand upon the principles set out in Policy IN2. In the interim, the 2022 SPD will continue to apply. The council is entitled to charge a 5% administration fee for developer contributions and will update the figures for inflation.

Policy IN2: High quality communications and digital connectivity

To the door fibre

All proposals for residential and commercial development should be designed to connect to high quality communications infrastructure including to the door fibre optic cabling. Where this is not possible, evidence will be required to show why the provision is not technically feasible.

Other ICT development

The introduction and installation of the most up to date and fastest telecom and other Information and Communications Technology (ICT) will be supported by the Local Plan. Applications for ICT developments will be supported where the following criteria are met:

1. The opportunity to accommodate apparatus on an existing mast or structure in preference to new masts or structures has been fully explored;
2. Telecommunication apparatus and associated structures have been sited and designed in order to seek to minimise impact on the visual amenity, townscape, character and appearance of the surrounding area;
3. Development does not have an unacceptable impact, including cumulative impact, on residential amenity, landscape character or wildlife;
4. Existing landscape features have been utilised and/or an appropriate landscaping scheme has been prepared to minimise the impact on the visual amenity, character or appearance of the surrounding area;
5. If on a building, apparatus and associated structures should be sited and designed in order to minimise impact to the external appearance of the host building; and
6. Underground facilities and ducts should be sited and laid to minimise harm to tree roots or areas of archaeological importance.

When considering proposals for telecommunications or other ICT equipment, the council will consider the operational requirements of telecommunications networks. It will be a condition of any approval given that any telecommunication apparatus and associated structures that subsequently become redundant will be permanently removed from the site and that land will be reinstated to its former condition or in accordance with details to be previously agreed with the council.

Explanation

- 7.19 There has been a huge expansion in telecommunications and computing in recent years. Internet connectivity is now considered an integral part of everyday life and crucial to the success of most business operations. With the emergence of new services such as 5G services, streaming, the internet of things, home working and the expansion of internet capable devices, there is likely to be a continued very large increase in demand for bandwidth and persistent internet connection.
- 7.20 The Plan cannot predict the future of technology although it is relatively certain that technological changes will happen quickly. It is important that the planning process is proactive in supporting and encouraging ICT networks to maximise their economic and social benefits.
- 7.21 Policy IN2 sets out a supportive policy for Communications infrastructure, whilst seeking to minimise the impact of such equipment and making provision for sharing of masts etc. and the removal of redundant equipment.

Chapter 8: Climate Change - Our sustainable and resilient future

Climate Change

- 8.1 A healthy, happy and prosperous Torbay for all is what Torbay Council's Community and Corporate Plan aims to achieve by 2040. Ensuring that our residents and businesses are able to cope with a changing climate is an important part of achieving this vision for Torbay. This is why our Corporate Plan commits the council to continue to tackle the climate emergency for a sustainable future.
- 8.2 Beyond natural processes, Humans have contributed to the release of more and more carbon dioxide emissions (and other greenhouse gases) into the air. This causes global temperatures to rise, resulting in long-term changes to the climate, known as climate change¹. This means that our planet is facing huge environmental challenges. Our economy and society are also experiencing the impacts of a changing climate. Devon, may face more river and surface water flooding, coastal flooding and erosion, reduced water availability, temperature change and extreme heat/cold and a range of negative impacts to key infrastructure, services and our wider economy and society (Devon Cornwall and Isles of Scilly Adaptation Strategy).
- 8.3 To help play our part in reducing carbon dioxide emissions and to prepare Torbay for a changing climate, Torbay Council declared a climate emergency in 2019 and, with partners, will work towards creating a net zero carbon Torbay² by 2050.
- 8.4 This target is in line with the current UK government's net zero target by 2050. This is incredibly challenging. Success will only be achieved through all organisations, individuals and institutions playing their part. In 2024, The Torbay Climate Partnership approved the Greener Way For Our Bay Framework and Action Plan. This outlines a pathway to a net

¹ Climate change refers to a large-scale, long-term shift in the planet's weather patterns and average temperatures (MET Office). For more on climate change, what's causing it and the evidence to support it please visit [What is climate change? - Met Office](#)

² Torbay will reduce its greenhouse gas emissions by 100% from 2008 levels by 2050

zero carbon Torbay by 2050 and a set of immediate actions to be carried by a range of partners across Torbay.

- 8.5 Many actions that help tackle climate change and reduce energy use and carbon emissions will also have a number of other benefits, like helping create warm, healthier homes, free from damp and mould in winter, alleviating fuel poverty³ by creating homes that use less energy and have lower energy bills and through renewable energy generation, homes that have their own resilient source of clean energy, with less reliant on imported energy.
- 8.6 The National Planning Policy Framework 2025 outlines that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should also help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.
- 8.7 The following policy therefore plays a key role in ensuring that new developments make a full contribution towards helping Torbay, and the wider UK, increase resilience to a changing climate and contribute towards the transition to net zero carbon by 2050. It also will help create future developments that are good for the occupants and are warm, healthy, developments that generate their own energy and have lower energy bills.

Strategic Policy CERS: Climate resilient, net zero carbon developments

Proportionate to the scale and type of development, all development proposals will be required to be designed to be resilient to climate change and minimise carbon dioxide and wider greenhouse gas emissions.

They must minimise greenhouse gases, including carbon dioxide, and demonstrate how they:

- i. Apply a climate resilient approach to ensure the development is adapted to cope with a changing climate, including design to minimise overheating, use water efficiently and utilise green infrastructure to help cool external spaces**
- ii. Minimise the risk and impact of flooding (including coastal where appropriate), through the location of development and including the use of nature-based solutions e.g. using sustainable drainage of surface water using**

³ With regards to a person in a fuel poverty, this is someone on a low income, that cannot keep their home warm at a reasonable cost.

features such as rainwater harvesting and reuse, infiltration areas, soakaways, porous pavements, attenuation wetlands and tree pits, green roofs/walls.

- iii. Minimise heating and cooling energy demand and associated emissions of greenhouse gas emissions, using layout, orientation and built form
- iv. Apply a fabric first approach to maximise energy efficiency
- v. Maximise renewable and low carbon energy generation⁴
- vi. Maximise water efficiency and seek to achieve a water efficiency standard of no more than 110 litres per person per day
- vii. Minimise the use of materials and creation of waste and promote opportunities for a circular economy
- viii. Minimise transport emissions through ensuring that development is integrated, accessible and inclusive for everyone and development complies with the requirements of Policy XXXXX (transport policy).
- ix. Achieve a minimum of 10% measurable biodiversity net gain and ensure that on-going management measures are in place

How requirements a- i above are to be met must be detailed in an Energy and Climate Change Statement. As part of their wider Energy and Climate Change Statement, major developments will also need to include a climate resilience assessment and a transport assessment and travel plan.

[Link to the Community and Corporate Plan – Climate Resilience](#)

⁴ Use of appropriate technologies such as heat pumps, solar thermal / photovoltaic panels, wind turbines + others that are suitable to the location

Explanation

- 8.8 The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (*NPPF 2025*).
- 8.9 Making sure Torbay is healthy, happy and prosperous for all (Torbay Council Community and Corporate Plan) will require new development to be able to cope with a changing climate and minimise associated economic and social impacts, whilst working towards reducing area-wide carbon emissions.
- 8.10 This policy brings together all these key elements to ensure development prepares for local climate impacts and supports the transition to net zero carbon by 2050.
- 8.11 New homes and commercial properties should be designed to adapt to a changing climate. They should be appropriately resilient to the impact of storm events including the effects of driving rain, high winds and surface water flooding and heat events. New buildings will need to also limit their propensity to overheat by optimising orientation, shading and layout.
- 8.12 The provision of green infrastructure can play an important part in helping to build climate resilience into developments. In the form of landscaped spaces, tree cover, green roofs and walls, all can be used to lessen overheating through shading, reduce storm water run-off, reduce external ambient temperatures and improve biodiversity. Major developments are required to submit a detailed Climate Resilience Assessment covering how the development has been assessed for a changing climate and measures to be introduced to increase climate resilience. As a minimum this must cover a, b, c and f above. The [Met Office's Local Authority Climate Service](#) can assist developers understand how the local climate of Torbay will change up to 2100.
- 8.13 Creating homes and buildings that use little to no energy, use energy efficiently and generate energy from low/renewable energy sources are vital to achieving net zero carbon by 2050. Locally, it will also help to create thermally comfortable homes, reduce cold-home related illness, reduce energy bills and reduce the numbers of homes in fuel poverty.
- 8.14 Building Regulations have been improved to conserve energy and reduce carbon emissions. The government's Future Homes Standard seeks to deliver homes that are

zero carbon ready from 2025⁵. The government has also set out a new Future Buildings Standard which provides a pathway to deliver new non-domestic buildings that are zero carbon ready from 2025. At the time of writing we are still awaiting the introduction of these new standards. The council will keep the government's progress in achieving these standards under review and, if necessary, implement our own energy efficiency requirements to ensure new development is making reductions in carbon emissions and is beneficial for the future occupants.

- 8.15 Maximising onsite renewable energy generation through technologies such as solar photovoltaic panels and air, water or ground source heat pumps will cut emissions through provision of low/zero carbon forms of energy generation and help the occupant to have lower electricity bills. Community-led renewable and low carbon energy schemes also have an important role to play in our net zero carbon transition and are encouraged to come forward.
- 8.16 Water efficiency is about reducing our use of water and the affect our homes and buildings have on water resources. The effects of climate change may increase the pressure on water resources. Torbay already faces hose pipe bans as South West Water try and conserve water during times of low water availability. Warmer summers are likely to increase water consumption and reduce available supply.
- 8.17 Pressure on water supplies can be addressed in part by water efficiency measures to reduce consumption. Improving the efficiency of water use, has the dual benefits of reducing bills and reducing the amount of water flowing into the sewer system, thereby helping to reduce flood risk. Water efficiency measures may include dual flush toilets, low flow bathroom and kitchen fittings, low water consumption appliances, grey water and water recycling systems, water butts and other on-site water retention systems. All development will achieve a water efficiency standard of no more than 110 litres per person per day.
- 8.18 Development should follow the waste hierarchy and reduce waste, reuse or recycle waste generated on site. Disposal of waste should be the last option.
- 8.19 The circular economy, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible, is important. Developments should choose materials that can be used again and again, reduce waste and the associated manufacturing and transport-related carbon emissions. In accordance with the principles of the circular economy, any infrastructure and development should be

⁵ Expected Autumn 2025

underpinned by sustainable waste management, whether it be in relation to construction or ensuring that new homes have appropriate layouts for waste collection services.

- 8.20 Increased traffic volumes are likely to arise from new developments and if not managed effectively are likely to cause localised pollution and congestion, increase greenhouse gas emissions and reduce the attractiveness of an area for others. New developments must mitigate these traffic impacts. Measures designed to enable people to make sustainable travel choices, such as developments designed for pedestrians with provision of cycle lanes, access to and improved local buses, car clubs, car sharing and electric charging plug-in points can all assist with reducing transport impacts.
- 8.21 In addition to the submission of an Energy and Climate Change Statement, Major developments will be required to demonstrate they have maximised opportunities for sustainable travel and will make adequate provision to mitigate the likely impacts of traffic through provision of a transport assessment and travel plan. All other developments generating new or additional journeys will be required to submit a transport statement unless there are significant transport implications arising. Particular attention should be had to Local Cycling & Walking Infrastructure Plan containing priority cycle and walking routes, and the bus service improvement plan with network and infrastructure enhancements.
- 8.22 A Supplementary Planning Document will be developed to provide further guidance.

Policy CER1: Net zero carbon development standards

- a. From adoption of the Plan, all developments will have the following requirements:**
- **residential development, as a minimum, to achieve a 75% carbon dioxide emissions reduction from that required under Part L of the 2013 Building Regulations.**
 - **non-domestic development, as a minimum, to achieve:**
 - **A fabric standard at least as good as that required under the current Building Regulations;**
 - **Heating using a heat pump or heat network (which does not utilise fossil fuel); and**
 - **Solar PV panel coverage equivalent to 40% of the building's footprint for side-lit spaces and 75% of the building's footprint for top-lit spaces.**

- b. In addition to (a) above, all developments will be required to achieve net zero carbon emissions.
- c. New development should connect to an energy network where there are existing proposals or schemes.
- d. Any major, high-density development proposal with expected high heat demand must demonstrate that consideration has been given to whether it is feasible and viable to develop a local energy network. Given the scale of development likely to come forward, local energy network assessments are required in the Torquay Gateway and West Paignton SDT policies.
- e. Major Non-Residential New Build Development will be required to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the council. The BREEAM 'Very Good' standard must be met as a minimum.
- f. For all development (including hotels) proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, resulting in a change in energy status⁶ the proposal will be required to demonstrate in the Energy and Climate Change Statement how energy demand has been reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected for their energy performance and that on-site renewable energy will be installed unless evidenced to be unfeasible.

Significant weight will be given to the benefits of development resulting in considerable improvements in line with industry best practice approaches such as Net Zero Operational Carbon and to the energy efficiency and reduction in carbon emissions in existing buildings.

All development must submit an Energy and Climate Change Statement to the local planning authority for approval and implementation, demonstrating how they fulfil the principles of a –f above.

⁶ A change to the energy status is when a building was previously exempt from the Building Regulations energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building

Explanation

- 8.23 The Torbay Local Plan is likely to be adopted after the introduction of the Future Homes Standard (FHS) and the Future Building Standard (FBS), but around the same time as its full implementation. These Standards are being introduced by the government to deliver highly efficient homes and buildings which are zero carbon ready, better for the environment and better for the occupants. For occupants, new developments will create warm, healthier homes, free from damp and mould in winter and help alleviate fuel poverty⁷ by creating homes that use less energy and have lower energy bills. Through renewable energy generation, homes will also have their own resilient source of energy and be less reliant on imported energy.
- 8.24 The FHS should ensure that all new homes built from 2025 produce at least 75% fewer carbon emissions than homes delivered under the Building Regulations Part L (Conservation of fuel and power in buildings) 2013. It is expected to be achieved by higher fabric and energy efficiency standards, as well as heating sources that do not utilise fossil fuels and the installation of solar PV panels.
- 8.25 The new FBS requirements for non-domestic buildings will also produce significantly fewer carbon emissions and will require heating sources that do not utilise fossil fuels and the installation of solar PV panels.
- 8.26 This will significantly reduce the regulated⁸ operational emissions for a typical building and make an important contribution to achieving net zero, whilst, for the occupant, increasing thermal comfort and reduce energy bills, fuel poverty and cold-home related illness.
- 8.27 In accordance with the government's expressed intention to introduce the FHS and FBS in 2025, Policy XXX seeks to ensure that the level of ambition is achieved. Should the introduction be delayed this policy provides a local back-up to the net zero national ambition. The council will keep the government's progress in achieving these standards

⁷ With regards to a person in a fuel poverty, this is someone on a low income, that cannot keep their home warm at a reasonable cost.

under review and, if necessary, implement our own energy efficiency requirements to ensure new development is making reductions in carbon emissions and also playing its role in helping to minimise fuel bills during these challenging times.

- 8.28 Torbay has limited potential for large-scale renewable energy generation like wind farms and district heat networks. This means that to reach net zero carbon by 2050 all homes need to play a part by generating their own clean energy. Therefore, the Local Plan needs to maximise small scale renewable energy generation wherever possible on new developments. It will also help reduce occupants' energy bills. Therefore, this policy seeks to go beyond FHBS and require new developments to achieve net zero carbon and help create warm, healthier homes that use less energy and have lower energy bills.
- 8.29 It is expected most buildings will achieve net zero carbon through achieving the Future Homes/Building Standard plus the installation of additional roof mounted solar PV panels, where appropriate, feasible and viable. Net zero refers to having zero regulated carbon dioxide (CO₂) emissions associated with a building's annual operational energy consumption. Achieving net zero will require the combination of constructing a highly energy efficient building using a fabric first approach, plus on-site or connection to off-site renewable electricity generation. It will require the annual generation of onsite zero carbon electricity to balance energy consumption from 'regulated' energy. Regulated emissions include CO₂ emissions arising from energy use regulated by Part L of the Building regulations (e.g. space heating, domestic hot water, fixed lighting etc).
- 8.30 The government has yet to publish the final Future Homes Standard. In the latest consultation on FHS the government consulted on two options, one with and one without solar PV panels. Should the government introduce FHS and this include some element of onsite renewable energy generation, through solar PV, then this policy builds on this, requiring additional renewable generation where possible. This is to help occupants of new developments have lower energy bills and a secure local supply of clean energy.
- 8.31 The outcome of Policy **XX** will facilitate delivery of net zero carbon homes as soon as possible, prioritising fabric improvements which bring thermal comfort and lower energy bills, through for instance, high efficiency glazing and minimal heat loss from walls, ceilings and roofs. Where schemes cannot achieve all the requirements through fabric improvements, 'top-up' solutions are permissible such as Solar PV arrays to generate low carbon electricity, and finally payments to an approved carbon offsetting fund where necessary. Carbon offsetting should be considered only as a 'last resort'. A Torbay fund will be established and administered by the council and will be collected via Section 106 agreements. Funds will be allocated to low carbon projects within Torbay, where additionality is clear, focussing on retrofitting existing housing stock, with a focus on lower income households and community energy projects. The council will prepare the terms for a carbon offsetting fund with external partners and further guidance will be published.

- 8.32 Local energy networks⁹ can play a role in helping an area to meet its net zero carbon ambitions. They use less energy and emit less carbon emissions by co-producing heat and power which is shared across a network to heat and power buildings. To date, Torbay does not have any large local energy networks. Major development should connect to such networks or communal heating networks where they arise in the future.
- 8.33 Any large scale residential or non-residential development must demonstrate that consideration has been given to whether it is feasible and viable to develop, or be connected to, a local energy network.
- 8.34 There is no exact formula for determining if a new development is suitable for the development of a new local energy network. However, major, high-density mixed development proposal with an anticipated high heat demand will lend themselves to such networks, especially if in close proximity to sites with excess waste heat or areas with known natural heat sources such as underground geothermal heat. Given the scale of development likely to come forward across Torbay, a site-specific local energy network assessments is required for development that comes forward within the Torquay Gateway and West Paignton areas (See policy XX XX).
- 8.35 All Major, non-domestic, developments are also required to meet BREEAM standards. This is a well-established and measurable means of delivering the policy outcomes above, and to achieve a sustainable development that minimises a range of other environmental impacts.
- 8.36 Energy and Climate Change Statements are also required for conversions and material change of use applications, where the conversion to a new use, will result in a change in energy status. Change to energy status is defined in regulation 2 (1) of the Building Regulations 2010 or most up to date version. A change to the energy status is when a building was previously exempt from the Building Regulations energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building.
- 8.37 All development must submit an Energy and Climate Change Statement to the local planning authority for approval and implementation, demonstrating how they fulfil the principles of a –f above.

⁹ Decentralised low carbon heat generation using district heating or communal heating networks to distribute heat locally.

Policy CER2: Embodied carbon reduction and assessment

All new development will be expected to demonstrate how they will minimise embodied carbon emissions.

Proposals for major development will be required to include an embodied carbon assessment as part of the Energy and Climate Change Statement. This assessment must use a nationally recognised embodied carbon assessment methodology and demonstrate actions taken to reduce embodied carbon emissions.

All development, including demolition that involve one-for-one replacement of existing dwellings must demonstrate why it is not feasible or viable to refurbish existing dwelling(s).

All applications must demonstrate how these requirements are to be met in an Energy and Climate Change Statement

[Link to the Community and Corporate Plan – Climate Resilience](#)

Explanation

- 8.38 Embodied carbon emissions are those typically associated with any processes, materials or products used to construct, maintain, repair, refurbish and repurpose a building and eventual material disposal.
- 8.39 Embodied carbon from the construction and refurbishment of buildings currently makes up 20% of UK built environment emissions¹⁰. As operational emissions from buildings continue to reduce, embodied emissions will make up a greater proportion of a building's total carbon emission. Work carried out for the Royal Institution of Chartered Surveyors suggests that embodied carbon currently makes up between 35% and 51% of a building's total emissions, rising to 70% as operational energy decarbonises¹¹. For this reason, the Local Plan seeks to start to address this increasing issue. Reducing embodied carbon emissions is extremely hard to achieve. This policy aims to introduce consideration of these emissions and actions to reduce them. No target is set through this policy but ensuring embodied carbon emissions are reduced as far as possible through good design

¹⁰ [Embodied Carbon | UKGBC](#)

¹¹ [WoE-net-zero-new-build-policy-evidence- FINAL.pdf](#)

and planning, will make a significant difference to reducing embodied carbon emissions and further support the transition to net zero by 2050.

8.40 Developments should:

- a) be encouraged to prioritise the renovation or retrofit of existing structures, as part of an efficient use of land, and subject to other local plan considerations
- b) select highly efficient building design and quality materials and systems which:
 - Have low embodied carbon, including transport emissions;
 - Minimise the need for replacement over the lifetime of the development;
 - Can be reused, recycled and disposed of sustainably at end of life;
- c) Ensure that materials are reused and recycled whenever possible, and that waste is minimised in design. Ensure that this is designed in from project inception to completion.
- d) Ensure that new buildings are flexible and adaptable to future uses, reducing the need for future redevelopment.
- e) All development, including demolition that involve one-for-one replacement of existing dwellings must demonstrate why it is not feasible or viable to refurbish existing dwelling(s). Where it is not feasible or viable a clear plan must be in place to demonstrate that adequate steps have been taken in the design of the new development to reduce embodied carbon and impacts.
- f) Demolition of historic buildings which are in a state of considerable disrepair will only be acceptable where robust evidence can be provided to the satisfaction of the local planning authority that the building has not suffered from neglect and that the repair and reuse of the building would not be viable or that significant public benefits, including a lower net-carbon solution for the site to outweigh the heritage harm caused, can be delivered.

Given the impact a major development can have on embodied carbon emissions, they will also be required to include an embodied carbon assessment as part of the Energy and Climate Change Statement. To calculate embodied carbon emissions, a nationally recognised embodied carbon assessment methodology such as RICS and conform to BS EN 15978. All submissions should also demonstrate actions taken to reduce identified embodied carbon emissions. An Embodied Carbon Delivery Checklist will be developed to help all major developments meet this requirement.

