



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

Regulation 19 Draft Local Plan (including minerals and waste) June 2026

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# What is a Local Plan?

Local Plans set out policies for:



The emerging Local Plan for Torbay will shape the future of the area. It will help balance local development needs with protection of the environment, local character and resources

Figure 1 - What is a Local Plan?

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

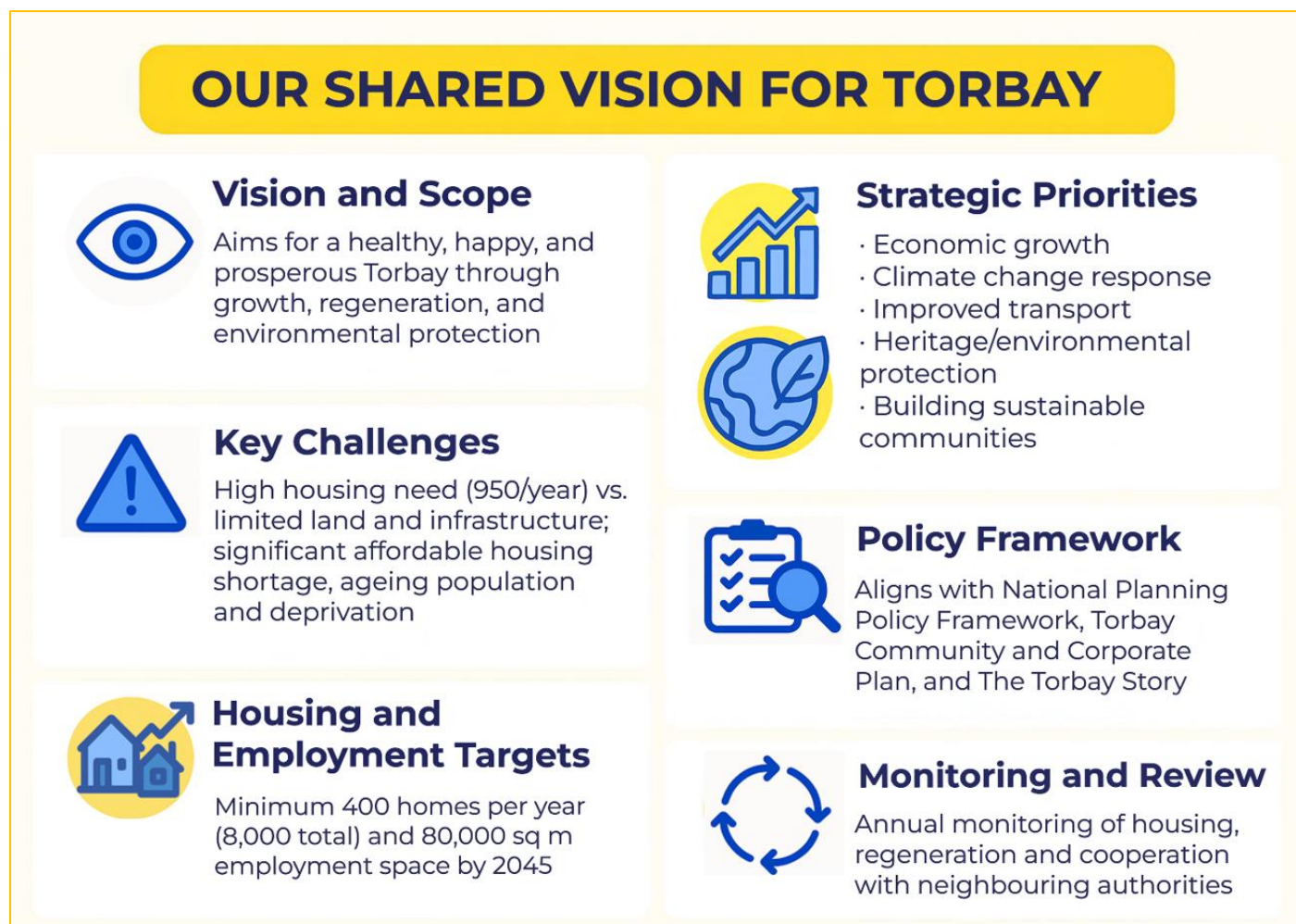


Figure 2 - Our shared vision

## 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. The plan also prioritises addressing Climate Change.
- 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 the Accommodation Repurposing Programme (including the “Hotels to Homes” initiative).
- 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. 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 Local Plan must follow planning law and guidance.

- 1.8 Comments made on the draft Local Plan will be used to compile a “Regulation 19” Publication Plan, which we intend to consult on in Summer 2026. This next Plan is often called a “preferred option” because it sets 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 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 meet Torbay’s economic regeneration goals.
- 1.11 Torbay’s 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, a beautiful marine setting and internationally important environmental assets. This is accompanied by a rich historic and prehistoric environment. Torbay faces challenges arising from Climate Change and a need to reduce carbon emission and provide resilience to the effects of a changing climate. 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.
- 1.12 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.
- 1.13 The Local Plan is intended to be a strategic document. It interacts with and provides a land-use planning framework for other detailed visions, masterplans, and neighbourhood plans.

# The National Planning Policy Framework (NPPF)

1.14 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.**

1.15 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.

1.16 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**

1.17 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**

1.18

Boxes like this feature after policies throughout the Plan. These indicate how the policy aligns with the visions and themes of the Community and Corporate Plan.

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. The Corporate and Community Plan objectives as follows: .

## **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 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.**

## The Torbay Story

1.20 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.

1.21 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

1.22 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.

- 1.23 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.
- 1.24 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,
- 1.25 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.
- 1.26 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, UNESCO Global Geopark, food and drink, leading on Leisure and Lifestyle by the Sea.

## Town Regeneration Projects

- 1.27 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
  - Wider regeneration to create jobs, invest in key economic sectors such as “tech by the sea” knowledge-based industries and MedTech
  - 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

1.28 The above documents set out a high-level vision for Torbay. The Local Plan lays out 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 referred to in the Policy Explanations and explained in more detail in background topic papers.

1.29 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
- Joint Health and Wellbeing Strategy 2022-2026 – Torbay Council
- Devon and Torbay Local Transport Plan 4 2025 to 2040 – Devon and Torbay Combined Authority

## Local Plan Key Objectives

1.30 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, and more established programmes for delivering these.
- Responding to Climate Change being given a higher priority.
- A focus on matters that land use planning is able to control (e.g. land use allocation) rather than things beyond the control of planning.

1.31 This Plan has five strategic priorities for the Bay:



Figure 3 - The Five Strategic Priorities for the Bay

1.32 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

1.33 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**

1.34 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**

1.35 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, wheeling, cycling and public transport.
- To improve road, rail links, walking, wheeling and cycling 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**

1.36 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**

1.37 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, whilst providing and supporting facilities to minimise social isolation. .
- 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, particularly where informed by Town Centre and other masterplans taking into account design parameters and impacts.
- To provide a suitable and sustainable range of physical and community infrastructure to promote economic prosperity and social cohesion, spiritual wellbeing 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

- 1.38 The Plan supports a minimum of 8000 homes for Torbay. This will require a significant uptick in urban regeneration and increased urban living. There is a particular need to boost the supply of affordable housing.
- 1.39 Detailed 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.

## Natural and Historic Environmental Capacity

- 1.40 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. As a UNESCO Geoparks Torbay also has internationally significant geological and palaeontological value.

## Sustainability Appraisal

- 1.41 The Local Plan is supported by a Sustainability Appraisal (SA). This assesses the environmental, social, and economic impacts of the Local Plan, and includes legal requirements from UK and European regulations. The SA helps make sure that the Local Plan:
- Promotes sustainable development
  - Avoids harmful impacts on people and the environment
  - Considers different policy options and chooses the most balanced and beneficial ones
  - Includes ways to prevent or mitigate negative effects.

## Land and Labour Supply

- 1.42 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.
- 1.43 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. There is a need to provide specialist accommodation for older people, but this must be focused on meeting the needs of existing residents and supporting people to downsize.

## Infrastructure

- 1.44 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.
- 1.45 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.
- 1.46 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.
- 1.47 The level of environmental constraint and access difficulties get more significant in the south of Torbay, particularly south of Windy Corner. The Plan therefore 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

- 1.48 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

- 1.49 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.
- 1.50 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

- 1.51 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



Figure 4 - Local Identity and Community-led Planning

## Torbay

### The Premier Marine and Natural Experience

A Plan for a healthy, happy and prosperous Torbay

- 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 will deliver on the priorities and vision of the Corporate and Community Plan 2023-43 and the Torbay Story.

## 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 support achieving People, Pride in Place and Economic Growth priorities as far as relevant and proportionate.

#### Spatial Strategy

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 must be well designed having regard to function, visual appearance and add to the overall quality of the area. 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.

Development will be supported by the timely delivery of Infrastructure. This includes, but is not limited to measures needed to make development safe and resilient to the effects of climate change and water management, and achieving no increase in water entering combined sewers.

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 and proportionate evidence setting out how it mitigates and adapts to climate change.

Planning has a key role to play in shaping healthy neighbourhoods where people of all ages can live, work and thrive. Homes, jobs, transport and environments can be important enablers of good health when delivered well. Development will positively address health inequalities in Torbay.

Development should, as far as practicable, improve transport connectivity and make provision for accessibility by walking, wheeling, cycling and public transport and maximise opportunities for active lifestyles.

Development should provide and support facilities that will enable social and spiritual well-being and minimise social isolation.

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. Future Growth Areas and strategic developments will be brought forward as mixed use developments including the provision of employment.

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 within the settlement boundary 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 older demographic structure of Torbay. The council will apply the Presumption in Favour of Sustainable Development to proposals for brownfield regeneration within settlement boundaries 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. Regeneration and urban densification schemes are identified around Torquay Gateway to Torre and Preston District Centre.

## Future Growth Areas

Future Growth Areas, shown outlined in red on the Key Diagram and shown on the policies map are foci for delivering growth and change in the Bay over the Plan period. They are allocated in the plan as strategic and sustainable broad 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, and provide affordable housing in accordance with Policy H7.

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 that:

- i) it is acceptable in terms of landscape, biodiversity and infrastructure impacts, including consideration of the cumulative impact of development and;
- ii) It is demonstrated that there is no likely significant effect, alone or in combination, on European Wildlife sites (or equivalent designation); and
- iii) It is demonstrated to meet an economic, social or environmental need that significantly and demonstrably outweigh the impacts of the proposal.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth
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## Explanation

- 2.2 This policy sets out a growth strategy for Torbay for the period 2025-2045. 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 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. The Policies Map defines the settlement boundaries around Torbay’s main towns. The term “settlement boundary” is defined in the NPPF, and has the same functional meaning as “within the built up area”. 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. The broad distribution of development is set out in table 1 below. This is below the government’s Local Housing Needs target (of 950 dwellings a year) 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. The figure also sets out a bold target in light of limited economic viability to deliver new homes through the market, despite there being a high level of need.
- 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 Within Torbay, the larger towns of Torquay and Paignton are expected to provide the main growth areas, particularly within the built-up areas settlement boundaries and Future Growth Areas at Torquay Gateway and to the West of Paignton.
- 2.6 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 development respects Torbay’s important environmental assets. Notwithstanding this, the Plan recognises the need for some greenfield expansion in order to help meet needs.
- 2.7 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 Brixham’s local needs and supporting the local economy.
- 2.8 The Local Plan recognises the significant challenges that climate change will create 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.

- 2.9 Torbay has Bay wide coverage of neighbourhood plans, which were adopted (“made”) in June 2019 and are now in need of refreshing. It is hoped that new Neighbourhood Plans will be brought forward to support community aspirations about how development in their area will look and feel. The Local Plan sets out strategic development (SD) policies for Torquay, Paignton, Broadsands Churston and Galmpton Villages (BCG Villages), and Brixham. These provide a framework for neighbourhood planning based on the current neighbourhood area arrangements, although these could change and the Local Plan is not proposing fixed neighbourhood areas.
- 2.10 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).

**Table 1 Local Plan Housing and Employment Targets**

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

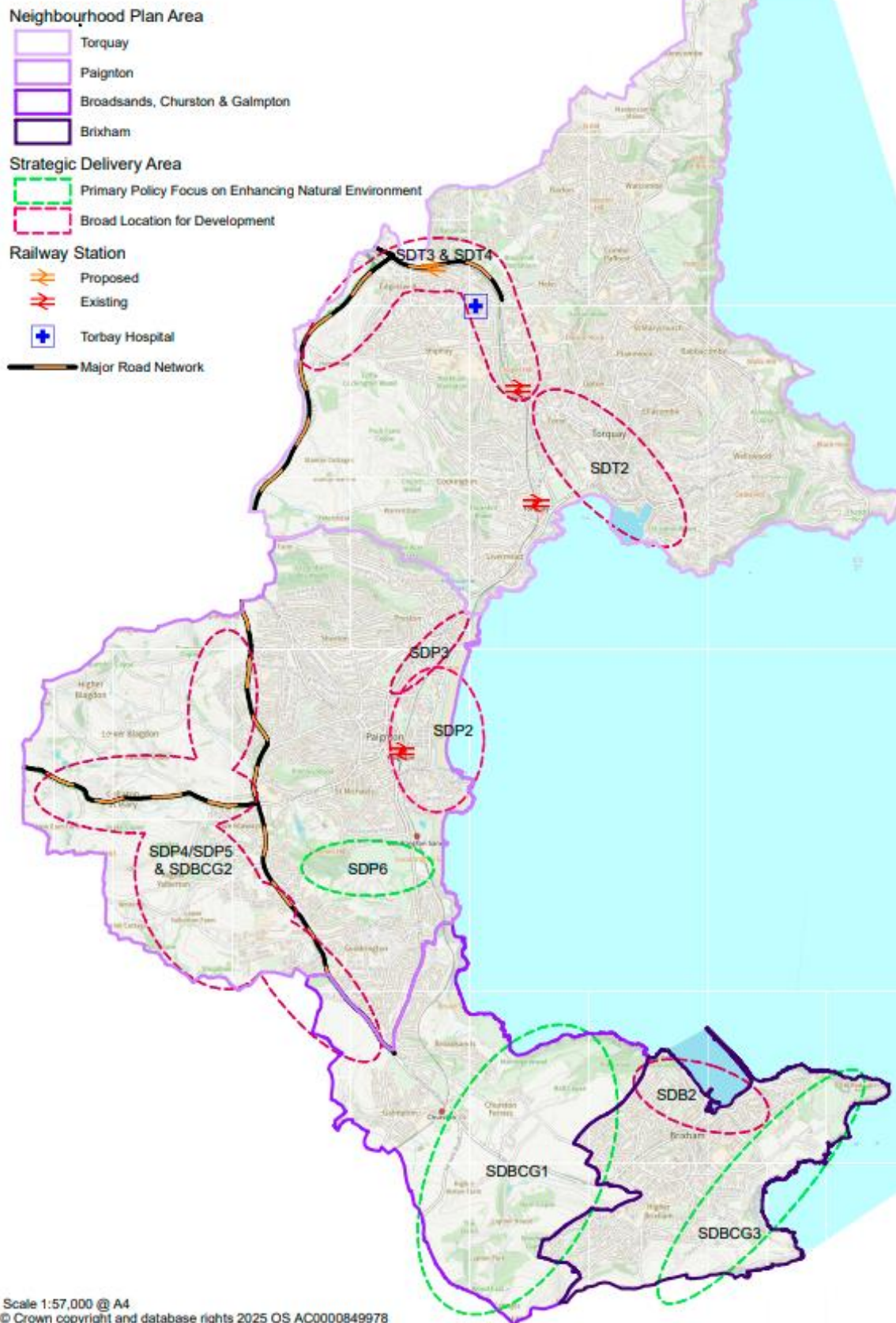


Figure 5 - Torbay Local Plan Key Diagram

# 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.



Figure 6 - Sustainable growth in Torquay

### 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. Uses that reinforce deprivation will be resisted.

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 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.

## **New Policy SDT1a Strategic Policy SDT1a: Torquay Town Centre the Heart of the English Riviera**

Torquay Town Centre will be regenerated to maintain and enhance its role as the principal town in Torbay. The upper part of the town (from market Street) will provide significant new residential development opportunities including redevelopments at Union Square and Lower Union Lane. The Harbourside and Waterfront will deliver improved tourism and leisure facilities including on Stand (former Debenhams).

The value of designated and other heritage assets will be conserved and enhanced as key elements of regeneration schemes.

All development must contribute to climate change and flood resilience and reduce the amount of water draining into the Fleet and combined sewer.

Development should help to boost the area's economic prosperity and reduce concentrations of deprivation. Development that reinforces deprivation will be revisited.

The area is expected to deliver:

- i) At least 1000 new homes of which 30% should be affordable
- ii) Enhanced and improved retail and commercial area focussed around the Harbourside , Waterfront and Fleet Steet providing a mix of shopping, leisure, employment and commercial activities as the principal town centre in Torbay.
- iii) New and enhanced leisure and tourism facilities including a hotel at Strand, and revitalisation of key heritage assets.

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

## **SDT1a Strategic Policy SDT1a: Torquay Town Centre the Heart of the English Riviera**

Torquay Town Centre will be regenerated to maintain and enhance its role as the principal town in Torbay. The upper part of the town (from market Street) will provide significant new residential development opportunities including redevelopments at Union Square and Lower Union Lane. The Harbourside and Waterfront will deliver improved tourism and leisure facilities including on Stand (former Debenhams).

The value of designated and other heritage assets will be conserved and enhanced as key elements of regeneration schemes.

All development must contribute to climate change and flood resilience and reduce the amount of water draining into the Fleet and combined sewer.

Development should help to boost the area's economic prprosperity and reduce concentrations of deprivation. Development that reinforces deprivation will be revisited.

The area is expected to deliver:

- i) At least 800 new homes of which 30% should be affordable

- ii) **Enhanced and improved retail and commercial area focussed around the Harbourside , Waterfront and Fleet Steet providing a mix of shopping, leisure, employment and commercial activities as the Principal town centre in Torbay.**
- iii) **New and enhanced leisure and tourism facilities including a hotel at Strand, and revitalisation of key heritage assets.**

## **Explanation**

- 2.11 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.
- 2.12 The lower part of the town is within Torquay Harbour Conservation Area and development will be expected to complement the area's historic character.
- 2.13 Several key sites offer considerable opportunities for regeneration many of which will be further identified through Town Visions and master planning. Particular opportunities exist at Union Square, Lower Union Lane, the Telephone Exchange and Temperance Street. The Local Plan supports all brownfield town centre development unless there are substantial reasons to resist development.

## **Strategic Policy SDT2: 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, education 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:**

- i) **Around 400 550 new homes of which at least 30% should be affordable.**
- ii) **At least 10 serviced self-build housing plots.**

- iii) A negotiated stopping place/~~transit site~~ for Travellers subject to a need being demonstrated.
- iv) Mixed use employment space, with at least 25% of the area provided as Class E(G), B2 or B8 employment.
- v) Improved sustainable transport infrastructure including a new train station at Edginswell and park and ride/transport hub at, or close to, Gallows Gate.
- vi) A landscape led design with integrated green infrastructure and biodiversity net gain. This could include increased provision for green burials.
- vii) Subject to an ongoing assessment of need, a new primary school in conjunction with the delivery of new housing within the Edginswell Valley

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 ecological mitigation and 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 Policies NC1 to NC4.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth
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## Explanation

- 2.14 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.

- 2.15 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.
- 2.16 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. The area could provide additional green burial opportunities as part its landscape and recreation provision.
- 2.17 Care should be taken for development to avoid impact on the gas main running through the Future Growth Area.

## **Strategic Policy SDT3: 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:

- i) 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.
- ii) The improvement and modernisation of employment facilities whilst rationalising outdated space.
- iii) The provision of around 500 dwellings over the Plan period including affordable homes in accordance with Policy H7.
- iv) The provision of water sensitive urban design and sustainable drainage.
- v) The improvement of facilities for active travel and coordinated public transport including the provision of improved integration of sustainable transport at Torre Station and delivery of a new railway station at Edginswell.

## Explanation

- 2.18 SDT3 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 sustainable travel hubs and to maximise the use of available urban land, including at Torre Station. Proposals will be master planned to provide strong and coordinated active travel linkages between Torre Station, Edginswell Station, the Town Centre and other key destinations such as Shiphay Lane, Torbay Hospital and local employment hubs.
- 2.19 The Torquay Gateway (Edginswell) Masterplan will be expanded to set out proposals for both Edginswell and the Newton Road to Torre regeneration corridor. There is scope for enhanced waiting areas, cycling parking and employment facilities, as well as a significant increase in residential development at Torre Station.
- 2.20 There are opportunities for brownfield housing in this corridor. It will be important to safeguard and improve prospects for employment: however there is scope to make better use of employment land in the area.

# 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.



Figure 7 - Sustainable growth in Paignton

## 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. Uses that reinforce deprivation in and around the town centre will be resisted.

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. Extended train services to Goodrington will be supported.

The completion of housing at Great Parks and Development of the Future Growth Area to the west of Paignton will be delivered ~~through master planning~~ to provide employment and family housing opportunities. This will be underpinned by enhanced transport infrastructure, and sustainable transport opportunities 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.

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

## Explanation

- 2.21 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.
- 2.22 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. Improved links within the town centre, upgrading the transport hub in the town centre, and connections 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, in accordance with other policies in this plan.

- 2.23 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, as well as the completion of previously allocated sites at Great Parks. 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 active travel and public transport facilities will be required to minimise congestion on the Western Corridor. These will need to be accompanied by measures to encourage modal shift away from car use in order to manage demand on the road network.

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

**Paignton Town Centre will be regenerated in order to bring about improvements to its economy, historic, built and natural environment. The connectivity of the Town Centre to the Waterfront and surrounding areas will be restored and improved, including through the provision of a “Paignton Gateway” sustainable transport hub around Paignton train and bus stations. 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. The introduction of Houses in multiple occupation will be resisted in these areas.**

## Explanation

- 2.24 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. Upgraded transport hub and facilities for travellers is supported around Paignton train and bus stations with measures to support modal shifts to sustainable transport and connectivity.
- 2.25 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.
- 2.26 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. 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.
- 2.27 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.

### **Strategic 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 150 additional dwellings over the Plan period.**

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

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

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

## **Explanation**

- 2.28 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 and wheeling distance of the A3022 traffic corridor. Support will be given to taller buildings subject to amenity and design considerations.
- 2.29 Public Open space at Hollicombe Park and Oldway Mansion will be protected. The need to find an economic use for Oldway Mansion will be considered and could include reactivating previously approved residential proposals, subject to heritage and open space considerations.
- 2.30 It is noted that parts of Preston are sandstone, and development will need to have regard to ground conditions.

## **Strategic 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:**

- i) Around 600 new homes, including at least 30% affordable housing**
- ii) At least 12 serviced plots for self-build housing**

- iii) A transit pitch / stopping place for travellers
- iv) Improved community facilities and strengthened village centre focussed on the east of the Future Growth Area
- v) 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
- vi) Improved sustainable transport routes including bus and cycling facilities along the A385 Corridor
- vii) Improved drainage and sewerage infrastructure
- viii) Conservation and enhancement of the area's heritage, including listed buildings.

Development should be accompanied by upgraded transport infrastructure. This should include including improved walking, wheeling, 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 Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

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

## Explanation

- 2.31 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
- 2.32 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, wheeling, cycling and public transport infrastructure will be important to support successful development.
- 2.33 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. Development should provide new, segregated and continuous walking, wheeling and cycling route, physically separated from traffic, alongside high-quality bus provision and transport demand management.
- 2.34 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.
- 2.35 Improved sewerage infrastructure will be needed to connect development to the waste water treatment works at the West of Paignton.
- 2.36 An update to the current Masterplan (adopted 2016) is need 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.
- 2.37 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:

- i) An additional 650 dwellings, including at least 30% affordable housing.
- ii) At least 12 serviced plots for self-build housing.
- iii) Provision of a negotiated stopping place for travellers or provision of an alternative site.
- iv) 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.
- v) The role of South Devon College will be supported and enhanced as an key facility serving a wider strategic education, training, employment and community role.
- vi) Designate Devonshire Park retail centre as a District Centre, subject to improvements to active travel to and from the site. Outside of this, 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).
- vii) Yalberton Household Waste and Recycling Centre and Yalberton Quarry will be safeguarded for municipal waste and associated purposes and should not be sterilised from operation by nearby developments.
- viii) Strategic landscaping and open space to protect the highest parts of the landscape and rural setting of Higher and Lower Yalberton.
- ix) Yalberton Valley including Lower and Higher Yalberton will be protected for its biodiversity and to conserve and enhance its local historic environment.

Development must be accompanied by upgraded walking, wheeling, cycling and sustainable transport infrastructure, within the Future Growth Area and along the Western Corridor to provide greater permeability within the area and better sustainable transport linkages to Paignton town centre. Development will be supported by 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.**

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

## **Explanation**

- 2.38 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.
- 2.39 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. The role of Yalberton and Yalberton Quarry will be safeguarded for waste purposes, and residential uses should not encroach on these, where this could introduce amenity conflicts.

- 2.40 Detailed proposals for area will come forward through a new Masterplan for the area. The Yalberton Valley to the West of the Future Growth Area contains areas of landscape, ecological and heritage importance, including several listed buildings. It is important that a strategic landscape buffer and traffic management is put in place to protect the character and integrity of this area and its designated heritage assets.

## **Policy SDP6: Clennon Valley - Active leisure and nature hub**

**Developments within the Clennon Valley Leisure Hub will comprise a mix of recreation, active travel and green infrastructure uses and deliver improvements to the recreation and tourism offer, providing safe, continuous and accessible walking, wheeling and cycling routes, and a landscape-led green corridor. whilst enhancing green infrastructure, walking, wheeling and cycling, and biodiversity in the area.**

**Development will 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 local water features and ecology and the wider South Hams SAC and Marine SAC.**

Community and Corporate Plan – Pride in Place

### **Explanation**

- 2.41 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.
- 2.42 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.

- 2.43 Development should 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.
- 2.44 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.