Policy CER3: Heritage assets and climate adaptation

Proposals that help to increase resilience to climate change and secure a sustainable future for historic assets and non-designated heritage assets will be supported where they:

- a. preserve or enhance the significance of the asset
- b. facilitate their sensitive re-use where they have fallen into a state of disrepair or dereliction (subject to such a re-use being appropriate to the specific heritage asset)

[Link to the Community and Corporate Plan – Protecting and enhancing Torbay's heritage / Climate Resilience](#)

Explanation

- 8.41 Within Torbay there are 24 conservation areas, 13 scheduled monuments and approximately 865 listed buildings as well as numerous non-designated heritage assets, so it is vital that they play a role in contributing towards Torbay's net zero carbon target by 2050 (and so buildings can become warm, healthy and with lower energy bills).
- 8.42 To safeguard our heritage assets and to sustain our cultural heritage for future generations, our heritage assets need to be adaptable to, and protected from, the effects of climate change. Historic buildings can also positively contribute towards reducing carbon emissions through sensitive and sympathetic adaptations that secure their retention, repair, retrofit and reuse alongside the conservation of their significance. The embodied energy (the energy used within the materials and construction activities) in historic buildings means that their retention aligns with the ambition to reduce carbon emissions and the priority to conserve heritage assets.
- 8.43 Sympathetic adaptation that preserves the building is required to improve energy efficiency, reduce emissions, enable renewable energy generation and/or enable the building to adapt to climate change. Adaptation may require alterations to heritage assets or development within their settings. A holistic view should be taken when considering such alterations. This should balance the need to safeguard the future of the asset and its conservation, and where appropriate, enhancement, of its significance.

- 8.44 Historic England offers information and advice on many related topics including energy efficiency and historic buildings. [Historic England Advice Note 18](#) sets out more detail regarding their requirements for adapting historic buildings for energy and carbon efficiency.
- 8.45 A Supplementary Planning Document will be developed to provide further guidance.

Policy CER4: Renewable and low carbon energy generation

Renewable and low carbon energy-generating development¹², including energy networks and community projects and all related enabling infrastructure (including battery storage and other energy storage facilities or recovery of waste heat or cooling and proposals that support the transition to a smart, flexible, and zero carbon energy system) will be supported where proposals avoid unacceptable impacts upon amenity and the natural, historic and built environment. Clear evidence of local community involvement and leadership will be given substantial positive weight.

Energy-generating development that is neither renewable nor low carbon will not be permitted¹³

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 8.46 The NPPF states the planning system should support the transition to net zero by 2050 and should increase the use and supply of renewable and low carbon energy and heat. The UK government's "Clean Power 2030" target aims for a clean power system by 2030, with at least 95% of our power coming from low-carbon sources. The use and supply of renewable and low carbon energy and heat will play a vital contribution towards local and national net zero carbon targets by 2050. By driving forward new low carbon technologies, we can cut the use of fossil fuels for heating our homes.

¹² Includes a wide range of technologies that harness energy from water (hydro, wind, solar, clean hydrogen, geothermal, ground via bore holes, anaerobic digestion and new and emerging opportunities.

¹³ With the exception of essential services and buildings, such as hospitals, that will still need backup power generation which are likely to be powered by fossil fuels.

- 8.47 Previous studies¹⁴ carried out show a lack of abundant natural resources to supply clean energy in Torbay. The constrained nature of Torbay and proximity to nationally significant landscapes and marine designation, limits capacity for clean energy generation, through large, stand-alone, wind turbines, solar farms and low carbon heat networks. However, technologies are developing all the time and may give rise to new opportunities such as geothermal heat. Therefore, this policy aims to be flexible and support the clean power transition where appropriate for Torbay. The Local Plan also aims to maximise smaller scale clean energy generation like roof top mounted solar. This is covered in more detail in **policy XX Net Zero XXXXX**.
- 8.48 Major developments are encouraged to include land for larger schemes such as solar PV and wind turbines and be accompanied with some means of longer-term energy storage, to draw-down electricity when required.
- 8.49 Communities are also encouraged to develop their own low carbon/renewable energy proposals, through neighbourhood plans. The benefits of which can include community ownership, revenue, and local jobs.
- 8.50 Where renewable and low carbon energy-generating development comes forward, the council will not require applicants to demonstrate the overall need for renewable or low carbon energy. The approach set out in this policy aims to help increase the use and supply of renewable and low carbon energy and heat as it arises.
- 8.51 Energy networks are vital to making net zero a reality in the UK. In high density urban areas, they are often the lowest cost, low carbon heating options. This is because they offer a communal solution that can provide heat to a range of homes and businesses by capturing or generating heat locally. By driving forward new low carbon technologies like heat networks, we can cut the use of fossil fuels for heating our homes and shield households from oil and gas price rises that are being pushed up by pressures on global energy markets.
- 8.52 The Energy Act 2023 provides the powers for government to implement heat network zoning in England through regulations. These zones will be introduced from 2025. If a zone is highlighted in Torbay this policy will be updated to support the development of the zone.

¹⁴ torbay.gov.uk/media/1797/sustainableenergyassessment.pdf

Strategic Policy ER1: Flood Risk and Safe Development

All development (including access and egress) must be safe for its lifetime from all sources of flooding, taking account of its future use, function and government projections of how the risk of flooding may change in response to climate change. The sequential approach, as outlined in the National Planning Policy Framework, must be used to guide new development towards sustainable locations, giving priority to sites with the lowest risk of flooding and taking account of the vulnerability of the proposed land uses. Areas subject to flood risk¹ are shown on the Policies Map.

Development will not increase or exacerbate flood risk elsewhere and will reduce flood risk to the application site and its surroundings, including an allowance for climate change. Where development is necessary in areas at risk of flooding, it should be laid out and designed to ensure buildings and their surroundings are appropriately resistant and resilient to all forms of flooding, would be safe and would not increase the risk of flooding to third parties.

Mitigation measures such as Sustainable Drainage Systems (SuDS), Water Sensitive Urban Design (WSUD) and water storage areas will be required to restrict site discharge rates, alleviate downstream flood risk, prevent increased discharge from Ilsham Combined Sewer Outfall (CSO) during flood events and encourage biodiversity.

Proposals should have regard to the council's Local Flood Risk Management Strategy and comply with the requirements of any subsequent Action Plan. The council's SuDS Design Guidance should be adhered to.

Development that contributes directly to downstream flooding and increased discharge from Ilsham CSO during flood events will not be permitted until the appropriate flood protection measures referred to above are put in place. Developers will be required to contribute to these works as appropriate (see **Policy I1** 'Infrastructure, phasing and delivery of development').

Torbay is designated as a Critical Drainage Area and consequently all developments require a basic Flood Risk Assessment (FRA). A more detailed FRA will be required for proposals with a site area of 1 hectare or greater within Flood Zone 1, including where they impact on catchments draining into Flood Zones 2 and 3, and for all new development within Flood Zones 2 and 3. A Flood Risk Assessment will also be required for development close to seafronts within Flood Zone 1 where there may be a risk of flooding due to wave action.

Development of basement accommodation, including changes of use or basement parking will not be permitted where there is danger of inundation and consequent risk

to life. This will apply to conversions of existing basement accommodation to a more vulnerable use.

On sites which benefit from existing flood defence schemes, consideration should be given to how the development will be safe and satisfactorily defended for the lifetime of the development, having regard to the future maintenance, modifications and enhancements that will be required to retain the existing level of protection. A financial contribution towards flood defence works may be requested by the council. Development will be resisted where this requires disproportionate costs for flood defence works, or generates substantial obligations for the public sector.

Development must not result in the loss of access to watercourses, or flood defence assets, for maintenance, clearance, repair or replacement.

Proposals which provide functional improvements to a floodplain, open up culverts or restore the natural characteristics of catchments will be promoted and encouraged, particularly where this reduces flood risk, improves water quality, maintains water resources, enhances biodiversity, or produces other benefits, such as improved amenity or provision for recreation.

[Link to the Community and Corporate Plan – Climate Resilience](#)

Explanation

- 8.53 This Policy seeks to avoid inappropriate development in areas subject to flooding, and to direct development away from areas of highest risk. Events in Torbay and elsewhere have shown the disruption and distress caused by flood events which, at worst, can lead to the loss of life and damage to property.
- 8.54 The risk from flooding is low in most parts of Torbay. However, due to the Bay's topography, climate, proximity to the sea and the nature of watercourses and sewers, flooding can occur rapidly, giving people little time to react. It is therefore particularly important that new development considers flood risk.
- 8.55 The southwest of England has already experienced a significant increase in precipitation. The Met Office climate pack for Torbay suggests that winter precipitation could increase by between 7% and 23% by the 2030s, which increases the risk of river and surface water flooding.
- 8.56 Indicative flood risk zones are shown on the Policies Map. However, they are not intended to be definitive and it is the responsibility of the applicant to ensure that proposals meet the requirements of the Local Plan and NPPF. More detailed information can be found in

the most recent Torbay Strategic Flood Risk Assessment (SFRA) and Environment Agency data. Most of the coastal fringe and land adjacent to watercourses is within a medium or high risk flood area – Flood Zones 2 and 3. This includes parts of Brixham, Paignton and Torquay Town Centres, Higher Brixham, Torquay waterfront, Torre Abbey Meadows, parts of Preston and Goodrington, Occombe and Clennon Valleys, Broadsands, Kings Ash Road, Totnes Road, Churston and Galmpton. Policy C3 is also relevant to such areas. It is important to note that coastal frontages may be at risk of flooding from wave action, even where they are mapped as Flood Zone 1. This must be recognised in planning for such areas.

- 8.57 The council's approved Torbay Local Flood Risk Management Strategy explains the key flood risks in Torbay, the measures that have already been taken to minimise these risks, and the measures and actions that will need to be taken in order to minimise these risks further. The ensuing Action Plan will be used to inform the medium term plan for flood defence funding in liaison with South West Water. It will allow flood risk management actions to be prioritised and for investment plans to be focused and coordinated.
- 8.58 The greatest risk of tidal flooding coincides with extreme storms, high tides and easterly winds. This could potentially lead to the local over-topping or breach (failure) of existing flood defences. Fluvial flood events have tended to arise where rainfall exceeds the capacity of watercourses, or as a result of problems within culverts. A key factor influencing the magnitude of fluvial flood events is the steep topography present in much of Torbay.
- 8.59 There is sufficient land within Flood Zone 1, where the probability of flooding is low, in order to deliver the majority of the future growth identified by the Local Plan.
- 8.60 A sequential test should be undertaken, in accordance with the National Planning Policy Framework and National Planning Practice Guidance, to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account.
- 8.61 For all development (including changes of use) in Flood Zones 1, 2 or 3, the council will work with developers to seek opportunities to reduce the overall risk of flooding in the area and beyond, through the layout and form of development, including sustainable drainage systems and green infrastructure.
- 8.62 The opportunity to reduce the vulnerability of existing basement flats in areas of flood risk will be particularly encouraged. Changes of use of existing basements to 'more' and 'highly' vulnerable uses will not be acceptable. Similarly, the reorientation of existing residential accommodation that would result in self-contained basement dwellings will not be permitted where there would be no unfettered access to high ground, or higher floors that are above potential flood levels within the building in question.

- 8.63 It is recognised that the intense pressure on Torbay's finite land supply will mean some development will continue to occur in flood risk areas, and this will help to sustain the vitality of the existing urban area and contribute to the regeneration of the local economy. Additionally, development in the urban area on brownfield sites has significant benefits, including the potential to help mitigate climate change by limiting the need to travel and supporting local energy networks. In order to deliver the sustainable regeneration of brownfield areas, flood risk will need to be mitigated through SuDS and other nature-based solutions, and managed through design and site layout to ensure the development is appropriately flood resistant and resilient.
- 8.64 The acceptability of proposals will be determined with regard to the compatibility of land uses in the National Planning Policy Framework and National Planning Practice Guidance, and the specific package of mitigation measures being proposed. Such developments must be safe over their lifetime and take into account the effects of climate change (also see Policy CERS 'Climate Resilient, Zero Carbon Developments').
- 8.65 The whole of Torbay is designated as a Critical Drainage Area (CDA). For this reason, all development will require a basic Flood Risk Assessment. The catchments within Torbay are typically small, steep, and in the most part highly developed in nature. There is also a legacy of culverting (piping) of the watercourse channels which adds to the risk of flooding and as such all new development must deliver a reduction in current rainfall run-off rates. This requirement also applies to brownfield sites. To satisfy the above will require additional water sensitive urban design (WSUD) and may involve creation of water storage areas within the site, compared to the normal SuDS design, thereby contributing to a reduction in flooding downstream.
- 8.66 The government has stated that individuals and businesses that benefit the most from flood defences (for example by lower insurance premiums and averted damage) should pay a greater proportion towards their cost, giving effect to the 'beneficiary pays principle' (DEFRA, 2010). A financial contribution for the maintenance and improvement of flood defence infrastructure will be requested where it protects a proposed development, or makes a development feasible, which otherwise, could not be permitted.
- 8.67 New development will need to be designed and constructed to minimise flood risk by the careful layout of land uses and activities to ensure flood resilience and resistance. Safe access, escape routes, refuge areas and evacuation plans may need to be provided. Where a development site has different flood risk characteristics (for example where it straddles flood zones), vulnerable uses should be directed to the part of the site with the lowest flood risk. Particular care will need to be taken with proposals to provide new basement accommodation or underground car parking, as these uses are particularly

difficult to defend. Development is unlikely to be permitted where there is a danger of inundation of such areas, as this poses a danger to life.

- 8.68 In accordance with this Policy, a Flood Risk Assessment (FRA) may be requested to support a planning application. This should demonstrate how the risk of all forms of flooding has been considered, any mitigation measures proposed, and identify the effects of 'adding in' climate change. Impacts both upstream and downstream in the catchment will need to be examined where there is a risk of fluvial flooding or surface water run-off. The detail provided by the FRA should be proportionate to the flood risk posed to and by the proposed development. Details of the measures, proportionate to the scale and nature of the proposal, that will be used to address flood risk will be required when a planning application is submitted.

Strategic Policy ER2: Drainage Hierarchy

All development, including changes of use, must minimise the generation of surface water run-off and ensure that run-off does not enter the combined sewer network. All development must demonstrate how it has maximised the use of permeable natural surfaces, planting, and vegetated areas to its full potential.

All development must adhere to the drainage hierarchy and dispose of surface water using an adequate ground infiltration system in the first instance. Only where it is evidenced that ground infiltration is not possible can the next method of water disposal in the hierarchy be investigated.

The drainage hierarchy, listed in order of priority:

- i. An adequate ground infiltration system (for example swales, soakaways, infiltration basins, filter drains, rain gardens). This option must be fully explored and only discounted where the Local Planning Authority (LPA) is satisfied that it is not feasible;**
- ii. A main river or water course;**
- iii. A surface water sewer or highway drain;**
- iv. As the last resort, where the above drainage solutions have been fully investigated and robust evidence provided to justify why they cannot be utilised, development may be permitted to discharge water to a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.**

Where development cannot meet criteria i-iii above and proposes to discharge surface water into a combined sewer, it will be subject to an Habitats Regulations Assessment (HRA) and the following criteria must be met:

1. Robust evidence must be provided to demonstrate that there will be no adverse impact on the features of the Marine Special Area of Conservation (SAC), either alone or in combination with other plans or projects, as a result of increased pressure on the sewer system and the associated risk of sewer spills.
2. Appropriate mitigation measures will be required, such as a planning contribution towards strategic sustainable drainage improvements to reduce pressure on the sewer system to ensure no likely significant effect on the SAC.
3. Development must also demonstrate a 20% reduction in the impermeable area of the site post-development, to enhance opportunities for rainwater absorption through permeable natural surfaces.

To ensure there are no cumulative adverse impacts on the Marine SAC resulting from combined sewer spills, all development proposals must submit detailed drainage arrangements at the application stage. This will enable the Local Planning Authority to undertake a Habitats Regulations Assessment screening and, where necessary, an Appropriate Assessment.

Development may need to be phased in accordance with the provision of adequate water-related infrastructure and a financial contribution, or works in kind, may be required in order for development to proceed. This would include funding to ensure the provision of any necessary additional surface water management schemes.

Where drainage proposals require monitoring, a section 106 agreement will be used to secure a monitoring fee.

[Link to the Community and Corporate Plan – Climate Resilience](#)

Explanation

- 8.69 The Torbay Sewer Capacity Assessment² (SCA) hydraulic modelling suggested that the sewer network will face substantial challenges due to the cumulative impacts of increased sea level rise and rainfall, urban creep and population growth (Figure 4).

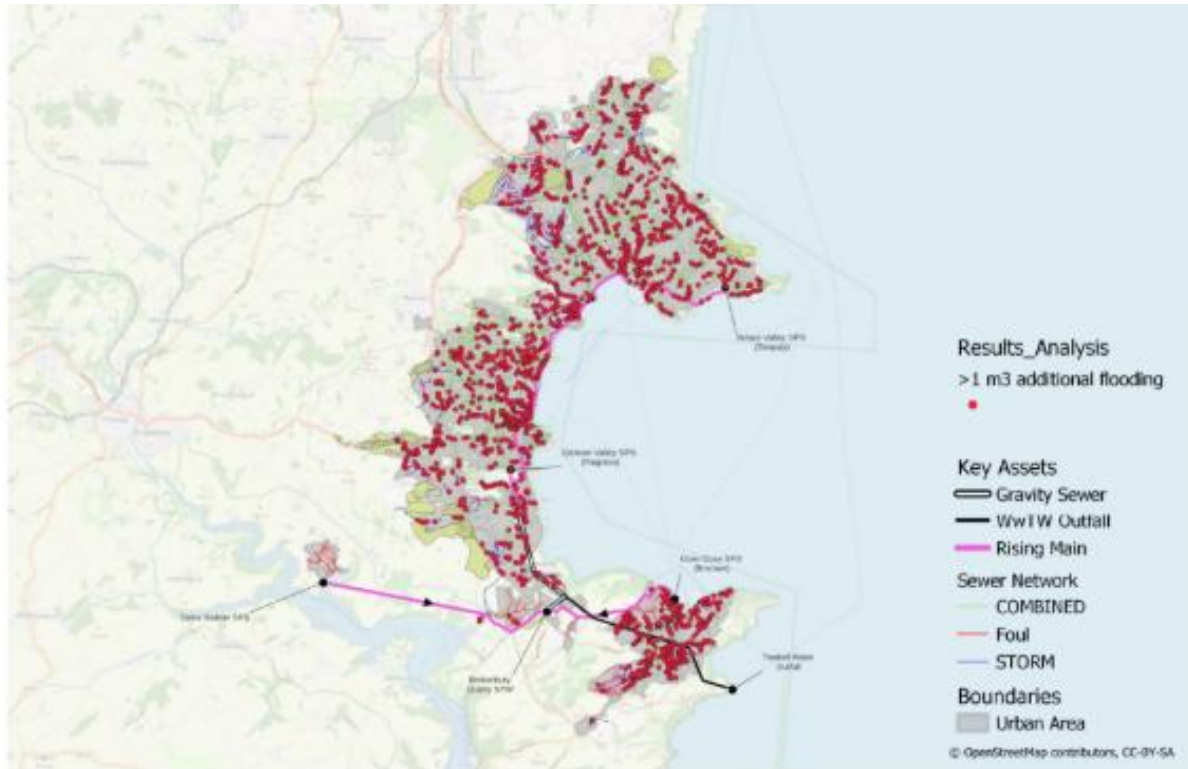


Figure 4 Torbay flooding detriment

- 8.70 **Figure** 4 illustrates flooding detriment due to development foul flows, creep across the whole catchment and 50% climate change allowance. For this assessment, the critical level has been taken as 0.5m below the manhole cover. This is the point where water level may impact upon low lying property by causing flooding or restricted sewer use. It should be noted that the results have been generated from a relatively extreme rainfall event and must be viewed as an indicator of modelled performance, rather than of the likelihood of actual sewer flooding occurring.
- 8.71 The SCA suggests there will be a 11% increase in combined sewer overflows (CSOs) by 2040 as a result of more rainfall due to climate change, the modelled level of population growth and urban creep from the existing built areas. CSO increase is likely to be detrimental to the features of the Lyme Bay and Torbay Marine Special Area of Conservation (SAC), Torbay's bathing water quality and the broader tourist industry all of which are sensitive to changes in water quality.
- 8.72 To avoid impacts on the Marine SAC the risk of increased CSO spills and sewer flooding must be avoided, as a result all development must reduce the amount of rainfall that is discharged into the combined sewer system through adherence to the drainage hierarchy.

- 8.73 In accordance with advice from SWW, development that proposes discharging surface water into combined sewers will be given increased scrutiny in relation to developers' justification for not using higher priority disposal methods within the hierarchy, to avoid increasing the existing stress on these network assets.
- 8.74 Brownfield or town centre developments are not always able to meet steps i-iii of the drainage hierarchy and seek to discharge surface water into the combined sewer system at a controlled rate. Natural England has expressed serious concerns about the effect of combined sewer overflows on the integrity of the marine reefs which are an important element of the Marine Special Area of Conservation (SAC). The cumulative impact of surface water and population increase is likely to result in increased CSOs, which has an adverse effect on the integrity of the Marine SAC.
- 8.75 Development will need to show that there is no likely significant effect (LSE) on the Marine SAC, including the combined impact. In order to achieve this, proposals will need to show that they avoid or cancel out the risk of increased run-off, and thereby an increased risk of spills.
- 8.76 However, where proposals are reliant upon discharge to the combined sewer system, posing a risk of increased spills, it is likely that they will contribute to a LSE on the Marine SAC and will therefore require Appropriate Assessment, especially in order to assess their 'in combination' effect with other such proposals. In these instances, mitigation measures will be required and the council may seek a planning contribution towards strategic sustainable drainage improvements to reduce surface water within the combined sewer system when development disposes of surface water in this way.
- 8.77 Where adverse impacts on a SAC may be possible from development there is a need for assessment under the Habitat Regulations to determine the acceptability of proposals. As a result, development will be required to submit drainage details prior to determination so that the council can assess whether it can reasonably be achieved with no adverse impact on the SAC due to the cumulative impact.
- 8.78 Minimisation of surface water run off can further be achieved using green infrastructure features which improve the potential for natural absorption of rainwater, such as soakaways, rainwater harvesting and reuse, green roofs, infiltration areas, porous pavements, attenuation wetlands and tree pits. All development should maximise these sustainable water management features.

Strategic Policy ER3: Water Management

All development must submit a water management plan demonstrating how it has met the below criteria. Water management plans should be proportionate to the scale of development.

- 1. The design of buildings and the surrounding environment (including pavements, highways, parking areas, driveways, gardens, public green spaces, planting and drainage) maximises Water Sensitive Urban Design (WSUD) and the provision of natural flood management measures and is resilient to the ongoing and predicted impacts of climate change. The design of development must maximise natural and permeable surfaces. Where hard surfacing is necessary, it should be permeable wherever possible.**
- 2. All development must minimise water consumption and optimise water efficiency:**
 - a. Homes will be expected to demonstrate how they will achieve an estimated water consumption of 110 litres or less, per person per day.**
 - b. Non-residential development will be required to achieve full credits for category Wat 01 of BREEAM unless demonstrated impracticable.**
- 3. Development avoids harm to surface waters (including rivers and coastal waters), sensitive water-reliant habitats and species and sites protected under European legislation, and any adverse impacts on the quality and quantity of groundwater. Regard should be had to the cumulative effects of developments;**
- 4. Where development is located within Groundwater Source Protection Zones (SPZs) or where there is a significant risk of adverse effects on aquatic ecosystems Pollution Prevention Plans must be prepared and submitted as part of a planning application;**
- 5. Development provides appropriate sewage disposal systems with separate foul and surface water, and particularly through sustainable drainage measures, reduce water being discharged into shared sewers (see also Policy W5 and Policy ER2);**
- 6. Development delivers appropriate mitigation measures in accordance with the government's current Water Framework Directive objectives.**

Explanation

- 8.79 This Policy seeks to minimise the effect of development on water bodies, and to deliver Water Framework Directive objectives and appropriate mitigation measures set out in the South West River Basin Management Plan.
- 8.80 One of the principles of the Water Framework Directive is that there should be no deterioration in water quality status arising through development. The council will ensure there is no deterioration in water quality status arising through development, and seek development to bring about improvements to bathing waters and marine habitats through the design of development and off-site contributions where appropriate.
- 8.81 South West Water has reported water availability as a risk to Torbay. The projected changes in weather patterns and climate coupled with increased water demand due to population growth, behavioural changes to cope with the shift in climate and other demand pressures puts a strain on the water supply infrastructure and sources used for abstraction³. Torbay Council has received evidence from the Environment Agency and South West Water, alongside a joint position statement from these bodies advising that all development in Torbay must integrate water resilience measures. In light of this, and the evidence indicating that water is becoming an increasingly scarce resource, a water efficiency standard of 110 litres per person per day for new homes is justified to help manage demand. Water efficiency should be calculated in accordance with the methodology set out in Approved Document G of the Building Regulations.
- 8.82 The design of new developments should incorporate water efficiency and consumption measures, such as rainwater/ or greywater recycling, low flow taps and showers, low flush toilets, rain gardens and water butts in the construction of new buildings.
- 8.83 The council will require a Pollution Prevention Plan (PPP) to be prepared where the development poses a significant risk to the water environment, including the Marine Special Area of Conservation (SAC), from either the construction process and operation, or design of buildings (for example through run-off). The PPP should identify how the potential for adverse effects on aquatic ecosystems or socio-economic assets, such as the coastal bathing waters, will be managed. The physical and chemical modification of water bodies will be resisted where this harms their function or results in damage to habitats.
- 8.84 Groundwater resources are an invaluable source of water for public supply, industry, agriculture and rivers but can be harmed by a range of activities, such as contamination from industrial uses or infilling in the urban area. The council will seek to prevent or limit

the entry of pollutants and protect water resources by refusing planning consent for developments which it considers pose an unacceptable risk to groundwater. The council may require measures, such as the provision of Sustainable Drainage Systems (SuDS), to minimise or remove the risk. Further details are set out in the Torbay Flood Risk Management Strategy. As set out above, the use of sustainable drainage systems such as swales, soakaways, infiltration basins, filter drains and rain gardens will be the first preference.

- 8.85 The age and capacity of shared sewers, especially in Paignton, has been identified as a major infrastructure constraint. Policy W5 deals with wastewater disposal in more detail. However, better use of existing infrastructure and water efficiency will be as important as new sewerage infrastructure in ensuring a sustainable future. Development proposals must provide adequate sewerage infrastructure to cope with the anticipated increase in sewage and surface water, including the impact of extreme weather events. Foul and surface water drainage should be separated to reduce the likelihood of flooding and contamination downstream. Measures to promote the conservation and reuse of water such as water butts and rain/ grey water harvesting will be supported. The use of natural sewage treatment, such as wetland / reed beds, is encouraged where practicable. The phasing of development may be required in line with a timetable for the provision of critical water and drainage infrastructure improvements required to serve a development proposal.

Policy ER4: Sustainable Drainage Systems and Water Sensitive Urban Design

Sustainable Drainage Systems (SuDS) must prioritise the use of above ground, biodiverse solutions and be incorporated into development proposals in a holistic and imaginative way so that they form an integral part of the green and blue infrastructure, providing multi-functional benefits to amenity, water quality, recreation and biodiversity. SuDS should provide a safe, naturalised, accessible system without the need for fencing or barriers. Consideration must be given to the vulnerability of existing site surroundings, including buildings, ground conditions, ecology, landscape and heritage. Well-designed SuDS should provide multiple benefits and form an important element of biodiversity net gain, climate adaptation, public space provision.

Development incorporating Sustainable Drainage Systems (SuDS) must have regard to the most recently adopted Torbay Council SuDS Design Guide, including the four pillars of SuDS design:

1. **Amenity**
2. **Biodiversity**
3. **Water quantity**
4. **Water quality**

A financial contribution may be requested for capital improvement works to the existing drainage infrastructure.

All development should utilise a Water Sensitive Urban Design (WSUD) approach to ensure the delivery of water sensitive places. Where urban areas are being regenerated the retrofitting of water sensitive urban design is a high priority.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 8.86 At the top of the drainage hierarchy is infiltration to Sustainable Drainage Systems (SuDS). SuDS mimic nature and are designed to take account of water quantity (flooding), water quality (pollution) and amenity issues. They are more sustainable than traditional drainage methods because they:
- Reduce flooding by managing runoff volumes and flow rates from hard surfaces
 - Protect or enhance water quality
 - Protect natural flow regimes in watercourses
 - Are sympathetic to the environment and the needs of the local community creating a better place to live and work
 - Provide a natural habitat for wildlife
 - Promote evapotranspiration from vegetation and surface water
 - Recharge groundwater and natural aquifers
- 8.87 WSUD integrates water cycle management with the built environment through the use of Sustainable drainage systems (SuDS) and making space for water. In towns and cities, space for water can be created in areas that are not traditionally 'designed' to flood. Blue corridors can be created in existing urban areas to channel run off through a development.

Policy ER5: Contaminated Land and Site Remediation

Development proposals must take the following environmental considerations into account:

1. Where identified or suspected contamination presents a risk to public health and safety, buildings, structures or the natural environment, appropriate investigations and remedial or precautionary measures will need to be agreed with the council; and
2. Developers will need to demonstrate that any identified or suspected contamination can be satisfactorily overcome without risk to health.
3. The council will seek to support and subsidise the removal of contamination where it achieves wider public benefits including town centre regeneration, provision of employment or affordable housing.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 8.88 Ensuring the best use of land will often mean that contaminated land needs to be reused. Whilst contamination is not generally a significant issue in Torbay, there are several important sites where previous or current land uses suggest a remediation strategy will need to be agreed with the council before development commences.
- 8.89 Whilst contamination needs to be removed and sites rendered safe, some such sites are often very sustainably located for brownfield regeneration, and the council will seek to support their regeneration, including through the flexible use of developer contributions, where this meets the legal tests.
- 8.90 The council has prepared a Contaminated Land Strategy in accordance with the Environmental Protection Act 1990 – Part IIA.
- 8.91 The council will request appropriate site investigations and reports to be undertaken to assess the ground conditions and to identify the remedial, preventative and precautionary measures that will be required. The examination of any development site may need to consider surrounding land and activities, including any pathways through which a pollutant could potentially transfer. The sensitivity of the proposed end use is especially relevant, particularly where residential development is proposed with gardens; sites with a history of

contamination could present risks from growing vegetables or dermal contact with soils. The degree of exposure, in terms of the time users of a development spend staying in an area, will be taken into account. Site investigation reports and recommendations for remedial, preventative or precautionary measures must be submitted with major planning applications.

Policy ER6: Ground stability and risk management

Development proposals must take the following considerations into account:

- 1. Appropriate investigations and remedial or precautionary measures will need to be agreed with the council where identified or suspected ground instability presents a risk to public health and safety, buildings, structures or the natural environment; and**
- 2. Developers will need to demonstrate that any identified or suspected ground instability can be satisfactorily overcome in order for development to proceed. This applies particularly, but not just to, land within the Coastal Change Management Zone.**

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 8.92 Ground stability is an issue in the immediate coastal area and inland due to the natural movement of the ground and underlying strata or bedrock. The impacts of climate change can also result in ground stability issues. Where land stability has been identified as a concern or is suspected, developers will be expected to undertake a geotechnical investigation in accordance with the council's requirements. Conditions will be attached to planning permissions to ensure necessary procedures are followed. See also Policies ER7 'Coastal change management' and Policy GE1 'Geodiversity'.

Policy ER7: Coastal Change Management Areas

Permanent new residential development (including through change of use) will not be permitted within a Coastal Change Management Area (CCMA).

To reduce the impacts of physical changes to the coast and the impact of these changes on coastal or estuarine communities, new development, or the intensification of existing development in Coastal Change Management Areas will be limited to the following uses:

- a. Essential infrastructure* provided there are clear, costed plans to manage the impacts of coastal change on it, and it will not have an adverse impact on rates of coastal change at the site or elsewhere; or**
- b. Change of use for less vulnerable and water compatible tourism-related development, shops, small scale business or leisure activities requiring a coastal location and providing substantial economic and social benefits to the community; or**
- c. Key community infrastructure, which has to be sited within the CCMA to provide the intended benefits to the wider community and there are clear, costed plans to manage the impact of coastal change on it and the service it provides; or**
- d. Adaption measures to existing buildings and businesses, which increase resilience to flood risk; or**
- e. Temporary siting of development directly linked to the coastal strip (such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping); or**
- f. Water compatible development.**

All development must demonstrate:

- i. that it is consistent with policy statements for the local policy unit in the current Shoreline Management Plan**
- ii. that it will be safe over its planned lifetime and does not have an unacceptable impact on coastal change, would not result in an increased risk to life or significant increase in risk to property.**
- iii. that it conserves, or where appropriate enhances, landscape, seascape and townscape character, heritage significance and important coastal habitats, particularly where they are at risk from climate change impacts.**

Where development is proposed outside a CCMA where there is uncertainty in the rate of erosion or flooding that could cause loss or permanent inundation within the lifetime of a development, the precautionary principle should apply.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 8.93 The NPPF requires plans to reduce the risk of coastal change by avoiding inappropriate development in vulnerable areas and identifying Coastal Change Management Areas (CCMAs). CCMAs are not necessary where the Shoreline Management Plan policy is to 'hold the line' and can be maintained over the plan's lifetime. Generally, the centres of main coastal settlements are defended.
- 8.94 *In the context of CCMAs, essential infrastructure is defined as:
- i. essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk;
 - ii. essential utility infrastructure which must be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood; and
 - iii. wind turbines.

Chapter 9: Our Natural Places - Protecting and enhancing Torbay's countryside, landscape and natural environment

Policy LS: Landscape Strategy

The overarching strategy is to provide a high-quality landscape setting and strong green infrastructure framework; to protect, conserve and, wherever possible, enhance landscape character and local distinctiveness for the countryside and seascape by reference to the Torbay Landscape Character Assessment, including the Historic Landscape Characterisation. The rural landscape performs a crucial part of the identity and value of our settlements and the strategic gaps between the three main towns in Torbay and between Torbay, Teignbridge and the South Hams should be protected to prevent coalescence and to retain the separate identities of the settlements.

The South Devon National Landscape (SDNL) has the highest status of protection and great weight will be given to conserving and enhancing the landscape and scenic beauty; development within the SDNL setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

All new major development should be set sympathetically within the landscape, and promote a connection with green space and nature, providing appropriate green infrastructure including access to green space or water, such as ponds and streams; new streets should be tree-lined. Woodlands, trees and hedgerow features should be protected and provided appropriately to the scale of development and landscape context. Development should protect and enhance locally valued landscapes.

Urban open spaces and landscape/townscape features will be maintained or enhanced to support the overall character and appearance of the local environment.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 9.1 The local landscape setting as a crucial part of the identity and value of Torbay. Conserving the setting of our villages, towns, and protecting the South Devon National Landscape, is a central consideration in approving or refusing permission for new development.

Policy L1: Protecting our countryside and rural economy

In the open countryside, away from existing settlements, and in rural areas surrounding the three towns of Torbay, development will be resisted where this would lead to the loss of open countryside or creation of urban sprawl, or where it would encourage the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting. The countryside area and undeveloped coast (Policy L3) together define the settlement boundaries.

Major new development should focus on Future Growth Areas in the Strategic Delivery Areas set out in the Key Diagram, consistent with the ambition and policies of the Local Plan. Otherwise, development outside the main urban areas and Strategic Delivery Areas will normally only be permitted within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation. Suitable infill development, refurbishments and conversions will be permitted within these settlements in order to meet the day-to-day needs of local communities, to promote the retention and development of local services and to help maintain their sustainability. Village Envelopes in Maidencombe and Churston/ Galmpton are defined on the Policies Map.

Outside settlement boundaries, the following forms of development may be permitted, provided that the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected and necessary mitigation measures are carried out to minimise any harm to the environment:

1. New homes for which there is a proven agricultural need, or self-build affordable housing where acceptable under Policy H7 and within Brixham Peninsula, Policy BH9 and BH2;
2. Development required for forestry, horticulture or agriculture;
3. Touring caravans and tents;
4. Tourist facilities appropriate to the rural area;

5. Development associated with outdoor sport and recreation appropriate in a rural area;
6. Sensitive conversion, alteration and extension of existing buildings;
7. Essential improvements to the highway network; and
8. Appropriate renewable energy development.

Where new development proposals come forward, the council will also have regard to the need to protect, conserve or enhance the distinctive landscape characteristics and visual quality of a particular location, as identified in the Torbay Landscape Study and Character Assessment, the suitability of development and the capacity of the countryside to accommodate change.

Proposals must demonstrate how they have taken into account the most recent Landscape Character Assessment and assessed the potential impact of the proposal on the landscape. Where a proposed development is likely to have a significant impact on the landscape character or visual amenity of an area, a Landscape Visual Impact Assessments (LVIAs) or Environmental Impact Assessment will be required.

Development in the countryside should not have an adverse effect on the integrity of the South Hams SAC or other important habitats. It should also have regard to Policy NC1 to assess the in-combination effects of multiple developments that could affect Greater Horseshoe Bats, calcareous grassland features and the integrity of the South Hams SAC, and the scope for developer contributions to mitigate the impact of increased recreational pressure on the South Hams SAC.

The Countryside Area is shown on the Policies Map.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 9.2 The open countryside of Torbay is a fundamental part of the sub-region's identity and a major component of the Bay's tourism offer. It provides amenity value and a range of recreational opportunities and is an integral part of the Bay's economy.
- 9.3 The Local Plan strikes a careful balance between protecting the integrity and character of the countryside whilst allowing development that is vital to the support of sustainable communities, such as self-build schemes (see Policy Hx) and the rural economy.

- 9.4 The Countryside Area is shown on the Policies Map and has been defined for the following reasons:-
- a. To identify the countryside around Torbay as a finite resource and to encourage its best use;
 - b. To safeguard Torbay from further urban sprawl and maintain important green wedges;
 - c. To prevent the main urban areas of Torbay from merging with each other and neighbouring settlements;
 - d. To preserve the special character of the towns and villages within Torbay's overall landscape setting;
 - e. To recognise the need to adapt to changing demands in the countryside around Torbay and priorities for development;
 - f. To concentrate building development within the urban area and prevent the unnecessary spread of inappropriate uses into the countryside; and
 - g. To maintain a connected network of landscape features to provide Green Infrastructure
- 9.5 Much of the rural hinterland will be covered by other designations including country parks other landscape designations as well as our best and most versatile agricultural land (policy X). Proposals for development will be considered in the context of the Torbay Landscape Character Assessment which identifies the key characteristics to protect, conserve or enhance those features which contribute to a particular distinctive character.
- 9.6 Different towns and urban areas in Torbay have very distinct identities that should be protected and wherever possible enhanced. Strategic green wedges are important to prevent urban coalescence and retain the valuable landscape setting that is characteristic of Torbay's urban areas. About a quarter of the Countryside Area is also overlaid by the nationally important AONB (Policy Lx), and 40% is designated as undeveloped coast (Policy Lx) and form part of the Strategic Local Nature Recovery Network (LNRN).
- 9.7 The Local Plan Update provides an opportunity to identify areas of non-coalescence, on the Policies Map, which would seek to retain a rural and open character of the land, and/or protect the separate identity of settlements (both existing and allocated).

Policy L2: National Landscape (previous Area of Outstanding Natural Beauty)¹⁵

Great weight will be given to conserving and enhancing the landscape and scenic beauty of the South Devon National Landscape (previous Area of Outstanding Natural Beauty)[¹].

Major development in a designated National Landscape will be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Consideration of such applications will assess:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated taking account of the relevant South Devon National Landscape (AONB) Management Plan and the special qualities alongside the Torbay Landscape Character Assessment.

Development which is permitted in the National Landscape should complement the scale, massing, footprint and spacing characteristic of the area. It should also adhere to guidance in the South Devon National Landscape (AONB) Management Plan, particularly in relation to building form and design. Mitigation measures may include planning contributions towards delivery of projects set out in the Management Plan.

[Link to the Community and Corporate Plan – Pride in Place](#)

¹⁵ National Landscapes: areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000

Explanation

- 9.8 National Landscapes (formerly known as Area of Outstanding Natural Beauty- AONBs) are designated in recognition of the outstanding qualities of their ‘natural beauty’ under the National Parks and Access to the Countryside Act 1949. They contain the most beautiful, spectacular, and dramatic areas of countryside and form landscapes of national importance with designation conferring the highest status for the conservation of landscape and scenic beauty.
- 9.9 The Levelling Up and Regeneration Act (2023) amended Section 85 of the Countryside and Rights of Way Act 2000^[1], which means that rather than ‘have regard to’, relevant authorities (including the Local Planning Authority) must ‘further the purposes’ of Protected Landscapes of conserving and enhancing the natural beauty^[2] of the National Landscape (NL). Each component of natural beauty identifies what is special about the landscape and should be afforded ‘great weight’ in planning decisions. Reference to the South Devon National Landscape (SDNL) Management Plan is a key tool to ensure that public bodies are meeting their duty and reference to the special qualities which define the unique ‘natural beauty’ for which the SDNL is designated. The SDNL Management Plan’s policies and the special qualities of the SDNL establish criteria against which policy and actions can be assessed for compliance with the duty.
- 9.10 The SDNL Management and Delivery Plan sets out externally funded projects and identifies the key planned actions delivered by partners that contribute towards the conservation and enhancement of the South Devon National Landscape. Where residual harm results from new development, mitigation measures may include a request for planning contributions towards achieving relevant projects.

^[1] As amended by the Levelling-up and Regeneration Act 2023

^[2] Glossary : ‘Natural beauty’ has no legal definition but legally consideration must be given to the ‘flora, fauna, geological and physiographical’ features of the designated area. **CHECK**

^[1] National Landscapes: areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000

Policy L3: Coastal landscape and change management

The undeveloped coast:

The council and partnership organisations will conserve the character of the undeveloped coast and seek to enhance its distinctive landscape, seascape,

biodiversity, geological, recreational and cultural value. Development will not be permitted in the undeveloped coastal area unless proposals satisfy the following requirements:

1. Maintain the unspoilt character of the coastline, coastal landscape and seascape;
2. Maintain or improve public access for recreation; and
3. Provide sensitively designed development, including tourism uses, where there are clear economic or sustainability benefits that cannot be realised in alternative locations.

Where new development proposals have met the above criteria, the council will also have regard to the need to protect, conserve or enhance the distinctive landscape characteristics and visual quality of a particular location, as identified in the Torbay Landscape Study and Character Assessment, the suitability of development and the capacity of the countryside to accommodate change and particular reference to coastal change management.

Development outside the undeveloped coast which may harm the intrinsic character of the area will be assessed with regard to visual impact.

The undeveloped coast is shown on the Policies Map.

The developed coast: In the developed areas of coast, development will be permitted where it provides benefit to Torbay's economy and does not unacceptably harm the landscape character and appearance of natural, historic or geological assets and coastal change management.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 9.11 Policy L3 deals with landscape and related matters to do with the coast. **Policy x** addresses issues such as shoreline management, flooding and land stability which are associated with development in coastal areas.
- 9.12 The mean low water mark defines the limits within which Torbay Council has a statutory power to control the development and use of land. The coast is significant from an environmental, economic and social perspective and adds greatly to the quality of life for Torbay's residents. The scenic beauty, natural setting and seascape underpin Torbay's

popularity as a place to live, work and visit and so it is important to protect the intrinsic landscape character of the undeveloped coast for its own sake, and as a significant, finite resource. The quality of life and distinctive local identity is enhanced by a large number of accessible award-winning bathing beaches and three harbours, which form an important recreational and amenity resource. The South West Coast Path extends along Torbay's coastline, providing an attractive environment for walking and is a popular tourist draw.

- 9.13 It is important that the qualities of the coastline are conserved for future generations, in particular the important areas of undeveloped coastline which extend landward to include areas that maintain a coastal character, and are within the visual envelope to and from the seaward side. Developments will only be permitted along the undeveloped coast to provide facilities for activities appropriate to the location, such as low-key rural tourism or recreation uses, where their introduction does not harm the scenic qualities and prevailing character, and any built development is kept to a minimum.
- 9.14 Consideration should be given to whether there are alternative locations where the development could feasibly be located, away from the undeveloped coast. The Torbay Landscape Character Assessment (LCA) identifies a number of coastal landscape character types which incorporate the majority of the land within the undeveloped coast. The LCA should be used (in combination with any seascape analysis) as a basis for assessing the character and sensitivity of the area and its ability to accommodate new development. This will include parts of the developed coast where the LCA has identified 'undeveloped' maritime cliffs, coastal plateau and low lying beaches.

Policy L4: Valued landscapes

Landscapes which, by reason of their local distinctiveness, special qualities and features and or condition, that have a limited capacity to absorb change that has, or may have, a significant effect on, or detract from, their character and or condition.

This will include the South Devon National Landscape and it's setting at a national level, alongside the undeveloped coast that may be considered to form locally valued landscapes (LVL);

Proposals within these areas must:

- **Avoid loss of key characteristics, or their legibility, that underpin the scenic quality and the significance of the locally valued landscape and landscape character area.**
- **Respond effectively to the key characteristics and significance of the area referred to in the Torbay Landscape Character Assessment and**

Landscape (2025) and the specific recommendations within the LCA (or subsequent update).

Locally valued landscape is not limited to the undeveloped coast and may be identified through the Torbay Landscape Character Assessment. Individual proposals within or next to these valued landscape areas will be assessed based on their specific landscape and visual impact taking into account any mitigation proposals.