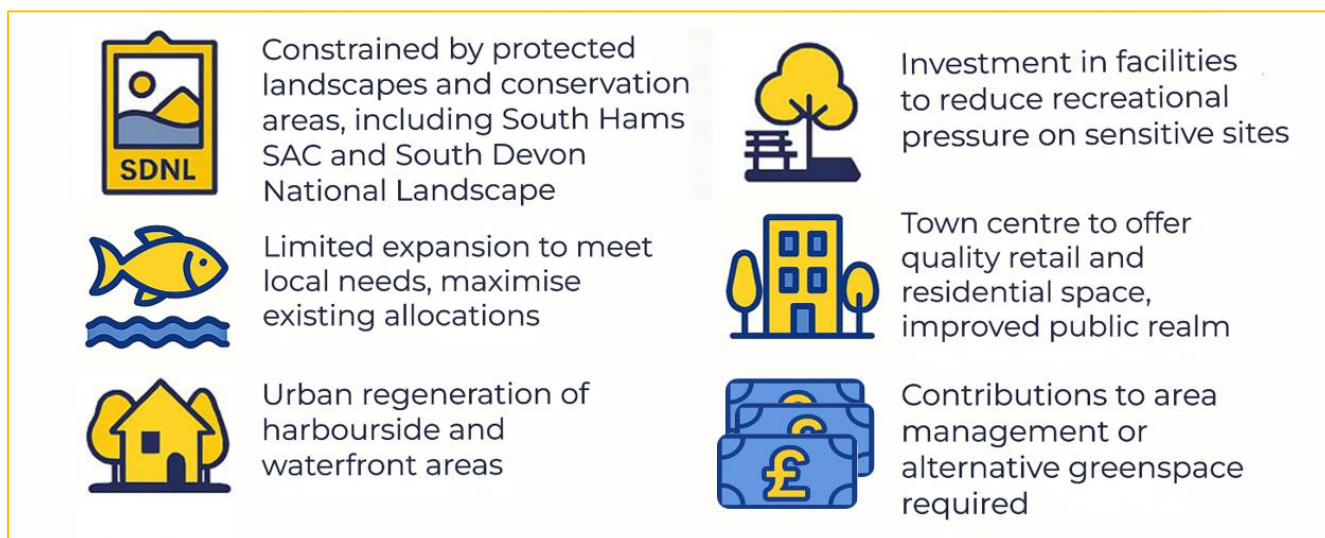


Figure 8 - Sustainable growth in Brixham

### 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, employment space, and facilities to support the fishing industry including a Northern Arm Breakwater are proposed, subject to the area's important 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.**

**Development is expected to conserve or enhance the local historic environment**

**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 South Devon National Landscape, unless brought forward through a 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.**

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

## **Explanation**

- 2.45 This policy relates to the “parished” town of Brixham, i.e. the Brixham Town Council area. 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 adjoining BGC Villages area. It is important that this be limited to meeting local needs and that Brixham meets as much of its needs as possible.
- 2.46 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 maximised.
- 2.47 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

an Environmental Impact assessment and Habitats Regulations Appropriate Assessment. However additional floorspace can also be created within existing harbour land in the shorter term.

- 2.48 The tourism and leisure economy will be developed in a way that respects the towns rich historic and environmental character.
- 2.49 The appropriated investment in facilities such as Battery Gardens, Shoalstone Pool, Breakwater Beach and WW2 Hard, and Brixham Museum will be supported where these would enhance the conservation value and, in particular, 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 is proposed subject to the outcome of an Environmental Impact assessment and Habitats Regulations Appropriate Assessment.**

### **Residential development above commercial**

**Proposals for residential above commercial will be encouraged and supported, subject to amenity considerations and safeguarding the role of the working harbour and fish processing activities.**

**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.**

## Explanation

- 2.50 Brixham Town Centre will continue to provide local needs and quality ground floor retail facilities with residential or commercial above. This will include the redevelopment of the car park at Middle Street, to provide commercial space, car parking to serve the town, residential units and improved public realm. The scheme will create a high quality and vibrant public realm.
- 2.51 The harbour area will have improved sustainable transport links to reduce the need to travel by car. There will be improved walking, wheeling 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 in the SDNL cease to operate, there will be an expectation that they should revert to open countryside.**

## Explanation

- 2.52 The Policies Map shows a 'Berry Head Special Area' covering the country park and adjoining area. This is shown to clarify the range of designations lying within it including National Landscape and Special Area of Conservation. This area is the most environmentally sensitive, and peripheral part of Torbay.
- 2.53 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. Development within an 8km zone of influence will be required to contribute to improved management or the provision of suitable alternative natural greenspace (SANG).

- 2.54 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.

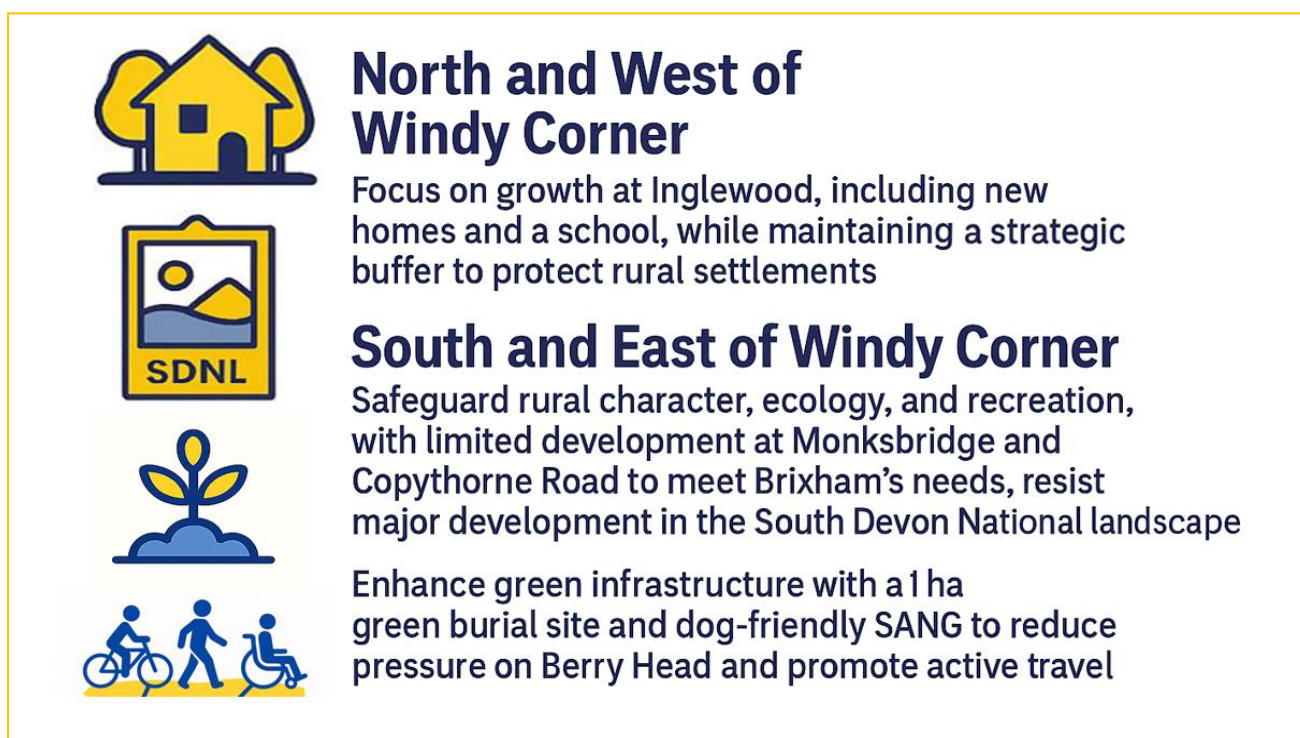


Figure 9 - Sustainable Growth in Brixham Peninsula and Rural Villages

## 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 and Broadsands, will be maintained to safeguard the landscape character, ecological integrity, recreational and economic value of the rural settlements to the south and east of Windy Corner (SDBCG3).**

## South and East of Windy Corner

**The focus of the plan to the south and east of Windy Corner (SDBCG3) will be to safeguard the area’s rural character, landscape, ecology, environmental and recreational value whilst strengthening settlement gaps and improved provision of green infrastructure.**

**A park and ride site (transportation hub) serving Brixham is proposed, subject to assessment of landscape, ecological and transport impacts.**

**Major development in the South Devon National Landscape will be resisted.**

## The Overall BCG Villages Area

**The BCG area will provide appropriate green infrastructure including a 1ha green burial site, a nature reserve and dog-friendly recreation area and facilities to reduce recreational pressure on Berry Head and maximise active travel opportunities.**

Community and Corporate Plan – Community and People, Pride in Place
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## Explanation

- 2.55 The area between the south and west of Paignton and the North of Brixham is covered by the Broadsands 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.
- 2.56 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.
- 2.57 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, or funding, has been identified to overcome this bottleneck. Measures within the Local Plan will manage demand for use of the road and promote better conditions for walking, wheeling, cycling and public transport. There is potential for limited rail accessibility to Galmpton via the Paignton to Dartmouth Steam Railway. However, this is primarily a leisure route and not suitable or operated for commuter travel.

- 2.58 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 major development in the National Landscape will be resisted.
- 2.59 The BCG area will provide important green infrastructure which is essential to supporting other development in Torbay. This includes areas for nature conservation and new and enhanced recreation and dog-friendly facilities to mitigate development pressure on the South Hams SAC. Whilst a single Suitable Alternative Natural Greenspace (SANG) would be supported, it is more likely that a range of facilities will be provided including dog recreation areas. Developer contributions will be sought towards providing these as a "site deliverability matter" as set out in Chapter 9. Cemetery space (but no crematoria) will also be provided in the BCG area, potentially sharing parking and ceremony space in conjunction with the proposed mobility hub in Policy TAS.

## **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 within the H2P4 Future growth 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 500 sq. m of employment land within Class E(G), B2 or B8.**
- v) **Maintenance and enhancements to public open space, including recreation facilities appropriate to the location, and enhancement of countryside access.**
- vi) **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.**
- **Avoiding additional recreational Impacts on the Berry Head calcareous grassland.**
- **Cirl Bunting habitat should also be protected and enhanced.**

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

## **Explanation**

2.60 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.

- 2.61 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.
- 2.62 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.
- 2.63 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.**

**The BCG3 area is expected to provide around 80 dwellings, mainly at Copythorne Road and 500 sq m of employment space within Class E(G) , B2 or B8. The BCG3 area should also provide a dog friendly natural green spaces 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 onward mobility opportunities, including the provision of walking, wheeling and cycling routes.

The South Devon National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value.

Major development will not be permitted within the National Landscape unless brought forward through a 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 (alone or in-combination) on the integrity of the site can be shown.

Community and Corporate Plan – Community and People, Pride in Place,
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## Explanation

- 2.64 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. It contains Torbay's largest area of Torbay's Grade 2 agricultural land. The rural villages have heritage significance.
- 2.65 Any development beyond the approved development at Copythorne Road should be minor and limited in nature and aimed at meeting the area's local needs. The council will take the General Permitted Development Order (10 dwellings/1000 sq. m) 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 (see paragraph 67 of the 2024 NPPF).
- 2.66 The area provides opportunities for enhanced public and active transport, linking with green infrastructure, tourism, leisure and other uses 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 damage to the calcareous grassland at Berry Head. The SDBCG3 area should therefore include a suitable alternative natural greenspace (SANG) with dog friendly leisure/recreation facilities appropriate to the rural location. This will be part funded by development contributions from development within the Berry Head 8Km recreational zone of influence (see Policies NCS1 and NCS2). There is a need for cemetery provision in Torbay (see Policy SC6), and the area may be suitable for a green burial site in conjunction with other green infrastructure.

# Chapter 3: Housing and Regeneration Policies



Figure 10 - Housing and Regeneration

3.1 The Local Plan deals with much more than housing. However, meeting objectively assessed housing needs is an important test of soundness for the Local Plan. Torbay's substantial environmental, infrastructure and market-capacity constraints mean that it is not able to accommodate its full Local Housing Need (LHN) as calculated by the December 2024 Standard Method (which at Autumn 2025 is 950 dwellings a year). The council has applied the Presumption in Favour of Sustainable Development (at paragraph 11(a-b) of the framework). It has sought to identify the best development strategy it is able to within the environmental, infrastructural and viability constraints it faces. It accepts that the proposed shortfall against LHN will require robust justification, which will be set out in a supporting Topic Paper.

## 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 Local Plan proposes to deliver homes on the following minimum trajectory:

Year (Financial year beginning 1 April)	Trajectory
2025	200
2026	200
2027	200
2028	200
2029	250
2030	250
2031	300
2032	300
2033	350
2034	350
2035	400
2036	450
2037	450
2038	500
2039	550
2040	550
2041	600
2042	600
2043	650
2044	650

Proposals that provide housing on previously developed land within the defined settlement boundary will be approved unless:

1) Harm to protected species, Habitats sites irreplaceable habitats SSSIs, National Landscape, designated heritage assets (and archaeological assets of equal value), or

flooding, drainage 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, read as a whole, and other material considerations. This includes directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

Special regard will be given to achieving urban regeneration and boost the supply of housing on previously developed land.

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 unless other planning considerations significantly outweigh the benefit. The Council will give significant weight to the additional benefits of boosting housing numbers when considering redevelopment proposals in the built-up area, and substantial weight for the delivery of affordable housing through the council's Accommodation Repurposing Programme.

Redevelopment opportunities to increase the number of homes in the Torre Gateway and Preston urban densification areas will be supported subject to other policies in this plan, the retention of employment land or the improvement of employment opportunities. Proposals should contribute to the improvement of active travel and public transport links.

Future Growth Areas are shown on the Policies Map as areas for residential and mixed-use development. These sites should be developed at optimal densities taking in into account the natural and built environment, and provide a mix of housing, employment, community facilities and green infrastructure.

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 Exceptions Sites Policy H8.

All development must achieve the following:

- i) A high quality of urban design and create good quality living accommodation and environments,**
- ii) Mixed and balanced communities including the avoidance of concentrations of deprivation and promotion of social connectedness.**
- iii) The provision of affordable housing on major developments in accordance with Policy H7.**
- iv) Resilience to extreme weather events and incorporation of sustainable drainage and climate resilience measures.**
- v) Optimise the use of land consistent with protection of the natural, built, and historic environment and the creation of high-quality living environments. Support will be given to tall buildings where consistent with good quality design, amenity and the historic environment.**

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

## **Explanation**

- 3.2 Table 2 below sets out Torbay’s broad sources of housing land. The Plan proactively supports brownfield regeneration by applying a “freestanding presumption” to urban brownfield development within the settlement boundary independently of five-year supply or Housing Delivery Test penalty considerations.
- 3.3 “Strong” reason will be taken to mean that the proposal would cause substantial harm. It is noted that “less than substantial harm” to the significance of a designated heritage asset can still constitute a strong reason for refusal (see paragraphs 214 and 215 of the 2024 NPPF).
- 3.4 Policy HS recommends a stepped trajectory for the purpose of calculating five year housing supply, and the Housing Delivery Test. This is based on the significant infrastructure improvements particularly related to the water cycle and drainage, and additional green infrastructure required to safeguard the marine SAC and South Hams SAC, and likely lead in times for the town centre regeneration schemes. These figures will not be treated as a minimum with regard to development of previously developed land within the settlement boundary or other allocated sites.
- 3.5 This approach is consistent with the importance of making effective use of land and concentrating development in the defined settlement boundary close to existing facilities and sustainable transport.

- 3.6 The council has ambitious town centre regeneration visions and an “Accommodation Repurposing Programme” that promotes the redevelopment of brownfield land (and particularly the conversion of redundant hotels) into new high quality social housing. These are pivotal to meeting the Local Plan’s housing target and 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 through its Accommodation Repurposing Programme.
- 3.7 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 be balanced against heritage impact.
- 3.8 Policy H1 outlines town centre regeneration areas. The Local Plan identifies opportunities to make better use of the built-up area around the Newton Road to Torre Gateway (see also Policy SDT3) and Preston District Centre in Paignton (see Policy SDP3). These are sustainable urban locations where there are opportunities for urban densification and to make better use of underused land, subject to protecting employment opportunities. These areas are served by public transport, and within moderate walking and wheeling distance of train stations. There is therefore scope to relax minimum parking requirements, so long as improvements to public transport, walking, wheeling and cycling opportunities are achieved.
- 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 Chapter 2 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. those likely to deliver 10 or more homes or 1,000 sq. m floorspace. About 120 homes have historically arisen each year from 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. A major plank of this programme is the Council’s Accommodation Repurposing Programme, which is expected to deliver at least 75 dwellings a year (or 1500 over the Plan period). These are likely to be counted elsewhere in the trajectory, so no separate number is set out in in Table 2 (below) to avoid double-counting with urban regeneration and other sites in the built up area (Policies H1(a-c).
- 3.12 Between 2012-24, the average annual 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. Neighbourhood Plans are welcome to allocate non-major sites, but caution will be needed to ensure that these are not double counted with the Plan’s windfall allowance.
- 3.14 Note also that the The Town and Country Planning (Development Management Procedure) (England) Order 2010 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. gross internal floor area is still liable for affordable housing under policy H7
- 3.15 It is likely that larger windfalls of more than 10 dwellings will come forward during the Plan period. It is impossible to Plan for such events, nor can the plan rely on this to boost numbers. 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 sites other than holiday parks. Policies TO5 and TO6 deal with planning considerations affecting holiday parks. Some holiday parks are located in the National Landscape and close to Berry Head SAC, and if these fall out of holiday use, they should be restored to nature.
- 3.16 The Policies Map defines the settlement boundary: formerly referred to as “within the built up area”. This is defined in the NPPF. Land outside of the settlement boundary falls within the Countryside Area. Small hamlets and settlements, such as Maidencombe and

Churston villages are shown within the countryside area are outside of the settlement boundary. These are subject to Policy C1 of the Plan. Proposals on unallocated greenfield sites outside of the settlement boundary (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 H8.

3.17 Torbay has a pressing need for affordable housing, and Policy H7 sets out a strategic policy for it. The need for other types of specialist accommodation are covered in policies H9-H13.

**Table 2 Potential Broad Sources of Housing**

Policy	Potential Local Plan Broad Sources of Housing.		
		Total (20-year plan)	Per annum (20-year plan)
	<b>Town Centre Regeneration and Densification</b>		
H1a	Torquay Town Centre Regeneration	800	
H1a	Paignton Town Centre Regeneration	500	
H1a	Brixham Town Centre Regeneration	50	
	<b>Urban Regeneration along sustainable transport corridors</b>		
H1b	SDT3 Newton Road to Torre Gateway – (Extended gateway area to cover Torre and Newton Road).	500	
H1b	Preston Brownfield Cluster (within environs of the District Centre) Excluding Oldway Mansion.	150	

H1C	Elsewhere within the settlement boundaries (built up area): sites of 10+ dwellings. Accommodation Repurposing sites.		
	Torquay	800	
	Paignton	350	
	Brixham	190	
	BCG Villages (including Copythorne Road)	80	
N/A	Windfalls (all non-major sites) at 120 dwellings a year	2400	
H2	Future Growth Areas		
H2/SDT2	Torquay Gateway, Edginswell	550	
H2/SDP4	Collaton St Mary, Paignton	600	
H2/SDT5	Long Road, White Rock and Inglewood, Paignton (and BCG Villages) dwellings	700	
	<b>Total in Future Growth Areas</b> (will become within settlement boundary when developed).	(2000)	
H3	Additional Sites outside Current Settlement Boundary	700	
		8370	
	Total	8000	400

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## Strategic Policy H1a: Town Centre Regeneration Areas

Proposals that regenerate or remodel town centre areas and adjoining areas, whilst enhancing the living environment and providing a high quality environment which is resilient 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 in town centres will be supported unless adverse impacts constitute a strong reason to resist development. Proposals must demonstrate that they will not lead to an increase in water draining into combined sewers and will be safe for their lifetime.

Proposals should provide mixed use developments, including new housing provision unless there are clear planning reasons not to include housing

Detailed proposals will be developed through master planning of Supplementary Plans for the areas. Town Centres are expected to provide at least the following number of dwellings on major sites over the Plan period.

- Torquay 800 dwellings
- Paignton 500 dwellings
- Brixham 50 dwellings

Community and Corporate Plan – Pride in Place

### Explanation

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. Table 3 below sets out broad number of homes that they could deliver. This should not be taken as maximums if schemes come forward that would exceed this number.

**Table 3 Town Centre Regeneration Areas**

Area	Sites (for information- to be put into a topic paper in the	Yield (Numbers are approximate and subject
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	<b>Publication Plan as there is a freestanding Presumption to support town centre regeneration). )</b>	<b>to further assessment/ masterplanning)</b>
<b>Torquay</b>		
H1T1 Castle Circus Area	Town Hall Car Park* 21T032a Magistrates Court 21T070 10 completed 12 Castle Circus House & adj. Buildings 21T140 30 Former Argos block 100	
H1T2 South West of Union Street, Lower Union Lane,	Union Street north of cinema including Nat West (90-96)_ 100 21T146 Land rear of Castle Circus House* 30 21T141 Former New Look Store 20 21T123 Telephone Exchange Lower Union Lane* 70 Lower Union Lane Car Park 200 Within Temptation/ Hop and Grapes 30	
H1T3 NE of Union Street , and Market Street, Pimlico	21T037 Former Blockbuster/ Morrisons 40 All Pimlico including 21/T040 and 21T041 and Pub 60 21T075 Union Square 100 Market Street north of Castle Lane 20 net gain	Objection to 21T034 former Auction Rooms, now Store Store 24, by the owner.
H1T4 Abbey Road, Rock Road, Roebuck House	21T038 Roebuck House* TCRT013 Adj. Abbey Hall (former Laundry Site)	
H1T5 Fleet Street, Torquay Harbour: Living Coasts, Strand, and Marina Car Park	21T161 30-34 The Terrace* 24T008 48-50 The Terrace 21T081 Strand and Torquay Harbour 21T139 The Marina Car Park (adj. The Pavilion) TCRT018 Living Coasts 21T093 The Imperial Hotel* 50 21T047 Fleet Walk Shopping Centre (upper floors).	
<b>Torquay Town Centre Sub Total</b>		<b>800</b>
<b>Paignton</b>		

H1P1 Paignton Harbour	22P003 Paignton Harbour R/o Roundham Road	
H1P2 Crossways and adjacent land and Victoria Street	21P025 Crossways 24P005 12-14 Victoria Street	
H1P3 Victoria Square	21P027 Victoria Square	
H1P4 Paignton Gateway: (Station Lane and Station Square)	TCRP04 21P028 Paignton Gateway 80, TCRP05 Station Square 62-70 Victoria Street 21P048 40 21P026 Hyde Road and Torbay Road Former Woolworths, Peacocks, Superdrug etc. 50	
	New Sites	
H1P5 Paignton Hospital	60	
<b>Paignton Sub Total</b>		<b>500</b>
<b>H1B1 Brixham</b>	Middle Street , SW of Apters Hill (Primary Shopping Area removed) Fore Street Upper floors-	50

3.18 Further details are set out in the “Strategic Development” policies for the town centres (SDT2 Torquay, SDP2, Paignton and SBD2 Brixham). 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 be 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.

3.19 It will be important that developments are safe for their lifetime from the effects of climate change, and particularly flooding. It will simply not be possible to meet Torbay’s housing need without some development in areas of flood risk. However, development must avoid sleeping accommodation on ground or basement floors in flood vulnerable areas and provide safe escape routes and resilience measures. Development must not lead to an

increase in water draining into combined sewers. Where onsite measures such as sustainable drainage are not feasible, a planning contribution towards upstream water retention measures will be required as a site deliverability issues (See Policies ER1 and ER2).

- 3.20 Within town centres a minimum level of car parking will be required (see policy TA4) subject to appropriate investment into walking, wheeling, 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 where possible.

## H1b Densification around Urban Sustainable Transport Corridors (revised Policy H3)

Urban regeneration clusters in the Torre Gateway and Preston area are identified in Policies SDT3 and SDP3. Redevelopment proposals that maximise the delivery of housing consistent with their location close to transport hubs will be supported. Proposals should not result in the loss of employment space unless there is a net employment or economic benefit arising from development.

### Explanation:

- 3.21 The Local Plan has identified opportunities for urban densification and reuse of land in the urban corridor between Edginswell and Torre and Preston. These areas are well connected by public transport and in the Torquay Gateway’s case close to Torre train station and the proposed Edginswell train station. More detailed proposals are set out in area Policies SDT3 and SDP3. The following sites are set out as examples of where development may arise but other sites are likely to arise during the Plan period.
- 3.22 The council will prepare masterplans. Where detailed site assembly is needed, or there is a requirement to secure more socially beneficial use of sites, the council will consider the use of compulsory purchase to deliver sites if necessary.

**The following broad urban regeneration clusters are proposed for housing development:**

Ref.	Site	Anticipated number	Notes
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	<b>Torquay</b>		
	<b>SDT3 Newton Road to Torre Gateway – Extend gateway area to cover Torre and Newton Road.</b> A higher figure was considered (850) but not included in order to support continued provision of employment land.	500	
	Newton Road (hotels)		
	Torre Station		
H3T.13	Grounds of Rowcroft, Avenue Road		Approved 24/T009–assisted living units
	Kwik Fit, Torre (in conjunction with Torre Marine – see below H3T.23)		
H3T.23	R/O Edinburgh Villas, McKay Avenue, Torre Marine (Specialist housing) 70		21T095
	Densification around Local Centre.		
SDP3	<b>Preston District Centre and Regeneration Hub</b>		
	Hollacombe, Chadwell Centre, employment buildings, 50 dwelling reduction due to Oldway not being deliverable (Heritage objections).	150	

## Policy H1c Housing elsewhere within the Settlement Boundary (Revised Policy H3)

In accordance with Policy HS, housing proposals within the built up area will be approved unless the benefits of doing so would be substantially outweighed by the adverse effects, when considered against other policies in this Plan.

Other urban brownfield sites will be supported subject to other Local Plan considerations.