Development which protects and enhances the locally valued landscapes will be supported.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 9.15 There is no single definition of a valued landscape, however, legal decisions have tended to say that to be a 'valued landscape', there should be some local distinctiveness, special quality, or feature, rather than solely being 'valued' by local people. It will be a matter of planning judgement whether or not land forms part of a valued landscape, the council considers that the following are likely to qualify as valued landscapes which include but are not limited to: the South Devon National Landscape and its setting, undeveloped coast, land within or in the setting of a designated heritage asset, urban landscapes such as Local Green Spaces (LGS) and Urban Landscape Protection Areas (ULPAs).
- 9.16 The LCA provides additional advice on whether areas of landscape are likely to be considered as 'valued'.

Policy L5: Urban Landscape Protection Areas (ULPAs)

Development within Urban Landscape Protection Areas (ULPAs), as shown on the Policies Map, will only be permitted where:

- 1. It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and**
- 2. It makes a positive contribution to the urban environment and enhances the landscape character of the ULPA.**

Designated Urban Landscape Protection Areas are as follows :

Torquay
01 Watcombe Park and Watcombe Heights
02 Mincent Hill, Barton
03 Scotts Bridge/Barton
04 Riviera Way Corridor
05 Lummaton Hill, Combe Pafford
06 Hele Woods/Windmill Hill Woods
07 Daison Woods
08 St. Marychurch Road (formerly Oddicombe Downs)
09 Babbacombe Downs
10 Cary Park
11 Markham Plantation and Sherwell Valley
12 Shiphay Manor (Girls' Grammar School)
13 Rowcroft/Shiphay Plantation
14 Chapel Hill, Torre
15 Stantaway Hill, Upton
16 Grange Road/Warberry Copse
17 The Quinta
18 Lydwell Road
19 Palace Hotel Grounds (North)
20 Palace Hotel Grounds (South)
21 Ansteys Playing Field

22 Ilsham Valley/Lincombe Slopes
23 Torwood Gardens
24 Daddyhole Plain
25 St. Johns Wood, Park Hill
26 Stentiford Hill
27 Torre Abbey Meadows and Sports Grounds
28 Sherwell Park
29 Ashfield Gardens
30 St. Matthew's Field
Paignton
31 Preston Green
32 Parkfield
33 Paignton Green North
34 Paignton Green South
35 Queen's Park
36 Victoria Park
37 Paignton Cemetery and allotments
38 Monastery, Winner Hill
39 Primley Woods and Meadow to south
40 Goodrington Park/Roundham
41 Quay West Corner
42 Clennon Hill/Roselands Valley

43 Sugar Loaf Hill
Brixham
44 Tor Rocks, Broadsands
45 Brunel Woods, Galmpton
46 Battery Grounds
47 Furzeham Recreation Ground
48 St. Mary's Churchyard and Park
49 Summercombe
50 Shoalstone and Ashole Woods.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 9.17 These enclaves of special landscape quality set in or bordering the urban areas (some of which also skirt the coastal fringe) vary in size and make a considerable contribution to the environment in a variety of ways. Taken as a whole these protected urban landscape areas form a valuable part of Torbay's green infrastructure (see Policy GIS) and help ensure a healthy Bay (see Policy SC1). They are considered to form 'valued landscapes'.
- 9.18 Some ULPAs act as local vantage points, some as amenity open space, some as green spaces that provide a natural and visual break within the local (urban) townscape and others as landmarks in the local scene. In some cases they perform all four roles. Designated ULPAs include both publicly owned/publicly accessible and privately owned/non-accessible sites. Some ULPAs are also of ecological significance and some have been subsequently allocated as Local Green Spaces (LGSs) in Neighbourhood Plans.
- 9.19 The preparation of an updated Local Plan offers the opportunity to review the designated ULPAs and provide further clarity and guidance in relation to these sites.

Policy L6: Local Green Spaces (LGSs)

Development proposals that protect or enhance Local Green Spaces and that comply with other relevant policies will be permitted.

Development proposals that would have an unacceptable adverse impact on the use, function and appearance of these local green spaces or would result in their loss will not be permitted other than in very special circumstances and such circumstances will only exist where the harm resulting from the proposal is clearly outweighed by other considerations.

Development or change of use that would conflict with the reason for designation will be seen as inappropriate development.

Inappropriate development adjacent to a Local Green Space that would have a significant adverse impact upon the reason for the designation will not be supported.

[Link to the Community and Corporate Plan – Community and Place](#)

Explanation

- 9.20 The Neighbourhood Forums have included a number of Local Green Spaces that are green spaces that are demonstrably special to a local community. The preparation of an updated Local Plan offers the opportunity to review the designated Local Green Spaces. Designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the plan period. Local Green Space must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character; and not cover an extensive tract of land.
- 9.21 Consideration of development proposals within a Local Green Space should be consistent with national policy^[1] for Green Belts (excluding provisions relating to 'grey belt' and previously developed land).

^[1] [National Planning Policy Framework - GOV.UK](#)

Strategic Policy THS: Trees and Hedgerows

The Local Plan seeks to assist the delivery of the most up-to-date Torbay Tree Strategy. Planning applications will set out how they achieve the vision set out in the Devon Tree and Woodland Strategy to: Expand, Improve, Protect, Inspire and Deliver.

Development that supports the planting of new trees or areas of woodland, especially in appropriate Devon Local Nature Recovery Areas, or which would include public access woodland schemes, will be encouraged where they conserve or enhance biodiversity, landscape, seascape character and best and most versatile agricultural land, or where they conserve and where appropriate enhance the significance of heritage assets and their settings, including historic landscapes. New streets should be tree lined.

All development proposals will retain good quality and healthy woodland, trees and hedgerows, including: ancient woodland; ancient and veteran trees; those with visual amenity; those that support wildlife or provide connectivity; those which positively contribute to the historic environment or the significance of a heritage asset and its setting; and rare or unusual species of trees. These will be incorporated into the overall design and landscape scheme, within public spaces where possible (see Policy TH1). The council will seek to adopt new public green spaces and may protect any new trees through the implementation of Tree Preservation Orders (TPO).

Ancient Woodland, Ancient Hedgerows and Veteran Trees:

Development proposals resulting in the loss or deterioration of ancient woodland, ancient hedgerows or ancient and veteran trees will only be permitted where there are wholly exceptional circumstances and the benefits of the development in that location clearly outweigh the loss. Where it is permitted, a compensation strategy will need to be agreed and secured prior to granting planning permission.

TPO/Conservation Area:

Where the proposal will result in the loss or deterioration of a tree protected by a Tree Preservation Order or a tree within a Conservation Area, then permission will be refused unless:

- a. the need for, and benefits of, the development in that location clearly outweigh the loss, and

- b. suitable and robust mitigation is provided through replacement tree planting or a suitable planning contribution**

All:

Any other tree, hedge or woodland not covered by the above and which makes a positive contribution to the landscape, amenity or biodiversity value of the area, should be retained as part of the design and layout of development schemes.

Where a loss of trees, hedges or woodland is unavoidable, replacement planting commensurate with the loss will be undertaken on site. Tree planting will be in accordance with Policy TH2. Where onsite replacement tree planting is not feasible, developer contributions will be required.

In instances where new trees and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance and for major residential developments, provision of information for new occupants about the appropriate positive management of private trees and landscape features.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment
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Explanation

- 9.22 This policy aims to deliver strategic scale expansion of green landscape features and to ensure tree, woodland and other landscape features are protected, and where this is not possible suitable mitigation is provided.
- 9.23 Woodlands, trees and hedgerows can form important landscape features as well as providing valuable habitats and wildlife corridors.
- 9.24 Woodlands form traditional elements of the countryside or important islands of natural habitat within Torbay's urban areas. Once lost, this part of our heritage cannot be replaced.
- 9.25 Hedgerows, many of which are of traditional Devon Bank construction, are important elements within the landscape of Torbay. They can function as wildlife corridors linking wildlife sites. Hedges can also form very ancient land boundaries and may preserve historically important artifacts. A quarter of Devon's hedges are more than 800 years old.

For these reasons, it is important that significant hedgerows are retained and their appropriate retention will be secured by planning conditions.

- 9.26 Established hedges have substantially more historic and environmental value than new hedges, which take time to mature and do not reflect historic enclosure patterns. Therefore, existing hedges should be retained wherever possible. This is particularly important where they form part of the Greater Horseshoe Bat corridors identified in **Policy XXXX**. Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and must be considered at an early stage of the planning process, in accordance with **Policies SS8** and **Policy NC1**.

Policy TH1: Trees, hedgerows and natural landscape features

Development will not be permitted when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Harm can arise directly, through felling or damage during construction, or indirectly through pressure to fell or prune in the future due to the proximity of trees to a new development.

Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity or climate resilience role (Strategic Policy THS).

All development proposals will demonstrate how retained and new trees, hedges and woodland will have a satisfactory long-term relationship with: buildings; infrastructure; utilities and services; and highway movement; and will ensure the amenity and safety of occupiers of buildings and retain or create sightlines enabling public spaces to be well overlooked.

Planting schemes for public spaces and roadsides should include suitable native species that occur naturally in the locality, unless (it can be justified that) arboricultural considerations mean native species are not appropriate. In accordance with Policy DE1, 'Living' boundary features should be used as an integral part of layouts in the first instance and must comprise native hedging species wherever possible.

New development will be designed and undertaken to prevent damage to root systems of retained or new woodland, trees and hedgerows and will allow for future above and below ground growth over the life of the development. New trees must maximise their

potential to provide climate resilience, including surface water attenuation, through measures such as tree pits which are fully integrated to SuDS schemes.

Measures to protect retained trees, hedges and woodland must be in place before, and remain in place during, the development process. This must be demonstrated through an agreed Method Statement. Appropriate management will be secured in perpetuity, through agreed Landscape Management Plans and for major residential developments, provision of information for new occupants about the benefits of and appropriate positive management of private trees, hedges and landscape features.

Where construction near trees or hedges is unavoidable, construction techniques and methods of working will be designed to prevent or minimise damage. Temporary netting of hedges or trees prior to, and during construction of, development will not be permitted. Where hedges cannot be retained, they should be translocated, rather than removed.

Where a loss of trees, hedges or woodland is unavoidable, compensatory planting must be provided. To compensate for losses of trees and/or woodland, the strategy in Policy TH2 should be used. Where new trees, hedges and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance.

[Link to the Community and Corporate Plan – Protecting and enhancing our natural environment](#)

Explanation

- 9.27 Trees have a considerable environmental value and are particularly important in urban areas. Not only are they aesthetically pleasing in themselves but they can soften development, improve the environmental quality of our streets and provide a green framework to our towns. They can be important, both individually and in groups. In parts of Torbay, there are whole areas where trees are largely responsible for the character of the environment.
- 9.28 Orchards serve a valuable green infrastructure and local heritage role as well as being an excellent form of sustainable food production. Traditional orchards are a priority habitat and the council has a duty to conserve and enhance priority habitats. On this basis, proposals affecting orchards will be considered on the basis of Policies GIS, THS and SC4.

- 9.29 Many people are less enthusiastic about trees close to their property, where they may be seen as obstructing views and taking away light, as well as causing maintenance problems and sometimes danger. Development may not be permitted if it is incompatible with the retention of trees. Proposals affecting trees will be carefully considered to ensure trees which are to remain do not cause unreasonable inconvenience to future occupiers.
- 9.30 By its very nature, the carrying out of development work can cause damage to tree roots by compaction and excavation. In determining planning applications, it will be necessary to ensure that construction is not carried out in close proximity to trees in such a manner as to cause damage.
- 9.31 Trees will be protected by imposing conditions on planning consents for development. These can specify measures to be taken to protect trees during and after the building process. Such conditions will be used whenever trees of amenity value are adjacent to development. New tree planting should seek to enhance existing, create new habitats or provide shelter belts.
- 9.32 TPOs may also be used to safeguard the amenity value of trees and to prevent them from being felled. They can be made on individual trees, groups of trees or on whole areas. Torbay has a rich legacy of trees, many of which are protected by Tree Preservation Orders. Similar protection applies to trees in conservation areas where there will generally be a presumption against felling such trees unless there are sound reasons for doing so.

Policy TH2: Mitigation for loss of trees, hedgerows and woodland

Where principles of Strategic Policy THS have been followed and suitable evidence demonstrates that it is acceptable for tree(s), hedges and/or woodland to be lost as part of a development proposal, then appropriate mitigation, via compensatory tree planting, will be required.

Such tree planting should:

- a. take all opportunities to meet the five Tree Planting Principles (see supporting text); and**
- b. unless demonstrably impractical or inappropriate, provide the following specific quantity of compensatory trees for the loss each tree within the size category indicated below:**

Trunk girth (mm) at 1.5m above ground of tree lost to development	Number of replacement trees required per tree lost*
75 - 200	2
201 - 400	4
401 - 600	6
601 - 800	9
801 - 1000	10
1000+	11+**

* replacement based on selected standards 100-120 mm girth at 1.0m

** depending on the value of the tree to be lost additional compensatory planting may be required

Where new compensatory hedges are provided, the principles of the Devon Hedge Group guidance on making new hedges should be followed.

In instances where new trees, hedges and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance.

[Link to the Community and Corporate Plan – Protecting and enhancing our natural environment](#)

Explanation

- 9.33 Trees and other planting provide a broad range of benefits from providing wildlife habitat, urban cooling to help impact the impacts of climate change, adding maturity to new sites, softening and enhancing the built form, screening, shading, storm water attenuation, visual amenity, and contributing to health and well-being.

- 9.34 New trees and planting can contribute to the government's 25 Year Environment Plan and the UK's efforts to hit net zero carbon emissions by 2050, contribute to biodiversity net gain and assist in achieving the Devon Tree and Woodland Strategy target of 20% tree cover in Torbay.
- 9.35 The tree compensation standard set out in this policy provides a suitable mechanism to determine the appropriate level of mitigation. The council's first preference is for on-site replacement in suitable locations which will be secured through planning conditions.
- 9.36 In exceptional circumstances, where planting cannot be achieved on-site without compromising achievement of a good design, new tree planting proposals may be considered off-site as mitigation (including on public land and for example in locations identified through the Devon Local Nature Recovery Strategy) and secured through a planning obligation.
- 9.37 The council is committed to increasing the overall tree cover in the district wherever possible, and therefore opportunities for new tree planting should be explored as part of all development proposals. Planting schemes for public spaces and roadsides should include only native species that occur naturally in the locality, unless arboricultural considerations mean native species are not appropriate.
- 9.38 Where new tree planting is proposed (irrespective of whether this is to compensate for losses on-site), then the quantity, location and species selection of new trees will be expected to take practicable opportunities to meet the following five Tree Planting Principles:
- Create habitat and, if possible, connect the development site to the Strategic Green Infrastructure Network; and
 - Assist in reducing or mitigating run-off and flood risk on the development site; and
 - Assist in providing shade and shelter to address urban cooling, and in turn assist in mitigating against the effects of climate change; and
 - Create a strong landscaping framework to either (a) enclose or mitigate the visual impact of a development or (b) create new and enhanced landscape, or both; and
 - Be of an appropriate species for the site.

Strategic Policy NCS1: Biodiversity and Nature Recovery Network

All development that contributes to the conservation and enhancement of the natural assets within the Bay will be supported.

The council will safeguard, conserve and enhance the valued qualities, features and attributes of sites in the Bay which are important for biodiversity and geodiversity.

In order to increase biodiversity, help achieve net zero, improve the local environment and enhance health and wellbeing, all development will be required to:

- 1. Recognise the importance of and benefits provided by ecosystem services, and be located and designed to avoid negative impacts on biodiversity and geodiversity. This includes but is not limited to: tranquillity, dark night skies, bathing waters, biodiversity, geodiversity and soils within the Bay (commensurate with their importance). Only where this is not possible will mitigation, and as a last resort, compensation be considered.**
- 2. Protect, enhance and expand existing wildlife-rich habitats and geodiversity, and create new ones to support a nature recovery network. Development must seek to support and deliver the priorities and actions in the most up to date Torbay Green Infrastructure Strategy, Nature Recovery Network (NRN) and Devon, Plymouth and Torbay Local Nature Recovery Strategy (LNRS). These strategies must be utilised to ensure new development integrates wildlife and links new green spaces with habitats in the wider landscape.**
- 3. Protect local, national and internationally protected sites, priority species and habitats. The council will safeguard, conserve and enhance the valued qualities and features of sites protected under European legislation, including supporting habitats outside of the designation which ensures the favourable conservation status of the site. Where a proposal may have adverse effects on a European site which cannot be mitigated development will not be permitted. Particular attention must be paid to Greater Horseshoe Bat flight paths, and Cirl Buntings.**
- 4. Avoid impacts on irreplaceable habitats. Development that involves the loss of irreplaceable habitats will not be supported.**
- 5. Positively incorporate and promote biodiversity features, proportionate to their scale, including features which support priority or threatened species such as swifts, bats and hedgehogs.**
- 6. Provide a measurable and proportionate net gain in biodiversity, as set out in Policy NC2.**

7. **Provide long term land management practices to maintain or restore landscapes, greenspace, watercourses, dark corridors and amenity open spaces, integrating biodiversity and green infrastructure objectives including improved public access.**

All development must be located and designed to follow the mitigation hierarchy (avoid, minimise, mitigate, compensate) to prevent adverse impacts upon biodiversity, or geodiversity. Developer contributions may be required to allow monitoring of any mitigation, or to improve management or enhancement of the natural environment.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

- 9.39 Biodiversity is fundamental to our health, wellbeing, and economic prosperity. ‘Biodiversity’ means the wealth and diversity of all our wild plants and animals and their habitats. It is also used to include our geological and geomorphological heritage. The quality of the natural environment and the health and resilience of biodiversity is an important asset and is clearly linked to Torbay’s attraction, sense of place, economy, tourism and general environmental quality. Biodiversity is also a key consideration in, and driver for, high quality design.
- 9.40 The value and importance of wildlife and the natural world is increasingly recognised by government, as evidenced by the Environment Act 2021, which itself followed on from the government paper ‘[A Green Future: Our 25 Year Plan to Improve the Environment](#)’. Internationally, nationally, regionally and locally important nature conservation sites in Torbay support a wide variety of wildlife and these sites are shown on the Policies Map. However, since the 1970’s biodiversity has declined rapidly throughout the UK¹⁶. There is an urgent need to reverse this decline through the protection and enhancement of biodiversity.
- 9.41 Regard should be had to the Devon, Plymouth and Torbay Local Nature Recovery Strategy and any local biodiversity evidence specific to Torbay in respect of all target habitats and species.

¹⁶ NBN (2019) State of Nature 2019

- 9.42 In negotiating landscape, biodiversity and green infrastructure mitigation packages as part of developments, the plans and other documents referred to above will be taken into account. The council will require no overall detriment and will seek net gains to the natural environment in accordance with the NPPF. Policy THS is also relevant. However, such mitigation measures cannot be used to compensate intrinsically unsuitable development (see Policy NC1). High quality bathing waters are an important asset both for ecology and tourism in Torbay. Policies ER2, ER3 and W5 seek to minimise the impact of wastewater upon bathing water qualities, for example by removing existing and restricting new surface water connections to combined sewers.
- 9.43 Much landscape is man-made and there is an interrelationship between the historic and natural environment for example when considering hedgerows, field patterns and other naturalised features (see Policies GIS and TH1)

Strategic Policy NCS2: Habitats Regulations Assessment

Subject to exceptional circumstances, development must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 as amended¹⁷.

Sufficient and up-to-date survey information, commensurate with the sensitivity of the site and the nature, location, and scale of the proposal, will be required to inform planning applications and allow the planning authority to carry out Habitats Regulations Assessment (HRA) of the proposal.

Where there are likely significant effects to a European site, alone or in-combination, from an application, mitigation measures will need to be secured. Appropriate assessment will be necessary and will need to ensure mitigation measures are adequate and secured for as long as the impact might occur. Legislation and government guidance requires the planning authority to be confident beyond reasonable scientific doubt that the proposals will not result in an adverse effect on the integrity of the site. Consequently, the council will require high quality and accurate evidence to inform HRA and will seek the advice of the statutory conservation body (Natural England).

Where it is not possible to rule out adverse effects on integrity, alone or in combination with other plans or projects, permission will only be granted in

¹⁷ The Conservation of Habitats Species Regulations 2017, <https://www.legislation.gov.uk/uksi/2017/1012/contents> [accessed 20th Aug 2025]

exceptional circumstances. In such cases it will be necessary to demonstrate that there are no alternatives, there is over-riding public interest and compensation can be secured.

Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents and strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment effort. Specific HRA policy requirements in relation to avoiding, mitigating and compensating impacts on European sites (at the point of Local Plan publication) are set out in the Policy Table below.

Policy NCS2 Table	
Protected Site	HRA Requirements
Berry Head to Sharkham Point component of the South Hams SAC	In respect of the Berry Head to Sharkham Point component of the South Hams SAC, a strategic approach to HRA mitigation has been established and a new strategy is due to be completed in early 2026. The strategy will set out the mitigation measures required to ensure new residential and tourist accommodation does not have an adverse impact on Berry Head to Sharkham Point as a result of increased recreation pressures. Mitigation for the development of new residential or holiday accommodation within the Zone of Influence for recreation pressure will comprise: a) SAMMS (Strategic Access Management and Monitoring);- Development will be required to provide a financial Mitigation Contribution towards SAMMS mitigation for recreation impacts on the protected site, and; b) Off-site infrastructure (including SANGs – ‘Suitable Alternative Natural Greenspace’ and local projects). Development will be required to pay a SANG Contribution to the Local Planning Authority sufficient to provide and maintain SANGs in an appropriate strategic location, and;

	c) Any other specific measures to avoid impacts on the Berry Head to Sharkham Point component of the South Hams SAC identified by Appropriate Assessment Developers must clearly demonstrate that mitigation can and will be provided to ensure no adverse effect on the integrity of the European site. Mechanisms through which mitigation delivery will be achieved, secured in perpetuity, and delivered within agreed timescales must also be identified. All mitigation is to be delivered in accordance with the most recently adopted/approved version of the strategy and supporting guidance. Any deviation from the above measures must be clearly justified and will be considered on a case-by-case basis.
South Hams SAC Greater Horseshoe Bats	Development that could impact Greater Horseshoe Bats will be located and designed to protect the integrity of the South Hams SAC by: 1. Avoiding the loss, damage, or illumination of, or disturbance to, Greater Horseshoe Bat: a. roosts which are known, or are likely, to provide significant functional support to the SAC; b. foraging areas within the Sustenance Zones, especially within juvenile foraging areas; c. flyways and commuting routes within the Sustenance Zones; d. networks of actual or potential commuting routes within the Landscape Connectivity Zone; e. existing mitigation features resulting from previous development; f. known or likely pinch points; and g. foraging areas within the Landscape Connectivity Zone where they are of particular importance e.g. due to their size or proximity to a roost.

	2. Maintaining, enhancing, or creating sufficiently wide and dark stand-off zones between the development and bat flyways / habitats, to protect the bats and their commuting routes/habitats from impacts from development; 3. Designing development and lighting to be compatible with known or potential Greater Horseshoe Bat habitats and flyways, as demonstrated through lighting modelling where required. Particular attention must be given to maintaining dark corridors and low-light environments, especially where development is proposed at the edge of the built-up area; 4. Avoiding likely increases in death or injury to bats through interaction with wind turbines or traffic; 5. Creating or enhancing roosts, commuting routes and foraging zones, where required by Appropriate Assessment and/or when opportunities arise; 6. Maintaining connectivity within and between Sustenance Zones through the Landscape Connectivity Zone, especially across roads, railway lines or other linear barriers; 7. Where required by Appropriate Assessment, providing financial contributions to help create permanent, high quality Greater Horseshoe Bat habitat and roosts in locations which increase population resilience; 8. For the purposes of undertaking Habitats Regulations Assessment, complying with the 2019 South Hams SAC Habitats Regulations Assessment Guidance (or subsequent revisions) and technical advice notes; and 9. Avoiding the loss, damage, pollution of, or other harm to habitats which are also listed as Qualifying Features for which the South Hams SAC was designated. Where Greater Horseshoe Bat mitigation is required, a scheme of monitoring, to ensure mitigation has been carried out and is effective, including any remedial measures required, will be agreed and secured prior to granting planning permission.
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Lyme Bay and Torbay Marine SAC	Water Quality: In respect of the Lyme Bay and Torbay Marine SAC the council has commissioned a Water Cycle Study and a Sewer Capacity Assessment. This evidence sets out the measures required to ensure there are no cumulative adverse impacts on the Marine SAC resulting from combined sewer overflows (CSO). Mitigation for CSO increase and the removal of surface water from the combined sewer system is set out in detail in Policies ER2, ER3, ER4 and will comprise: 1. All development must minimise the generation of run-off and reduce surface water entering the combined sewer system and maximise the use of permeable natural surfaces 2. All development must comply with the requirements of Policy ER2 and submit detailed drainage arrangements at the application stage to enable the Local Planning Authority to undertake a Habitats Regulations Assessment screening and, where necessary, an Appropriate Assessment. Additional mitigation for surface water runoff will be provided through the implementation of Policy GIS 'Strategic Green infrastructure'. Lyme Bay and Torbay Marine SAC Is also sensitive to changes in water quality arising due to the construction/operation of development. This typically includes, but is not limited to, major development or demolition located within 250m of the designated site, or near a watercourse which provides a hydrological link to the Lyme Bay and Torbay SAC. Where there is a risk of adverse effects on the Lyme Bay and Torbay SAC due to water quality, development proposals must prepare and submit, as part of a planning application, Pollution Prevention Plans. Recreation: Individual planning applications that have a clear link to increased recreational use of the coast will be subject to project-level HRA, and a bespoke package of measures will need to be secured to address the specific impacts of the proposed project.
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Explanation

- 9.44 As a Competent Authority, the planning authority must carry out Habitats Regulations Assessments (HRA) under the Conservation of Habitats and Species Regulations 2017. Torbay currently contains two habitats sites of international importance; the South Hams SAC and the Lyme Bay and Torbay Marine SAC.
- 9.45 All plans and projects not directly connected with the conservation management of a habitats site require an HRA Screening to assess potential significant effects. If significant effects cannot be excluded, an Appropriate Assessment must be conducted. Planning permission will only be granted if adverse effects on the site's integrity are ruled out or if there are imperative reasons of overriding public interest with adequate compensation.
- 9.46 Sites protected under the Conservation of Habitats and Species Regulations 2017 consist of:
- Special Areas of Conservation (SAC);
 - Special Protection Areas (SPA);
 - Proposed SACs;
 - Potential SPAs;
 - Ramsar sites;
 - Areas secured as sites compensating for damage to a European site.
- 9.47 **South Hams SAC:**
The Berry Head to Sharkham Point component of the South Hams SAC forms part of the UK's national site network and is designated for its heathland, calcareous grassland, vegetated sea cliffs and caves. These habitats are of importance for conservation at a European level and are listed under Annex I of the Habitats Directive (Council Directive 92/43/EEC). Berry Head is also designated as a Site of Special Scientific Interest (SSSI), National Nature Reserve and Local Nature Reserve. The habitats at Berry Head are vulnerable to degradation through erosion by walkers and eutrophication through dog fouling, in addition to scrub encroachment.
- 9.48 The results of a visitor survey in 2023 showed that 75% of people who visited Berry Head directly from home lived within 8 km of the site, compared to 5km in 2016. This suggests that the primary Zol for recreational impacts on Berry Head is 8km radius (Figure 5).

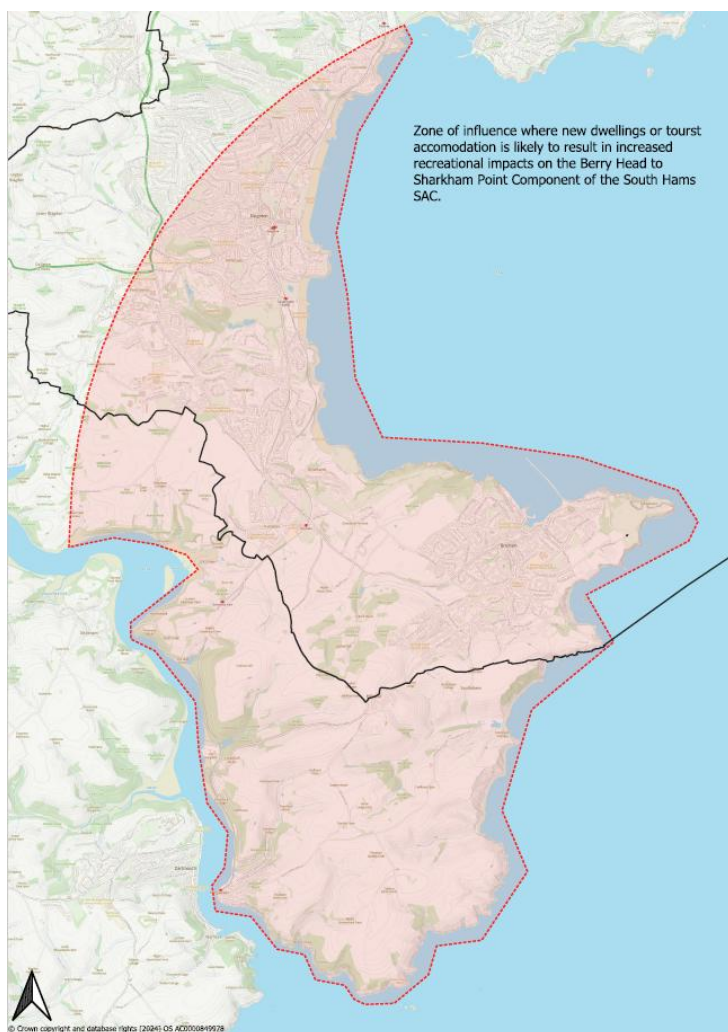


Figure 5 Berry Head to Sharkham Point Zone of Influence

- 9.49 The Local Plan will provide approximately 2850¹⁸ new homes within the Zone Of Influence for recreation pressure on the Berry Head to Sharkham Point Component of the South Hams SAC. The possibility of significant effects due to recreation arising from the development of housing or tourist accommodation within this Zol cannot be ruled out and mitigation measures will be necessary.
- 9.50 Further work will be undertaken by the council, and associated stakeholders, to further develop and provide estimated costs for the potential mitigation measures. The council will produce a Supplementary Planning Document to set out the mitigation costs and approach for securing developer contributions.

¹⁸ Note this is a draft figure which may be subject to change

- 9.51 Suitable Alternative Natural Greenspace' (SANG) is green space of a type and quality suitable to be used as mitigation for applications likely to affect European and internationally protected sites. Its role is to provide alternative green space to divert visitors away from the protected site.
- 9.52 The South Hams Special Area of Conservation has also been designated for Greater Horseshoe Bats (GHB), one of Britain's rarest bat species. Greater Horseshoe Bats use hedgerows (including remnant hedges and veteran trees) as flyways.
- 9.53 Greater Horseshoe Bats have only short range echolocation, which means they must fly close to the ground and linear features, such as hedges, woodland edges, and vegetated watercourses. They also actively avoid light levels above moonlight. Therefore, development must ensure that it does not harm the natural features that provide connectivity through the landscape and does not include lighting that would deter bats. The bats use a variety of different roosts at different times of the year, including maternity and hibernation roosts. They feed in different habitats throughout the year, depending on seasonality of prey, typically foraging up to 4km from the roost as an adult. This 4km radius is used to determine the "Sustenance Zones" around roosts, although they will travel further when moving between different roosts. Juveniles typically only forage within 1 km of the roost in their first summer, so foraging habitat close to maternity roosts is particularly important. Hibernating bats are known to feed less frequently and within shorter distances during winter months.
- 9.54 The council has jointly adopted the South Hams SAC Habitats Regulations Assessment Guidance. The guidance assists those submitting planning applications for development that could have an adverse effect on the integrity of the South Hams SAC Greater Horseshoe Bat population. The document identifies a Consultation Zone which includes roosts, Sustenance Zones, and Landscape Connectivity Zone. It also identifies pinch points, where further development could restrict the movement of bats and existing mitigation features required for previous developments.
- 9.55 **The Lyme Bay and Torbay Marine SAC:**
Torbay has a rich marine environment and its coastal waters are designated as both a Marine SAC and a Marine Conservation Zone (MCZ). The SAC hosts reefs and sea caves, supporting a variety of marine life. The MCZ protects nine different marine habitats which include seagrass beds and the intertidal area.
- 9.56 The features of the Marine SAC and the MCZ are sensitive to changes in water quality. Sewer spills and sewer flooding must be avoided. Surface water run-off pollution (oil spills, chemicals etc.) during construction and operation phases is likely to have a cumulative negative impact on both water quality and species along Torbay's coast. Discharge of

pollution from the land could potentially impact on the interest features in the site by causing change in physicochemical conditions of the overlying water, such as change in temperature, turbidity, salinity, and increase in nutrient and organic matter.

- 9.57 There are a number of measures contained within the Local Plan Policies that would reduce the impact of development proposed by the Local Plan on coastal waters and minimise sewer outfalls, particularly at Hopes Nose, Torquay. Policies ER1, ER2, ER3, ER4, W5, GIS provide further detail.
- 9.58 The SAC Sea caves are unique within the UK and contain very sensitive fauna that are potentially vulnerable to damage. Risks for the caves relate to damage from people accessing for wild swimming, kayaks, paddleboards, personal watercraft, diving, coasteering and people accessing the shoreline on foot at low tide.
- 9.59 At present the SAC sea caves are recorded as being in Favourable condition. There is no evidence currently available to conclude that recreational activities are damaging the SAC features, or that recreational activities are attributable to the housing numbers identified in the Local Plan. Individual planning applications that have a clear link to increased recreational use of the coast will need to be subject to project-level HRA, and a bespoke package of measures will need to be secured to address the specific impacts of the proposed project.

Policy NC1: Biodiversity and ecology

Part 1: Protection of internationally and nationally important wildlife sites

Internationally and nationally important sites and species will be protected. Development proposals must undertake a thorough assessment of impacts on internationally and nationally important sites (both individually and in combination with other developments) and must avoid impacts in the first instance. Development that enhances internationally and nationally important sites will be supported.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless it is demonstrated that all the following criteria are met:

- 1. Alternative sites have been considered, and the development cannot be located on an alternative site that would cause less or no harm.**

2. The proposal cannot be achieved through an alternative, less harmful design or form.
3. Suitable avoidance and mitigation (and exceptionally compensation) measures are proposed, in accordance with the mitigation hierarchy.
4. In respect of European sites, the effects can be fully mitigated and the integrity of the site will be maintained.
5. The public benefits of the proposal clearly outweigh the harm.
6. Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be agreed. This must be undertaken as early as possible and include utilisation of the Discretionary Advice Service from Natural England.

Development likely to affect an international site will be subject to assessment under the Habitat Regulations. Currently there two European designated sites within the Torbay boundary, the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

Internationally and nationally important designations are listed in detail in Appendix D.

Part 2: Protection of regionally and locally important wildlife sites and features

Development which conserves, restores or enhances regionally and locally important wildlife-rich sites, networks, priority habitats and geodiversity will be supported.

Development proposals that would cause a direct or indirect adverse effect upon the above will not be supported unless the following criteria are met:

1. They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.
2. The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of natural habitats and designated sites.
3. Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy.

Developments should provide an assessment of biodiversity value. This should particularly include any features that have previously been identified that would

support designation as a County Wildlife Site or Regionally Important Geological Site and measures to conserve and enhance them.

[Link to the Community and Corporate Plan – Protecting and enhancing our natural environment](#)

Explanation

- 9.60 Statutory designated wildlife sites benefit from substantial protection under national legislation. This policy does not duplicate these protections but provides additional detail on permissible impacts and biodiversity enhancement expectations.
- 9.61 International and nationally important sites falling under this policy include:
- a. Special Areas of Conservation (SAC)
 - b. Special Protection Areas (SPA)
 - c. Proposed SACs
 - d. Potential SPAs
 - e. Ramsar sites
 - f. Areas secured as compensation for damage to an internationally or nationally designated site
 - g. Sites of Special Scientific Interest (SSSI)
 - h. Marine Conservation Zones (MCZ)
 - i. National Nature Reserves (NNR)
- 9.62 Regionally and locally important wildlife and geological sites include:
- a. Local Nature Reserves (LNR)
 - b. County Wildlife Sites (CWS)
 - c. Other Sites of Wildlife Interest (OSWI)
 - d. Regionally Important Geological Sites (RIGS)
 - e. Special verges

- f. Habitats of Principle Importance, as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (identified through site survey work or as identified through existing mapped resources)

- 9.63 The NPPF requires local plans to identify and map sites of international, national and local importance and to avoid harm where possible, followed by mitigation of impacts, and then compensation for harm as a last resort. Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown that the development proposal is in the national interest.
- 9.64 Torbay has both European and UK protected species and also UK priority habitats and species. Torbay has one of the largest populations of Cirl Buntings in the UK. They are one of Britain's most endangered song-birds. However, targeted protection and management has achieved increases in the numbers of Cirl Buntings. Guidance on this species has been produced by Devon County Council in collaboration with RSPB (November 2014). Development should safeguard Cirl Bunting habitats, either directly or by contributing to offsetting by provision of receptor habitats.
- 9.65 Torbay also has populations of bat species, reptiles, seabirds and seahorses. These are protected under non-planning legislation including the EU Habitats Regulations, the Wildlife and Countryside Act 1981 or local protection frameworks, such as County Wildlife Sites. Torbay also has several areas of ancient woodland that form an irreplaceable biodiversity resource both for its diversity of species and for its longevity as woodland. Veteran or aged trees outside ancient woodland are also particularly valuable. Irreplaceable habitats should be protected; to be acceptable, development would clearly need to outweigh any harm.
- 9.66 Torbay has a very rich marine environment and the coastal waters are designated as Lyme Bay and Torbay Marine Special Area of Conservation (SAC) and they are also designated as a Marine Conservation Zone (MCZ). They host a number of reefs and sea caves, supporting a variety of marine life. The Local Plan requires development to minimise the impact on sewer outfalls, particularly at Hopes Nose, Torquay. In particular the provision of sustainable urban drainage and water-sensitive urban design is promoted by Policies ER1, ER2, ER3 and W5.
- 9.67 The council will seek to improve the net biodiversity and geodiversity value of Torbay, including increasing the number and proportion of Local Wildlife Sites (CWS and RIGS) in 'positive management'. This could include enhancing the status of Proposed and Unconfirmed Wildlife Sites (UWS). Development should therefore be located to minimise its impact on biodiversity. There will be instances where development has a knock-on impact on habitats. Mitigation and/ or compensation will be necessary to ensure that a net gain in biodiversity is achieved. This may include offsetting unavoidable impacts as a last

resort of the mitigation hierarchy. Measures such as strengthening of flight paths, corridors, appropriate planting of biodiversity-rich species, the creation of habitats and biodiversity management programmes will be required through planning condition or s106 Planning Obligations. Biodiversity impact is an on-site acceptability matter and cannot be avoided to assist scheme viability.

- 9.68 New development should maximise opportunities to create features for wildlife through landscaping and design; this may include artificial bird nesting and bat roosting sites/boxes where appropriate.
- 9.69 A schedule of Torbay's SSSIs, National Nature Reserves and Local Sites of Wildlife and Geological Interest is set out in Appendix D. The council supports the RSPB's aspiration for an average provision of one new bird or bat box per new dwelling. Supplementary guidance will be produced on maximizing opportunities for wildlife features in design and landscaping.

Policy NC2: Species of principal importance

Development proposals that would have an adverse impact on European Protected Species (EPS), Nationally Protected Species, Section 41 Priority Species, or Devon Local Priority and Special Species will not be supported.

Particular regard must be given to potential impacts on Cirl Bunting habitats and territories. Development affecting Cirl Buntings will only be permitted where the benefits of the proposal clearly outweigh the impacts, including cumulative effects, and where those impacts can be fully mitigated.

Development must reflect species-specific guidance, including the Devon Local Nature Recovery Strategy and the most up-to-date Torbay Green Infrastructure Strategy.

All development should incorporate opportunities to enhance habitats for Protected and Priority Species within the built environment in addition to features required as part of biodiversity net gain, mitigation or compensation. This may include features such as bird, bat and invertebrate boxes, swift bricks, bee bricks, and hedgehog holes and permeable boundaries.

Enhancement provision should be proportionate to the scale of development. As a minimum guide, the following should be provided per dwelling or per 100 sqm of non-residential floorspace as a minimum, in suitable locations:

- a. 2-4 integrated bird boxes such as swift bricks**

b. 1-2 bat boxes

c. 1 bee brick

Where appropriate, a monitoring scheme must be agreed and secured prior to granting planning permission. This should ensure mitigation measures are implemented effectively and include any necessary remedial actions.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

- 9.70 A wide range of species are protected under international and national legislation both within and outside designated protected habitats. In Torbay, European Protected Species include bats, hazel dormouse, and great crested newt. UK Protected Species include cirl bunting, barn owl, and Deptford pink.
- 9.71 Species listed as of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006 are also protected through national planning policy. The list includes over 800 species such as hedgehog, skylark, and brown hairstreak butterfly.
- 9.72 The Devon Local Nature Partnership has identified approximately 1,600 species considered rare in Devon (Devon Priority Species), along with a list of 96 species known as Devon's Special Species, for which the county has a particular conservation responsibility, including the long-snouted sea horse, grey long eared bat and hazel dormouse.
- 9.73 Further species-specific guidance is available on the council's website and Devon County Council's website.
- 9.74 Development can positively or negatively affect biodiversity, depending on its location, design, and mitigation. This policy aims to ensure development delivers biodiversity benefits and supports the objectives of the Environment Act 2021.
- 9.75 NPPF paragraph 185b emphasizes enhancing ecological networks and recovering priority species. This policy supports those aims by requiring features that benefit priority species which can thrive in urban environments if provided with suitable habitats.
- 9.76 Guidance from organisations like the National House Building Council and UK Green Building Council highlights cost-effective, low-maintenance measures that integrate biodiversity into the built environment.

9.77 Additional features for wildlife enhancement:

- Reptile/amphibian hibernacula;
- Brash and log piles;
- Invertebrate bricks and bee hotels;
- Wildlife ponds;
- Sustainable urban drainage systems (e.g., swales and pools with native vegetation);
- Native hedge planting;
- Swift/wildlife towers and green roofs;
- Barn owl lofts;
- Bat, bird, and dormouse boxes in trees and hedges.

9.78 These features should be designed with input from qualified ecologists and integrated into development to ensure longevity and retention.

Policy NC3: Biodiversity Net Gain

On all development sites, a measurable 10% Biodiversity Net Gain (BNG) must be achieved, except that which is exempt as set out within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The 10% BNG should be delivered on-site wherever possible. Where it is not possible to achieve this level of biodiversity net gain on site, or where onsite net gain would not generate the most benefits for nature conservation, off-site provision will be considered, in accordance with the Biodiversity Gain Hierarchy (avoid harm in the first instance).

When identifying opportunities for on- and offsite biodiversity net gain, the location, type and form of net gain should seek to support nature-based solutions to climate change, reduce flood risk, preserve best and most versatile agricultural land. Net gains should be located to help to deliver the most up to date Torbay Green Infrastructure Strategy and/or the Devon Local Nature Recovery Strategy by reflecting the strategic significance of sites (defined in glossary).

Where practicable, off-site provision should be directed towards areas within Torbay, unless an alternative location offers more appropriate biodiversity net gains and is agreed by the council.

Notwithstanding the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all development proposals should incorporate biodiversity enhancements into designs. Development proposals where the main objective is to conserve or enhance biodiversity or geodiversity, or to create greater resilience of biodiversity or geodiversity to climate change, will be supported in principle.

Development that results in the loss or deterioration of ‘irreplaceable habitats’ will not be permitted.

[Link to the Community and Corporate Plan – Protecting and enhancing our natural environment](#)

Explanation

- 9.79 This policy seeks to achieve 10% BNG (as required by legislation) and provides additional guidance on how and where BNG should be delivered, with a preference for delivery locally within Torbay and reflecting the Devon, Plymouth and Torbay Local Nature Recovery Strategy.

Policy NC4: Light pollution

All development proposals will be designed to avoid, minimise, and mitigate, any harm arising from light pollution, lightspill or glare. Proposals for external lighting, new development/uses that will require external lighting, or designs that includes large areas of glazing or reflective materials will only be permitted where all the following apply:

- 1. Any external lighting is demonstrated to be necessary for the development or use and the amount of lighting used is the minimum required for security/safety and/or operational purposes;**
- 2. Light spillage or glare will be minimised to an acceptable level;**
- 3. The character of the surrounding landscape and seascape, character and visual amenity of streetscape or townscape, and heritage significance is conserved or enhanced, taking account of existing light levels. Particular weight will be given to the conservation or enhancement of the South Devon National Landscape’s dark skies and Greater Horseshoe Bat foraging and commuting habitats;**

4. **Ecological interests are conserved or enhanced, taking account of the level of protection of the species and habitats and the type, duration, and intensity of artificial light/light spill/glare;**
5. **There is no adverse effect on the integrity of a European Wildlife Site. Proposals likely to effect South Hams SAC bats through increased lighting will require a lighting assessment and design strategy prior to inform a project level HRA prior to permission being approved.**

Any harm that remains once a proposal has been mitigated will be balanced against the need for the development/use, along with any public benefits that would result.