### Explanation

3.23 The Local Plan focusses heavily on development within the settlement boundary, and has a large number of urban sites that are likely to be suitable for development. The table below is not comprehensive but lists sites within the settlement boundary that have been

assessed as being suitable to accommodate development of more than 10 dwellings. However, other sites are likely to arise over the Plan period.

3.24 Non-major sites of fewer than 10 dwellings/1,000sq m) will be treated as windfall developments and are not listed here.

3.25 Other planning considerations including design, heritage issues, flooding and drainage and ensuring no likely significant effects on Habitats Regulations issues must be taken into account when considering development proposals.

<b>The following sites are proposed for housing development:</b>			
<b>Ref.</b>	<b>Site</b>	<b>Anticipated number</b>	<b>Notes</b>
	<b>Torquay</b>		
	<b>Example of other sites in the Built up Area (note that other sites may arise).</b>		
H3T.3	Brunel Manor, Conversion of buildings.	15 (35 gross)	Conversion of Brunel Manor 21T148.
H3T.5	Land at Kingskerswell Road and r/o Barton Hill Road	10	21T056 (ULPA but within built up area)
H3T.6	Holiday Parks, North of The Willows	250	21T016,21T017, 21T018 Existing allocation. Need to retain and enhance tree cover.
H3T.8	Babbacombe Business Park, Babbacombe Rd, Torquay	12	21T072
H3T.9	Land North of Bottompark Lane, Barton Hill Road.	20	21T145
			(completed)
H3T.11	Grand Hotel Garage Block	10	21T138
H3T.28	Bancourt Hotel, Avenue Road	40	21T054
H3T.14	Maycliffe Hotel, St Lukes Road South	15	24T002
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	42-20	21T080
H3T.22	Stoodley Knowle, Ansteys Cove Road, Torquay	80	21T085(not including built units)

H3T.24	Shelley Court Hotel, 29 Croft Road, Torquay (With all hotels: need to avoid double counting with Accommodation Repurposing Programme).	20	21T003
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.30	Coppice Hotel	20	
H3T.31	Hotel Virginia, Falkland Road (With all hotels: need to avoid double counting with Accommodation Repurposing Programme)	15	
H3T.32	Chelston Telephone Exchange Goshen Road	20	24/T005
H3T.33	Menzies House Parkfield Road	10	24/T007
	<b>Proposed New sites</b>		
	St Peters Church, Queensway		
	Shedden Hill Car Park	20	
	Seascape Hotel	30	
	Burlington Hotel	20	
	<b>Torquay Sub Total</b>	@800	Number above comes to 844 but need to avoid double counting: therefore 800 is a more realistic figure.
	<b>Paignton Example of other sites in the Built up Area (note that other sites may arise).</b>		
H3P.5	Summerhill Hotel, Braeside Road	10	21P055
H3P.6	Former Kia Garage, Totnes Road	25	
H3P.7	Totnes Road Service Station	15	
H3P.9	Alan Kerr Garage, Brixham Road	15	21P033
H3P.10	Church site, Bellfield Road, Foxhole	25	21P069
H3P.11	3 Keysfield Road	13	21P085
	<b>New Sites in the built up area</b>		

	Toyota Garage, Totnes Road	15	
	YMCA Dartmouth Road	40	
	Kings Ash House	15	
	Cornerplace Surgery Dartmouth Road	15	
	Orchard End, 9 Brixham Road , Tweenaway Cross DE2026/0010	15	
	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  (Number additional to completions at 2025).	150	
	<b>Paignton Sub Total</b>	<b>350</b>	
	<b>Brixham (Town Council area)</b> Example of other sites in the Built up Area (note that other sites may arise).		
H3B.1	Wall Park Extensions (R/O Wall Park Farm, 39 Wall Park Rd), Brixham	20	
H3B.2*	Brixham Paint Station, Kings Drive**	35	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.	20	P/2024/0311
H3B.8	Brixham Hospital	15	25B001
	<b>New Sites in Brixham</b>		
	Laywell House, Summer Lane	25	
	<b>Brixham Sub Total</b>	<b>190</b>	
	<b>BGC Villages</b>		
H3BCG.4	Copythorne Road	77	Permission P/2023/0480
	<b>BCG Villages Sub Total</b>	<b>80</b>	(77 rounded to nearest 10)
	<b>Total</b>		

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## Strategic Policy H2: Future Growth Areas

Future Growth Areas are allocated for strategic development within Torbay. They should be developed as sustainable mixed use developments, including housing, in accordance with the principles set out in the relevant Sustainable Development (SD) policies:

The following Future Growth Areas are allocated for development:

Area	Local Plan Relevant Local Plan Policy	Indicative level of dwellings
SDT2	Torquay Gateway, Edginswell	550
SDP4	Collaton St Mary, Paignton	600
SDP5	Long Road, White Rock and Inglewood, Paignton (and BCG Villages)	700

Community and Corporate Plan – Pride in Place

### Explanation

- 3.26 Future Growth Areas are broad locations for growth. Policy requirements are set out in the relevant “SD” policies in Chapter 2. Table 4 sets out indicative sources of housing within Future Growth Areas. Updated masterplans will be prepared showing how they can be delivered as mixed use areas that make provision for a range of uses including employment, housing.
- 3.27 Torquay Gateway (Edginswell) is allocated in the Torbay Local Plan 2012-30. The 2016 Masterplan will be updated to set out how the site can be delivered.
- 3.28 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 unlock the later phases of development to the north of the area. A non-statutory masterplan (2013) was endorsed by Policy PNP21 of the Paignton Neighbourhood Plan, but will be updated.

- 3.29 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 SPD 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.
- 3.30 Long Road/White Rock: The Long Road/White Rock area is allocated in the Torbay Local Plan 2012-30 and is mainly built. 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.
- 3.31 The south of this area falls within the Broadsands, Churston, Galmpton Village Forum Neighbourhood Plan area (See Policy SDBCG2). 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.

**Table 4 Future Growth Areas**

<b>Ref.</b>	<b>Site</b>	<b>Approx. Number of dwellings</b>	
H2T.1	Torquay Gateway, Edginswell, Torquay	550	21T122 The 2025 Masterplan will need to be updated, but it is important to maximise housing delivery insofar as this does not undermine other Local Plan objectives including the delivery of employment land.
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

			<p>21P077 Western half of Taylor Wimpey Site, North of Totnes Rd</p> <p>21P010 Land North of Totnes Road (Bloor now Cavanna Homes)</p> <p>21P080 Torbay Holiday Motel, Totnes Rd, Collaton St Mary</p> <p>21P015* South of Totnes Rd, Collaton St Mary</p> <p>21P008* Land to the North of Totnes Road (Taylor Wimpey)</p> <p>21P078* Land North of Totnes Road</p>
H2P.4	Long Road, Yalberton, White Rock and Inglewood (Extension)	700	<p>Around 200 dwellings in addition to allocation in the Torbay Local Plan 2012-2030.</p> <p>21P012 Lower Yalberton Holiday Park</p> <p>22P001 Yalberton Holiday Park/Berry Acres 'Link'</p> <p>21P067 Land North of Lower Yalberton Holiday Park, Long Road</p> <p>21P001* Land off Brixham Rd (Devonshire Park)</p> <p>21P053 R/o Local Centre</p> <p>21P079 Limekiln Close</p> <p>21B002 Inglewood (under construction- within BCG Villages).</p> <p>24BCG001 Inglewood pub-restaurant site.</p>

### Strategic Policy H3: Other Local Plan allocated sites outside the current Settlement Boundary

The following sites are allocated for housing. All proposals for housing, 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 H7.

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.

**Table 5 Proposed Housing Sites**

<b>The following sites are proposed for housing development:</b>			
<b>Ref.</b>	<b>Site</b>	<b>Anticipated number</b>	<b>Notes</b>
	<b>Torquay</b>		
H3T.1	Maidencombe North of Sladnor park and around Jon Glanvill Autos. HELAA Sites	<b>150 TBC 30 confirmed at 08 May</b>	Allocated subject to there not being a landowner objection. Where there is a landowner objection, the site will be removed. Part 21T143 and 21T065 remain allocated.
H3T.2	Sladnor Park, Maidencombe. Due to High Court decision the principle of development has been established, see application P/2020/0315*	120	21T064 Subject to successful resolution of drainage issues.  Due to its location within the coastal landscape, the bulk of the site will remain outside of the settlement boundary, with the exception of the development area broadly corresponding to the previously developed area of Sladnor Park.
			Site deleted due to lack of evidence of promotion and objection from Cherry Blossom Farm, which makes access impractical.

H3T.3	Additional site to the north of Brunel Manor.	10	Conversion of Brunel Manor 21T148. Land to the north 23T007
H3T.7	Land adjacent and south of Watcombe Hall	10	24T012 Site to remain outside of the settlement boundary due to its coastal location.
H3T.12	Land adjacent to Broadley Drive, Livermead, Torquay	50	21T050
H3T.29	Hollicombe (former gas works) – all of the site developed for housing or flood alleviation/open space/biodiversity. DE2017/0407.	<del>50-100</del> or 185	21T015. Number reverts to 185 to reflect permission and pre-application DE2017/0407:188 units.
	<b>Torquay Sub Total</b>	<b>425</b>	
	<b>Paignton</b>		
H3P.1	North of James Avenue – extend the existing site. Scope to increase to 50	50	21P087
H3P.2	Barton Pines	50	24P006. Removal of holiday occupancy policy. Due to location outside of the built up area, the site will remain outside of the Settlement Boundary
H3P.3	Land at Preston Down Road North, Paignton	50	21P017 Previously allocated site

H3P.4	Land at Preston Down Road South, Paignton	50	21P018 previously allocated site
H3P5	Hilltop Nursery, Great Parks	10	21P051 Hilltop Nursery
	<b>Paignton Sub Total</b>	<b>200</b>	
	<b>Brixham (Town Council area)</b>	0	
	<b>BGC Villages</b>		
H3BCG. 1	Gliddon Ford Filling Station, Dartmouth Road, Churston Ferrers. Access to the Archery Field	10	21B001
H3BCG. 2	Archery Field, Churston	50	21B005
	<b>BCG Villages Sub Total</b>	<b>60</b>	
	<b>Total</b>	<b>700</b>	(assumes 50 at Maidencombe – other sites awaiting confirmation.

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

## Explanation

3.32 As noted in Policies HS and H1 the Local Plan seeks to support development within the settlement boundary (i.e. the built-up area). There are fewer opportunities for sustainable development outside of the built up area or defined Future Growth Areas. Policy H3 allocates a limited number of sites on the edge of the existing built up area for housing. When built they will become part of the built-up area and fall within the settlement boundary, unless it is specifically indicated that they will remain outside of the settlement

boundary. They will require strategic landscaping to create a break between the built up area and countryside area.

- 3.33 There is an expectation all major development will provide affordable housing in accordance with Policy H7. 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: Achieving Optimal density**

**New housing should be developed at maximum densities consistent with protecting the natural and built environment, providing well-designed places, resilience to climate change including water management, and providing a decent standard of accommodation and residential amenity.**

**In particular, high densities will be supported on urban sites and are located within easy walking and wheeling distance of public transport, 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 must 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.**

Community and Corporate Plan – Community and Place

### **Explanation**

- 3.34 Torbay has very little opportunity to expand outwards and the limited green hinterland that exists has significant environmental designations. It is important that new housing on both greenfield and brownfield sites is provided at the highest density consistent with providing an adequate level of privacy, amenity and tranquillity for residents.
- 3.35 Paragraphs 129-130 of the NPPF (2024) require plans to make the best use of land and for minimum density policies to be considered, especially in urban locations that are well served by public transport.

- 3.36 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.
- 3.37 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 waste management, harbours and waterfronts, and the fishing industry.

## **Policy H5: Conversion of buildings into flats**

**Applications for the conversion or sub-division of buildings into flats will be supported where:**

- i) 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.**
- ii) 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 or later Indices of Deprivation.**
- iii) The conversion of family houses of up to around 110 sq. m floor area into small apartments will be resisted, unless this can be shown to have a positive benefit for the creation of mixed and balanced communities.**
- iv) The buildings are self-contained.**
- v) The proposal incorporates improvements to the fabric of the building, including the removal of deleterious additions, particularly in conservation areas.**
- vi) 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 or Special Areas of Conservation.**
- vii) The proposal will not lead to a net increase of water into the sewer network. Proposals should retrofit surface water sustainable drainage or attenuation to**

**create at least an equal volume of capacity for waste water. Where onsite measures are not feasible, a contribution will be required for off-site measures.**

**viii) The conversion of buildings achieves best use of land, having regard to heritage and other policies in the Local Plan.**

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

## Explanation

- 3.38 Some conversion of buildings to apartments can be carried out under “prior approval” which is a reduced “permitted development” consent regime in Part 3 of the General Permitted Development Order (GPDO). Local Plan is 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. Regard will also be had to natural light, overlooking and outlook etc.
- 3.39 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. These were often applied to buildings formerly in holiday use.
- 3.40 Other policies relating to flooding, water management and reducing the amount of water draining into shared sewers, will be important to mitigating flood risk.

## Policy H6: Loss of homes

**Where proposals result in the loss of housing, including through the combination of dwellings, applicants should demonstrate that one or more of the following apply:**

- i) The proposal would result in improved standard of accommodation and improved living conditions where the existing standard and conditions are poor.**
- ii) The proposal would make a positive contribution to reducing deprivation.**

**iii) The proposal would restore or enhance historic features or architectural features of heritage assets.**

**iv) It is demonstrated that the loss of housing would be outweighed by a regeneration, economic or environmental benefit.**

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

**Where the amalgamation of dwellings is approved, a condition will be attached to restrict use as a house in multiple occupation unless all of the criteria in Policy H10 are met.**

Community and Corporate Plan – Community and Place
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## **Explanation**

- 3.41 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 housing stock does not provide a good standard of accommodation, particularly where buildings have been badly sub-divided into flats, or holiday apartments have 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 this would improve the quality of the environment or support mixed and balanced communities.
- 3.42 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.
- 3.43 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 questions about whether a proposal is making best use of land.

## **Table 6 Typical Floorspace Range of Dwellings.**

<b>General description</b>	<b>Floorspace range (excluding communal areas)</b>	<b>Typical of dwelling type</b>
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

3.44 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 uncommon, and the public interest economic or other benefits will be taken into account as part of the overall justification for the loss of dwellings.

## **Strategic Policy H7: Affordable Housing**

### **Policy requirement**

**Residential development will contribute to meeting affordable housing needs across Torbay by providing a proportion of new housing 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 set out in Table 7:**

**Table 7: Affordable Housing Thresholds**

<b>New dwellings (gross)</b>	<b>Proportion of affordable housing</b>	<b>Equal to no. of homes</b>	<b>On-site or offsite. Note that smaller sites may also provide affordable housing on-site in</b>

			<b>discussion with the Strategic Housing and Delivery Team.</b>
<b>Sites outside of the South Devon national Landscape (AONB)</b>			
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 provision is agreed with the Head of Housing.
16	21%	3.36	Onsite unless offsite provision is agreed with the Head of Housing.
17	24%	4.08	Onsite unless offsite provision is agreed with the Head of Housing.

18	27%	4.86	Onsite unless offsite provision is agreed with the Head of Housing.
19	30%	5.7	Onsite unless offsite provision is agreed with the Head of Housing.
20+	30%	6 (+0.3 per dwelling thereafter)	Onsite unless offsite provision is agreed with the Head of Housing as a special exception.
Allocated sites in the South Devon National Landscape			
All sites in the South Devon National Landscape	Exceptions sites in accordance with Policy H8.		Onsite unless agreed by the Head of Housing. Unallocated sites in the National Landscape are likely to only be acceptable as rural exceptions affordable housing sites. A higher rate of affordable housing will be sought from rural exception sites in the National Landscape in accordance with Policy H8.

- i) The affordable housing should be provided on-site where indicated above. Off-site provision or commuted sums will only be considered on sites of 15+ dwellings in exceptional circumstances and must be justified with a planning statement demonstrating that:**
  - a. there is a good planning reason why on-site provision is not viable or practical.**
  - b. Contributions of land and/or money are made sufficient to achieve the same or greater number of affordable homes than would be achieved through onsite provision.**
- ii) Within the South Devon National Landscape, ~~allocated~~ sites (of whatever size) should additional affordable housing in line with Policy H8.**
- iii) Unallocated sites in the countryside area will be subject to policy H8 Affordable Housing Exceptions sites in the Countryside.**

- iv) 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

- v) The tenure of affordable housing should be agreed through the planning process. The council will seek:
- a. 70% Social Rent
  - b. 30% Intermediate housing (Shared Ownership, ~~Discount Market Sale~~ and other affordable housing as defined in the NPPF and Glossary. )
- Regard will be had to up-to-date local evidence of housing need and evidence of viability.

## Design and Integration

- vi) Affordable housing must be indistinguishable in appearance from market housing and fully integrated within the development, including provision in clusters.
- vii) 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

- viii) Where applicants seek to provide fewer than the required affordable units due to viability concerns, they must submit a proportionate 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.
- ix) 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

x) **Affordable housing shall be delivered in phases alongside market housing unless otherwise agreed through a planning condition or Section 106 agreement.**

xi) **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.**

xii) **The early development of affordable housing on site will be encouraged**

xiii) **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.**

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

## Explanation

- 3.45 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. Increasing the levels of affordable housing, providing a range of tenures and housing types within mixed and balanced communities can aid social mobility.
- 3.46 Policy H7 ensures that all major residential developments contribute to affordable housing supply, and support 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.
- 3.47 The Policy also supports the delivery of affordable housing on non-major sites, whilst respecting the nationally prescribed threshold of 10 dwellings (or 1,000 sq. m) outside of the National Landscape. 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 H8 below).

- 3.48 Early discussion with the council's Head of Housing or Affordable Housing Manager should take place to agree location, tenure and timing of provision.
- 3.49 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.
- 3.50 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. It should also take into account the additional costs of off-site provision such as site acquisition.
- 3.51 The council will consider 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.
- 3.52 When assessing whether land is an "incremental" site where affordable housing may be sought the council will consider matters such as land ownership, whether sites are directly adjacent or connected, and any levels differences between sites.
- 3.53 Torbay's main need is for rented affordable housing; however, demand for intermediate affordable housing has increased 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 SCS). The provision of intermediate housing can assist with the creation of mixed and balanced communities and aid viability. The council's preferred means of delivering intermediate housing is through shared ownership homes managed by registered providers. 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. Where proposed, other forms of tenure should be agreed with the Affordable Housing Manager.
- 3.54 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 at application stage. Robust evidence will be required to support 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 is defined as not having been in lawful use for 6 months or longer in the last 3 years. However, the council will also have regard to the imperative of incentivising brownfield development.

3.55 Where the provision of affordable housing may 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.

Viability assessments should be proportionate to the proposal and consider whether there are abnormal costs such as contamination or additional policy requirements such as climate change resilience and Habitats Regulations mitigation.

3.56 Affordable housing will be prioritised for local people through local lettings policy (Devon Home Choice). Proposals that provide particular support to groups such as care experienced young people will be given particular support.

3.57 This policy will be reviewed periodically to ensure continued alignment with national policy, housing needs, and viability evidence across Torbay.

3.58 More detailed advice on the implementation of this policy will be set out in updated Planning Contributions and Affordable Housing Supplementary Planning Document.

## **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 as a rural exception will be supported 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.**
- v) The proposal is acceptable in terms of its landscape, ecological and other impacts , and in particular does not have adverse flooding, drainage or water management impacts.**

**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.**

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## **Explanation**

- 3.59 Policy H8 sets out criteria for considering rural exceptions where this would achieve affordable housing to meet an identified local need. Since the policy allows housing to be built in locations where it 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 should 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.
- 3.60 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.

- 3.61 Policy H8 is expected to deal with relatively small sites in general. Because the dwellings would not normally be acceptable other than to meet affordable housing needs, it is considered appropriate that the normal threshold for affordable housing is waived.
- 3.62 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 1% of dwellings within Future Growth Areas, shall be provided as serviced plots for sale to self or custom home builders.**

**This will be controlled by the following means:**

- i) The provision of serviced plots in an agreed location will be set out through a s106 Planning Obligation.**
- ii) 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.**
- iii) Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.**
- iv) If provision is made off-site, alternative sites should be provided as serviced plots with planning permission.**
- v) Where the provision of serviced plots for self-build is not practical for site assembly, layout or other reasons, an equivalent number of homes should be provided as affordable housing.**

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### **Explanation**

- 3.63 Policy H9 seeks a small proportion 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.
- 3.64 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.
- 3.65 Where self or custom-built homes are built, whether on allocated sites or through windfall sites, 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 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:**

- i) The property is located within easy reach of sustainable transport and community facilities.**
- ii) An acceptable standard of residential accommodation can be provided that meets or exceeds the council's standards.**
- iii) 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.**
- iv) 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 dwelling between two HMO properties.**
- v) The building is not within an area of significant deprivation.**

- vi) The proposal is not within or directly abutting a Core Tourism Investment Area, and would not otherwise adversely affect the character of holiday areas.**
- vii) Adequate storage facilities are provided for cycles, waste, and recycling collection; and**
- viii) 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.**
- ix) 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).**

Community and Corporate Plan – Community and Place
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## Explanation

- 3.66 An HMO is a building or part of a building that is 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.
- 3.67 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. Note that the existence of an HMO licence does not confer planning permission or imply that the use is acceptable in planning terms.
- 3.68 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 worsen the serious urban deprivation that besets many coastal towns.
- 3.69 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 proposals are within the 10% most deprived neighbourhoods in the Indices of Multiple Deprivation, they are unlikely to comply with Policy H10

- 3.70 HMOs should meet an acceptable standard of accommodation to deliver a healthy living environment, This will be taken as those set out in: **Our standards for Houses in Multiple Occupation - Torbay Council**. This includes amenity, living conditions, space standards, waste and recycling provision.
- 3.71 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. Communal areas such as lounges and kitchens may be counted towards 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.
- 3.72 HMOs will not be supported in Core Tourism Investment Areas and other key tourism locations where they would adversely affect the tourist economy. Unauthorised HMOs will be prioritised for enforcement action. Note that the Tourism Policies (especially TO3) have been drafted to support conversion of holiday accommodation into self-contained residential dwellings outside of CTIAs.
- 3.73 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.
- 3.74 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.
- 3.75 The council will resist very large dwellings which are likely to be HMOs where they fail the tests of this policy. In Community Investment Areas (i.e. within the top 20% most deprived neighbourhoods), the council will restrict permitted development rights to convert Class C3 dwellings to Class C4 HMOs.

## **Strategic 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:**

- i) 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.**
- ii) The provision of accommodation providing additional support and assistance to local care-experienced young people will be supported unless other policies in the Local Plan provide a strong reason for refusal.**
- iii) 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. {**

#### **Age Restricted Accommodation**

- iv) Specialist and age-restricted accommodation (irrespective of use class) should be aimed at meeting the needs of local people, or those with a strong family connection. The occupation of specialist and age restricted 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. for Torbay residents 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.**
- v) Specialist accommodation for older people or other people in need of care should be located within easy reach walking and wheeling distance of community facilities, places of worship, shops, and public transport. They**

should be located on relatively level sites where possible. Proposals should show how they will promote social connectedness and reduce social isolation.

vi) New care homes and other specialist accommodation, extensions to existing care homes and development of retirement villages will only be approved where:

a) Occupancy is restricted to local residents as per criteria 4 above.

b) they will not harm the creation or retention of mixed and balanced communities.

c) they will not add undue pressure on local healthcare or social services; and

d) 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, community or other facilities, the council will seek financial contributions towards the funding of those facilities.

Community and Corporate Plan – Community and Place
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## Explanation

- 3.76 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 important that the provision of homes for older people assists with freeing up local housing stock for working age people and families. It will be important that new age-restricted housing does not lead to increased inwards migration of older people.
- 3.77 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, and supports adaptations and the appropriate provision of specialist accommodation.

- 3.78 Torbay's need for specialist housing was assessed by Housing LIN (Local Intelligence Network) in 2019 and is currently being updated. Preliminary evidence from the update indicates a large increase in older people living alone and the need to provide better specialist facilities; but a falling need for care home spaces offering no additional services
- 3.79 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. 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.
- 3.80 Age-restricted dwellings offering no additional facilities (sometimes referred to as sheltered housing) is likely to fall within use class C3, but 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 H7.
- 3.81 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 H11 seeks to provide a supportive framework for such accommodation, subject to other Local Plan considerations, particularly management arrangements and neighbour amenity.
- 3.82 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 it is demonstrated that it does not represent the most appropriate way of delivering care, or it provides a type of accommodation that is not needed.**

**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.**

## Community and Corporate Plan – Community and Place

### Explanation

- 3.83 As set out in Policy H11 the majority of Torbay's housing need, including specialist accommodation should be met by assisting people to live in their own homes including assisting them to down-size to age restricted and extra care dwellings. Nursing homes should provide for facilities such as dementia care or specialist facilities, and there is unlikely to be a need for care homes that provide no additional nursing or specialist facilities.
- 3.84 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.
- 3.85 Regard should be had to the design policies in the Local Plan in relation to the sympathetic conversion of older buildings, 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 Torquay Gateway and Collaton St Mary Future Growth Areas. 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:

- i) Evidence of need for pitches for travellers or plot/yards for travelling showpeople.
- ii) The availability and suitability of accommodation on existing mobile home sites with licences for permanent occupancy.
- iii) 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,
- iv) 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.
- v) Sites should be provided with an appropriate level of essential services including access to drinking water, refuse collection and sewage disposal.
- vi) Sites should be located within reasonable distance of local services and facilities (e.g. shops, schools, and hospitals).
- vii) Sites should not be located in areas at risk of flooding.
- viii) 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.
- ix) Proposals in rural or semi-rural settings, should ensure that the scale of such sites does not dominate the nearest settled community.

## Explanation

3.86 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.

3.87 Torbay does not have a history of settled traveller or Romani Gypsy communities , or others 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 Authority area.

3.88 The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) in Torbay 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.

3.89 However, the need for accommodation will be reviewed as part of the Plan preparation. 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 H13 will be the starting point for determining proposals.