Where new development will require artificial lighting to operate, e.g. for reasons of security or safety, or, where development would introduce a new use sensitive to light intrusion, particular consideration will be given to the suitability of the location for the development.

Proposals for lighting schemes that would improve the safety or visual amenity of areas within the public realm, historic townscapes or better reveal the significance of a heritage asset and its setting will be supported subject to the above.

[Link to the Community and Corporate Plan – Protecting and enhancing our natural environment](#)

Explanation

- 9.80 Some artificial lighting can benefit society, e.g. street lighting and providing sporting/recreation opportunities outside daylight hours. It can also help to enhance the public realm or heritage significance. However, there is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems through disrupting natural light-driven cycles that regulate marine life, migration, reproduction and feeding patterns.
- 9.81 Light pollution is a driver of insect decline and many night-flying species of insect that bats hunt are attracted to light, especially those light sources that emit an ultraviolet component or have a high blue spectral content. Broad winged bat species (including Greater Horseshoe Bats) have been shown to avoid illuminated commuting and foraging. Consequently, these bat species are put at a competitive disadvantage and are less able to forage successfully and efficiently in well-lit areas. Continuous lighting in the landscape, such as along roads or waterways, creates barriers which many bat species cannot cross, even at very low light levels.

- 9.82 In addition to the environmental impacts, ALAN can also affect human health and well-being, with links to cancer, diabetes and sleep disorders.
- 9.83 The proliferation of short-wavelength, blue-toned white lights since the advent of energy-efficient light-emitting diodes (LEDs) in the early 2000s has compounded this issue. This type of light is strong enough to penetrate deep into coastal waters, reaching more than 40 metres beneath the surface in areas with clear water and high intensity illumination.
- 9.84 Alongside our rare terrestrial and marine life, parts of Torbay are within the South Devon National Landscape. The impact of light pollution and skyglow can be seen across the National Landscape and can negatively impact landscape, seascape, townscape/streetscape character and heritage significance.
- 9.85 There are often technical and practical ways that the impacts of ALAN can be reduced or removed, e.g. through careful design, positioning and direction, sensors, or reduction in the intensity or hours of use. Impacts can also be reduced by avoiding short wavelength blue light and using longer-wavelength, redder bulbs or, at a minimum, lower colour temperature LEDs.
- 9.86 Proposals including significant external lighting will require a lighting impact assessment prepared by a lighting specialist. Where the council decides to grant planning permission, conditions may be used to mitigate any significant impact such as: hours of illumination; angle of lights; light levels; column heights; specification and colour; retention of screening vegetation; or use of planting and bunding.

Policy GE1: Geodiversity and English Riviera UNESCO Global Geopark

All development must conserve and enhance Torbay's terrestrial and marine geodiversity, particularly the geosites identified within the English Riviera UNESCO Global Geopark (ERUGGp).

Development must provide a level of protection to locally significant geological sites which are undesignated, commensurate with their importance.

Development proposals that would cause a direct or indirect adverse effect upon both of the above will not be supported unless the following criteria are met:

- 1. They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.**
- 2. The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of geosites.**

3. Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy.

Developments should provide an assessment of geological interest, including any features that would support designation as a Regionally Important Geological Site and measures to conserve and enhance them. The objectives of the most up to date ERUGGp Management Plan must also be taken into consideration.

The promotion, improvement and appropriate management of Torbay's special geological qualities will be supported and will be a key element in promoting sustainable tourism and fostering pride in the area's unique environment. The council will seek to promote public access to, appreciation and interpretation of geodiversity.

[Link to the Community and Corporate Plan – Protecting and enhancing our natural environment and heritage](#)

Explanation

- 9.87 Torbay's designation as a Global Geopark is based upon the outstanding international importance of 32 geosites (i.e. sites of significant geological interest within the Geopark) spanning a story of three geological time periods over 400 million years. In this context, Torbay has made a huge historical contribution in terms of the development of geological and archaeological sciences. The consideration of geology as part of the planning process alongside appropriate conservation, management, and enhancement of geology is fundamental to the retention of the status.
- 9.88 Within Torbay there are eleven geological Sites of Special Scientific Interest (SSSIs) and sixteen Regionally Important Geological Sites (RIGS). The designation integrates these sites, which are listed in Appendix D. Many of Torbay's geologically important sites are disused quarries that have exposed geological and fossilised features. Development affecting geological sites of interest should retain, protect and provide for the appropriate management of such features.
- 9.89 It is known that there are sites of geological significance in Torbay where the geological value is yet to be recognised/recorded because the sites have not yet been designated. As such, any new or temporary exposures may reveal new sites of value worth recording and/or protection. These sites could be in the form of an old quarry, cliff face or cutting, or sites subject to coastal erosion on the foreshore.

Strategic Policy GIS: Green and blue infrastructure

Development will be required to protect, enhance and integrate with the existing green and blue infrastructure (GBI) network and deliver new high quality GBI tailored for and accessible to local needs.

Development will support the strategic local needs for specific GBI as identified in relevant local strategies such as GBI Plans and Open Space Strategies, including appropriate standards and metrics. The Local Plan makes specific provision for:

1. A new local burial facility
2. A Suitable Alternative Natural Greenspace (SANG)

Site and context analysis must be used to determine the appropriateness of a development proposal in responding to its surroundings, in the context of GBI.

Developments should ensure that new and existing GBI forms a multifunctional network which maximises the full range of potential benefits as far as possible. In doing so, development will support the Local Plan's strategic aims by increasing the quantum, quality and capability of GBI to be a resource that underpins Torbay's environmental, social and economic success.

All development should be located and designed to avoid the loss and fragmentation of GBI. Developments will be required to make contributions proportionate to their scale for the management and improvement of GBI. The integration of new GBI with the active travel network (including South West Coast Path and existing foot/cycle paths) will be supported and secured as part of design where possible.

Development will be assessed against how it complies with the following criteria, proportionate to its scale:

- a. GBI is central to the design of new development at the outset. Development must respond to the site and its surroundings in terms of the landscape context and any existing GBI assets. GBI which addresses local issues (such as flood risk, health, biodiversity) and most effectively benefits the wider area should be incorporated.
- b. Multifunctional spaces are provided which connect to the existing network of green infrastructure. The provision of new or improvement of existing GBI which contributes to multiple objectives including climate change mitigation/adaptation, flood risk mitigation, physical and mental health, nature recovery, the local economy, etc will be supported.

- c. **Public open space and public access are considered at an early stage and form a key driver for the layout of development schemes. The type of open space provided should respond to the needs of local communities. Proposals which undertake early practical engagement with communities and utilise evidence around green infrastructure needs will be considered favourably;**
- d. **The safety, amenity and use of public open space, access routes and green corridors (including urban wildlife corridors) is considered. Schemes which are publicly accessible should be designed to encourage community integration, civic pride, healthy active lifestyles and safe access for all;**
- e. **GBI has been designed to create and restore native wildlife rich habitats and to help deliver the most up-to-date local GBI objectives, such as those set out in the Local Nature Recovery Strategy, Tree Strategy, and local Green Infrastructure Strategies in Torbay;**
- f. **Where necessary, GBI should be designed to mitigate for loss of foraging habitat and/or linear features used as flyways by Greater Horseshoe Bats where the features lost contribute to the integrity of the South Hams SAC; and**
- g. **Long term stewardship of new and existing GBI will be provided, including effective management and maintenance covering the funding arrangements for the delivery and upkeep. Torbay Council will seek to adopt GBI provided as part of new development in the first instance.**

Link to the Community and Corporate Plan – Place and Community

Explanation

- 9.90 Green and blue infrastructure is a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.
- 9.91 The Local Plan makes provision for a burial facility and a SANG, as key specific green infrastructure needs.
- 9.92 Analysis shows that burial facilities in Torbay are nearing capacity. Local evidence suggests that Torbay needs to provide up to 1,500 burial plots over the Plan period. This

equates to at least 1ha of burial land, which will be identified by the Local Plan in the Broadsands, Churston, Galmpton Neighbourhood Plan Area.

- 9.93 Visitor monitoring at Berry Head during the summer of 2023 showed that the total footfall of visitors per hour to Berry Head has increased by 16% compared to 2016. Vegetation monitoring carried out in the same year revealed changes in the character of the habitats for which Berry Head is designated, with a decline in the condition of sensitive areas compared to monitoring in 2016. Given the current condition of the site, the Local Authority considers that visitor numbers at Berry Head have exceeded capacity, and mitigation alone is unlikely to be sufficient to prevent degradation because of recreation arising from new housing/tourist developments in the zone of influence. A SANG will need to be provided for in the Local Plan update within the Broadsands Churston and Galmpton (BCG Villages) / Brixham area (see Policy NCS2).
- 9.94 Green infrastructure is a fundamental part of sustainable development and supports a wide range of activities and functions that are vital for society to function effectively. This includes benefits for health and wellbeing, the economy, air quality, nature recovery and delivering net zero targets, as well as adapting to climate change by providing urban cooling and flood risk management. As such the council will seek to ensure that the network of green infrastructure is protected and enhanced.
- 9.95 Green infrastructure can be viewed at a variety of scales, at the smallest scale elements such as trees, grass verges, green roofs, living walls through to larger landscape scale elements such as parks, wetlands, community gardens, etc. Green infrastructure elements at all scales are important and have their role to play in delivering Torbay's wider network and therefore development at all scales must consider opportunities to provide, safeguard and improve it. Green infrastructure provides an important element of sustainable drainage. Drainage and flood resilience measures should prioritise natural solutions and water sensitive urban design, rather than relying on engineering solutions. Refer to Policies ER1, ER2, ER3 and ER4 for detailed drainage requirements.
- 9.96 In assessing the needs and opportunities for green infrastructure, proportionate to its scale, development should be sensitive to its local context and make best use of local evidence to determine the strategy and design of green infrastructure elements. This may include utilising landscape assessments, ecological data, health and wellbeing data, local sources of information on communities, etc. Careful and targeted engagement as part of the development design process, with the local authority, stakeholders and the wider community also offers rich potential to understand local needs and design the best solutions. When considering access for all potentially disadvantaged groups of people based upon age, socio-economic status, sex and mobility should be taken into consideration.

- 9.97 Where green infrastructure is provided as part of a development proposal and this is supported by relevant assessments of quality according to industry standards (e.g. building for a healthy life, building for nature, etc.), this will be encouraged and adds weight to the justification of approach.
- 9.98 The council will work with key partners to improve Torbay's rich terrestrial and marine environments. This takes a network approach going beyond looking at individual sites to the bigger picture, including the links between spaces, the multiple purposes they can have and wider environmental benefits.
- 9.99 Country parks and other green infrastructure are often of historic importance, particularly Cockington (Torquay) and Berry Head (Brixham). Policies HES and HE1 are relevant to the consideration of these historic assets.

Chapter 10: Our Shared History - Protecting and enhancing Torbay's heritage and identity

Introduction

- 10.1 Torbay has a rich and varied history, which has helped create a high-quality built environment in which to live, work and visit. The Community and Corporate Plan aims to maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.
- 10.2 The current Torbay Heritage Strategy was adopted in November 2020. [Torbay Heritage Strategy - Torbay Council](#) which describes Torbay's rich heritage and sets out objectives to conserve, manage and enhance. Proposals should have regard to this document or any replacement.
- 10.3 Torbay's relationship with the sea has helped shape Torbay's built form. Its history is evidenced by a wide range of historic features, including Palaeolithic sites and finds of international importance (e.g. Kents Cavern), Bronze and Iron Age field systems in St. Marychurch, mediaeval manors that remain the basis of settlement patterns, the best preserved monastic remains in Devon, and Napoleonic and Second World War fortifications in Brixham. Paignton boasts one of the oldest purpose built cinemas in Europe. During the 19th Century, the main settlements in Torbay expanded in a very different way from previously. The arrival of the railway and development of tourism, combined with the close relationship with the coastal strip, the sea and buildings, resulted in the creation of the English Riviera. This was and remains strongly influenced by an Italianate aesthetic, especially characterised by large ornamented villas set in landscaped grounds:
- 10.4 The integration of Torbay's heritage assets with modern development forms an important part of the conservation and development of Torbay's unique character.
- 10.5 The Local Plan places great emphasis in regenerating urban areas, many of which contain both designated and un-designated heritage assets. Regenerating urban areas, particularly in town centres and harbourside and Waterfront Areas is one of the few options Torbay has to provide high quality homes, and the public benefit that development achieves must be recognised in the planning balance. Urban renewal, regeneration, and preservation of the historic environment can give rise to competing pressures. Careful development management is essential to ensure heritage assets and key features are

conserved or enhanced through heritage-led regeneration while ensuring good quality development which contributes to the community good.

- 10.6 The historic environment adds value to regeneration and has been a major draw in attracting visitors to the Bay and acting as a stimulus to economic and tourist activities. It is also a source of demonstrable local pride as well as a valuable educational and aesthetic resource.

Policy HES: Historic environment strategy

Development will be required to sustain and enhance monuments, buildings, areas, street furniture, walls and other features which make an important contribution to Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay. This includes all designated and undesignated heritage assets, including scheduled monuments, historic buildings (both nationally listed and of local importance), registered historic parks and gardens, conservation areas, and archaeological remains; and their settings.

All heritage assets and their settings will be conserved, proportionate to their significance.

Proposals which affect heritage assets will be assessed on the following criteria:

- 1. The impact on the significance heritage assets, and their settings;**
- 2. The need to encourage appropriate adaptations and new uses and to support appropriate urban regeneration;**
- 3. The importance of protecting and promoting the assessment and evaluation of Torbay's scheduled monuments and archaeological remains and their settings, including the interpretation and publication of archaeological investigations within the Historic Environment Record;**
- 4. The impact on vistas and views of Torbay's historic built environment.**
- 5. Whether the impact of development, alteration or loss is necessary in order to deliver demonstrable public benefits taking into account the significance of the heritage asset; and**
- 6. Whether new development contributes to the local character and distinctiveness of the area, particularly through a high quality of design, use of appropriate materials, or removal of deleterious features.**

7. Proposals that enhance heritage assets or their setting will be supported, subject to other Local Plan policies.

Link to the Community and Corporate Plan – Conserving and Enhancing
our Shared Heritage

Explanation

- 10.7 Policy HES seeks to ensure that heritage assets are safeguarded for the future, and where possible enhanced both for their own merits and as part of regeneration projects. It is also sufficiently flexible to ensure that any harm to the significance of a historic asset can be weighed against the wider benefits of an application, eg. Social, economic and environmental enhancement. An Independent Statement of Heritage Significance will be required in support of an application that has a potential impact on heritage assets, and their settings. This should be proportionate to the scale of the proposal, but is particularly relevant to applications affecting listed buildings and key buildings within conservation areas.
- 10.8 Once heritage assets have been lost, they cannot be replaced, while their significance can be eroded through unsympathetic alteration or development within their setting. The council will expect all reasonable efforts to be made to find a viable use for a heritage asset in order to conserve its significance. Where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset will not be taken into account in decision making.
- 10.9 Historic Landscape Characterisation, Conservation Area Appraisals and Management Plans [Conservation Area Appraisals - Torbay Council](#) and the Historic Environment Record (HER), [Historic Environment Record \(HER\) - Devon County Council](#) and the Torbay Heritage Strategy [Torbay Heritage Strategy - Torbay Council](#) will be used to further inform and understand the contribution that designated and undesignated heritage assets make to Torbay's history, character and communities.
- 10.10 Adapting historic buildings to improve energy efficiency and resilience to climate change is an important consideration. Historic England provides guidance on improving energy efficiency <https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/> as well as installing heat pumps. <https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/low-and-zero-carbon-technologies/installing-heat-pumps-in-historic-buildings/> Where adaptations are carried out, they should be reversible wherever possible.

- 10.11 Torbay also has a rich cultural, geological and social heritage, and is a global Geopark. Policies SS8 and C3 which are relevant to natural features and naturalised manmade features (such as hedgerows or historic ruins) of historic and landscape significance.
- 10.12 In determining planning proposals, the council will seek to achieve improvements to the built and historic environment, and will seek to support proposals that enhance these. Regard will be had to the need to find uses for historic buildings that may now be less suitable for their current purpose. The use of traditional local materials will be sought where it is appropriate to do so.
- 10.13 The removal of unsightly later additions to historic buildings will be sought when negotiating the change of use of buildings. Policy TO2 sets out criteria for considering proposed change of use of holiday accommodation, and seeks the removal of unsightly later C20th additions to historic buildings, which were only deemed acceptable to support tourism.
- 10.14 The council has a rolling programme to prepare and update Conservation Area Appraisals, which are available at [Conservation Area Appraisals – Torbay Council](#) .

Policy HE1: Designated Heritage Assets (CAs Listed Buildings Structures and Gardens, Scheduled Monuments)

Development proposals should have special regard to the desirability of preserving any designated heritage asset including listed buildings, parks and gardens and scheduled monuments, and their setting. Special regard should be had to features of special architectural or historic interest which they possess.

In particular, proposals causing substantial harm to, or loss of, a Grade 2 listed building, park or garden will be refused other than exceptional circumstances. Proposals involving substantial harm to or loss of designated assets of the highest significance, notably scheduled monuments, Grade 1 and 2* listed buildings and Grade 1 and 2* registered parks and garden will be refused other than in wholly exceptional circumstances.

Where a proposal results in less than substantial harm to the significance of a designated heritage asset, permission will only be granted where both of the following are met:

- 1. The harm is outweighed by the wider public benefit, and where appropriate securing a viable long term use for the asset; and**

2. **It is robustly demonstrated that other options avoiding or minimising harm to the asset have been explored and are not reasonably viable.**

Suitable uses for listed buildings will be supported where this would help to preserve or enhance their significance, with historic features being restored and deleterious additions being removed wherever possible. New development should respect the scale, form, orientation, purpose and architectural detailing of any designated heritage asset it affects.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 10.15 Policy HE2 deals with designated heritage assets, including listed buildings, Historic Parks and Gardens and scheduled monuments. Conservation areas are also designated heritage assets, Policy HE3 is also relevant to these.
- 10.16 Torbay has over 866 entries in the English Heritage National Heritage List, including 29 of Grade II*. Many are also within conservation areas. Historic buildings are an important part of the character and urban form of Torbay and as such it is important that they are maintained. Conservation is the positive management of change rather than simply preserving a heritage asset. This approach allows historic building to change and adapt to new uses and circumstances in a way that keeps their heritage value intact and ensures their long term maintenance and viability.
- 10.17 The Planning (Listed Buildings and Conservation Areas) Act 1990 also provides special protection to listed buildings, and consent is required to make alterations or demolitions to the building, including internal features and features within the curtilage built before 1948.
- 10.18 Torbay also has six parks and gardens which are listed in the National Register of Parks and Gardens of Historic Interest. The Register is intended to ensure that their historic value is taken into account when considering development proposals. Torbay's parks and gardens listed in the national register are listed below. All are Grade II apart from Lupton, which is Grade II*.
 - Watcombe (Brunel) Park, Torquay
 - Barton Road Cemetery, Torquay
 - Castle Tor, Torquay
 - Princess Gardens and Royal Terrace Gardens, Torquay

- Oldway Mansion, Paignton
- Lupton Park, Brixham

10.19 A small number of historic buildings or sites have special protection as Scheduled Monuments, which are of national importance. They are protected under the Ancient Monuments and Archaeological Areas Act 1979. Historic England considers applications to schedule or de-schedule monuments on behalf of the Department for Culture, Media and Sport (DCMS). Torbay contains 13 Scheduled Monuments:

- Ashole Cavern, Brixham
- Berry Head Fort and Battery, Brixham
- Hardy's Head Battery, Brixham
- Chambered tomb, 630m north west of Elberry Farm Churston-with-Galmpton
- Kent's Cavern, Wellswood, Torquay
- Prehistoric field system, Walls Hill, Babbacombe
- St Michael's Chapel, Chapel Hill, Torre
- The Bishop's Palace, Tower Road, Paignton
- The Old Redoubt and later Victorian Rifle Range Target, 540m south west of Berry Head Fort, Brixham
- Torre Abbey, Torquay
- Two prehistoric hilltop enclosures, a ditch system and four bowl barrows, 300m north of Barton Pines, Blatchcombe, Paignton
- Windmill Hill Cave, Brixham
- World War II Emergency Coastal Battery and remains of a Victorian practice battery, at Battery Gardens, Brixham.

Policy HE2: Conservation Area protection and enhancement

Proposals within or affecting a Conservation Area should pay special attention to the desirability to preserve or enhance the character and appearance of Conservation Areas.

Proposals affecting Conservation Areas will be assessed on the basis of

- 1. Significance of the asset;**

2. Level of harm;
3. The public benefits arising from the proposal;
4. The necessity of carrying out works to adapt or create resilience to climate change, providing the least intrusive method or technology has been adopted;
5. The desirability of retaining key buildings and features within Conservation Areas.
6. The benefits of identifying a long-term viable use of a heritage asset, particularly those identified as being at risk

Proposals involving demolition of buildings or structures of demonstrable significance within Conservation Areas or their setting must show that all options for retention have been assessed, including all possible funding sources and other feasible options that would be less harmful have been explored.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 10.20 Conservation Areas are designated under conservation legislation, currently the Planning (Listed Buildings and Conservation Areas) Act 1990. Torbay has 24 Conservation Areas as set out, for information, in Appendix F and indicated on the Policies Map. Section 72 of this legislation sets out a duty in conservation areas to pay “*special attention to the desirability of preserving or enhancing the character or appearance of the area*”.
- 10.21 Key buildings and features within conservation areas are identified within the council's Conservation Area Appraisals. Conservation Area Appraisals and associated Management Plans for each conservation area will be prepared and periodically reviewed.

Demolition within Conservation Areas

- 10.22 Conservation Areas (and listed buildings) are protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires consent to be obtained for the demolition of buildings in Conservation Areas, in addition to planning permission for development. The demolition of buildings or boundary features within Conservation Areas can seriously harm the character and appearance of areas. Many buildings of quite modest architectural

merit can still be of importance in Conservation Areas where they form part of a street façade or maintain a pattern of building and open space, or have historic significance.

- 10.23 Many Conservation Areas owe their character to a significant extent to the presence of boundary walls of local stone, which may also serve as retaining walls. Some are listed in their own right but others are protected by the fact that they form part of the curtilage of a listed building or because they are in Conservation Areas. The council aims to ensure that these walls are retained and that, where repair or reconstruction are required, this is carried out sympathetically.

Alterations in Conservation Areas

- 10.24 Roof materials and coverings, chimneys, cornices and mouldings, original windows and shopfronts, railings and boundary walls all make an important contribution to the character of a Conservation Area. Alterations and extensions of buildings in Conservation Areas can easily lead to their visual character being harmed by alterations or extensions which on houses (but not flats or commercial properties) can often be carried out as permitted development. Examples are porches, stone cladding, PVCu windows, dormer windows and satellite dish aerials. In appropriate situations the council will introduce Article 4(2) Directions to bring such items under normal development control
- 10.25 Policy HE2 seeks to balance the need to conserve the character and appearance of conservation areas, with the need to provide resilience to climate change and for buildings to remain suitable for modern occupation. However, proposals should utilise the least intrusive method, such as the use of traditional materials (e.g. wood rather than PVC-u) and locating equipment such as solar PVC-U out of public view where possible. They should take a whole house approach to consider improving energy efficiency of the entire building, rather than focussing just on individual features.
- 10.26 The council's officers will advise applicants and, officers will encourage any alterations or adaptations to be carried out sensitively to the character and appearance of the host building. Additional guidance on adapting heritage assets in the face of the Climate Emergency will be published.

Development proposals in Conservation Areas

- 10.27 It is recommended that when submitting outline planning applications for development within Conservation Areas, details relating to elevations, height, massing and scale are considered. Inappropriate development just outside the boundary can be as damaging to the character of the area as if it were sited within the Conservation Area. Therefore, development on the fringes of Conservation Areas must be considered as carefully as that within the boundary

Conserving and enhancing Conservation Areas

- 10.28 Many of the proposed urban regeneration areas are within conservation areas. These offer opportunities for conservation area enhancement, for example through traffic management, street furniture and the promotion of enhancement schemes. The aim will be to ensure that changes are sympathetic and features that make a positive contribution to the character of the Conservation Area are not lost. The council will seek to ensure that paving, landscaping, road design and street furniture are appropriate and well designed.
- 10.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to determine which parts of their areas should be designated as Conservation Areas and to review their boundaries “from time to time”. The council will consider designating conservation areas where locales have significant architectural or historic value. Similarly, where areas are not of significant historical or architectural value, a conservation area designation can devalue the concept, and the council will consider removing such areas once appropriately reviewed.

Policy HE3: Non-designated heritage assets

Proposals involving the substantial or complete demolition of a designated or non-designated heritage asset, and those within conservation areas will only be permitted where they minimise the loss or harm to the asset, proportionate to its significance. Proposals should seek to conserve or enhance the architectural or historic value of non-designated assets and where possible provide a long-term viable use of a heritage asset.

Energy efficiency or climate resilience measures will be supported where possible and appropriate.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 10.30 Non-designated heritage assets do not enjoy specific planning protection (note that all buildings and structures within conservation areas are designated in relation to its contribution to the significance of the conservation area as a whole). Nevertheless, non-designated assets may be of individual architectural or historic value, and should be conserved where possible, taking into account the need to find viable uses for the assets, and having regard to the wider public value of development.

- 10.31 The council will consider seeking emergency listing of significant heritage assets that are at risk.

Policy HE4: Schedules of redevelopment of heritage assets

Where Proposals involving demolition of all or part of designated heritage assets and within conservation areas, will only be permitted subject to an agreed schedule of redevelopment, and it is demonstrated to the Local Planning Authority's reasonable satisfaction that redevelopment will proceed.

Where proposals include the demolition of period features or materials, they shall be salvaged and reused as far as practicable.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 10.32 The starting point in planning is that buildings of significance to designated heritage assets should be retained, as noted in the above policies and Paragraphs 212-217 of the NPPF. Designated heritage assets should be retained and retrofitted to adapt to modern use, where possible.
- 10.33 Where key or significant buildings are demolished, the result can be an unsightly gap which may remain undeveloped for years or decades if developments stall. Therefore, where redevelopment or demolition are granted it will be subject to an appropriate condition ensuring that demolition only takes place in conjunction with the redevelopment. Only in instances where the existing building is structurally unsafe, has no architectural, historic or townscape merit, where archaeological investigation of the site is required, will the council consider an earlier demolition, without a schedule for replacement.

Policy HE5: Investigation and preservation of archaeology and historic artefacts

Archaeological and palaeontological remains and their settings should be preserved where the intrinsic and historic importance of these remains outweighs the need for the proposed development. There is a presumption that Scheduled Monuments will be preserved.

Where development proposals affect a site of archaeological potential, the applicant will be required to commission an archaeological assessment or field evaluation and submit the results of any assessment or evaluation to the local planning authority before the application is determined.

Where development has an effect on artefacts, but is assessed to be acceptable, the developer will be required to make provision for appropriate and proportionate archaeological recording, preservation, storage, publication and public curation.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 10.34 Policy HE5 requires that the impact of development on archaeological or palaeontological remains is taken into account in the development process. In most instances, artefacts will be the remains of human activity (“archaeological”). However, the policy also covers pre-human evidence (palaeontological).
- 10.35 Important archaeological remains and their settings should be preserved in situ as a first option, although each case must be taken on its merits. Where development may affect remains, developers should contact the DCC Council’s Archaeology Team before submitting a planning application in order to find out at an early stage whether there are likely to be archaeological constraints. Archaeological appraisals (desk-top studies) and field evaluations may be required for applications where archaeological remains are thought to be present.
- 10.36 Building and landscape proposals should be designed to minimise the disturbance of archaeological remains as far as practicable. The council will encourage the sympathetic management of sites by planning conditions and legal agreements where appropriate.
- 10.37 In most cases archaeological remains will not require withholding planning permission. However, where appropriate the council will use planning conditions or obligations to ensure that the archaeological remains are adequately recorded. This will include analysis, interpretation, preservation and curation of the findings and the presentation of results to the public.

Chapter 11: Designed with quality - Taking pride in Torbay's place-making

Strategic Policy DES: Design and placemaking

Development should be well designed to make best use of land and maximise the density of development, whilst protecting living conditions and amenity, respecting and enhancing Torbay's special qualities, including the natural and built environment including areas and buildings of historic interest.

Proposals that achieve a positive contribution to regenerating waterfront and harbourside areas will be supported subject to other planning considerations.

All development should design out opportunities for crime and disorder.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 11.1 The Local Plan seeks to maximise opportunities for urban development, especially through town centre regeneration. However, we need to create places that are a good living environment where people want to live, work and play. A high quality of design, that respects living conditions, scale, density, massing, height, material, landscaping, layout, accessibility, safety and security is key to this. Particular attention must be given to conserving or enhancing the character and appearance of conservation areas and other designated heritage assets.

Policy DE1: Design quality and assessment

All development should be well designed, respecting and enhancing Torbay's special qualities, including the waterfront and natural setting of the Bay, and the character of the natural and built environment including areas and buildings of historic interest and the settlement pattern of the three towns, whilst designing out opportunities for crime and disorder.

Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses (including agricultural land quality where appropriate) as well as movement patterns through and/or around the site.

All development proposals will be assessed against their ability to meet the design considerations set out below.

DESIGN CONSIDERATIONS FOR DEVELOPMENT

FUNCTION

1. Be adaptable to future change and needs, including that of occupiers;
2. Promote diversity through a balanced mix of uses that work together and encourage sustainable living; **Resist low rise development and promote living accommodation above commercial uses where possible.**
3. Make the best use of space in terms of ground coverage and height, **and achieve maximum density consistent with good design principles;**
4. Be designed to reduce crime and the fear of crime by the promotion of safety and security in the design of buildings and surrounding space whilst ensuring that amenities are not unduly affected. Design should also minimise opportunities for community conflict, anti-social behavior and maximise safety for all;
5. Be economically and socially viable in terms of density, mix, function and location;
6. Where appropriate ensure equality of access and use for all sectors of the community;
7. Integration of the development and surrounding green infrastructure, including sustainable drainage and water sensitive urban design;
8. Achieve a net gain in biodiversity, including tree and hedgerow planting and habitat creation;
9. Avoid noise and light pollution; and
10. Promote tenure neutral design, materials and location of affordable housing;

VISUAL APPEAL	
11.	Be uncluttered and attractive; including, where appropriate the removal of unsightly additions when considering the conversion of existing buildings.
12.	Acknowledge local character and develop distinctive character in townscape and landscape terms, using existing landform, features;
13.	Have a clear urban structure and grain that integrates with the surrounding context;
14.	Relate to the surrounding built environment in terms of scale, height and massing;
15.	Make the most of opportunities to restore/ improve key gateways into the Bay and create a focal point
16.	Evolve high quality architectural detail with a distinctive and sensitive palette of materials;
17.	Protect important local and longer-distance views and impact on the skyline, especially from public vantage points; having regard to the location and prominence of the site, and
18.	Integrate with the existing street scene and features (such as trees)
QUALITY OF PUBLIC SPACE	
19.	Positively address the street with active frontages;
20.	Respect existing street frontages and built form;
21.	Ensure definition of space that clearly and coherently defines private and public areas;
22.	Be legible, permeable and accessible to all users;
23.	Provide opportunities for active lifestyles including walking and cycling (“Active Design”)
24.	Provide public space and routes that are attractive, safe, uncluttered and work effectively, including a means of storing waste which minimises impact on the street scene;
25.	Positively enhance the built environment;
26.	Avoid creating gated communities;

27.	Incorporation of existing trees and native species, and
28.	Provision of high quality hard and soft landscaping.

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 11.2 The design of development has a vital role in the development of place and the evolution of the Bay. Torbay is blessed with a diverse range of historic architectural styles within its towns and some outstanding countryside. Some post-war development has nevertheless diluted the quality and character of their surroundings. Government guidance requires new development to be of a high standard of design The council will prepare an Urban Design Guide setting out local design codes Supplementary Plan and have regard to the National Design Guide
- 11.3 Good design is not just about the architecture of a building. It is also about the spaces within which the development sits, and the quality of the relationships between the development and surrounding areas. Design and layout should take account of neighbouring buildings, uses and the wider area. The council considers that good design is about making places that are functional, visually appealing, with a high quality public realm.
- 11.4 The Torbay Design Review Panel (DRP) assesses draft proposals to improve the quality of urban design and architecture through the planning process. The DRP acts as an advisory body, providing professional design advice on key development proposals. While it does not have statutory decision making powers, its guidance reports will be used as a material planning consideration when applications are taken to the council's Development Management Committee.
- 11.5 Section 17 of the Crime and Disorder Act makes a legal duty for planning to consider crime prevention. Consideration should be given in the location, design, and management of development to preventing crime, disorder, community conflict and antisocial behavior. Such matters should be addressed in design and access statements. The council will work with the Police Architectural Liaison Officer (ALO) to minimise crime, disorder antisocial behaviour and conflict. Design should seek to promote healthy and active lifestyles . Guidance and a developer checklist on "Active Design" is available from Sport England and the Healthy Torbay SPD.

- 11.6 To ensure that development proposals meet the requirements of this Policy, a Design and Access Statement should accompany planning applications proportionate to the scale of the proposal. Such statements should provide a site analysis describing how the proposal has evolved, the philosophy behind the proposal, how the proposal responds to its context and how it connects with surrounding areas. They should be updated as the design process evolves.
- 11.7 Development likely to harm (directly or indirectly) existing trees or woodlands will only be permitted where appropriate measures are in place for the retention and management of existing trees and landscape features. The council will seek advance planting where practicable. Appropriate protection measures will include approved management programmes, planning conditions or s106 Planning Obligations, conservation area legislation or tree preservation orders (see also Policy C4).

Policy DE2: Building for a Healthy Life

To demonstrate the delivery of high quality urban design, major development proposals with a residential component will be assessed against ‘Building for a Healthy Life’ (BHL) criteria (or equivalent methodology).

Under the BHL12 ‘traffic light’ system, a development proposal will be supported by the council when it secures as many ‘green lights’ as possible. When a development proposal does not reduce the number of ‘amber’ and ‘red lights’ scored in the BHL assessment, where reduction is considered possible and such reduction would improve the quality of development, this will be treated as a significant and demonstrable disbenefit of the proposal.. Site and scheme specific constraints will be taken into account.

Link to the Community and Corporate Plan – Place and Community

Explanation

- 11.8 Torbay Council is committed to the principles of Building for a Healthy Life. It is a standard that can be used by local authorities to assess the design quality of new homes and neighbourhoods. . The current version, Building for a Healthy Life 12 (BHL12), [Building for a Healthy Life | Other Manuals and Briefings | Urban Design Group](#) , comprises 12 criteria, prompted by questions, which help achieve the delivery of functional, attractive and sustainable places. A well designed scheme will perform well against all 12 criteria and the performance is determined using a traffic light system of green, amber and red. The

assessment supports the delivery of the aspirations of this Local Plan as well as government policy and guidance promoted through the National Planning Policy Framework.

- 11.9 Building for a Healthy Life provides a useful guide for developers on the standards that are now expected and what factors are considered when assessing design.
- 11.10 The BHL12 framework aims to form a collaborative dialogue with the 12 criteria being used at the start of and throughout the development and consultation process. It is important that BHL 12 is considered at the outset of design proposals and should therefore form an integral part of pre-application discussions. The purpose of BHL 12 is to enable a conversation about design in new schemes between local authority and applicant, thereby arriving at a mutually supported result. A properly evidenced, self-assessment of BfL 12 by the applicant will be required alongside a planning application, proportionate to the nature and scale of a proposal. The local authority may also choose to carry out its own assessment of a scheme using BfL 12 criteria, and will also take the Design Review Panel's views into account.

Policy DE3: Development amenity and living standards

All development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses, or place unreasonable restrictions on existing businesses and community facilities. This will be assessed using the following criteria:

- 1. The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;**
- 2. Satisfactory provision for off-road motor vehicle parking, secure covered and safe parking for bicycles and electric-bicycles, and storage of containers for waste and recycling;**
- 3. Scale and nature of the use, specifically where this would be overbearing, or lead to an over-concentration of similar uses which would harm the amenity of the area;**
- 4. Impacts on existing living conditions and standards of accommodation of other uses;**
- 5. New dwellings should comprise self-contained accommodation with separate access;**

6. **New residential development will need to have particular regard to outlook and light;**
7. **Provision for useable amenity space, including gardens and outdoor amenity areas. Where possible a minimum of 10 sq m for apartments and 55 sq m for houses will be sought. Where individual provision is not possible, communal provision will be sought;**
8. **New homes should be developed at a density which makes good use of land, whilst avoiding town cramming and the loss of open space;**
9. **Adequate floorspace should be provided in residential development to achieve a pleasant and healthy living environment. Regard will be had to the Nationally Described Space Standards; and**
10. **Where historic buildings are converted, incongruous later additions should be removed or replaced by more sympathetic additions, and attempts be made to restore the building's original character.**

Where necessary, in order to limit the impact of new development, the council may seek to restrict the use of hours of operation, time and volume of deliveries, vehicular access, operation of machinery as well as other measures necessary to preserve amenity.

[Link to the Community and Corporate Plan – Place and Community](#)

Explanation

- 11.11 The council wishes to ensure that all new homes meet high standards of residential accommodation, both in terms of quality of life for residents, and the creation of liveable, safe neighbourhoods. All applications will be expected to contribute towards making Torbay a better place in which to live.
- 11.12 The council will consider the impact of the development in terms of the noise and disturbance it may generate or be subject to. Developments likely to affect amenity by virtue of noise or disturbance, traffic movements, fumes, dust, vibrations, light, heat and littering on a regular basis or into the evening and night-time will not be considered favourably, unless impacts can be mitigated and will be encouraged to locate away from residential areas to avoid harm.

- 11.13 The Local Plan seeks to achieve a significant increase in town centre living and therefore some homes will be located close to existing business, tourism and commercial uses. Care should be taken to provide users with reasonable level of privacy. The council's starting assumption is that tourism, leisure uses and residential accommodation can coexist Harbourside and Waterfront, and Core Tourism Investment areas and other key tourism areas. Residents in these areas must expect that there will be a level of bustle and activity including late at night.
- 11.14 Residential developments should be designed to protect privacy in proposed and existing dwellings so that the outlook and quality of space provided will not be compromised. Window alignments should be designed to minimise overlooking other windows or garden areas as far as possible. As a guideline, layouts should seek to avoid directly facing windows less than 21m apart unless obscured, and as far as consistent with other design principles and the need to make best use of land.
- 11.15 New dwellings should make provision for external amenity/garden space where possible. As well as providing amenity space, gardens can act as a sustainable urban drainage measure, assisting flood risk management and promote biodiversity. The council's greenspace requirements are set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (2022) and will be updated through the healthy Torbay SPD and Local Design Codes. All dwellings should make provision for the storage of recycling bins/boxes and secure cycle parking.
- 11.16 New dwellings should be self-contained as far as possible and of a reasonable size. All new homes, whether created by sub-division, redevelopment or new build should therefore provide a good standard of accommodation, having regard to safety, space, amenity, parking and design. Development should meet the government's Nationally Described Space Standard [Technical housing standards – nationally described space standard - GOV.UK](#) as far as possible. The standards are intended to be operated flexibly, especially when converting historic buildings. However, the creation of small apartments by subdivision/ conversion will be resisted where this would result in an unpleasant or unhealthy living environment or exacerbate concentrations of deprivation (see also Policy SS10).

Table 6.1 Dwelling Space Standards.

This table reflects the Nationally Described Space Standard.

		Minimum GIA (square metres)	
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Number of bed-rooms	Number of bed spaces	1 storey dwelling	2 storey dwelling	3 storey dwelling	Built in storage (sq metres)
1b	1p	39 (37*)			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

*Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39 sq metres to 37 sq metres, as shown bracketed.

The Gross Internal Area of a dwelling is defined as the total floorspace measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts,

flights of stairs and voids above stairs. GIA should be measured and denoted in square metres.

The above also applies to shared housing (HMOs) which are also covered by Policy H4. In the case of shared housing, some allowance may be made for communal areas that are available for residents. Regard will be had to creating a mix of accommodation types and sizes. Proposals that result in an over-emphasis of one accommodation type, such as small one-bedroom apartments, are likely to harm the living environment and intensify concentrations of deprivation, and will be resisted (See **Policy xxx**).

Support will be given to the provision of accessible and adaptable homes that are capable of adaptation to meet the changing needs of residents.

New homes often result from the conversion of existing buildings, many of which are in conservation areas. In such instances the council will seek the removal of incongruous features and, where feasible the restoration of a buildings' original character. Where the removal of incongruous features is argued to make development unviable, the council will require an independent viability assessment and will require appropriate aesthetic improvements to render the development acceptable in design terms (see also Policy **TO2** and supporting Explanation).

New dwellings will be expected to strike an appropriate balance between making good use of land, whilst avoiding town cramming or harm to neighbours' amenities. As a general guideline, a minimum density of 40 dwellings per hectare will be sought on greenfield sites. However, in some instances landscape or ecology considerations may dictate lower densities.

Policy DE4: Building heights and urban form

The height of new buildings should be appropriate to the location, historic character and the setting of the development, whilst having regard to the need to make best use of urban sites.

New development should have regard to the prevailing height (the most commonly occurring height) within the character area in which it is located, unless there are sound urban design or socio-economic benefits to deviate from this approach.

The introduction of new tall buildings above the prevailing height will be supported where they:

1. **Achieve town centre regeneration or other socio-economic benefits. There is an expectation that tall buildings will be acceptable in town centre and harbourside/waterfront regeneration proposals, subject to historic environment and other considerations.**
2. **Enhance the vitality of an area;**
3. **Contribute to the regeneration of Torbay;**
4. **Strengthen the character of the area;**
5. **Are appropriate in terms of their visual impact;**
6. **Provide wider urban design benefits;**
7. **Make a positive addition to the built form, townscape and surrounding landscape; and**
8. **Do not seriously harm long-distance views and key vistas.**

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 11.17 Tall buildings will not in themselves achieve Torbay's housing need targets. Regard needs to be had to the historic environment, street widths and creating liveable spaces. In practice, higher densities can often be achieved through terraced housing and residential blocks that avoid the need for excessive highway dominated schemes. Nevertheless, Torbay's built form is largely established and constrained by existing built form and topography. A great deal of Torbay's built-up area is conservation area or contains listed buildings or other designated heritage assets. The Building Safety Act 2022 introduces additional fire and safety requirements for buildings taller than 18m or 7 storeys (in practice 18m usually equates to buildings of 4-5 storeys), including requiring an additional stairwell for residential buildings. Even before these regulations came into force, there had been concerns raised by the development industry about the viability of taller residential buildings in Torbay. Other than in key waterfront locations.
- 11.18 However, the Local Plan places a great emphasis on urban regeneration, especially in town centres, harbourside and waterfront areas. Given Torbay's shortage of developable land, taller buildings may play a role in helping boost numbers and achieving regeneration. There are areas of the Bay that may be suitable for tall buildings, such as town centres,

regeneration areas and transport interchanges where they can support the vitality of these places and emphasise the importance of their role in the character and function of Torbay.

- 11.19 Torbay Council's Building Heights Strategy in 2010 provides guidance on the the most appropriate locations for tall buildings and also the appropriate height for building throughout the Bay. This will be updated in the light of new guidance, including the NPPF, Historic England's Tall Buildings Advice Note: [Tall Buildings: Historic England Advice Note 4](#) and findings of studies such as the Town Centre Regeneration Visions.
- 11.20 The term 'tall buildings' in the Torbay context is defined as buildings that are significantly higher than the prevailing height and/or have a considerable impact on the skyline.
- 11.21 Tall buildings can deliver regenerative benefits, contribute to the reuse of brownfield land and reduce development pressure on greenfield sites. If well designed and built in suitable locations, tall buildings can form architectural and visual landmarks, create visually dynamic skylines and help define the area.
- 11.22 The 2010 Strategy identified that Torbay has a number of sensitivities to tall buildings, including conservation areas, special landscape character and prospect views which are important in defining the
- 11.23 The Strategy defines the following broad character areas that cover the Bay:

Coastal Zone	Terraces	Stations
Town Centres	Suburbia	Corridors
Villas	Business and Retail Parks	Landscape dominated

- 11.24 In considering building heights, they should balance the need to respect the character and urban form of the surroundings for new development, with the importance of urban regeneration.
- 11.25 Where tall buildings are proposed, supporting evidence should be provided as part of a Design and Access Statement. For tall buildings, additional graphical illustration, and additional material such as 3D modelling and 'fly-throughs' should be provided to help assess their impact.