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



Figure 11 Building a Prosperous and Inclusive Torbay

## Introduction

4.1 The Local Plan supports a step change in the economic performance of the Bay, building on the recent signs of recovery and maximising the opportunities for regeneration. The National Planning Policy Framework (paragraphs 18-22) supports economic growth. Plans and decisions should support growth and to plan proactively to meet development needs. At the same time, many employment and commercial activities are outside the control of planning, particularly with the creation of a wide Class E commercial use class, and permitted development rights to convert many commercial buildings to housing.

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 and its partners can improve economic conditions and help businesses to improve performance, create new opportunities for residents, tackle poverty and improve health outcomes.
- 4.4 The Local Plan recognises the importance of 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 special education needs backgrounds. More details of the Economic Growth Strategy are available at: **[Economic Growth Strategy - Torbay Council](#)** and the Economy Topic Paper.
- 4.5 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 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 at least 20 hectares of employment land. Additional provision will be made for healthcare and education where there is an identified need.

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.

### Community and Corporate Plan – Economic Growth

#### Explanation

- 4.6 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.
- 4.7 Whilst not an exclusive list, the following sectors are particularly important in Torbay:
- 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.

- 4.8 Policies ES and E1 set targets for the provision of employment land in Torbay. This is informed by the **Torbay Economic Development Needs Assessment (EDNA)** (DLP 2024) <https://www.torbay.gov.uk/council/policies/planning-policies/local-plan-update/economic-development-needs-assessment/> as well as the Torbay Economic Growth Strategy (2023). Based on the 2024 EDNA, the Local Plan seeks to allocate at least 20ha of employment land that should achieve at least 80,000sq m of net additional employment floorspace within Class E(g), B2 or B8 (i.e. traditional employment uses such as offices, light industry and high tech that would have fallen into Use Class B1 prior to 2021, Use Class B2 General industry and Use Class B8 Storage and Distribution). 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 Local Plan identified about 32ha of employment land in Policy E1, but makes an allowance for other uses including Class B8 and non-completions. This level of provision is more likely to deliver 80,000sq m of employment space rather than simply relying 20ha, which would be the requirement based on a typical 40% site coverage assumption (i.e. assuming that 1ha allocation yields 4000 sq. m. floorspace). The delivery of employment space will be kept under review in order to ensure that it delivers at least 80,000 sq. m. Class B2/B8/E(g) floorspace.
- 4.9 The 80,000 sq. m. employment space 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 strategically important institutions. Development in Future Growth Areas should make provision for education and healthcare facilities in line with Policies SCS and SC1
- 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 TA4). The Local Plan also supports 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

The following sites are proposed for employment use within Class B2, B8 or E(g), to meet the needs of existing, growing and new businesses.

Within these areas, a minimum of 50% (or 2000 sq. m. per hectare) will be provided as Class B2 or E(g) employment, subject to other policies in this Plan. Early delivery of serviced units of Class E(g) or B2 space will be sought. Where later delivery of B2 /E(g) units is proposed, a S106 phasing agreement will be required setting out safeguards including compensation for non-delivery of employment units.

Table 8 Local Plan Employment Allocations.

	Site	Site Size	Notes	Status
	<b>Torquay</b>			
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 SDT2 and shown on the Adopted Masterplan (2015) as employment. HELAA site 21T125.  Application P/2019/0710 for 90 houses and offices refused/appeal dismissed.	Allocated in Local Plan 2012-30
E1T.4	Land adj. Kingsland Torquay	1.2ha	HELAA site 21T004	New proposed allocation

	Site	Site Size	Notes	Status
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	The site has outline permission P/2024/0511	
	<b>Paignton</b>			
E1P.1	Claylands Cross phase 2	2.4ha	Allocated site in Local Plan 2012-30 (SDP1/SDP3) Permissions P/2016/1115, P/2016/1123, <b>P/2018/0700</b> , 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	<b>Berry Acres</b> Development allocated for business use, rear of Yannons Farm. Part of a mixed-use site approved as P/2014/0983. The housing has been built. 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	Allocated site with outline permission. 1ha likely to be deliverable.

	Site	Site Size	Notes	Status
			(0.68ha +0.98ha+ 0.431 ha). (Plus a separate plot at Wilkins Drive - see below). Part of the land used for sustainable drainage and access. So likely to be middle portion of land circa 1ha that is deliverable.  The site is close to proposed waste operation at Yalberton, but is suitable for employment use.	
E1P.3	Wilkins Drive, Yannons Farm	1.3	Standalone part of Berry Acres (Jackson Land). Access strip controlled by local housebuilder being. The 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 unless another social benefit is provided e.g. affordable housing in excess of policy requirement.	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)	<b>Allocated</b> / part of outline P/2014/0947. 5,547 sq. m of Class B1/B8.	Existing allocation with permission. Not being actively

	Site	Site Size	Notes	Status
			Retail Park built out (8,501sq m +139 sq. m of Class E). Housing and employment land not started.	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
	Epic Phase 2 Waddeton Approach, White Rock		Land at Long Road and White Rock.	
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  K 2,440 sq m./ 26,250 sq. f.  L 1,770 sq m / 19,000 sq. f.	New Proposed allocation

	Site	Site Size	Notes	Status
			M 1,120 sq.m. 12,000 sq ft)	
	<b>Brixham</b>			
E1B.1	Oxen/Freshwater Cove	0.9ha	Allocated in BPNP and Local Plan 2,7500 sq. m Class B2, B8 and E with specific focus on supporting maritime and fishing industries.  Total site is 1.8 but 0.9ha assumes retention of car park.	Existing allocation with no historic permission
E1B.3	Northern Arm Breakwater		Subject to Environmental Impact Assessment	Existing allocation rolled forward.
	Total	32.3ha		

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 32 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, layout 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 be supported where it achieves an overall 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.

**Table 9 Existing Employment Areas**

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	
<b>Paignton</b>	
Claylands Phase 1	
Yalberton Industrial Estate (Paignton)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
<b>Brixham</b>	
New Road Trading Estate, Brixham	
Northfields Trading Estate (Brixham)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.

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. outside of former Class B) uses may be appropriate in these areas, subject to Policies TCS and TC5 dealing with the town-centre first approach for main town centre uses.
- 4.18 Further Masterplans will assist the regeneration of industrial land and identify opportunities for mixed use 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 natural and historic environmental, including marine environment, 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 must demonstrate that there would be no adverse effect on the integrity of any European site through a Habitat Regulations Assessment (see also Policy NCS2).**

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

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.
- 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.
- 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 can 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 Marine Conservation Zone 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. Torbay, sits within the jurisdiction of the South Marine Plan area.
- 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. Policies HES and HE1 are 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 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.**

## Explanation

- 4.29 The Community and Corporate Plan and Economic Growth Strategy do not wish Torbay to become 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.
- 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 identified by 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 must be supported by proportionate 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 matters such servicing and infrastructure provision.
- 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 will 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 (see Policy TC7). 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 cooperation with local partners.

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.

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.

## Part 2 - Tourism

### Torbay, a world class tourism destination



In 2023, tourism contributed over £431 million to the local economy and supported about 15% of all jobs (6,520 direct and 2,100 indirect FTE roles)



The Community and Corporate Plan highlights tourism's vital role in Torbay's identity, economic growth, and inclusive opportunities



Investment in Core Tourism Areas aims to modernise facilities, boost year-round activity, and enhance community wellbeing



Flexible approach to allow outmoded holiday accommodation to become housing



Key assets include waterfronts, harbours, marinas, and Brixham's fishing port. Tor Bay is also a Marine Special Area of Conservation and a National Nature Reserve

Figure 12 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).

- 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 recommended a bedspace reduction of about 2% between 2022-27. This is currently being refreshed. However, the general approach of encouraging modern accommodation including hotels in prime locations whilst 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 Areas (CTIAs), 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. 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 home). 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.

## **Strategic Policy TOS: Sustainable tourism and cultural investment strategy**

**Torbay's tourism offer will be developed in a sustainable 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:

- i) 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.
- ii) The retention, improvement and creation of new, high quality tourism and leisure attractions, facilities, and accommodation in Waterfront areas and Core Tourism Investment Areas (CTIAs), as key focal points 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
- iii) 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 facilities offered not being undermined; and there being tangible regeneration and improvement to the fabric of the built environment and character of the area.
- iv) Resisting the provision of small apartments, hostels, houses in multiple occupation (HMOs) or other incompatible uses in tourism areas.

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), which are shown on 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. Although it goes further than land use planning, CTIAs should be protected for tourism use by council wide decisions, including interdepartmental enforcement action on problem uses.
- 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 and leisure economy. Proposals for change of use or redevelopment of venues should demonstrate robust evidence of marketing. 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 tourism and leisure value of country parks should be conserved and enhanced**

**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.**

## 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 GIS 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.
- Theatres in Torbay including: Babbacombe Theatre, Princes Theatre, Royal Lyceum, Little Theatre, Palace Theatre and Brixham Theatre
- 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 suitable alternative natural greenspace (SANGs).

## **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 supported where:**

- i) The holiday character of the area and range of facilities and accommodation offered in the CTIA are not undermined; and**

- ii) It lacks an appropriate range of facilities and scope for improvement to meet modern standards; and
- iii) 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. They will not be supported where they would 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. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

Community and Corporate Plan – Pride in Place
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## 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 to the previous Local Plan 2012-30 were identified as being required at this time. A much more drastic reduction of CTIA boundaries took place as part of the preparation of the previous Torbay Local Plan 2012-30, (which also rebadged them from their former Principal Holiday Accommodation Areas). 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 (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:

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

Proposals should avoid the loss of access to open areas previously accessible to the public.

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 introduce other incompatible uses (see also Policies H10 HMOs and SCS).

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.

Community and Corporate Plan – Community and Place

### **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 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 on the footprint of the former hotel. Policy TO3 also seeks to retain open areas previously accessible to the public available for public enjoyment.
- 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 SCS 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 or leisure 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 TO7. 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 should also take into account the historic environment policies in Chapter 10 of this Plan.
- 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 self-contained holiday apartments to tourism use, unless there are strong tourism related reasons for doing so, and where accommodation meets a reasonable standard in relation to size, light, amenity, privacy, thermal efficiency and flood risk. Where holiday occupancy conditions are removed, the council will seek development contributions to address the net additional impact arising from residential use.**

Community and Corporate Plan – Pride in Place

### **Explanation**

- 4.62 Some of Torbay's holiday accommodation is self-contained holiday apartments. 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 has proposed to introduce a new use class C5 for short term lets that are not used as a sole or main home, with likely permitted development rights for use of a dwelling (class C3) for limited short-term occupation. However, these changes have not (at November 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, music or facilities. The council will need reasonable reassurance that it will not be called upon to pursue action that would undermine the reasonable tourism operations of tourism within CTIAs when considering proposals for residential use in CTIAs.
- 4.66 Outside of CTIAs, the council will not usually impose 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.

## Holiday Centres and Parks

### **Policy TO5: Refurbishment or Upgrading of Existing Holiday Parks and Proposals for extensions or new Holiday Parks**

## Refurbishment or Upgrading of Existing Holiday Parks

Proposals for the refurbishment or upgrading of existing holiday parks, including chalets, caravans and camping sites will be supported where:

1. It contributes to the modernisation and improvement to the tourist economy; and
2. The development does not have an adverse impact on the landscape conservation, nature conservation, water management and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land; and
3. The requirements of Policy NCS2 are met and there is no likely significant effect on a European Site, in particular the South Hams SAC.
4. The proposal is acceptable in terms of flood risk and does not lead to risk of down-stream flooding.
5. The development is acceptable in terms of transport, access and safety considerations; and
6. The proposal does not adversely affect the amenities of any adjoining residential areas.
7. The use will be restricted to holiday use and a monitoring contribution sought to monitor the ongoing tourism operation, to prevent residential occupancy.
8. Where other uses would not be appropriate, a site restoration condition or obligation will be applied requiring the site to be restored to its original condition and use should tourism use cease.

## Proposals for New, or extensions to existing Holiday Parks

Proposals for new holiday parks, including chalet, caravan and camping sites will, commercial only be approved where all of the following criteria are met:

- i) The proposal is not in a sustainable location for residential development.
- ii) The proposal meets the requirements of Policy NCS2 and there is no likely significant effect on a European Site, in particular the South Hams SAC.

- iii) **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**
- iv) **The proposal does not adversely affect the amenities of any adjoining residential areas.**
- v) **The use will be restricted to holiday use and a monitoring contribution sought to monitor the ongoing tourism operation, to prevent residential occupancy.**

**A site restoration condition or obligation will be applied requiring the site to be restored to its original condition and use should tourism use cease.**

Community and Corporate Plan – Community and Place

## **Explanation**

- 4.68 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. They seek 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 on Berry Head or the marine environment.

## **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 or makes a significant contribution to the stock of holiday accommodation;**
- 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 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 Greater Horseshoe Bat Juvenile Sustenance Zone (JSZ), there is a requirement that they will revert to nature if tourism use ceases.**

Community and Corporate Plan – Pride in Place

## **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.
- 4.71 Holiday parks have often been allowed in coastal and National Landscape (formerly 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 such sites 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, H3T5 and H3T6).

## **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 and its net impact.**

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

Community and Corporate Plan – Economic Growth

### **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 and the effect of marine tourist development on the Marine SA (see Policies NCS1 and NCS2).
- 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)



Figure 13 The Changing Role of Town Centres

#### 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, anti-social behaviour 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. Planning policies should continue to 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 parades 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 the wide-ranging commercial Use Class E. Some other main town centre uses may be in Class F1 Learning and non-residential institutions, F2 "Local Community Uses or Sui generis (within a class of their own).

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 in 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 and housing. 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 contains several priorities relevant to town centre regeneration and relevant to retail policy, including drawing investment into our town centres, partnering with the private sector to deliver major projects. These are set out in more detail in Chapter 1 of the Local Plan.
- 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. This is part of an evolving vision of regeneration sites around Torbay to ensure that the area stays relevant, resilient and attractive to future generations.
- 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, anti-social behaviour and the fear of crime in this town centre will be an important element of making the town centres safe and welcoming for all.
- 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 makes detailed recommendations for each of the three town centres, and the district and Local Centres, which are reflected in the Plan.

### 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 nearby 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. Policies TC2-TC7 deal with proposals for main town centre uses.
- 4.91 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.
- 4.92 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 of main town centre uses should follow a town centre first approach, which prioritises the three defined main Town Centres as a location for retail, leisure and other “main town centre” uses.**

**The Local Plan supports the following:**

- i) Working with the private sector to draw in investment in town centres and support the delivery of major projects**

- ii) The delivery of regeneration visions for Torquay, Paignton and Brixham town centres;
- iii) Mixed use regeneration of key sites in town centres as identified in the Strategic Development policies and Policy H1, and regeneration visions. These will include the provision of major residential, retail, leisure, cultural, healthcare, worship, community well-being, recreational and event space, and the comprehensive redevelopment of parts of the town centres;
- iv) 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.
- v) Maintaining and enhancing a reduced and more focussed Primary Shopping Area, shown on the Policies Map, where active ground floor retail, leisure or commercial frontages will be maintained.
- vi) 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.
- vii) In all three towns, shifting the retail, leisure and commercial core towards the Harbourside and Waterfront areas.
- viii) 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.
- ix) The use of heritage assets, public art and public space, events, exhibitions and festivals to provide a more enjoyable, creative environment in town centres;
- x) 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.
- xi) The retention of neighbourhood centres and small “corner shops” which serve a more localised function that support local enterprise and thriving, healthy communities.
- xii) Investment in CCTV policing and other measures to reduce crime and anti-social behaviour to ensure that town centres are safe and welcoming for all.

## Explanation

- 4.93 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 will have a key role in ‘place shaping’ within each of the three town centres.
- 4.94 The town centres, harbourside and waterfront areas are likely to be suitable for a range of commercial and residential uses to support a prosperous Torbay. Regard will had to “agent of change issues” and the avoidance of incompatible developments that could undermine existing uses.
- 4.95 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, particularly Torquay and Paignton. In Brixham, the need is more “qualitative” in terms of reducing the need to travel though Windy Corner.
- 4.96 Accordingly, the Local Plan allocates sites for in-town convenience stores in the three towns. The need, size and location of these will be kept under review as part of the town centre regeneration visions. A medium size supermarket is generally between about 1500-2000 sq. m trading floorspace.
- 4.97 The three town centres are geographically spread out and there are opportunities to focus key 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 the lower part of Union Street Torquay (up to Market Street) where there is a concentration of larger retail units.
- 4.98 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 at ground floor.
- 4.99 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.

4.100 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.

## Strategic 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. This will have regard to the shopping hierarchy below. The first choice for retail and related development will be town centres, followed by 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 below and are shown on the Policies Map:

Table 10 Town Centre Hierarchy

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 3. Plainmoor; Babbacombe Barton Hill Road Walnut Road, Churston	4. Winner Street (removed from Town Centre) 5. Great Parks 6. Yannons & Yalberton (Sainsburys and Aldi (subject to improved walking, wheeling and cycling links))	

		Foxhole	
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Community and Corporate Plan – Pride in Place

**Explanation**

- 4.101 The Torbay Retail Study (2022) contains a detailed health assessment of Torbay’s town centres. Uses within all Torbay’s centres are monitored annually.
- 4.102 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.
- 4.103 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 and Devonshire Park have characteristics of out-of- centre retail locations.
- 4.104 A fresh review of Torbay’s existing local centres has been undertaken in the light of advice 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 centre.
- 4.105 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:

- i) Are of a scale appropriate to the nature and size of the Centre and complement its role and character; and
- ii) Sustain the shopping, leisure, tourism and commercial role of the Centre and contributes to improving its vitality and viability;
- iii) Protect or enhance cultural or tourism appeal;
- iv) 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;
- v) Retain active ground floor frontages such as shopfronts within Primary Shopping Areas.
- vi) Contribute to reducing crime, anti-social behaviour and the fear of crime.

Community and Corporate Plan – Community and Place

### Explanation

4.106 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 forward proposals in these areas.

4.107 The Local Plan identifies a need to improve foodstore provision in town centres. They should be brought forward in conjunction with the Town Centre Regeneration Visions and have regard for the complex infrastructure, viability and competing uses within these areas. 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: There is a qualitative need to reduce the need to travel out of Brixham. (Ideally in the town centre, although 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 new designation and redesignation of existing 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:**

- It is of a scale appropriate to the nature and size of the Centre and complements its role and character; and**
- 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:**

- Major development will only be permitted where it cannot reasonably be located within the three main Town Centres; and**
- 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 District Centre and the ability of people to meet their needs.**
- e. **Development supports measures to improve accessibility by walking, wheeling, cycling and public transport, and permeability between the Centre and adjoining residential and commercial areas.**
- 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**

Community and Corporate Plan – Community and Place
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## Explanation

- 4.108 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 SDP3). It will be important to maintain retail and other facilities serving those communities.
- 4.109 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. It is proposed to make the recently developed 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. However, traffic calming measures and will be put in place to prevent increased traffic pressure on Yalberton Valley and hamlets.
- 4.110 Accordingly, Policy TC3 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, trade draw from the town centre, and qualitative factors such as the range of facilities available in the town centres will be considered.

4.111 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:**

- i) 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**
- ii) 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.**
- iii) 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 assessment to demonstrate their impact on Town and District Centres.**
- iv) Development should be designed to be easily accessible by active travel or public transport.**

Community and Corporate Plan – Community and Place

### **Explanation**

4.112 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.

- 4.113 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.
- 4.114 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.

## **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:**

- i) 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)**
- ii) 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**
- iii) 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.**
- iv) Development would improve the spatial distribution of accessible facilities throughout the Bay, help to achieve greater social inclusion and support healthy communities.**
- v) 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;**

**Table 11 Neighbourhood Centres**

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

**Explanation**

- 4.115 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 for considering out of centre (and neighbourhood centre) proposals.
- 4.116 There are some local specific circumstances that justify a local bespoke policy beyond the NPPF. 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).

- 4.117 The NPPF indicated that “references to town centres or centres apply to city, town , district and local centres but excludes small parades 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).
- 4.118 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 even though these (partly) fall outside main town centres. In such instances proposals will not be required to demonstrate a sequential or impact test. However, 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.**

Community and Corporate Plan – Community and People

### Explanation

- 4.119 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. The Town and Country Planning Use Classes Order (1987) as amended 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 internal area (also called “gross retail floorspace) which is the total built floor area occupied by a retailer or retailers, and excludes out door 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:

- i) 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;
- ii) A viable concentration of commercial uses and frontages is retained.
- iii) 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.

## Explanation

- 4.120 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.
- 4.121 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 shops. 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.
- 4.122 Policy TC7 incorporates an “agent of change” principle that new development should not lead to a sterilisation of longstanding existing uses. This is particularly important in Waterfront 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.
- 4.123 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 supported 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.**

Community and Corporate Plan – Community and Place

## **Explanation**

4.124 Policy TC8 seeks to retain local-food stores and other small scale facilities such as hair salons, pubs and cafes in neighbourhood centres 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 and wheeling distance (400 m) in the case of shops meeting local needs. 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**

**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 by supporting town centre regeneration projects.**

Community and Corporate Plan – Economic Growth

## **Explanation**

- 4.125 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% are likely to be “significant”.
- 4.126 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.
- 4.127 In such instances, the council will seek planning contributions 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 supported.**

**Development proposals will be resisted where:**

- i) Proposals likely to attract crime and anti-social behaviour unless it is demonstrated that they can be sufficiently controlled and a mechanism provided for so doing.**
- ii) 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.**
- iii) It would adversely impact on amenity or cause disturbance to nearby 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.**

## Explanation

- 4.128 The evening and nighttime offer in Torbay is currently focused on the harbourside and waterfront areas of the three towns. 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.
- 4.129 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.
- 4.130 While there are opportunities and benefits to expand the evening and nighttime economies, there are also associated potential problems including alcohol-related crime and disorder, and noise nuisance. Perceived risks may discourage other groups such as older people and families from entering these areas at night.
- 4.131 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 engage with strategies and initiatives to mitigate the cumulative impact of venues.
- 4.132 Torquay and Paigton Town Centres in particular contain concentrations of deprivation, which is in part driven by a poor-quality accommodation. 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, improved streetscape and community capacity building will be supported where this would help regenerate areas of deprivation.

## **Policy TC11: Managing the cumulative health impacts of ‘health reducing’ uses in centres**

**1. Within town, district, local and neighbourhood centres, development proposals for the following uses will be permitted where consistent with the National Planning Policy Framework and would not cumulatively, including in combination with existing uses, give rise to unacceptable impacts:**

- i. Hot food takeaways**
- ii. Betting shops, adult gaming centres and similar uses**
- iii. Vape shops and specialist nicotine or tobacco retailers**
- iv. Convenience retail uses where the primary offer is the sale of alcohol, tobacco or similar products**

**2. For the purposes of this policy, impacts will be considered unacceptable where they would result in a material harm, either individually or cumulatively, to:**

- i. The health and wellbeing of the community, including through increased exposure to uses associated with poor health outcomes;**
- ii. The vitality and viability of centres, including through a loss of diversity of uses or over-dominance of a narrow range of activities;**
- iii. The character, function or environmental quality of a frontage or area;**
- iv. The amenity or safety of users and nearby residents, including through noise, anti-social behaviour or perceptions of harm.**

**3. Within reasonable walking distance of schools or schools and other places where children and young people congregate, these uses will be resisted (unless within a designated town, district or local centre) where they would increase exposure of children and young people to uses associated with poor health outcomes.**

- 4.133 Town, District and Local Centres are defined, respectively, within Policy TC1. Neighbourhood Centres are defined in Policy TC5.
- 4.134 Excessive consumption of fast food has been shown to affect people’s health negatively. Obesity has been associated with high fast food outlet availability for both adults and children. Coupled with a lack of physical exercise opportunities, a high density of fast food outlets contributes to an ‘obesogenic environment’ which increases the risk of diabetes, cardiovascular issues, and other poor health outcomes.
- 4.135 Alcohol consumption has been associated as a risk factor for a wide variety of physical and mental health outcomes, including excess deaths. Alcohol can be purchased in

supermarkets and convenience stores, it has been found that living near alcohol only outlets could be a determinant of harmful alcohol consumption.

- 4.136 Gambling harms have significant impacts on physical and mental health. Gambling disorders are associated with increased all cause mortality<sup>64</sup> and increased mental health issues such as anxiety and depression
- 4.137 Smoking and vaping both pose health risks, with smoking being considered more harmful. The risks of vaping include cardiovascular dysfunction, periodontal and oral illnesses, and lung inflammation. Adolescent nicotine use, whether from vaping or smoking, can affect cognitive development, interfering with attention span, emotional regulation, and mental illnesses.
- 4.138 The availability of amenities becomes an important contextual factor for people's health. A lack of health promoting amenities makes it harder for people to undertake healthy behaviours such as buying healthier foods and seeking healthcare. An overconcentration of health reducing amenities is likely to impact negatively local population health.
- 4.139 Overconcentration will be determined having regard to the number, proportion and distribution of similar uses within a frontage, centre or locality, including clustering of three or more adjoining units or where such uses form a notable proportion of units. Particular weight will be given to impacts on centres serving more deprived communities or sensitive uses, where health harms may be exacerbated.
- 4.140 The Council recognises that some uses listed may fall within Use Class E and may not require planning permission. This policy will therefore apply where planning permission is required.

# Chapter 5: Thriving communities - Wellbeing, safety and belonging

	<b>Sustainable and Inclusive Communities</b>	Focus on closing gaps between disadvantaged and affluent neighbourhoods
	<b>Public Health and Wellbeing</b>	Promote healthy lifestyles through active travel, housing, and access to nature
	<b>Sport, Leisure and Recreation</b>	Protect and enhance open spaces, sports facilities, and play areas
	<b>Community Facilities and Infrastructure</b>	Resist loss of existing community facilities and require new developments to provide necessary health, leisure and cultural facilities
	<b>Sustainable Food and Land Protection</b>	Protect existing and provide new local food growing spaces, at a variety of scales

Figure 14 Thriving Communities

## Strategic 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:**

- i) Meet the needs of and enhance the quality of life of residents;**
- ii) Help to close the gap between the most and least disadvantaged people and neighbourhoods in Torbay;**
- iii) Help to develop a sense of place and local identity;**
- iv) Promote social inclusion, and seek to eliminate exclusion based on access to housing, health, education, recreation, spiritual or other facilities;**
- v) Help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict;**
- vi) Helps to reduce social isolation by providing new and supporting existing communal facilities and opportunities for people to interact.**
- vii) Support healthy, local food production and consumption;**
- viii) Create a well-connected, accessible and safe community;**
- ix) 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.**
- x) Protect and enhance the local natural and built environment, including where appropriate through planning contributions;**
- xi) Deliver development of an improved type, scale, quality, mix and density in relation to its location;**
- xii) Contribute towards any additional educational or training needs including the promotion and negotiation of local labour training arrangements, placements and apprenticeship schemes, and by supporting the provision of local employment space, in order to tackle worklessness;**
- xiii) Enable people to have access to local services to meet their day-to-day needs including open spaces, places of worship, community halls (or rooms), play areas, leisure and recreation facilities and allotments;**
- xiv) 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.**
- xv) Contribute to health services, policing and other social infrastructure where development would exacerbate shortfalls in provision; and**

**xvi) 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.**

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, worship, 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 (see also Policy IN1).
- 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 and contact with nature. Population Projections indicate that there will be an increase in single-person households over the Plan period, particularly of older people, and it will be important to provide new and support facilities to promote social connectedness. This will often involve supporting existing community, faith and other social action groups as well as the provision of buildings.
- 5.5 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 TC10 Safe and welcoming town centres for all 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. Overall, the 2025 Indices of Multiple Deprivation show that Torbay remains the most deprived local authority area in the South West, with particular concentrations in “inner urban” neighbourhoods in Torquay and Paignton town centres, and some residential estates. Eleven neighbourhoods (lower super output areas comprising about 1500 people) were in the 10% most deprived neighbourhoods in England, which is one more than in the 2019 Indices of Multiple Deprivation. The clearest factors were poor employment and low income. Poor-quality housing much of which is sub-divided apartments in the private rented sector also contributes to the high levels of deprivation.
- 5.8 The Local Plan identifies “deprived areas” as those within the 20% most deprived Lower Super Output Areas LSOAs in England in the most recent Indices of Deprivation. Please note that the IMD 2025 will be used for the Plan; but this was only published in late October 2025, and the Policies map currently uses the IMD 2019 boundaries.
- 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 is 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 and 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 (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 (see also Policies in Chapter 8 of the Plan).
- 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 vacant dwellings back into use through its Accommodation Repurposing Programme. This has multiple benefits of regenerating areas, providing affordable housing and building local skills.

- 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.

## **Strategic 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 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**
- **Communal, spiritual, cultural and community facilities - to promote social connectedness and interaction**
- **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.**

**Development proposals identified through screening as having the potential to give rise to material, complex or cumulative impacts on health and wellbeing, including effects on its determinants, health inequalities and/or different populations groups (including those with protected characteristics) will be required to undertake a systematic assessment of those impacts, such as a Health Impact Assessment, proportionate to the scale and nature of the proposal**

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. It is therefore important that the implications of proposed development upon the health and well-being of 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 living environments, reducing the effect of fuel poverty, providing open space and recreation areas, promoting social connectedness, access to healthy food and supporting active travel. Torbay has a significant ageing population, many of whom live alone, and the implementation of Age-Friendly initiatives to promote inclusive, healthy environments and reduce isolation is important. Also, child-friendly design is crucial in helping to enable good health across the life-course.
- 5.17 All developments should consider how they can promote healthier outcomes. Proposals will be expected to assess their impact on health, proportionate to the scale of development. Health Impact Assessment is a mechanism that can be useful to 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. The use of design guidance such as Building for a Healthy Life and the principles of Active Design (Sport England) will be used to support the development of site proposals and masterplans.
- 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 Partnership areas across Torbay, with their own specific needs. Engagement with communities and local stakeholders is essential when considering how new development can contribute to creating healthier places. The local needs of different population groups within local areas must be considered and referred to as part of the evolution of proposals. Development proposals which make genuine efforts to support these needs will be looked upon more favourably.

## **Strategic 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 standards<sup>1</sup>

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:

- i) Torquay United Football Grounds and environs.
- ii) Riviera International Conference Centre and environs.
- iii) Sports facilities at Torbay Leisure Centre and associated VeloPark and pitches at Clennon Valley, Paignton;
- iv) Water sports facilities at Torquay, Paignton and Brixham \*
- v) Sports facilities at Churston, Brixham (area of search).\*
- vi) 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 will be sought for the long-term maintenance and management of new recreation provision and mitigation where appropriate.**

\*Sites not shown on the Policies Map

Community and Corporate Plan – Community and People
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## **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. Proposals should be in accordance with other Policies in this Plan, for example those relating 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 and wheeling 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.
- 5.24 In reference to impacts on sites protected under European legislation it should be noted that in Torbay this may be particularly relevant to the impact of floodlighting, including in relation to bat pathways through and near to sports facilities.

## **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 Children’s Services:

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

Community and Corporate Plan – Community and People

### **Explanation**

- 5.25 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. Policy IN1 seeks developer contributions towards infrastructure, including education facilities, where this is needed for development to proceed. Policy E6 deals with Local Training Agreements.

- 5.26 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.
- 5.27 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. 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.
- 5.28 In terms of secondary schools, there is a high inwards migration at secondary school level (Year 7) 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.
- 5.29 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 will consider allocating a single site to consolidate and expand SEND provision.
- 5.30 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 an agreed agricultural land assessment.

Residential schemes at all scales should include provision for sustainable food production, proportionate to the scale of development. This should be guided by the provision indicated in Table 6 below. Food growing opportunities will also be sought from non-residential development on a case-by-case basis.

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 sought.

## Community and Corporate Plan – Community and Place

### Explanation

- 5.31 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.
- 5.32 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 proposed development sites 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.

- 5.33 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.
- 5.34 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.

**Table 12 Sustainable Food Production Provision in Housing Developments.**

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

1-9 dwellings	✓	✓		
10-29 dwellings	✓	✓	✓	
30+ dwellings	✓	✓	✓	✓

## 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 proportionate and appropriate to the scale of the development. These will include health, leisure, sport, education, meeting spaces, and cultural infrastructure, cemetery provision and other 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 only be supported where it is demonstrated that they are not needed, or improved alternative provision is made.

Community and Corporate Plan – Community and People

### Explanation

- 5.35 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. Plans 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.
- 5.36 This policy seeks to support sustainable communities where residents enjoy a high quality of life by protecting, retaining and enhancing existing community facilities, including

resisting the loss of needed community facilities, 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 and planning contributions can mitigate the impact of development.

## **Policy SC6: Cemetery and memorial provision strategy**

**A new cemetery is proposed for Green Burial in the Broadsands, Churston, Galmpton Neighbourhood Plan Area. The specific site will be determined on the basis of the following criteria. Proposals for other cemetery provision, crematoria or gardens of memorial will also 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) Proposals should make reasonable provision for people’s spiritual and mourning needs. 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. They should be sited to minimise their landscape and ecological impact.**
- 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 that provide or improve public access open space or recreation will be supported. Support will be given to proposals that enhance and improve public access, and management to maximise their wildlife and biodiversity value.**

Community and Corporate Plan – Community and People

### **Explanation**

- 5.37 Torbay's cemeteries are nearing capacity for burials, although sufficient crematorium capacity exists. 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 in the SDBCG area. This could be in association with improved green infrastructure/ recreation facilities needed to reduce pressure on the South Hams SAC. Provision could also be made as part of Torquay Gateway proposals in conjunction with the existing site at Conqueror Wood (See Policy SDT2).
- 5.38 The location of cemeteries is 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.
- 5.39 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



Figure 15 – Moving Torbay

## Strategic Policy TAS: Transport Vision and Hierarchy

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

Development proposals will be supported where they apply a vision-led approach to transport and place-making, contributing to the achievement of the Transport Vision, providing high quality, safe, healthy and accessible places.

All development will have regard to the transport hierarchy, demonstrate that patterns of movement, streets, parking, servicing and public realm are integral to the design of well-connected, attractive and sustainable places. Development must prioritise safe, direct and attractive access by walking, wheeling, cycling and public transport to homes, jobs, education, healthcare, town centres and other everyday

services, while also supporting opportunities for digital connectivity and reduced need to travel where appropriate.

## Explanation

- 6.1 Transport has a significant impact on our local environment, and it is therefore important to keep people and businesses connected whilst also improving air quality, enhancing our natural environment and reducing emissions. 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 The transport hierarchy ensures that as much emphasis as possible is given to the most sustainable modes of transport and that there is a choice of transport options for all.

## Policy TA1: Assessing and mitigating the impact on the transport network

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

- *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).*

A walking and cycling route audit shall be included within the Transport Assessment or Statement. This should relate to immediate site and surrounding areas, including travel origins and destinations for all users and desire lines.

All new development that affects transport, especially if it leads to more journeys and/or increases demand for sustainable travel, will be expected to contribute towards mitigating its impact and delivering a safe, effective and inclusive transport system. This could include direct improvements and/or financial contributions towards enhanced transport infrastructure or service provision.

**In some cases, the parking requirements defined through policy TA4 account for an expectation of increased demand for sustainable travel and improvements and/or contributions will be necessary.**

**Essential infrastructure to support delivery outcomes set out in a Transport Assessment, Statement and/or Travel Plan must be provided as part of the development as an additionality to the wider sustainable travel contributions expected of all development.**

## Community and Corporate Plan – Community and People

### Explanation

- 6.3 Appropriate and proportion assessment of the impact of development on the transport network is necessary to ensure it is not adversely impacting or stifling economic growth.
- 6.4 Travel Plans should be site-specific, evidence-based and proportionate. They should set clear, measurable modal share targets (for all users), annual monitoring and reporting commitments, review triggers and financial bonds where appropriate to support mitigation measures if targets are not met. Where there is an existing Travel Plan but only minor transport implications are expected, an update to the Travel Plan may still be necessary.
- 6.5 It is important that all development takes accountability and responsibility for the impacts it has on the transport network, and makes an appropriate contribution to delivering appropriate mitigations for these to achieve the Transport Vision.

### **Policy TA2: Delivery of a safe, effective and inclusive transport system**

**A safe, effective and inclusive transport system will be achieved through:**

- **Delivery of the Transport Vision and Hierarchy across all development providing more travel choice for all;**
- **Focusing development in locations that are accessible and can be safely connected, through direct and efficient routes, for walking, wheeling, cycling and public transport, as well as by private vehicles to essential, everyday facilities;**

- **Providing opportunities for digital communication and remote working to reduce the need to travel;**
- **Prioritising road safety**
- **Maximising the opportunities for sustainable transport of freight;**
- **Appropriate provision of facilities for disabled persons, such as suitable levels, signage, and facilities; and**
- **Supporting the delivery of the objectives of the Local Transport Plan, including considering impacts outside of Torbay.**

## Strategic Improvements

**The Council will support strategic transport improvements that strengthen connections within Torbay, to the wider sub-region, and to national and international markets, where they enable efficient, reliable and inclusive movement in line with the transport hierarchy, including those set out in the Local Transport Plan and other supporting modal plans.**

**Where relevant, proposals should support seamless interchange between all modes and improve journey reliability, affordability, accessibility, legibility and resilience.**

**Land will be safeguarded and developer contributions sought where justified to enable delivery.**

**Development and infrastructure proposals should support healthier communities, climate resilience and net environmental gain, informed by collaboration with transport providers, infrastructure operators and neighbouring authorities where cross-boundary impacts arise.**

Community and Corporate Plan – Community and People
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## Explanation

- 6.6 An effective and efficient transport network is vital for people’s lives and livelihoods, supporting Torbay to be healthy, happy and prosperous, improving the quality of life for residents and create a fairer and healthier society.

6.7 This includes:

- A safe and reliable transport network for all
- Strengthening walking routes around key areas and to/from key facilities providing opportunities for physical activity, social interaction and access.
- Delivery of high quality cycle infrastructure to develop safe cycling routes for all, not just on key trails but also the links to those
- Supporting a step change in public transport service and infrastructure provision, especially on core routes,
- Better integration to increase travel choice and opportunity,
- A cohesive network of electric charging
- Continued investment in the existing highway network to ensure resilience and address capacity constraints where possible

6.8 Development will be expected to deliver and contribute to local strategic enhancements. Particularly where related to town centres and harbour areas, these shall also consider measures to enhance accessibility and use of taxi and ferry services.

6.9 To deliver the Local Plan's aspirations and objectives, including regeneration of the town centres and address deprivation, improvements are needed to ensure the strategic transport network across all modes is fit for purpose and accessible, around the Bay and to the wider sub region and beyond. This is vital to delivering economic prosperity and also to support new development, ensuring the success of the Strategic Delivery policies.

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

## **Walking, Wheeling and Cycling Network**

6.11 Torbay's Local Cycling and Walking Infrastructure Plan (LCWIP) identifies Bay Trails and supporting/connective walking, wheeling and cycling infrastructure across Torbay, as well as enhancement and protection of the South West Coast Path and King Charles III

England Coast Path. There are also LCWIPs covering neighbouring areas which combine to enhance cross boundary travel.

## **Local Public Transport Services**

6.12 Improvements to the bus and public transport networks and supporting infrastructure to provide a step change in quality, accessibility and integration with other forms of transport, within, to and from Torbay as appropriate.

## **Mobility Hubs**

6.13 Development of multi-modal mobility hubs in key locations will improve 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.. 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.

6.14 Proposals that contribute to the delivery of these sites will be supported where in accordance with other policies in the Local Plan.

## **Electric Vehicle Infrastructure**

6.15 Electric vehicle infrastructure will not be considered in isolation and will feature across strategic and non-strategic investments in the transport network.

## **Rail Network**

6.16 A new railway station, Edginswell Station, within the Torquay Gateway, will support residential growth, employment sites, and critical health facilities, whilst upgrades to existing stations will provide enhanced accessibility and other facilities to ensure everyone can access rail services.

- 6.17 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.
- 6.18 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 and safety of, level crossings, where these are required as a result of development.

## Highway Network

- 6.19 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, with improvements to air quality along the corridors. A comprehensive solution to transport issues is needed to enable the development in Collaton St Mary (SDP4), and development contributions are expected to help fund these strategic improvements.
- 6.20 On-line multi-modal improvements, resilience, and traffic management schemes where necessary to protect and enhance critical route infrastructure.

## Policy TA3: Development layout, access and connectivity standards

### Delivering suitable layouts

**All layouts will support sustainable travel as the first choice, prioritising a people-first approach. Layouts should respond to the site context, be inclusive and accessible and reflect the principles of healthy streets and Manual for Streets.**

**Direct and efficient multi-modal travel links to, from and through new development will be provided for, or secured in perpetuity, delivering unfettered connectivity and providing connections to facilities, services, open space and potential future development beyond the site boundary. To support this, ransom strips will be resisted.**

**This will include provision or connection to a network of footpaths, cycle routes, green infrastructure and public transport which** shall include provision of, or future provision for, public rights of way and permissive paths – particularly **within** masterplan and growth areas where there is a wider benefit.

**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 will be included, as necessary and appropriate, in a way that would not disrupt the service they provide.**

**All new highway infrastructure (including walking, wheeling and cycle connections where there is a wider benefit) will be constructed, completed and maintained to the council's approved highway standards, meet highway safety standards and be available for use by the occupants, and other users of the development – including those linking through from neighbouring areas. The Local Highway Authority will seek to adopt highway infrastructure via Section 38 of the Highways Act 1980 as a default position. Where this is not achievable a Private Management and Maintenance Plan confirming funding, management and maintenance regimes for the lifetime of the development will be required.**

## Accessing the highway network

**Any new access (vehicular, pedestrian or cycle) to/from the highway network will:**

- **Provide appropriate and suitable access for all modes, prioritised in accordance with the Transport Hierarchy, to a safe standard, that minimises conflicts between modes and users;**
- **Maintain an acceptable network capacity or provide suitable mitigation; and**
- **Not have an unacceptable impact on road safety**

Community and Corporate Plan – Community and Place

## Explanation

- 6.21 It is an important principle that new development should integrate with the surrounding area in terms of its connectivity for all modes providing safe, free flowing and well maintained access throughout the development and the surrounding area..

## **Policy TA4: Parking and shared transport provision**

**Parking for all development should be provided in accordance with the council's adopted parking standards, unless a robust, site-specific justification demonstrates that an alternative level of provision is appropriate having regard to accessibility, development type and mix, local car ownership, highway safety, parking stress, seasonal demand and the availability of sustainable transport options.**

**Appropriate levels and standards of parking will be incorporated for all users, including cycles, adapted cycles, scooters, powered two-wheelers, mobility scooters, blue badge holders, visitors, deliveries, servicing vehicles, shared transport and electric vehicle charging. Parking must be safe, secure, accessible, convenient, well-managed and integrated into the design of development so that it supports placemaking, does not dominate the built environment and protects pedestrian and cycle priority.**

**The loss of existing parking or servicing provision for any mode will be a material consideration in planning applications. Where existing provision is displaced, applicants must demonstrate that replacement provision, demand management or mitigation is sufficient to avoid unacceptable effects on highway safety, accessibility, local amenity, parking stress, town centre vitality and community safety.**

**Shared transport, car clubs, bike share and similar mobility services will be supported where they demonstrably reduce private car use and parking demand. They should not normally be treated as a direct substitute for required parking unless this is justified through a Transport Assessment or Transport Statement, secured through a Travel Plan or management plan, and supported by long-term delivery, monitoring and funding arrangements.**

**Where parking provision is proposed below the relevant standard, applicants must provide proportionate evidence that the reduced level will not cause unacceptable overspill parking, highway safety issues, community conflict or harm to amenity. Mitigation must be secured where necessary, including additional active travel measures, public transport support, shared transport, parking management, permit-free arrangements, delivery and servicing controls, or contributions towards sustainable transport infrastructure. Such measures must be additional to the wider**

sustainable travel requirements expected of all development and must be maintained for the lifetime of the development.

In applying site-specific parking requirements, the council will seek to minimise community conflict, anti-social parking and obstruction of streets, footways, cycle routes and access for emergency, refuse and servicing vehicles. Significant weight will be given to highway safety, inclusive access, community safety and the need to maintain attractive, accessible and well-functioning places.

Where development is proposed in Controlled Parking Zones, residents' parking schemes, areas of high parking stress, town centres or other locations where overspill parking could be harmful, the council may require permit-free or low-car development, parking surveys, parking management plans, legal agreements, Traffic Regulation Orders or other enforceable measures to ensure that the development operates as intended.

**Table 13: In Principle Minimum Parking Standards:**

<p>Cycle Parking</p>	<p>Dedicated cycle parking is required within all new development and must be considered from the outset of the design process. It should be secure, covered where appropriate, well-lit, naturally overlooked, convenient to use, accessible by step-free routes wherever practicable, and located closer to main entrances than general car parking except for blue badge parking. Cycle parking must be designed for the exclusive use of cycles and maintained in perpetuity. Storage in habitable rooms, bin stores, circulation areas or balconies will not be acceptable. A proportion of spaces should be suitable for adapted cycles, cargo cycles, trailers and other non-standard cycles, with charging provision for e-bikes and e-cargo bikes where appropriate.</p> <p>Where cycle parking is provided within a standalone store or internal area, access should be level or step-free where practicable, users should not have to negotiate more than one door with their cycle, and doors should be wide enough to accommodate non-standard cycles. Where rear storage is proposed, an accessway should be designed in from the beginning to avoid the need for cycles to pass through habitable rooms.</p> <p>Provision for safe and secure electrical charging should be made within or immediately adjacent to cycle parking where e-bike or e-</p>
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	<p>cargo bike use is likely, subject to appropriate fire safety, management and maintenance arrangements.</p> <p>Residential use: 1 space per bedroom</p> <p>Houses in multiple occupation: 1 space per letting bedroom</p>
<p>Provision for scooters (foot propelled) and powered two-wheeled vehicles including motorcycles.</p>	<p>Secure, safe and conveniently located provision should be made for foot-propelled scooters and powered two-wheelers, including motorcycles and mopeds, where demand is likely. Powered two-wheeler parking should be clearly signed, naturally overlooked, well-lit, accessible without conflict with pedestrians and cyclists, and include anchor points or equivalent security features where appropriate.</p> <p>Major developments should provide powered two-wheeler parking based on at least 5% of the car parking provision. Minor developments will be considered on a case-by-case basis, having regard to the nature of the use, accessibility, expected demand and opportunities to avoid informal or obstructive parking.</p>
<p>Provision for mobility scooters:</p>	<p>New development that is likely to cater for those making use of a mobility scooter, such as age restricted housing and extra care units, 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.</p>
<p>Electric Vehicle Charging provision:</p>	<p>New houses with at least one designated parking space within the curtilage of the plot must provide at least one active electric vehicle charging point. For flatted, communal and non-residential parking, active and passive electric vehicle charging infrastructure should be provided at a level appropriate to the scale, use, parking layout, likely dwell time and future demand, with details agreed with the Local Planning Authority. As a starting point, residential development with off-street parking should provide 50% active charging provision and commercial development should provide active charging for 25% of spaces, with passive provision for the remaining spaces unless otherwise justified.</p> <p>For residential extensions creating additional bedrooms, where off-street parking exists, provision must include at least passive provision, with cable runs, for an EV charging point.</p>

<p>Disabled parking requirements:</p>	<p>Residential development should provide at least one accessible parking space for each wheelchair accessible dwelling, together with appropriate provision for disabled visitors and future adaptation where spaces are not initially laid out as accessible bays. Non-residential development should provide blue badge parking at a level appropriate to the use, total parking provision and expected demand, located close to the most suitable accessible entrance with safe, level access.</p>
<p>Parking for People with Young Children and specialist parking</p>	<p>Provision for child and parent or specialist parking for development where appropriate.</p>
<p>Shared Transport /Car Club</p>	<p>Residential developments of 100 or more homes should provide space and safe access for shared cycle provision at a ratio of at least 1 shared cycle space per 20 homes and shared car provision at a ratio of at least 1 car club space per 100 homes, unless a Transport Assessment or Transport Statement demonstrates that an alternative level is more appropriate.</p> <p>For residential, leisure, visitor accommodation and employment uses, contributions towards shared transport, car clubs, bike share, public transport or other mobility measures may be required where these are necessary to support reduced parking provision, manage demand or improve sustainable travel choices.</p>
<p>Car parking provision:</p>	<p>All development should provide an appropriate level of car parking for occupants, staff, visitors and operational needs, while avoiding excessive provision that would undermine sustainable travel or dominate the design of the site. Where no specific standard is defined, parking should be justified through a reasoned and site-specific assessment of likely demand, accessibility, use, occupancy, travel patterns, parking stress, seasonal peaks and opportunities for sustainable travel. Detailed requirements for other uses will be set out in supporting guidance.</p>

**General Minimum Parking Standard:**

Houses: 2 spaces per dwelling as a general minimum, excluding garages unless the garage is of sufficient size to function as a usable parking space and additional on-curtilage parking is provided.

Apartments: 1.5 spaces per dwelling as a general minimum, including an appropriate proportion of visitor parking unless otherwise justified by location, accessibility, tenure, dwelling size and parking stress evidence.

Larger dwellings, family housing and specialist accommodation may require additional parking where justified by likely occupancy, car ownership, accessibility and local parking conditions.

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 letting bedroom, with fractions rounded to the nearest whole number, unless robust evidence demonstrates that a different level is appropriate. Cycle parking should be provided at 1 space per letting bedroom.

**Town Centre and Accessible Locations**

**Designated town centres:** A reduced level of parking, including low-car or car-free development, may be agreed where this is justified by accessibility, parking stress evidence, public transport availability, active travel provision, town centre character and the availability of public or shared parking. Where parking standards are not met, additional sustainable transport measures will be required to offset parking demand for the lifetime of the development. Reduced parking provision must be robustly justified in a Transport Assessment or Transport Statement and Travel Plan, and may be secured through permit-free arrangements, parking management plans, legal agreements or other enforceable measures.

**Accessible locations outside designated town centres:** A reduced level of parking may be agreed for sites within convenient walking distance of high-frequency public transport, local services

	<p>and active travel routes. This will normally mean sites within 400m walking distance of a national rail station or a bus stop served by services operating at least every 20 minutes during the main part of the day, subject to consideration of route quality, gradients, barriers to movement and local context.</p> <p>In accessible locations outside designated town centres, reduced parking will normally be expected to provide at least 1 space per dwelling plus 0.5 spaces per dwelling for visitors, unless robust evidence demonstrates that a lower level can operate without unacceptable overspill parking or harm to highway safety, amenity or community safety. Where the standard cannot be provided, additional sustainable transport, shared transport, public transport or parking management measures will be required where they can adequately offset parking demand for the lifetime of the development.</p>
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**Table 14: Zonal residential parking standards schedule**

Standard	Town Centres	Accessible Corridors	All other areas	Notes and evidence requirements
<b>Zone definition</b>	Sites within designated town centre boundaries.	Sites within convenient walking distance of a bus stop served by the 12 or 22 bus service.	Sites outside designated town centres and outside Accessible Corridors.	Walking distance must be measured by a safe, direct and usable pedestrian route, not as the crow flies.
<b>Houses</b>	0 to 1 space per dwelling. Car-free or low-car development may be acceptable where justified.	1 space per dwelling plus visitor provision.	2 spaces per dwelling.	Garages should not normally count unless they are of usable dimensions and additional on-plot parking is provided.
<b>Apartments</b>	0 to 0.75 spaces per dwelling, subject to evidence and management.	1 space per dwelling plus 0.25 to 0.5 visitor spaces per dwelling.	1.5 spaces per dwelling, including an appropriate visitor allowance.	Lower provision must reflect dwelling size, tenure, accessibility, likely occupancy and local parking stress.