Policy DE5: Extensions and standalone additions to buildings

Extensions, and standalone additions to buildings will be supported where:

1. the plot is large enough to accommodate the proposed extension or addition without resulting in a cramped or over-developed site, or the loss of important trees or hedgerows;
2. the extension or addition would not dominate or have other adverse effects on the character or appearance of the original property or any neighbouring properties, or on the street scene in general;
3. the extension or addition would not cause harm to the amenity of nearby properties, e.g. through overlooking, overbearing impact, loss of light or privacy or water run-off;
4. the extension would not result in the loss of parking, including garage space, where no suitable alternative exists to serve the property; and
5. highway safety would not be impaired.
6. All proposals should achieve a net reduction in water run-off to impermeable surfaces and shared sewers

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 11.26 The majority of extensions and additions are relatively small in scale, and many do not require planning permission. However, they can cause problems for adjoining properties due to loss of privacy or overbearing impact.
- 11.27 It is also important that extensions respect the character of the original building and the surrounding area and should therefore be of an appropriate scale or design. Resultant loss of off-street parking provision can also lead to loss of residential amenities for neighbouring properties.
- 11.28 Torbay is a Critical Drainage Area. The effect of urban creep is a major source of run-off into shared sewers and cause of Combined Sewer Outfalls. Cumulative increases in water run-off should be minimised as far as possible, for example by draining storm water into soakaways. The impact of “urban creep” (i.e. building over gardens etc) is identified by the Torbay Hydraulic Modelling of Sewer Capacity in Torbay study (AECOM 2014) and Water Cycle Study (2025 forthcoming) is identified as having a greater impact on sewer capacity than the effect of new greenfield development. Accordingly measures to minimise

surface water running into shared sewers will be sought. This could include permeable surfaces, increased planting, water butts, as well as promoting water efficiency measures in the home. See also Policy ER2 Water Management.

- 11.29 Many house extensions or additions do not require planning permission; in many situations they may be permitted development under the Town and Country Planning General Development Order. However, permitted development rights are complicated and affected by many factors. In some cases normal permitted development rights have been taken away by planning condition or legal agreement. Permitted development rights relate largely to dwelling houses and therefore other types of property, such as flats and commercial properties, require planning permission for many alterations and extensions.
- 11.30 For the above reasons, it is usually advisable to contact the council before any work is undertaken.

Policy DE6: Advertisements

Advertisements will not be permitted where:-

- 1. they would harm visual or aural amenity; or**
- 2. they would undermine highway or public safety.**

[Link to the Community and Corporate Plan – Pride in Place](#)

Explanation

- 11.31 Properly managed and well-designed advertising can add enormously to the colour and vitality of commercial areas, but in the wrong place it can appear out of place and distasteful or even offensive. The land use and visual character of an area are crucial in determining the appropriate level of advertising. Most advertisements appear in the context of buildings and it is important that they fit in with the character of any buildings to which they relate.
- 11.32 Large advertisement hoardings can have a powerful impact on the street scene. The council is concerned to control them carefully to ensure their effect is minimal and not detrimental to the surrounding area. In sensitive situations, hoardings may need to incorporate other design features to soften their impact. Smaller advertisement signs may be acceptable in appropriate situations subject to the criteria set out in this Policy.

- 11.33 Proposals for hoardings which contribute to the environmental improvement of unsightly sites will be supported in principle on a temporary basis, subject to the criteria set out above and to their removal when the site has been developed.
- 11.34 Applicants should have regard to the location of Areas of Special Control of Advertisements in Torbay.

Chapter 12: Responsible resource use - Waste and Minerals

Policy WS: Waste spatial strategy

Development should minimise the production of waste and increase its reuse and promote the movement of waste up the Waste Hierarchy.

Waste management facilities that can provide an increase recycling, treatment and reprocessing of waste to ensure sufficient capacity exists for the sustainable management of Torbay's waste will be supported.

Waste management sites should be restored at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the community economically, socially and environmentally.

Where possible, after-uses should conserve and improve local landscape character and provide opportunities for biodiversity.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 12.1 As a Waste Planning Authority (WPA) and Waste Collection Authority (WCA) the council needs to maximise the 'value' of resources that we manage from households, in terms of realising the social, environmental and economic opportunities. As a Waste Disposal Authority (WDA) we also need to assess current and future infrastructure operational requirements which will also help to meet the Waste Hierarchy and government targets.

Policy W1: Waste hierarchy and sustainable waste management

All development should seek to minimise the generation of waste, having regard to the waste hierarchy^[1]:

1. **Prevention:** Using less material in design, manufacture and re-use. Using less hazardous material and other measures to minimise waste generation.
2. **Preparing for Reuse:** Checking, cleaning, repairing, refurbishing, whole items or spare parts
3. **Recycling** Increase recycling and composting through the kerbside collection regime and ensuring adequate existing recycling facilities in Torbay as well as the improvement or development of new facilities where appropriate. Explore opportunities for storage, re-use and collection facilities. Provision of waste audit statements demonstrating accordance with the waste hierarchy for major developments.
4. **Recovery:** Maximise the recovery of residual waste, through a partnership approach with other Devon Authorities for the use of the site in Plymouth for 'energy from waste recovery'.
5. **Disposal:** Minimise the amount of residual waste which is disposed of and minimise the exporting of waste for disposal to Devon.

Development proposals will be expected to provide a scheme of sustainable waste management, proportionate to the scale and nature of the proposal. As a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated. As a minimum, residential units should provide adequate space within the curtilage for waste and accessible kerbside recycling bins and boxes as a site acceptability matter. Planning contributions may be required to enable the provision of additional waste management facilities or equipment where these are needed to support development.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

12.2 The government has introduced legal requirements to drive waste up the hierarchy including the following:

- plans must be in place detailing measures to ensure 65 per cent of municipal waste, including household waste and household like waste from commercial and industrial sources, is recycled by 2035.

- the volume of residual waste per person which is not reused or recycled must be halved by 2042 from 2019 levels.
- by 2050, avoidable waste must be eliminated by recycling or reusing any waste which possibly can be reused or recycled.

12.3 The Local Plan therefore seeks to influence/reduce waste arising from all forms of development. In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling.

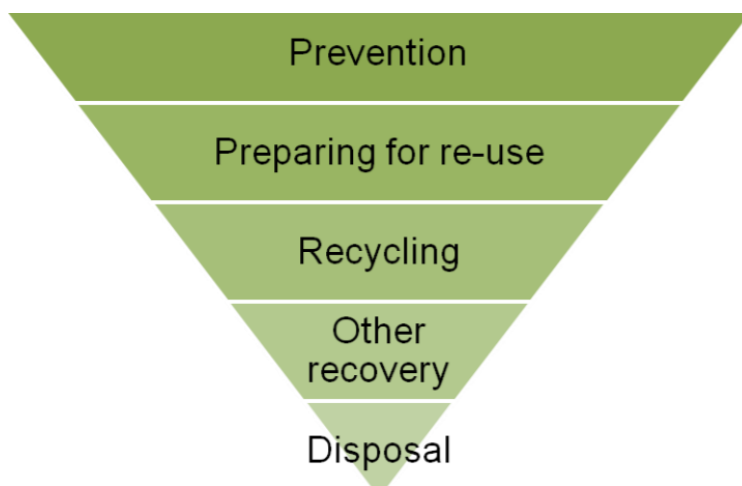


Figure 6 The Waste Hierarchy

^[1] The Waste Hierarchy diagram is a copy of the version in Appendix A National Planning Policy for Waste (2014). The full definition of each level of the waste hierarchy is set out in [Article 3 of the revised Waste Framework Directive \(2008/98/EC\)](#); see also the [Waste Management Plan for England](#).

Policy W2: Waste reduction and waste audit for major and significant waste generating developments

All new development must be designed in accordance with circular economy principles to minimise the production of construction, demolition and excavation waste and manage any such waste arising during the development in accordance with Policy W1 and accord with the Principles of the Circular Economy to:

- **retain and repurpose existing structures where possible retain and repurpose existing structures where possible;**
- **allow for ease of redevelopment and refurbishment; and,**

- **maxmise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimise waste and allow for ease of deconstruction and reuse of building components.**

Major Development proposals which are likely to generate significant volumes of waste must include a Waste Audit and Five Year Waste Management Plan setting out how waste generation will be reduced during the construction and operation of the development. This will include provision of appropriate on-site facilities for storage, re-use, recycling (composting where appropriate) and collection of waste. Schemes should include measures to:

- 1. Prevent and minimise, re-use and recycle waste (including composting where appropriate);**
- 2. Minimise the use of raw materials;**
- 3. Minimise the pollution potential of unavoidable waste;**
- 4. Seek alternative modes of transport (to the use of roads) to move waste;**
- 5. Make provision for the storage and collection of recyclables and waste. Planning contributions for off-site waste management facilities may also be required; and**
- 6. Dispose of unavoidable waste in an environmentally acceptable manner;**

The audit should be proportionate to the scale of the proposal, number of visitors and likely waste (including operational waste) generation.

Proposals for waste disposal must incorporate a satisfactory scheme for the reclamation of the site to an appropriate after-use, progressively wherever possible, and at the earliest possible opportunity, and progressively during site operation where possible. Adequate contingency measures should be included to manage any systems failures.

All relevant proposals should be accompanied by a recycling and waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets where applicable.

Link to the Community and Corporate Plan – Creating a Sustainable Future
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Explanation

- 12.4 Policy W2 requires a Waste Audit to be carried out to assess and manage the impact of major development and uses that can be reasonably expected to generate significant levels of waste.
- 12.5 The Waste Audit should demonstrate that waste will be minimised as far as possible in both construction and operational phases and managed in an appropriate manner in accordance with the waste hierarchy. The Waste Audit and Five Year Waste Management Plan should include details relating to the minimisation of the use of raw materials, the nature and volumes of waste generated and how waste has been minimised and segregated (i.e. sorting, storage, recovery and recycling facilities). Other measures should also be included to manage waste that cannot be incorporated within the new development, or that arises once it is operational. For residential and commercial development the provision of reduction and/or recycling infrastructure should be identified and support for community composting schemes demonstrated where appropriate. Before granting planning permission, additional waste management measures may also be required to ensure movement up the waste hierarchy.

Policy W3: Safeguarding waste management facilities

Existing, allocated or consented waste management sites (for the re-use, recycling and composting, transfer, treatment, recovery or disposal of waste) will be protected unless no longer required or alternative provision can be made. Development proposals at, or within 250m of, waste management sites that would prevent or prejudice the use of such sites for those purposes will not be permitted unless conflicts can be satisfactorily mitigated.

The continued enhancement and improvement of the Torbay Household Waste Recycling Centre (HWRC) and Waste Transfer Station at Yalberton, Paignton will be supported. Use of Yalberton Tor Quarry for Construction, Demolition and Engineering Waste will be protected unless alternative waste uses can be justified.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 12.6 The Waste Planning Authority must demonstrate sufficient waste management capacity and allocate sufficient provision of waste management sites to meet Torbay's need. A Waste Site Assessment was carried out in 2013, which identified very limited scope for deliverable major new waste management facilities in Torbay.
- 12.7 The continued enhancement of existing waste management sites including the Torbay HWRC and Waste Transfer Station at Yalberton to accommodate additional facilities will be supported, to ensure sufficient capacity to serve Torbay to 2031. The need for additional local Household Waste Recycling Centres elsewhere in Torbay during the Plan period will be kept under review. The impact of all operations must be minimised and sites restored where appropriate in accordance with Policy W4. Yalberton Tor Quarry has previously operated as a Construction, Demolition and Engineering Waste (CDEW) facility in Torbay. It's future use will need to be assessed against the need for continuing as a CDEW facility or as another waste management facility.
- 12.8 It is essential that waste management facilities (whether proposed or existing) are safeguarded from any development proposals in close proximity to them which may prevent or prejudice their operation. This Policy should also be applied to waste management sites with planning consent.

Policy W4: Proposals for new waste management facilities

Preference will be given to proposals for (non-hazardous) waste management facilities that are in accordance with the waste hierarchy and located on previously developed land. Individual sites should be well-related to the transport network (including rail and water), to centres of population and sources of waste, and be compatible with neighbouring land uses.

Waste management development will be supported where they would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) upon human health, amenity, (including noise levels, odour, air quality, dust, litter, light pollution and vibration) land stability, the quality and quantity of surface waterbodies, groundwater, capacity of existing drainage systems, hydrogeological) and flood risk and features of, environmental (including landscape, historic and geological environment) and biodiversity importance. Policies for the protection of these features are set out elsewhere in the Plan.

Development of facilities for the management of special types of waste (including clinical or hazardous waste) should serve a defined local need and particular consideration will be given to any health, environmental and amenity impacts.

The immediate and wider impact of facilities on the surrounding environment should be minimised through high quality design solutions, with the use of sympathetic materials and colour schemes, and effective methods of landscaping and screening. Specific site management issues should be carefully addressed including amenity, litter, vermin and birds, the impact of odours, lighting, noise, vibration, hours of operation, access and transport movements.

All proposals for waste management facilities must assess the potential for non-HGV transportation of materials to and from the facilities, principally by rail (or water) and take up these sustainable transport opportunities where available. Proposals to be satisfactory in terms of access where anticipated HGV movements, taking into account cumulative impacts and any mitigation measures proposed (including safety, highway network, air quality). Supporting Transport Statements/Assessments should demonstrate sufficient Parking, access, routes, safeguarding of other road users and Sustainable transport measures in accordance with Tax.

Where appropriate, provision for restoration and after use will be required.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 12.9 Policy W4 sets out criteria for new waste management facilities. Such proposals must safeguard residential and other amenity and minimise impact on the road network.
- 12.10 The Local Plan continues to identify Yalberton and Yalberton Tor Quarry for Waste Management purposes. Most waste management facilities are expected to be in this area. It allows consideration of proposals to support the existing material recycling facility (MRF) including provision for waste and recycling collection vehicles. The Plan also seeks to ensure that Yalberton Road is not sterilised from waste related activities by allowing residential development to encroach too close to it e.g. at Berry Acres.

Policy W5: Waste water disposal and infrastructure capacity

New, enhanced or extended waste water treatment facilities will be supported where such proposals aim to improve the quality of discharged water or reduce the environmental impact of the operation of the waste water treatment facility.

Development proposals will be required to demonstrate that the proposal can be delivered and operated without giving rise to unacceptable impacts on water treatment and disposal, or deterioration in the service received by residents and businesses. In considering minor development proposals, the council will have regard to the in-combination impact of such developments and their effect on local capacity or flows.

Proposals for housing developments, particularly in allocations relating to Policies SDT1, SDP1, SDB1 and related Future Growth Areas, will not be permitted if South West Water, Natural England or the Environment Agency confirm that:

1. Waste water treatment works or other sewerage infrastructure serving these developments have insufficient capacity to accommodate the additional development, without increasing the risk of overflows of untreated sewage into the environment; or
2. There would be an increase in the levels of pollutants or spills (see definition below) likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine Special Area of Conservation, due to insufficient capacity within the combined sewer system and/or of treatment works; or
3. The proposal would otherwise increase the risk of overflows of untreated sewage into the environment.

Appropriate measures to reduce the impact of development on the sewerage system, such as natural or sustainable drainage and water conservation measures, will be required, proportionate to the scale and nature of development.

In addition, development of previously developed land must be in accordance with the hierarchy set out in Policy ER2 to ensure that development schemes do not exacerbate sewer flooding and Combined Sewer Outfall (CSO) spills. This will apply in particular, to development that discharges into Hope's Nose CSO in Torquay.

A Health Impact Assessment will be required for new or extended waste water treatment facilities.

Explanation

- 12.11 Waste water treatment facilities are essential infrastructure, necessary to protect human health and water quality.
- 12.12 For appropriate new developments, the council will consider the use of natural sewage treatment methods (including reedbeds) and sustainable drainage measures. This will help meet Water Framework Directive objectives, which the council will ensure are not undermined by development.

Policy MS: Sustainable minerals strategy

Mineral development should contribute to the progression towards a low carbon economy, facilitate the processing and use of secondary and recycled aggregates to become less reliant on land-won construction aggregates and include appropriate adaptation to the effects of climate change. Economic mineral resources will be protected for future generations this including building stone minerals for heritage building products, alongside associated or potential mineral transportation and processing infrastructure.

Mineral sites should be restored to a high standard and the natural and historically sensitive features are conserved and enhanced including features of geodiversity / geological interest in the context of the UNESCO Geopark.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 12.13 The spatial vision outlines an ambition for sustainable resource management for minerals development in the plan area. It seeks to manage mineral safeguarding, extraction and possessing according to the principles of sustainable development.

Policy M1: Minerals extraction and environmental safeguards

The process of identifying, appraising, designing and implementing proposals for new or disused sites for minerals extraction will be subject to the following criteria:

1. The need for the mineral, taking account of aggregate landbanks for Devon;
2. Likely effects on designated sites of environmental and historic importance, geodiversity or biodiversity;
3. Impact on the surface water flow regime and groundwater sources;
4. Compatibility with surrounding land uses, including historic character and landscapes, and in particular protected landscapes such as AONB;
5. Proximity to local communities and the need to maintain and enhance the local landscape character and setting of settlements;
6. Proximity to primary end use markets and ease of access by road or alternative transport modes;
7. The ability for a site or sites to deliver significant contributions to habitat creation and priority species as well as geodiversity gains where applicable;
8. The provision of Pollution Prevention Plans, including a method statement for management of all potentially polluting activities; and
9. There are no unacceptable impacts on human health, noise-sensitive properties and aviation safety; unavoidable noise, dust and particle emissions or vibrations should be controlled, mitigated or removed at source.

Extensions to existing/disused sites will be given priority over new sites, subject to environmental acceptability. The cumulative effects of activities and sites will also be considered. Proposals for the extraction of building stone that demonstrate a local need for the mineral (such as the repair of heritage assets) will be supported, subject to the above criteria and other relevant Policy requirements of this Plan. An acceptable programme of progressive working throughout its life, early restoration and after-use should be submitted.

[Link to the Community and Corporate Plan – Creating a Sustainable Future](#)

Explanation

- 12.14 The NPPF requires Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. Torbay Council is meeting this requirement by cooperating in the preparation of a Devon Local Aggregate Assessment with the other

Mineral Planning Authorities in the County and Region. As part of this work, it has been established that the potential aggregate resources within Torbay are limited to limestone, for which Devon has a landbank equivalent to 50 years.

- 12.15 Torbay is adequately served by two existing limestone quarries in South Devon (Stoneycombe at Kingskerswell and Linhay Hill at Ashburton), each of which has sufficient reserves to last beyond the Plan period. Consequently, it is not considered necessary for Torbay to make provision for further land-won aggregate resources in the Plan period.
- 12.16 Limestone aggregate was available from Yalberton Tor Quarry (previously the only active quarry in Torbay) but this site now has planning approval for the operation of recycling aggregates, at which point its extraction permission was revoked. The site will still contribute to the sustainable supply of recycled aggregates.
- 12.17 The extraction of building stone within the Devon area is very limited and non-existent in Torbay. Previous quarrying at Berry Head in Brixham has had a large impact on the Head's appearance, and significant quarrying here would be likely to conflict with the area's landscape and biodiversity designations. However, the Strategic Stone Study (a Devon-wide study identifying the significant stone types used in the past and their potential current sources) indicates that there is a need for a range of building stone which is not available at present. The protection of locally important building stone is addressed in Policy M2 below. Proposals for extraction would be considered in the context of Policy M1.

Policy M2: Maximising the Use of secondary and recycled aggregates

The council will support developments that promote and maximise the use of secondary and recycled aggregates. Sites for the reception, processing and distribution of secondary and recycled aggregates will be supported, subject to meeting other Policy requirements of this Plan, near to the source of raw materials in the following locations:

- 1. Industrial areas and previously developed land;**
- 2. Within existing, proposed or suitable former minerals developments; and**
- 3. Co-located with existing or proposed waste management facilities.**

Proposals should satisfy criteria 2 to 9 in Policy M1. Any new development that might constrain the effective operation of existing facilities will be resisted.

Explanation

- 12.18 In order to secure their long-term conservation and make best use of mineral resources, the NPPF states that MPAs should safeguard the potential for the production of secondary and recycled minerals. Producing recycled aggregate helps to reduce demand for primary aggregates. The council will seek to safeguard existing and any proposed minerals recycling facilities, for the reception and processing of construction and demolition wastes. The main source of alternative aggregates arises from construction, demolition and excavated waste (often referred to as CDE waste). Policies W1, W4 also seek to reduce the amount of raw materials in construction, minimise waste production and to maximise the use of secondary and recycled aggregates.
- 12.19 Yalberton Tor Quarry has planning approval for the operation of recycling aggregates. Policy TA1 encourages the consideration of alternative modes of transport to move aggregates. The jointly prepared annual Devon-wide Local Aggregate Assessment includes an assessment of all aggregate supply including secondary and recycled sources. Although secondary aggregates (which in Devon are derived from china clay waste and ball clay waste, or potentially incinerator bottom ash) are unlikely to be generated in Torbay, any facility for their processing would be considered in the context of this Policy.

Policy M3: Preserving and safeguarding of limestone resources and key local building stone

The council will seek to safeguard important mineral resources and sites. The use of local building stone in new development and for restoration purposes (particularly of heritage assets) will be encouraged. The redevelopment of buildings constructed in local stone should ensure the re-use or salvage of such material. Any proposal on or in the vicinity of an important mineral resource, including a Mineral Safeguarding Area, should demonstrate that it will not cause unnecessary sterilisation or prejudice the future extraction of important minerals or building stone on these sites.

Explanation

- 12.20 Minerals are a finite resource. The NPPF requires that proven mineral resources should be protected by designation as Mineral Safeguarding and Mineral Consultation Areas to avoid being needlessly sterilised by non-mineral development.
- 12.21 In order to allow flexibility in demand and ensure long-term supply, Devon County Council (Torbay's neighbouring MPA) has identified the need for safeguarding of aggregate and mineral resources for future generations, some of which lie adjacent to Torbay's boundary. In consultation with Devon County Council and consistent with this approach, Torbay has identified an area of Devonian Limestone as a resource which lies largely in the south of Torbay from the River Dart valley at Galmpton across the northern part of the Brixham Peninsula from Churston to Berry Head.
- 12.22 A Mineral Safeguarding Area (MSA) is shown on the Policies Map. Its identification has been based on the known location of the resource (British Geological Survey records) but aligned to field boundaries predominantly in the undeveloped area to prevent unnecessary sterilisation of the mineral resource. The MSA does not state the quality of the resource or presume that the resource will be worked, nor does it preclude all development. However, dependent on the scale and location of any proposed development, an assessment may be required of the likely effect on the mineral resource beneath or adjacent to the development site.
- 12.23 Traditional stone forms a strong element underpinning the character of many of Torbay's individual buildings and conservation areas. The use of local materials, building methods and details helps to enhance local distinctiveness. Imported stone does not often reflect this local distinctiveness and can detract from the stone in older buildings, harming the character of the area. It is therefore necessary to protect key local stone types both now and in the future, for the ongoing maintenance and restoration of some of our most important historic buildings, the preservation and enhancement of conservation areas and the maintenance of local distinctiveness. It is envisaged that access for small-scale, limited extraction for key local stone (to meet a specific need) may be required, subject to environmental and amenity impact.