<b>HMOs</b>	Car-free or low-car provision may be acceptable where justified.	0.25 spaces per letting bedroom, rounded to the nearest whole space.	0.25 spaces per letting bedroom, rounded to the nearest whole space.	Cycle parking at 1 space per letting bedroom. Additional evidence may be required where streets are constrained.
<b>Visitor parking</b>	To be justified by evidence; may be omitted where public, shared or managed parking is available.	Normally 0.25 to 0.5 spaces per dwelling, depending on dwelling mix and local conditions.	Included within the apartment standard; separate provision may be required for houses and larger schemes.	Visitor spaces should be unallocated, clearly identified and managed for visitor use.
<b>Blue badge parking</b>	At least one accessible parking space for each wheelchair accessible dwelling. Where spaces are not initially laid out as accessible bays, sufficient space should be safeguarded for future adaptation. Visitor blue badge parking should be provided where visitor parking is provided.			Blue badge spaces should be closest to accessible entrances and served by safe, step-free routes.
<b>Cycle parking</b>	Residential development: 1 secure, covered and accessible cycle space per bedroom. HMOs: 1 space per letting bedroom. A proportion of spaces should accommodate adapted cycles, cargo cycles and trailers.			Cycle parking must be integral to layout and closer to entrances than general car parking where practicable.
<b>EV charging</b>	Where off-street parking is provided, active and passive electric vehicle charging infrastructure should be provided in accordance with current Building Regulations and local policy requirements.			Communal charging should be designed for safe, convenient and managed access.
<b>Reduced parking evidence</b>	Any proposal below the relevant standard must be justified through proportionate evidence, including local parking stress, car ownership, dwelling mix, tenure, accessibility, walking and cycling conditions, bus service quality, seasonal demand and likely occupancy.			Mitigation may include permit-free arrangements, parking management, car clubs, Travel Plans, public transport support and active travel improvements.

6.22 For the purposes of this schedule, “convenient walking distance” should normally be interpreted as up to 400 metres by a safe, direct and usable walking route. The distance

should be reduced where gradients, severance, poor footway conditions, lack of safe crossing facilities, lighting, personal security issues or other barriers mean that access to the bus stop is not genuinely convenient. Reduced parking provision in Town Centres and Accessible Corridors will not be accepted automatically; applicants must demonstrate that the development can operate without unacceptable overspill parking, highway safety impacts, obstruction of footways, harm to amenity or community conflict.

### 6.23 How to apply the schedule

1. Applicants should apply the zonal parking standards using the following staged approach. The level of detail required should be proportionate to the scale of development, the degree of departure from the relevant standard and the sensitivity of local parking conditions.
2. **Identify the correct zone.** Confirm whether the site is within a designated town centre, an Accessible Corridor, or All other areas. For Accessible Corridors, applicants must demonstrate that the site is within convenient walking distance of a bus stop served by the 12 or 22 bus service, measured by a safe, direct and usable pedestrian route.
3. **Apply the relevant starting standard.** Calculate the parking requirement by dwelling type, including houses, apartments, HMOs, visitor parking, blue badge parking, cycle parking and electric vehicle charging. Fractions should normally be rounded up unless the applicant can justify an alternative through a site-wide parking and management strategy.
4. **Consider the local context.** Review site-specific factors including local car ownership, existing parking stress, Controlled Parking Zones or residents' parking schemes, street width, footway conditions, gradients, access for emergency and refuse vehicles, seasonal demand, visitor accommodation pressures, town centre activity and the availability of public or shared parking.
5. **Justify any reduction.** Where provision is proposed below the relevant standard, the applicant must provide proportionate evidence that the development can operate without unacceptable overspill parking, highway safety impacts, obstruction of footways, harm to amenity or community conflict. Evidence may include parking surveys, car ownership data, accessibility analysis, dwelling mix, tenure, Travel Plan measures and parking management proposals.
6. **Secure mitigation where needed.** If reduced parking is accepted, mitigation may be required through planning conditions, obligations, legal agreements or other enforceable measures. This may include permit-free development, parking management, car club or shared mobility provision, enhanced cycle parking, public transport support, walking improvements, Travel Plan monitoring or contributions towards sustainable transport infrastructure.
7. **Design parking as part of placemaking.** Parking, servicing, cycle storage and charging infrastructure must be integrated into the layout from the outset. Parking should be safe, inclusive, accessible, overlooked where appropriate, well landscaped

and designed so that it does not dominate the street scene or interrupt pedestrian, cycle or public transport movement.

## Community and Corporate Plan – Community and Place

### Explanation

- 6.24 Parking standards need to balance the practical parking needs generated by development with the council's wider objectives for sustainable transport, good design, healthy places, town centre regeneration and climate change. The policy recognises that many residents, visitors and businesses will continue to need access to motor vehicles, particularly in less accessible locations and during seasonal peaks. It therefore seeks to provide adequate, usable and well-designed parking while ensuring that parking provision does not undermine active travel, public transport, efficient use of land or the quality of the built environment.
- 6.25 A flexible, evidence-led approach will be taken where lower levels of parking are proposed in designated town centres, accessible locations and sustainable transport corridors. Such reductions will only be acceptable where they are supported by robust evidence and secured mitigation. This may include high-quality cycle parking, car club or shared mobility provision, public transport support, travel planning, parking management, permit-free arrangements or financial contributions towards sustainable transport. These measures must be additional to the normal sustainable transport requirements of development and should be capable of being monitored and maintained over time.
- 6.26 Changes of use, conversions, HMOs, visitor accommodation and high traffic-generating uses will be particularly scrutinised where they could intensify parking demand or alter existing parking patterns. Applicants may be required to provide parking stress surveys, parking management plans, servicing plans or seasonal assessments where local circumstances indicate a risk of overspill parking, community conflict, highway safety impacts or harm to local character. In Torbay, particular regard should be given to peak summer visitor demand, town centre conditions, constrained streets, topography and the needs of disabled people, servicing vehicles and emergency access.
- 6.27 The layout and design of parking should be considered as part of the overall placemaking strategy for a site. Car parks, parking courts and on-plot parking should be accessible, safe, overlooked, well landscaped and designed to minimise visual dominance. Parking should support, rather than interrupt, pedestrian and cycle movement. Large areas of surface parking should incorporate appropriate tree planting, sustainable drainage, permeable materials, lighting, boundary treatment and clear routes to entrances. Parking

and servicing areas should be designed so that they do not obstruct footways, cycle routes, public transport infrastructure or the safe movement of larger vehicles.

- 6.28 Further supplementary guidance should set out detailed parking standards by land use, accessibility zone and development type, together with design requirements for parking bays, garages, cycle parking, blue badge spaces, electric vehicle charging, delivery and servicing, car clubs, shared mobility, parking stress surveys and management plans. This will allow the Local Plan policy to establish the core principles while giving the council flexibility to update technical standards as travel behaviour, vehicle technology and local evidence change.

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

**Sustainable Infrastructure Policy**  
Emphasises the need for physical, social, and green infrastructure to support healthy, safe, and prosperous growth in Torbay.

**Critical Infrastructure Requirements**  
Development must meet essential infrastructure needs, such as flood defence, highway safety and ecological improvements

**Phased and Environmentally Friendly Delivery**  
Infrastructure should be delivered in phases, prioritising environmentally friendly solutions and encouraging active travel and recreation

**High Quality Communications and Digital Connectivity**  
All new developments must provide high-speed fibre optic connections and support advanced ICT infrastructure, minimising visual and environmental impacts

**Public Access and Management**  
Infrastructure should be publicly accessible and well maintained, with management arrangements in place for its lifetime

Figure 16 - Building for the Future

## Strategic Policy INS: Sustainable infrastructure

All development will be expected to provide the physical, social and environmental infrastructure needed to make it acceptable in planning terms. A range of physical, social, green and blue infrastructure will be sought in order to help Torbay grow in a sustainable, healthy, safe, and prosperous way.

Development must:

- i) Provide or contribute to the infrastructure required to meet the needs that development generates, having regard to its scale, type and location.
- ii) Ensure timely delivery, including phasing where necessary, so that infrastructure is in place to support development.
- iii) Prioritise sustainable delivery and outcomes, including climate resilience, biodiversity enhancement, sustainable transport and healthy, inclusive communities.
- iv) Provide infrastructure on-site where possible and appropriate

Development that does not meet critical infrastructure requirements such as those including, but not limited to, flood defence works, highway safety, water and sewer capacity, and/or ecological/environmental improvements to meet Habitats Regulations requirements will not be supported.

Where onsite provision of infrastructure is not possible or appropriate, developer contributions will be sought to achieve offsite provision in accordance with the hierarchy set out in Policy IN1. A planning obligation will be required to secure the infrastructure necessary to make development acceptable in planning terms.

## 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 (as defined in

**Glossary), and social benefits (including increased opportunities for social interaction, active travel and outdoor recreation), should be maximised.**

Community and Corporate Plan – Pride in Place

## Explanation

- 7.1 The full range of physical, social and green and blue 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, Local Cycling Walking Infrastructure Plan, Bus Service Investment Plan and The Torbay Green Infrastructure Delivery Plan also set out green and blue 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 The infrastructure needs arising from a development will usually need to be met on-site through provisions made directly 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.
- 7.6 Where safe and practical to do so, all infrastructure provided on-site will be publicly accessible, and will be supported by the necessary management arrangements to ensure that infrastructure is well maintained and fit for purpose for its lifetime.

- 7.7 Where onsite provision of infrastructure is either not possible or not appropriate (such as sewage treatment or some nature based solutions), developer contributions will be sought to achieve offsite provision, in accordance with the hierarchy set out in Policy IN1.
- 7.8 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.
- 7.9 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.

## **Strategic Policy IN1: Prioritisation of planning obligations**

**Where possible and appropriate 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, the following order of priority will apply:**

- vi) Site Deliverability Matters: The provision of critical infrastructure, e.g. flood defence works, highway safety, water and sewer capacity, and/or ecological/environmental improvements to meet Habitats Regulations requirements, and monitoring of obligations**

vii) Healthy Environments including active travel and green and open space.

viii) Affordable housing

ix) Employment and Healthcare contributions

x) Broader Sustainable Development Contributions (Public transport, Education, Lifelong learning, community facilities, Policing), 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.

Community and Corporate Plan – Pride in Place
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## Explanation

- 7.10 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.
- 7.11 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.
- 7.12 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).
- 7.13 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, Marine SAC and 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 Contributions. This is covered in more detail in Policy H7 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 E5, TO7 TC9 in Chapter 4.
4. 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 wellbeing, spiritual and safety facilities, off-site provision of Playing pitches and strategic recreation facilities, offsite waste management facilities.

7.14 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.

7.15 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.

- 7.16 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.
- 7.17 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**

- 7.18 Whilst Torbay is a high-need area, it is not a particularly high value area, and the council recognise that development should be viable.
- 7.19 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.
- 7.20 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.
- 7.21 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:

- i) The opportunity to accommodate apparatus on an existing mast or structure in preference to new masts or structures has been fully explored;
- ii) 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;
- iii) Development does not have an unacceptable impact, including cumulative impact, on residential amenity, landscape character or wildlife;
- iv) 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;
- v) 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
- vi) 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

- 7.22 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.
- 7.23 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.
- 7.24 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



The infographic is enclosed in a yellow border and contains four rows of text, each preceded by a circular icon. The icons are: a globe with a leaf, a house with water waves, a plant with roots, and a house with a chimney. To the right of the bottom row is a clipboard icon with a leaf. At the bottom of the infographic is a line of text.

 Torbay Council is committed to tackling climate change and achieving net zero carbon emissions by 2050, in line with UK targets.

 Climate change poses risks such as flooding, erosion, water shortages, and impacts on infrastructure and society

 The council declared a climate emergency in 2019 and, with partners, launched the Greener Way For Our Bay Framework in 2024, outlining immediate actions and a pathway to net zero

 Key benefits of these actions include healthier, energy-efficient homes, reduced fuel poverty, and increased renewable energy use



The National Planning Policy Framework 2025 supports these goals

Figure 17 - Climate Change

## Introduction

- 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 adapt to 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

change<sup>1</sup>. 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 Torbay<sup>2</sup> 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**<https://www.torbay.gov.uk/council/greener-way-for-our-bay/> (GWFOB). This outlines a pathway to a net zero carbon Torbay by 2050 and a set of immediate actions to be carried by a range of partners across Torbay. This Local Plan needs to play a part in achieving a net zero carbon Torbay by 2050. A range of policies throughout the plan aim to reduce the amount of additional carbon emissions arising from new development and prepare and build climate resilient developments.
- 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 poverty<sup>3</sup> 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 reliance 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

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<sup>1</sup> 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](#)

<sup>2</sup> Torbay will reduce its greenhouse gas emissions by 100% from 2008 levels by 2050

<sup>3</sup> 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.

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 meeting the GWFOB priority actions of making new buildings that are nice to live and work in, designed to limit the impact on the environment and help 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**

**All development proposals will be required to be resilient to climate change and minimise carbon dioxide and wider greenhouse gas emissions.**

**Proportionate to their scale, they must minimise greenhouse gases, including carbon dioxide, and demonstrate how they:**

- a. 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 and blue infrastructure to help cool external spaces**
- b. 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 features such as rainwater harvesting and reuse, infiltration areas, soakaways, porous pavements, attenuation wetlands and tree pits, green roofs/walls.**
- c. Minimise heating and cooling energy demand and associated emissions of greenhouse gas emissions, using layout, orientation and built form**
- d. Apply a fabric first approach to maximise energy efficiency**
- e. Maximise renewable and low carbon energy generation<sup>4</sup>**

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

- f. Maximise water efficiency and seek to achieve a water efficiency standard of no more than 100 litres per person per day**
- g. Minimise the use of materials and creation of waste and promote opportunities for a circular economy**
- h. Maximise opportunities to enable travel by sustainable means by prioritising integrated, accessible and inclusive development that reduces reliance on private motor vehicles, in accordance with Policies TAS and TA1.**
- i. Achieve a minimum of 10% measurable biodiversity net gain and ensure that on-going management measures are in place**

**Proposals will be required to submit an Energy and Climate Change Statement, proportionate to the scale of the proposal indicating how requirements a- i above are to be met. 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.**

Community and Corporate Plan – Climate Resilience
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## **Explanation**

- 8.8 The NPPF requires plans to take a proactive approach to mitigating and adapting to climate change (See NPPF 2025 paragraph 162). Plans 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.
- 8.9 Making sure Torbay is healthy, happy and prosperous for all 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 The GWFOB contains 10 priority actions and takes a long-term approach to mitigate emissions and adapt to climate change. In line with this framework’s priorities to make a) new buildings that are nice to live and work in, b) designed to limit the impact on the environment, c) promote and increase the uptake of renewable energy generation, d)

provide a range of low carbon, affordable and accessible transport, e) make our naturally inspiring coast and countryside help tackle climate change, this policy brings together the NPPF's and GWFOB's 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 and blue 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 2025. 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 implementation of these new standards from 2027. The council will keep the government's progress in achieving these standards under review.
- 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

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<sup>5</sup> Expected Autumn 2025

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 effect 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 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 multiple benefits of reducing bills whilst also reducing the need to extract and treat water from the environment and reducing the amount of water flowing into the sewer system, thereby helping to protect the environment, reduce carbon production and 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 100 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 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 walking, wheeling and cycling routes, and the bus service improvement plan with network and infrastructure enhancements.

- 8.22 New planning implementation guidance/ or similar 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 foundation area for both side-lit and top-lit zones
- b. **b. In addition** future growth areas and all major greenfield sites (10 dwellings or 1000 sqm) **will be required to achieve net zero carbon emissions** through solar PV or other measures. **New development should connect to an energy network where there are existing proposals or schemes.**
- c. **Any major, high-density future growth area or greenfield site (10 dwellings or 1000 sqm) 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.**
- d. **Major Non-Residential 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.**

- e. 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 status<sup>6</sup> 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 –e above.**

**A New planning implementation guidance/ or similar will be developed to provide further guidance.**

Community and Corporate Plan – Climate Resilience
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## **Explanation**

- 8.23 The GWFOB aims to create priorities to make new buildings that are: a) nice to live and work in b) designed to limit the impact on the environment and c) locally, increase the uptake of renewable energy generation. To achieve this The Torbay Local Plan is likely to be adopted around the introduction of the Future Homes Standard (FHS) and the Future Building Standard (FBS),. These Standards are being introduced by the government to deliver highly efficient homes and buildings which are zero carbon ready,

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<sup>6</sup> 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

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 poverty<sup>7</sup> 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 2027 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 regulated<sup>8</sup> 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 2027, Policy CER1 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 under review
- 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 The FHS will lead to an increase in heat pumps across all new developments. Some heat pumps have permitted development rights. Those types that do not, and require planning

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<sup>7</sup> 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.

<sup>8</sup>

permission, will be supported where proposals avoid unacceptable impacts upon amenity and the natural, historic and built environment.

- 8.30 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 (CO<sub>2</sub>) 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 CO<sub>2</sub> emissions arising from energy use regulated by Part L of the Building regulations (e.g. space heating, domestic hot water, fixed lighting etc).
- 8.31 Policy CER1b seeks to 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 networks<sup>9</sup> 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.

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

- 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 policies SS1, SDT2, and SDP3) and all future growth areas or greenfield site (10 dwellings or 1000 sqm) .
- 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.

## **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

### 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 emissions<sup>10</sup>. 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 decarbonises<sup>11</sup>. 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 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;

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<sup>10</sup> [Embodied Carbon | UKGBC](#)

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

- 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.

8.41 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)**

## Explanation

- 8.42 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).
- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 New planning implementation guidance/ or similar will be developed to provide further guidance.

## Policy CER4: Renewable and low carbon energy generation

Renewable and low carbon energy-generating development<sup>12</sup>, 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 permitted<sup>13</sup>

Community and Corporate Plan – Creating a Sustainable Future

### Explanation

- 8.47 The GWFOB aims to support the national decarbonisation plans for electricity and promote the uptake, locally, of renewable energy generation. In addition, 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.
- 8.48 Previous studies<sup>14</sup> 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

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<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> [torbay.gov.uk/media/1797/sustainableenergyassessment.pdf](https://torbay.gov.uk/media/1797/sustainableenergyassessment.pdf)

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 Policies CERS and CER1.

- 8.49 Major developments are encouraged to include land for larger scheme such as solar PV and wind turbines and be accompanied with some means of longer-term energy storage, to draw-down electricity when required.
- 8.50 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.
- 8.51 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.
- 8.52 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.

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.

## Strategic Policy ER1: Flood Risk and Safe Development

**NEW ER1 (subject to review by Environment Agency):**

Proposals must demonstrate that all proposed development, including access and egress, is safe for its lifetime, taking into account all sources of flood risk (including ground water), future use, and the impacts of climate change. It must follow the sequential approach, prioritising sites with the lowest flood risk and ensuring land use vulnerability is appropriate to the location.

All proposals must be accompanied by a Flood Risk Assessment (FRA), proportionate to site size, location, and flood zone/critical drainage area. The FRA must demonstrate that:

1. Development is located appropriately, guided by the sequential test where applicable, favouring areas at lowest flood risk.
2. The development is safe for its entire lifetime, considering the latest Environment Agency climate change projections and future flood risk.
3. The development does not increase risk as a consequence of flooding, including risk to life through higher occupancy levels or reduced ability of occupiers to respond safely.
4. In higher-risk areas, where the development can be justified in principle, the development is designed and laid out to be resilient to flooding and to avoid harm to third parties.
5. Mitigation measures are incorporated, including:
  - a. Sustainable Drainage Systems (SuDS)
  - b. Water Sensitive Urban Design (WSUD)
  - c. On-site water storage.
  - d. Mitigation measures must control runoff, reduce downstream flooding, and improve water quality, having regard to the sensitivity of receiving waters, including the Marine Special Area of Conservation (SAC). In addition, they must include provision for safe exceedance flow routing, ensuring that rainfall events exceeding the design capacity of drainage systems are managed without increasing risk to people or property.

6. **Proposals must comply with local and national strategies and guidance, including the Local Flood Risk Management Strategy, SuDS Design Guidance and the Strategic Flood Risk Assessment (SFRA).**
7. **Where flood defences exist, development ensures long-term effectiveness and maintenance, potentially contributing financially toward upgrades.**
8. **Development does not restrict access to watercourses or flood defence assets for maintenance or improvement.**

**Proposals that enhance floodplains, restore natural drainage, or open culverts are encouraged, particularly where they:**

- i. **Reduce flood risk**
- ii. **Improve water quality**
- iii. **Enhance biodiversity**
- iv. **Provide amenity or recreational benefits**
- v. **Reduce flows to the combined sewer network or slow the movement of water through the catchment**

**Development of basement accommodation, including changes of use, conversions or basement parking, will not be permitted in flood zones 2 or 3 or areas identified in the SFRA at high risk of flooding (including climate change allowances).**

**Development must demonstrate that it will not contribute to cumulative increases in sewer loading or flood-related discharges that could increase pollutant inputs to the Marine SAC.**

**Development which contributes to downstream flooding or increases discharge from combined sewer overflows (CSOs) during flood events will not be permitted unless appropriate mitigation is secured and the necessary flood protection measures referred to above are in place and operational. Developers will be required to contribute to these works as appropriate (see Policies INS,IN1 and ER2).**

**Development will be resisted where maintaining flood defence infrastructure required to retain the existing level of protection would result in disproportionate costs or generate substantial obligations for the public sector.**

## Explanation

- 8.53 This policy seeks to ensure that development is located, designed and managed to minimise flood risk and remain safe for its lifetime, taking account of climate change and all sources of flooding.
- 8.54 Given the constrained nature of Torbay’s catchments and the designation of the area as a Critical Drainage Area, Flood Risk Assessments are required for all development. These must take account of the latest evidence, including the Strategic Flood Risk Assessment (SFRA) and the latest Environment Agency climate change allowances for fluvial, tidal and surface water flooding relevant to the site location and lifetime of development.
- 8.55 All development is required to apply the sequential approach to direct growth to areas at lowest risk, having regard to the vulnerability of the proposed use. Where development is necessary in higher-risk areas, robust mitigation and careful design will be required to ensure safety and to avoid increasing flood risk elsewhere.
- 8.56 Managing surface water is a key part of reducing flood risk. Development is expected to incorporate Sustainable Drainage Systems (SuDS), Water Sensitive Urban Design, and other measures that control runoff, reduce downstream impacts, and improve water quality. Further detail is set out in Policy ER2.
- 8.57 Flood risk in Torbay is closely linked to the performance of the combined sewer network. Increased surface water flows can lead to sewer surcharge and increased discharges from combined sewer overflows, with implications for water quality, including effects on bathing waters and the Marine Special Area of Conservation. Development must not increase these pressures and, where possible, contribute to their reduction.
- 8.58 Further detail on flood risk, drainage constraints, and infrastructure requirements is set out in the Flood Risk and Water Management Topic Paper.

## Strategic Policy ER2: Drainage Hierarchy

### **NEW ER2 (subject to EA comments)**

**All development, including changes of use, must minimise the generation of surface water run-off and improve surface water management on the site. Proposals must**

seek to reduce surface water discharge to the combined sewer network and will be supported where this is achieved.

Development must not discharge surface water in the combined sewer network. Where this is robustly demonstrated to be the only feasible option, appropriate mitigation must be secured to ensure no overall increase in the volume and rate of surface water discharge to the combined sewer network.

Prior to consideration of discharge options within the drainage hierarchy, drainage strategies should maximise opportunities for:

- i. The use of permeable surfaces, natural features and vegetation to maximise infiltration of surface water
- ii. Water reuse and rainwater harvesting for re-use on the site

All development must adhere to the drainage hierarchy in Table ER2-1, prioritising infiltration and discharge to watercourses wherever feasible. Only where it is evidenced that ground infiltration is not possible can the next method of water disposal in the hierarchy be investigated.

**Table ER2-1. The drainage hierarchy, listed in order of priority:**

<b>Drainage Hierarchy:</b>	
<b>1.</b>	<b>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</b>
<b>2.</b>	<b>A main river or water course</b>
<b>3.</b>	<b>A surface water sewer or highway drain</b>
<b>4.</b>	<b>As a 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 surface water to a combined (foul and surface water) sewer, where:</b>  <b>a) discharge rates are restricted to greenfield rates, and;</b>  <b>b) the requirements of Table ER2-2 and Policy NCS2 are met</b>

**Table ER2-2. Development requirements when disposing of surface water in the combined sewer.**

<b>Where discharge of surface water to a combined sewer is proposed, it will be subject to Habitats Regulations Assessment (HRA) and must demonstrate that:</b>	
<b>a)</b>	<b>there will be no adverse effect on the integrity 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;</b>
<b>b)</b>	<b>appropriate mitigation measures are secured and delivered, such as a planning contribution towards strategic sustainable drainage improvements to reduce pressure on the sewer system and ensure there is no net increase in surface water discharge into the combined sewer network, and;</b>
<b>c)</b>	<b>there is a reduction in impermeable area of the site (with a minimum target of 20%) to enhance opportunities for rainwater absorption through permeable natural surfaces. Where this is not feasible the council may seek a planning contribution to deliver urban greening elsewhere within the catchment.</b>

**All development proposals must provide robust evidence and information to enable the Local Planning Authority to assess potential effects on the Marine SAC.**

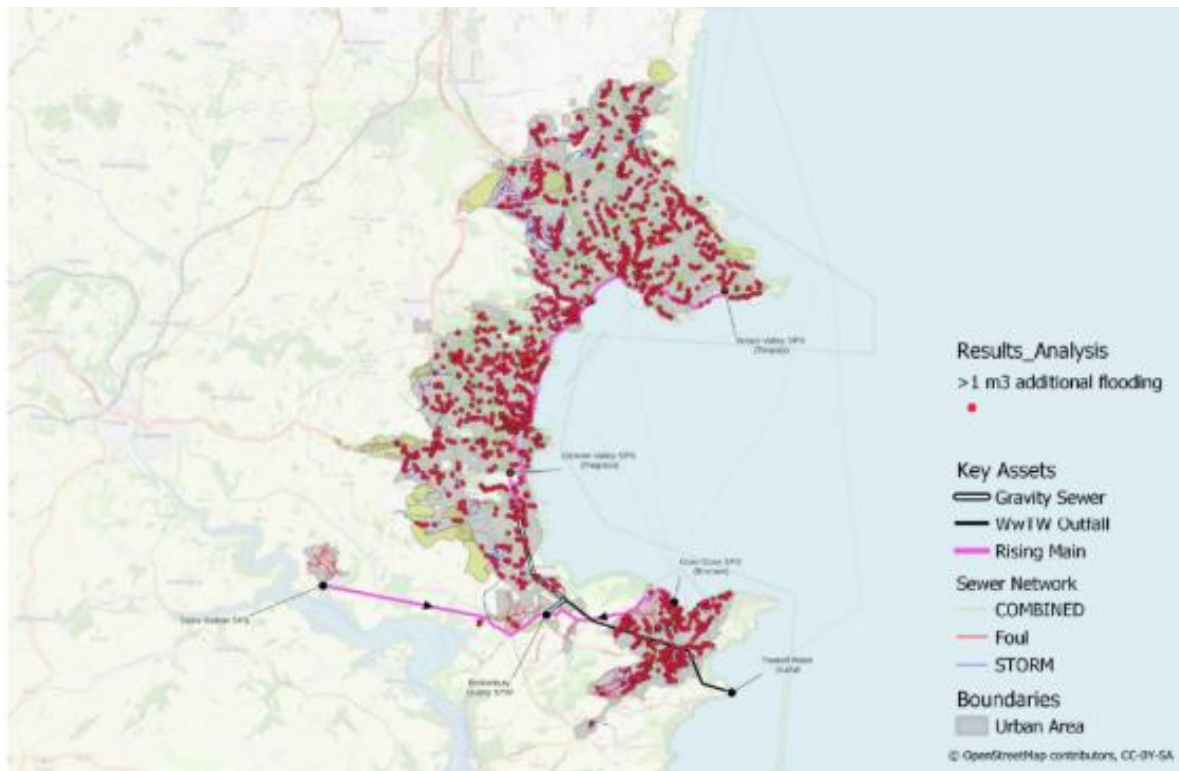
**Development will only be permitted where adequate wastewater and drainage infrastructure capacity exists or will be delivered in time to ensure no adverse effect on the Marine SAC. Financial contribution towards infrastructure improvement, or works in kind, may be required in order for development to proceed. Planning conditions or obligations will be used to prevent occupation until such infrastructure is in place.**

**Where necessary, planning obligations will be used to secure monitoring and management of drainage infrastructure and its impacts on the sewer network. Planning conditions to remove Permitted Development rights may be used to prevent cumulative impacts as a result of urban creep.**

**The Council will monitor the cumulative effects of development on the sewer network and the Marine SAC, including combined sewer overflow performance. Where monitoring indicates deterioration or risk to site integrity, additional mitigation will be required and development may be restricted.**

## Explanation

- 8.59 The **Torbay Sewer Capacity Assessment (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 18 - Torbay flooding detriment due to development foul flows, creep across the whole catchment and 50% climate change allowance and 300 dwellings per year without mitigation.**

- 8.60 Figure 19 illustrates flooding detriment due to development foul flows, urban creep across the whole catchment and 50% climate change allowance. This assumes a growth rate of 300 dwellings a year, but no mitigation works. 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.

- 8.61 The SCA predicts an 11% increase in combined sewer overflows (CSOs) by 2040 due to higher rainfall from climate change, population growth, and urban creep from the existing built areas. Increased CSOs would harm the features of the Lyme Bay and Torbay Marine SAC, reduce Torbay's bathing water quality, and negatively impact tourism—all highly sensitive to water quality changes.
- 8.62 To avoid impacts on the Marine SAC the risk of increased CSO spills and sewer flooding must be prevented. All development must reduce the amount of rainfall that is discharged into the combined sewer system through adherence to the drainage hierarchy.
- 8.63 In accordance with advice from SWW, proposals seeking to discharge surface water into combined sewers will be subject to increased scrutiny. Developers must clearly justify why higher-priority disposal methods in the hierarchy cannot be used, to avoid adding stress to the network.
- 8.64 Brownfield or town centre developments are not always able to meet steps i-iii of the drainage hierarchy and may 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 within the 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.
- 8.65 Development must demonstrate no likely significant effect (LSE) on the Marine SAC, including cumulative impacts. 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.
- 8.66 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 require Appropriate Assessment, including an assessment of 'in combination' effects. In these instances, mitigation measures will be required and the council may require 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.
- 8.67 Where adverse impacts on a SAC may occur, there is a need for assessment of mitigation measures 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.

- 8.68 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**

### **NEW ER3 (Subject to EA approval)**

**Proposals must not have an unacceptable impact upon the water environment. As such all development must submit a water management plan (proportionate to the scale of development) demonstrating how the below criteria have been satisfied:**

- i) 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 (impermeable surfaces will only be permitted as the exception where it is demonstrated natural/permeable are not possible).**
- ii) All development must treat water as a valuable resource by minimising water consumption and optimising water efficiency:**
  - a) New homes (including conversions) will be expected to demonstrate how they will achieve an estimated water consumption of 100 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 to be impracticable.**
- iii) Development avoids harm to surface waters (including rivers and coastal waters), sensitive water-reliant habitats, species and sites protected under European legislation, and the quality and quantity of groundwater. Regard should be had to the cumulative effects of developments; (Refer to Policies ER2 and NCS2)**
- iv) Where development is located within Groundwater Source Protection Zones (SPZs) or where there is a risk of adverse effects on aquatic ecosystems from**

**the development or its construction, Pollution Prevention Plans must be prepared and submitted as part of a planning application;**

- v) Development provides appropriate connection to the public sewer and complies with the requirements of Policy ER2.**

**Development delivers appropriate mitigation measures in accordance with the government's current Water Framework Directive objectives.**

Community and Corporate Plan – Creating a Sustainable Future
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## **Explanation**

- 8.69 This Policy seeks to minimise the effect of development on water bodies, deliver Water Framework Directive objectives and implement mitigation measures set out in the South West River Basin Management Plan.
- 8.70 Under the Water Framework Directive, development must not cause deterioration in water quality status. The council will ensure compliance, and seek development to bring about improvements to bathing waters and marine habitats through its design and off-site contributions where appropriate.
- 8.71 Evidence from the Environment Agency and South West Water, alongside a joint position statement from these bodies, supports the need for water resilience measures in all development in Torbay. A water efficiency standard of 100 litres per person per day for new homes is justified and should be calculated using the methodology in Approved Document G of the Building Regulations.
- 8.72 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.
- 8.73 Where development poses a significant risk to the water environment, either through the construction process or operation, a Pollution Prevention Plan (PPP) will be required. The PPP must identify how adverse effects on aquatic ecosystems, such as the marine SAC) and socio-economic assets (e.g., bathing waters) will be managed. Physical or chemical modification of water bodies will be resisted where it harms their function or damages habitats.
- 8.74 Groundwater is an invaluable source of water for public supply, industry, agriculture and rivers but is vulnerable to a range of activities, such as pollution from industrial uses or infilling in the urban area. The council will refuse proposals that pose an unacceptable risk to groundwater and may require measures, such as Sustainable Drainage Systems

(SuDS), to minimise or remove the risk. The use of natural SuDS such as swales, soakaways, infiltration basins, filter drains and rain gardens will be the preferred approach.

8.75 The age and capacity of shared sewers, particularly in Paignton, are a major infrastructure constraint. Policy W5 addresses wastewater disposal in more detail. Better use of existing infrastructure and water efficiency will be as important as new sewerage infrastructure in ensuring a sustainable future. Development must provide adequate sewerage infrastructure to cope with increased 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. Water conservation and reuse measures, such as rainwater harvesting and natural sewage treatment (e.g., reed beds), are encouraged. Development phasing may be required to align with critical water and drainage infrastructure improvements and Grampian conditions used to ensure phased and timely infrastructure development to serve growth.

## **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 be designed to provide a safe, naturalised, accessible system minimising the need for fencing or barriers. Consideration must be given to the vulnerability of existing site surroundings, including buildings, ground conditions, ecology, landscape, heritage and public health, in relation to the design and management of surface water features.**

**Well-designed SuDS should deliver multiple benefits, contributing to biodiversity net gain, climate adaptation and high quality public space. All Sustainable Drainage Systems must incorporate appropriate treatment stages to remove pollutants prior to discharge.**

**Development incorporating Sustainable Drainage Systems (SuDS) must have regard to the most recently adopted Torbay Council SuDS Design Guide and the National Standards for Sustainable Drainage Systems.**

**Where necessary, development may be required to contribute to improvements to existing drainage infrastructure.**

**All development should utilise a Water Sensitive Urban Design (WSUD) approach to ensure the delivery of water sensitive places, integrating the management of water within the design of buildings, public spaces and landscapes to reduce runoff, improve water quality and enhance amenity. Where urban areas are being regenerated the retrofitting of water sensitive urban design is a high priority.**

## Explanation

- 8.76 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
- 8.77 Water Sensitive Urban Design (WSUD) integrates water cycle management with the built environment through the use of Sustainable drainage systems (SuDS) and by embedding water management within the design and layout of development, rather than treating it as a standalone drainage function.. In towns and cities, space for water can be created in areas that are not traditionally ‘designed’ to manage water. Blue corridors can be created in existing urban areas to channel and attenuate run off through a development whilst enhancing green infrastructure, biodiversity and public amenity

## Policy ER5: Contaminated Land and Site Remediation

Development proposals must take the following environmental considerations into account:

- i) 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
- ii) Developers will need to demonstrate that any identified or suspected contamination can be satisfactorily overcome without risk to health.
- iii) 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.

Community and Corporate Plan – Pride in Place

### Explanation

- 8.78 Prioritising brownfield sites 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.
- 8.79 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.
- 8.80 The council has prepared a Contaminated Land Strategy in accordance with the Environmental Protection Act 1990 – Part IIA.
- 8.81 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:**

- i) 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**
- ii) 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.**

Community and Corporate Plan – Creating a Sustainable Future

### **Explanation**

8.82 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 areas' and Policy GE1 'Geodiversity'.

## **Policy ER7: Coastal Change Management Areas**

**NEW ER7 (subject to review by the Environment Agency – will add to the tracked changes document once we have EA agreement)**

**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 communities, new development or the intensification of existing development in Coastal Change Management Areas will be limited to the following:**

- a. Essential infrastructure<sup>15</sup> (including relocation) where there are clear, costed plans to manage the impacts of coastal change, and it will not have an adverse impact on rates of coastal change at the site or elsewhere;**
- b. Changes of use to a less vulnerable use requiring a coastal location and providing substantial economic and social benefits to the community;**
- c. Key community infrastructure, requiring a coastal location to provide the intended benefits, where there are clear, costed plans to manage the impact of coastal change and the service it provides;**
- d. Adaption measures to existing buildings, businesses and infrastructure, which increase resilience to flood risk and coastal change;**
- 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);**
- f. Water compatible development, where the CCMA risk is inundation;**
- g. Minor extensions to established dwellings where the structural integrity of the shoreline would not be undermined.**

**All development must demonstrate:**

- i. that it is consistent with policy statements for the local policy unit in the Shoreline Management Plan;**
- ii. that it will be safe over its planned lifetime, would not increase risk to life or property, and is designed, sited and securely fixed to minimise risks from coastal erosion, flooding and storm events, including ensuring that buildings and associated materials are not displaced or mobilised during extreme weather events;**

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<sup>15</sup> In the context of CCMA's, 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 or CCMA 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.

- iii. That it will not have an unacceptable impact on coastal change;
- iv. 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 considered acceptable within a given timeframe in a CCMA, time-limited permission may be granted.

Where development is proposed outside a CCMA but within a Coastal Vulnerability Zone, or where there is uncertainty about the rate of erosion or extent of flooding that could cause loss or permanent inundation within the lifetime of a development, the precautionary principle should apply.

The replacement, relocation or adaptation of essential infrastructure within a CCMA will be supported, where necessary to maintain the safe and effective operation of critical services, subject to compliance with the Plan as a whole.

Community and Corporate Plan – Creating a Sustainable Future
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## Explanation

- 8.83 The National Planning Policy Framework (NPPF) requires plans to manage coastal change by avoiding inappropriate development in vulnerable areas and identifying Coastal Change Management Areas (CCMAs). These identify areas at risk from coastal erosion and, in some locations, inundation over the plan period. While much of Torbay's coastline is currently defended, this does not remove long-term risks, particularly where there is uncertainty in the rate and extent of coastal change.
- 8.84 Coastal change may affect land, property and key infrastructure. In Torbay, elements of essential infrastructure, including parts of the wastewater network such as rising mains, are located within CCMAs. Where there is uncertainty about erosion or flooding, risks to infrastructure and service continuity may increase. This may also add pressure to wider infrastructure constraints identified through the Water Cycle Study and Habitats Regulations Assessment.
- 8.85 Development within CCMAs should be resilient to coastal change over its lifetime. Proposals should consider site-specific risks, including erosion, inundation and storm events, and how these are addressed through design, siting and construction. This policy supports the replacement, relocation or adaptation of essential infrastructure where

needed to maintain critical services, reflecting the need to respond to coastal change over time and ensure communities remain safe and functional.

# Chapter 9: Our Natural Places - Protecting and enhancing Torbay's countryside, landscape and natural environment



Figure 19 – Our Natural Places

## Strategic 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.

## 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.

### Strategic 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 only be supported 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 supported 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:

- i) New homes for which there is a proven agricultural need, or self-build affordable housing where acceptable under Policy H8.
- ii) Development required for forestry, horticulture or agriculture;
- iii) Touring caravans and tents;
- iv) Tourist facilities appropriate to the rural area;
- v) Development associated with outdoor sport and recreation appropriate in a rural area;
- vi) Sensitive conversion, alteration and extension of existing buildings;
- vii) Essential improvements to the highway network; and
- viii) 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 including cumulative impact. 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. Policy L4 refers to locally valued landscapes.

Development in the countryside must 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.**

### 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 rural exceptions affordable housing, and self-build schemes (see Policies H8 and H9) and the rural economy.
- 9.4 The Countryside Area is shown on the Policies Map and has been defined for the following reasons:-
1. To identify the countryside around Torbay as a finite resource and to encourage its best use;
  2. To safeguard Torbay from further urban sprawl and maintain important green wedges;
  3. To prevent the main urban areas of Torbay from merging with each other and neighbouring settlements;
  4. To preserve the special character of the towns and villages within Torbay's overall landscape setting;
  5. To recognise the need to adapt to changing demands in the countryside around Torbay and priorities for development;
  6. To concentrate building development within the urban area and prevent the unnecessary spread of inappropriate uses into the countryside; and
  7. 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 SC4). 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 National Landscape (AONB) (Policy L2), and 40% is designated as undeveloped coast (Policy L3) 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)<sup>16</sup>**

**Great weight will be given to conserving and enhancing the natural beauty of the South Devon National Landscape (previous Area of Outstanding Natural Beauty).**

**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 must not harm the setting and 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**

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<sup>16</sup> 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

## Landscape (AONB) Management Plan and the special qualities alongside the Torbay Landscape Character Assessment.

Development which is permitted in the National Landscape should conserve and enhance its landscape and natural beauty, having particular regard to the impacts on its character components, as set out in the South Devon AONB Management Plan, including wildlife, cultural heritage, tranquillity, dark skies, views and avoids cumulative impacts; it 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 the need for development to be landscape led building form and design. Mitigation measures may include planning contributions towards delivery of projects set out in the Management Plan.

Community and Corporate Plan – Pride in Place

### 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<sup>[1]</sup>, 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<sup>[2]</sup> 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 (summarised below) of the SDNL establish criteria against which policy and actions can be assessed for compliance with the duty:
1. Fine, undeveloped, wild and rugged coastline

2. Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses
  3. Deeply rural rolling patchwork agricultural landscape
  4. Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops
  5. Iconic wide, unspoilt and expansive panoramic views
  6. A landscape with a rich time depth and a wealth of historic features and cultural associations
  7. Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement
  8. A breadth and depth of significant habitats, species and associated natural events
  9. An ancient and intricate network of winding lanes, paths and recreational routes
  10. A variety in the setting to the SDNL (AONB) formed by the marine environment
- 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.

<sup>[1]</sup> As amended by the Levelling-up and Regeneration Act 2023

<sup>[2]</sup> 'Natural beauty' has no legal definition but legally consideration must be given to the 'flora, fauna, geological and physiographical' features of the designated area.

<sup>[1]</sup> 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 undeveloped coast is shown on the Policies Map.**

**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 supported in the undeveloped coastal area unless proposals satisfy the following requirements:**

- i) Maintain the unspoilt character of the coastline, coastal landscape and seascape;**
- ii) Maintain or improve public access for recreation; and**
- iii) 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 and 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 Developed Coast**

**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.**

Community and Corporate Plan – Pride in Place

## **Explanation**

- 9.11 Policy L3 deals with landscape and related matters to do with the coast. Policy ER7 deals with 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 wheeling which 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 will be considered to be valued landscapes. .**

**This will include the South Devon National Landscape and it's setting at a national level, alongside the undeveloped coast 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 Sensitivity Assessments (2025) and the specific recommendations within the LCA (or subsequent update).

Locally valued landscape is not limited to the local designations the undeveloped coast and may be identified through the Torbay Landscape Character Assessment. Individual proposals within or next to these valued landscape areas should respond to the distinctive qualities and local character and 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.

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 supported where:

- i) It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and

- ii) It makes a positive contribution to the urban environment or enhances the landscape character of the ULPA.

Development that would undermine the ULPA designation as a whole will be resisted.

Designated Urban Landscape Protection Areas are as follows : (request to assess potential new ULPAs in Torquay)

**Table 14 Urban Landscape Protection Areas 13**

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.

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.**

**Very special circumstances may exist for development enabling community or sports use on LGSs used as playing fields, or café/ food and drink uses in Harbourside and Waterfront locations. In such instances to open nature of the wider LGS and public access should be retained.**

**Very special circumstances also cover the proposed railway station at Edginswell, 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.**

## 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. Local Green Spaces are designated in the made (adopted 2019) **Torquay Neighbourhood Plan** (99 LGS see Policy TE2 - Local Green Spaces), **Paignton Neighbourhood Plan** (53 LGS - Policy PNP1 and PNP1(a)PGLS) and the **Brixham Peninsula Neighbourhood Plan** (17 LGS - Policy E4: Local Green Spaces).
- 9.21 Consideration of development proposals within a Local Green Space should be consistent with national policy for Green Belts (excluding provisions relating to 'grey belt' and previously developed land).

## 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. All development proposals will retain good quality and healthy woodland, trees and hedgerows. These features will be incorporated into the overall design and landscape scheme and located within public spaces where possible (see Policy TH1). New streets should be tree lined unless there are compelling reasons why this would be inappropriate. Where loss is unavoidable, Policy TH2 would apply. 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**

**Trees elsewhere:**

**Any other tree, hedge or woodland not covered by the above and which makes a positive contribution to the landscape, amenity, heritage 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 or justified through an arboricultural assessment, 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 as part of wider development proposals, developer contributions may be required to ensure suitable management provision is made for their long-term management. This includes information provision of for residents and users about the appropriate positive management of private trees and landscape features.**

Community and Corporate Plan – Protecting and enhancing our natural environment

## **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 Greater Horseshoe Bat commuting routes identified in

Policy NCS2. 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 NCS2 and NC1.

## **Policy TH1: Trees, hedgerows and natural landscape features**

Development will not be permitted where it would result in serious harm, either directly or indirectly, to protected trees, veteran trees, hedgerows, ancient woodland, unless it is clearly demonstrated that the harm is justified and can be appropriately avoided, minimised or mitigated. 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.

In applying this policy, regard will be had to the hierarchy of protection set out in Strategic Policy THS. Other natural features of significant landscape, historic or nature conservation value are addressed in Policies LS, L4 and NCS1.

Where loss of trees, hedgerows or woodland is justified under Strategic Policy THS, appropriate mitigation will be required in accordance with this policy and Policy TH2, which may include developer contributions to secure long-term management and maintenance.

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.

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 demonstrated that native species are not appropriate (e.g. for arboricultural or ecological reasons). 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. For major residential developments, this should include the provision of information for new occupants about the benefits of and appropriate positive management of private trees, hedges and landscape features.

Where building 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.

Community and Corporate Plan – Protecting and enhancing our natural environment

## Explanation

- 9.27 Trees provide significant environmental benefits and are especially valuable in urban areas. Beyond their intrinsic beauty, they help soften the impact of development, enhance the quality of our streets, and create a green framework for towns. Trees can be important both individually and in groups, and in some parts of Torbay, they are a defining feature of the local character.
- 9.28 Orchards form an important part of green infrastructure and local heritage, as well as supporting sustainable food production. Traditional orchards are a priority habitat, and the

Council has a statutory duty to conserve and enhance such habitats. Proposals affecting orchards will be assessed against Policies GIS, THS, and SC4.

- 9.29 Trees can be perceived negatively when located close to properties, where they can obstruct views, reduce light, or create maintenance and safety concerns. Development will not be supported 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 Construction can easily damage tree roots through compaction or excavation. When determining planning applications, it is essential to ensure that construction activities do not occur in close proximity to trees in ways that could cause harm.
- 9.31 Trees will be safeguarded through planning conditions attached to development consents. These conditions may specify measures to protect trees during and after construction. Such conditions will be applied wherever trees of amenity value are adjacent to development. New planting should aim to enhance existing habitats, create new ones, or provide shelter belts.
- 9.32 Tree Preservation Orders (TPOs) may be used to protect trees of amenity value and prevent their removal. TPOs can apply to individual trees, groups, or entire areas. Torbay benefits from a rich legacy of trees, many of which are already protected by TPOs. Similar protections apply to trees within conservation areas, where there is generally a presumption against felling unless there are sound reasons for doing so.

## **Policy TH2: Mitigation for loss of trees, hedgerows and woodland**

**Where the principles of Strategic Policy THS have been followed, and it is evidenced that the loss of trees, hedgerows or woodland is acceptable, appropriate mitigation will be required.**

**Tree loss should be mitigated through compensatory planting in accordance with the Council's tree replacement table below.**

**Hedgerow loss should normally be replaced on at least a metre-for-metre basis, with a preference for achieving a net gain in connectivity and ecological value.**

**Where relevant, mitigation for the loss of trees and hedgerows may contribute towards Statutory Biodiversity Net Gain (BNG) (Policy NC3). Where BNG does not apply, tree and hedge mitigation should be secured separately.**

In exceptional circumstances (e.g. where on-site mitigation would compromise good design), off-site provision or financial contributions may be accepted.

Deliberate prior removal of trees will be a material consideration.

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 in Table TH2-1 below.

**Table TH2-1 Tree Loss Compensation**

<b>Trunk girth (mm) at 1.5m above ground of tree lost to development</b>	<b>Number of replacement trees required per tree lost*</b>
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

An equivalent approach based on the latest Natural England’s Green Infrastructure Framework Standards may be considered as mitigation where appropriate.

Where new compensatory hedges are provided, the principles of the Devon Hedge Group guidance on making new hedges should be followed unless an alternative approach is justified by site-specific circumstances.

**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.**

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## Explanation

- 9.33 Trees and other planting deliver a wide range of benefits, including wildlife habitat, urban cooling to help address climate change, adding maturity to new developments, softening and enhancing built form, providing screening and shade, reducing stormwater run-off, improving visual amenity, and supporting health and well-being.
- 9.34 New trees and planting can contribute to the government's 25 Year Environment Plan, the UK's efforts to hit net zero carbon emissions by 2050, biodiversity net gain and the Devon Tree and Woodland Strategy goal of achieving 20% tree cover in Torbay.
- 9.35 The tree compensation standard in this policy provides an indicative mechanism to determine the appropriate level of mitigation for loss of trees. Mitigation will be determined on a case-by-case basis in consultation with the Council's tree officer. The council's preference is for on-site replacement in suitable locations, secured through planning conditions however, for small scale householder development, off-site mitigation may be more appropriate.
- 9.36 Where off-site planting is justified, this should be preferentially be provided on public land or locations identified through the Devon Local Nature Recovery Strategy and will be secured via planning obligations.
- 9.37 The council is committed to increasing the overall tree cover wherever possible. Opportunities for new tree planting should be explored in all development proposals. Planting schemes for public spaces and highways should include only native species that occur naturally in the locality, unless arboricultural or other considerations mean native species are not appropriate.
- 9.38 Where new tree planting is proposed (whether to compensate for losses on- site or as enhancement), 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 for the purposes of 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:**

- i) 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.**
- ii) 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.**
- iii) 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.**

- iv) Avoid impacts on irreplaceable habitats. Development that involves the loss of irreplaceable habitats will not be supported.**
- v) Positively incorporate and promote biodiversity features, proportionate to their scale, including features which support priority or threatened species such as swifts, bats and hedgehogs.**
- vi) Provide a measurable and proportionate net gain in biodiversity, as set out in Policy NC2.**
- vii) 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.**
- viii) Have regard to the Devon, Plymouth and Torbay Local Nature Recovery Strategy and, where proportionate, seek to support the delivery of its priorities, including by contributing to habitat restoration, enhancement and creation within identified High Opportunity Areas.**

**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.**

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## **Explanation**

- 9.39 Biodiversity is fundamental to our health, wellbeing, and economic prosperity. ‘Biodiversity’ means the variety of wild plants, animals, and their habitats, and also includes geological and geomorphological features. A healthy, resilient natural environment is a key asset for Torbay, contributing to its sense of place, tourism appeal, economy, and overall environmental quality. Biodiversity is also an essential consideration in achieving high-quality design.

- 9.40 The importance of biodiversity is increasingly recognised by government, reflected in the Environment Act 2021 and the **25 Year Environment Plan**. Torbay contains internationally, nationally, and locally designated nature conservation sites, shown on the Policies Map, which support a wide range of species. In 2024, the Torbay Climate Partnership approved the **Greener Way for Our Bay Framework and Action Plan** (GWFOB), which sets out a pathway for Torbay to achieve net zero carbon by 2050. The framework identifies ten key priorities, including “enjoying and protecting our marine and natural environment.” The nature conservation policies within this Local Plan align with the objectives of the GWFOB and will play an important role in supporting its delivery, particularly through the protection and enhancement of biodiversity and designated sites.
- 9.41 . The Devon Local Nature Recovery Strategy (LNRS) forms part of the evidence base for this Plan. Development proposals should have regard to the Devon, Plymouth and Torbay Local Nature Recovery Strategy and any local biodiversity evidence relating to target habitats and species. The Council will have regard to the LNRS priorities and mapped High Opportunity Areas when planning for biodiversity conservation, enhancement and recovery.
- 9.42 Landscape, biodiversity, and green infrastructure mitigation packages will be informed by these strategies and evidence. The Council will require no overall detriment and will seek net gains for the natural environment in line with the NPPF. Policy. Mitigation cannot compensate for intrinsically unsuitable development (see Policy NC1). High-quality bathing waters are also a key ecological and tourism asset; Policies ER2, ER3, and W5 aim to minimise wastewater impacts, including restricting new surface water connections to combined sewers.
- 9.43 Landscape can also be 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 HES).

## Strategic Policy NCS2: Habitats Regulations Assessment

Development must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 as amended<sup>17</sup>, other than in exceptional circumstances.

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. Habitats Regulations 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 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.

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<sup>17</sup> The Conservation of Habitats Species Regulations 2017, <https://www.legislation.gov.uk/uksi/2017/1012/contents> [accessed 20<sup>th</sup> Aug 2025]

**Table 14 Habitats Regulations Appropriate Assessment (HRA) Requirements**

<b>Habitats Regulations Appropriate Assessment (HRA) Requirements</b>	
<b>Protected Site</b>	<b>HRA Requirements</b>
Berry Head to Sharkham Point component of the South Hams SAC	<p>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.</p> <p>Mitigation for the development of new residential or holiday accommodation within the Zone of Influence (ZoI) for recreation pressure will comprise:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) Any other specific measures to avoid impacts on the Berry Head to Sharkham Point component of the South Hams SAC identified by Appropriate Assessment</li> </ul> <p>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.</p> <p>All mitigation is to be delivered in accordance with the most recently adopted/approved version of the strategy and supporting guidance.</p> <p>Any deviation from the above measures must be clearly justified and will be considered on a case-by-case basis.</p>
South Hams SAC Greater Horseshoe Bats	<p>Development that could impact Greater Horseshoe Bats will be located and designed to protect the integrity of the South Hams SAC by:</p> <ul style="list-style-type: none"> <li>1. Avoiding the loss, damage, or illumination of, or disturbance to, Greater Horseshoe Bat: <ul style="list-style-type: none"> <li>a. roosts which are known, or are likely, to provide significant functional support to the SAC;</li> <li>b. foraging areas within the Sustenance Zones, especially within juvenile foraging areas;</li> </ul> </li> </ul>

- 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.

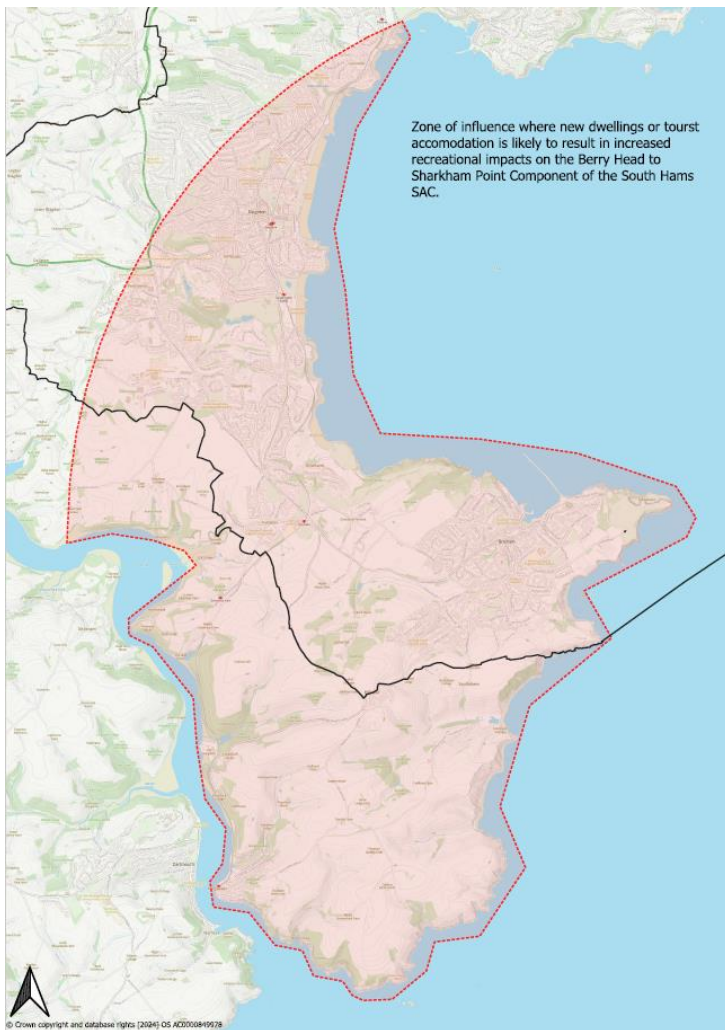
Where Greater Horseshoe Bat mitigation is required, a scheme of monitoring, to ensure mitigation has been carried out and is effective, including any remedial

	measures required, will be agreed and secured prior to granting planning permission.
Lyme Bay and Torbay Marine SAC	<p>Water Quality:</p> <p>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).</p> <p>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:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <p>Additional mitigation for surface water runoff will be provided through the implementation of Policy GIS 'Strategic Green infrastructure'.</p> <p>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.</p> <p>Recreation:</p> <p>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.</p>

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## Explanation

- 9.44 As a Competent Authority, the planning authority must carry out Habitats Regulations Assessments (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Torbay currently contains two internationally important habitats sites: 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 HRA Screening to assess potential significant effects. Where significant effects cannot be ruled out, an Appropriate Assessment must be undertaken. Planning permission can only be granted where adverse effects on site integrity are excluded, or where there are imperative reasons of overriding public interest and adequate compensatory measures are secured.
- 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;
  - 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 A visitor survey in 2023 found that 75% of visitors to Berry Head came directly from home within 8 km of the site, compared to 5 km in 2016. This indicates that the primary Zone of Influence (Zol) for recreational impacts on Berry Head is an 8 km radius (Figure 21).



**Figure 20 - 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. Significant effects from increased recreation due to the development of housing or tourist accommodation within the Zol cannot be ruled out and mitigation measures will be necessary.
- 9.50 The council, in collaboration with stakeholders, will develop detailed mitigation measures and associated cost estimates. A Supplementary Planning Document (SPD) will set out the mitigation costs and the mechanism for securing developer contributions.
- 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

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<sup>18</sup> Note this is a draft figure which may be subject to change

internationally protected sites. Its role is to provide alternative green space to divert visitors away from the protected site.

- 9.52 The South Hams SAC is 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 actively avoid light levels above moonlight. As a result, development must protect natural features that provide landscape connectivity and avoid lighting that deters 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 with its coastal waters designated as both a Marine SAC and a Marine Conservation Zone (MCZ). The SAC includes 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. Pollution from surface water run-off—such as oil, chemicals, and other contaminants—during construction and operation phases can have cumulative negative impacts on water quality and coastal species. Discharges of pollution from the land may alter physicochemical conditions of coastal waters, including temperature, turbidity, salinity, and nutrient levels, affecting designated features.

- 9.57 The Local Plan includes measures to reduce the impacts of development on coastal waters and minimise sewer outfalls, particularly at Hopes Nose, Torquay. Relevant policies include ER1, ER2, ER3, ER4, W5, and GIS.
- 9.58 The SAC Sea caves are unique within the UK and contain very sensitive fauna that are vulnerable to damage. Risk of damage of damage can arise due to recreational activities such as wild swimming, kayaking, paddleboarding, personal watercraft use, diving, coastering, and shoreline access 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:**

- i) Alternative sites have been considered, and the development cannot be located on an alternative site that would cause less or no harm.**
- ii) The proposal cannot be achieved through an alternative, less harmful design or form.**
- iii) Suitable avoidance and mitigation (and exceptionally compensation) measures are proposed, in accordance with the mitigation hierarchy.**

- iv) In respect of European sites, the effects can be fully mitigated and the integrity of the site will be maintained.
- v) The public benefits of the proposal clearly outweigh the harm.
- vi) 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 three criteria are met:

- i) They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.
- ii) The public benefits of the proposal clearly outweigh the impacts on the features of the site, the wider network of natural habitats and designated sites
- iii) 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.

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## 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 Principal 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 follow the mitigation hierarchy: avoid harm where possible, mitigate impacts where unavoidable, and compensate for harm only 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 supports both European and UK protected species, as well as UK priority habitats. Notably, Torbay hosts a large population of Cirl Buntings—one of Britain’s most endangered songbirds. Targeted conservation has increased their numbers, and guidance

on safeguarding this species has been produced by Devon County Council and the RSPB (November 2014). Development must protect Cirl Bunting habitats directly or contribute to offsetting through provision of receptor habitats.

- 9.65 Torbay also supports populations of bat species, reptiles, seabirds and seahorses, which are protected under legislation including the EU Habitats Regulations and the Wildlife and Countryside Act 1981, as well as local 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's coastal waters are designated as the Lyme Bay and Torbay Marine Special Area of Conservation (SAC) and as a Marine Conservation Zone (MCZ). These areas support reefs, sea caves, and diverse marine life. The Local Plan requires development to minimise impacts on sewer outfalls, particularly at Hopes Nose, Torquay. Sustainable urban drainage systems (SuDS) and water-sensitive urban design are promoted through Policies ER1, ER2, ER3, and W5.
- 9.67 The council will seek to improve Torbay's biodiversity and geodiversity, 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). The Council will therefore seek to gain appropriate protection and recognition for locally important sites commensurate with their importance. Development should be located to minimise its impact on biodiversity. Development should follow the mitigation hierarchy - where impacts occur, mitigation and/or compensation will be required,. 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 improve scheme viability.
- 9.68 New development should maximise opportunities to incorporate wildlife features through landscaping and design; this may include artificial bird nesting and bat roosting sites/boxes.
- 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 Local Plan Policy NC2 supports the RSPB's aspiration for an average provision of one new bird or bat box per new dwelling.

## 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.

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### 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 The NPPF (paragraph 185b) emphasises 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 such as 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:
- a) Reptile/amphibian hibernacula;
  - b) Brash and log piles;
  - c) Invertebrate bricks and bee hotels;
  - d) Wildlife ponds;
  - e) Sustainable urban drainage systems (e.g. swales and pools with native vegetation);
  - f) Native hedge planting;
  - g) Swift/wildlife towers and green roofs;
  - h) Artificial nest cups for house martins
  - i) Barn owl lofts;
  - j) 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, where development is exempt as set out within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.**

**The 10% BNG shall 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, manage surface water run off, reduce flood risk and 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).**

**Off-site BNG provision should be prioritised within Torbay. Where this is not possible or would not deliver the most strategically significant or ecologically appropriate outcomes, provision should be directed to locations within the Devon, Plymouth and Torbay Local Nature Recovery Strategy area. Where this is not achievable, an alternative location may be used where it would deliver more strategically significant or ecologically appropriate biodiversity net gains.**

**BNG habitats (whether delivered on-site or off-site) must be secured, managed, monitored and maintained for a minimum period of 30 years in accordance with an approved Habitat Management and Monitoring Plan. Proposals should demonstrate how long-term stewardship arrangements, funding and responsibilities for maintenance will be secured for the duration of the management period.**

**Notwithstanding the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all development proposals should incorporate biodiversity enhancements into their design. 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.**

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:**

- i) 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;**
- ii) Light spillage or glare will be minimised to an acceptable level;**
- iii) 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;**
- iv) 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;**
- v) There is no adverse effect on the integrity of a European Wildlife Site.  
Proposals likely to affect 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 would 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.**

Community and Corporate Plan – Protecting and enhancing our natural environment

## **Explanation**

- 9.80 Artificial lighting can provide social benefits, such as street lighting and enabling recreation 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 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 permission is granted, conditions may control hours of illumination, light angles, intensity, column heights, colour specification, and retention or provision of screening vegetation or bunding.

## **Strategic 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:**

- i) They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.**
- ii) The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of geosites.**
- iii) 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.**

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**

**Torbay has a rich and varied green and blue infrastructure (GBI) network based on its coastline and urban/rural landscape.**

Development will be required to protect, enhance and integrate with the existing GBI network and deliver new high quality GBI tailored for and accessible to local needs.

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.

Development will support the strategic local needs for specific GBI as identified in relevant local strategies and evidence (see explanation para 9.95). The existing Country Parks designated in Torbay are: i) Cockington, Torquay, ii) Ocombe Farm, Paignton and iii) Berry Head, Brixham. These important GBI assets will be protected and enhanced.

The Local Plan makes specific provision for:

- iv) A search area for a green burial facility in the Broadsands, Churston, Galmpton Neighbourhood Plan Area and Torquay Gateway;
- i) Nature based solutions to flood risk and surface water management

Developments will be required to make contributions proportionate to their scale for the management and improvement of GBI. Where development is likely to give rise to recreational impacts on the South Hams SAC, it will be required to contribute to and/or deliver green infrastructure and open space enhancements as part of a coordinated mitigation strategy. This may include provision or improvement of accessible green spaces, recreational routes and visitor management measures, in order to reduce pressure on sensitive habitats and ensure no adverse effect on site integrity.

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 should have regard, where appropriate, to relevant national guidance including the Natural England Green Infrastructure Framework, its principles, standards and design guidance.

Development should deliver child-friendly GBI, with safe, accessible opportunities for play, movement and interaction with nature, including the integration of informal play, natural features and opportunities for social interaction.

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.

Development will be assessed against how it complies with the following GBI design principles in table GIS-1 below, proportionate to its scale.

Table GIS-1. GBI design principles

<b>Principle</b>	<b>Detail</b>
<b>a) GBI-led Design</b>	<b>GBI must be embedded in the design from the outset, responding to the area’s landscape character context and existing GBI assets, while addressing local issues such as flood risk, health and biodiversity. Public open space and access must be considered early and should help shape the layout of development.</b>
<b>b) Multifunctional and varied GBI</b>	<b>Developments must provide multifunctional spaces that connect to the wider GBI network and deliver multiple benefits, including flood risk mitigation, water management and sustainable drainage, climate adaptation, health and wellbeing, economic value, nature recovery and, where relevant, the management of recreational pressure on designated sites. Development should also contribute to a varied GBI network, incorporating a range of types and scales.</b>
<b>c) Evidence based provision</b>	<b>The types of space provided must be tailored to community needs and informed by early engagement and local GBI evidence (see explanation).</b>
<b>d) Safe &amp; Inclusive Public Spaces</b>	<b>Public open spaces, access routes, and green corridors must be designed to be safe, inclusive and attractive for all users. Development should ensure that spaces are accessible, overlooked, and support independent mobility, informal play and everyday use, contributing to community cohesion, active lifestyles and social inclusion.</b>
<b>e) Habitat, Protection Creation &amp; Restoration</b>	<b>GBI must create and restore native, wildlife-rich habitats and contribute to local GBI objectives including, where appropriate, supporting the priorities of the Devon Local Nature Recovery Strategy and delivery within identified High Opportunity Areas, and delivery of BNG. Where relevant, GBI must support the protection of the South Hams SAC, including mitigating impacts on Greater Horseshoe bats and reducing recreational pressure through the provision and enhancement of appropriate alternative green space and access opportunities.</b>

- f) Long-Term Stewardship** Long-term stewardship, management, and funding for the upkeep of new and existing GBI must be secured, with Torbay Council seeking adoption of GBI provided through development.
- g) Avoiding GBI Loss** All development must be located and designed to avoid the loss or fragmentation of GBI.

Community and Corporate Plan – Place and Community

## Explanation

- 9.90 Green and blue infrastructure (GBI) refers to a network of multi-functional green and blue spaces and other natural features, in both urban and rural areas, which deliver a wide range of environmental, economic, and health and wellbeing benefits for nature, climate and communities.
- 9.91 GBI exists at a variety of scales and forms across Torbay, from small-scale features such as trees, grass verges, green roofs and living walls, to larger assets including coastlines, beaches, parks, wetlands and community gardens. The South West Coast Path, as part of the King Charles III England Coast Path, is also a key component of this network, providing significant recreational, health and wellbeing benefits, and supporting the local visitor economy. All elements, regardless of size, contribute to the overall network and play an important role in its function. GBI in Torbay forms part of its natural heritage and provides opportunities for the public to enjoy and access the historic environment.
- 9.92 The Local Plan identifies Torbay’s three Country Parks (Cockington, Ocombe and Berry Head) as key components of the GBI network, as shown on the Policies Map.
- 9.93 Relevant evidence supporting the delivery of green and blue infrastructure includes, but is not limited to: Torbay Green Infrastructure Delivery Plan, any future Green and Blue Infrastructure Strategy for Torbay, Open Space, Sport and Recreation Strategies, the Local Nature Recovery Strategy and its mapped High Opportunity Areas where appropriate, the Devon Tree Strategy and local tree strategies.
- 9.94 Development at all scales should consider opportunities to protect, enhance and connect GBI. Sustainable drainage and water management is a critical issue in Torbay. All development must prioritise the delivery of natural flood and water management rather

than relying on engineered approaches. See Policies ER1, ER2, ER3 and ER4 for detailed drainage requirements.

- 9.95 GBI contributes to several of the Local Plan's strategic priorities, including climate resilience, nature recovery, health and wellbeing, transport and economic prosperity. The following Local Plan policies
- 9.96 GBI can also have historic and archaeological significance, particularly at locations such as Cockington (Torquay) and Berry Head (Brixham). Policies HES and HE1 should be applied where relevant.
- 9.97 The Local Plan makes provision for a burial facility as a key specific green infrastructure need. 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, equating to at least 1ha of land. The Local Plan identifies two areas of search for burial facilities, set out above.
- 9.98 Visitor monitoring at Berry Head during the summer of 2023 showed a 16% increase in total footfall per hour, 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. This is evidence that visitor numbers at Berry Head have exceeded capacity, and on-site mitigation alone is unlikely to prevent further degradation from recreation linked to new housing and tourism development. The Local Plan HRA sets out that a strategic approach to providing alternative or enhanced recreation opportunities within the zone of influence will need to be provided and funded through development contributions (see Policy NCS2).
- 9.99 GBI is integral to sustainable development, supporting health and wellbeing, economic vitality, air quality, nature recovery, and climate adaptation. It contributes to net zero targets and provides urban cooling and flood risk management. The Council will seek to protect and enhance the green infrastructure network.
- 9.100 In assessing the needs and opportunities for GBI, proportionate to its scale, development should be sensitive to its local context and make best use of local evidence. This evidence should be used to determine the strategy and design of GBI 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 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 considered.

- 9.101 Where GBI provision is supported by quality assessments aligned with industry standards (e.g., Building for a Healthy Life, Building with Nature), this will be encouraged and adds weight to the justification of approach.
- 9.102 The council will work with partners to improve Torbay's terrestrial and marine environments through a network-wide approach that includes the links between spaces, the multiple purposes they can have and wider environmental benefits.

# Chapter 10: Our Shared History - Protecting and enhancing Torbay's heritage and identity



Figure 21 - Our Shared History

## 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 first **Torbay Heritage Strategy** was adopted in November 2020 with a new Strategy proposed for 2026.. It describes Torbay's rich heritage and sets out objectives to conserve, manage and enhance. Proposals should have regard to this document or any update.

- 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 non-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 effective management of the historic environment can give rise to competing pressures. Sensitive development management is essential to ensure heritage assets and key features are conserved and where possible 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, and also improves health and wellbeing.

## **Strategic 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 historic environment, for their own merits and their wider contribution to the character and setting of the Bay. This includes all designated and non-designated heritage assets, including scheduled monuments, historic buildings (both nationally listed and of locally listed), 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:**

- i) The impact on the significance heritage assets, and their settings;**
- ii) The need to encourage appropriate adaptations and new uses and to support optimal use value and appropriate urban regeneration;**
- iii) 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;**
- iv) The impact on vistas and views of Torbay’s historic built environment.**
- v) 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**
- vi) 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.**
- vii) Proposals that enhance heritage assets or their setting will be supported, subject to other Local Plan policies.**

<p>Community and Corporate Plan – Conserving and Enhancing our Shared Heritage</p>
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## **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 Heritage led 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 public benefits of an application, e.g. 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, and will be particularly relevant to proposals 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 inappropriate 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 **<https://www.torbay.gov.uk/planning-and-building/caa/>**, the **Historic Environment Record (HER)**, and the **Torbay Heritage Strategy** will be used to further inform and understand the contribution that designated and undesignated heritage assets make to Torbay's history, character and communities, and to inform strategies for their sustainable management.
- 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 LS to L4, THS, TH1 and GIS 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 natural, built and historic environment, and will seek to support proposals that enhance these. Regard will be had to the need to find the optimum viable use for both designated and non-designated heritage assets. 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. Policies TO2 and TO3 set 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 and associated Conservation Management Plans, which are available at [www.torbay.gov.uk/conservation-area-appraisals](http://www.torbay.gov.uk/conservation-area-appraisals). The council will support the designation of a new Conservation Area at Yalberton Valley.

## **Policy HE1: Designated Heritage Assets (CAs Listed Buildings Structures and Gardens, Scheduled Monuments)**

Development proposals should have special regard to the desirability of preserving and enhancing any designated heritage asset including listed buildings, parks and gardens and scheduled monuments, and their setting. Development that has an impact upon a heritage asset will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance..

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.

Applications affecting the significance of any heritage asset will be required to provide sufficient information to demonstrate how the proposals would impact on the significance of the asset.

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:

- i) The harm is outweighed by clear evidence of wider public benefit, and where appropriate securing a viable long term use for the asset; and
- ii) 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 and would meet the objectives of the Torbay Heritage Strategy, assist with their removal from the Heritage at Risk Register. Historic features must be 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.**

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

- a) preserve or enhance the significance of the asset and;**
- 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)**

Community and Corporate Plan – Pride in Place
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## **Explanation**

- 10.15 Policy HE1 deals with designated heritage assets, including listed buildings, Historic Parks and Gardens and scheduled monuments. Conservation areas are also designated heritage assets, Policy HE2 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 which 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**

- i) Significance of the asset;**
- ii) Level of harm;**
- iii) The public benefits arising from the proposal;**
- iv) The necessity of carrying out works to adapt or create resilience to climate change, providing the least intrusive method or technology has been adopted;**
- v) The desirability of retaining key buildings and features within Conservation Areas.**
- vi) The benefits of identifying a long-term viable use of a heritage asset, particularly those identified as being at risk**
- vii) The objectives of the Conservation Area Management Plan for the Conservation Area affected by the proposal.**

**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. This includes showing that all possible funding sources and other feasible options that would be less harmful, have been explored.**

## **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 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 planning permission 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 and Design Review Panel, 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 those within the boundary

## Conserving and enhancing Conservation Areas

- 10.28 Many of the proposed urban regeneration sites are within conservation areas. These offer opportunities for conservation area enhancement, for example through traffic management, use of appropriate 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 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.**

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.**

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 the NPPF (Paragraphs 212-217). 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 necessitating demolition, 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.

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 will 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

The Plan is clear that development should be well designed, respecting and enhancing Torbay's special qualities, including the natural setting of the Bay and buildings of historic interest



## Enhances Quality of Life

Good design creates attractive, functional, and safe environments that improve health, happiness, and well-being



## Builds Strong Communities

High-quality places improve people's lives and attract new residents



## Supports Economic Vitality

High-quality places attract investment, businesses, and tourism



## Promotes Environmental Sustainability

Integrate climate-responsive design, energy efficiency, and biodiversity enhancements



## Protects and Celebrates Local Character

Reinforces Torbay's unique coastal and heritage assets, ensuring development respects landscape and historic context



## Improves Development Acceptability

Well-designed proposals are more likely to gain community and stakeholder support

Figure 22 - Benefits of good design and placemaking

## Strategic Policy DES: Design and placemaking

Development must 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.

## 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 must 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.

Proportionate to the scale of the development, major development will 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.

Table 15 Design Considerations for Development

<b>DESIGN CONSIDERATIONS FOR DEVELOPMENT</b>	
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 support sustainable living; 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 behaviour 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;
<b>VISUAL APPEAL</b>	
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)
<b>QUALITY OF PUBLIC SPACE</b>	
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, wheeling 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.

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 set out local design codes where appropriate and policies will reflect National Design Codes and guidance.

- 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 behaviour. 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 principles for development 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 THS).

## 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 BHL 12 '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 has 'amber' and 'red lights' scored in the BHL assessment, it should be amended to improve the quality and design of development. Site and scheme specific constraints will be taken into account.

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, neighbourhoods, streets and public spaces. The current version, Building for a Healthy Life (2026)), 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 expected and what factors are considered when assessing design.
- 11.10 The BHL 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 is considered at the outset of design proposals and should therefore form an integral part of pre-application discussions. The purpose of BHL 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 BHL 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 BHL 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:

- i) The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;**
- ii) 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;**
- iii) 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;**
- iv) Impacts on existing living conditions and standards of accommodation of other uses;**
- v) New dwellings should comprise self-contained accommodation with separate access;**
- vi) New residential development will need to have particular regard to outlook and light;**
- vii) 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;**
- viii) New homes should be developed at a density which makes good use of land, whilst avoiding town cramming and the loss of open space;**
- ix) 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**
- x) 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.**

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 in Harbourside and Waterfront, 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, as far as this is 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 (see Policies W1 and TA4).

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 SCS).

**Table 16**

<b>Dwelling Space Standards.</b>					
<b>This table reflects the Nationally Described Space Standard.</b>					
Number of bedrooms	Number of bed spaces	Minimum GIA (square metres)			Built in storage (sq metres)
		1 storey dwelling	2 storey dwelling	3 storey dwelling	
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 H10. 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 such as small one-bedroom apartments, are likely to harm the living environment and intensify concentrations of deprivation, and will be resisted (See Policy SCS).

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 such 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.

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, 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:**

- i) 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.**
- ii) Enhance the vitality of an area;**
- iii) Contribute to the regeneration of Torbay;**
- iv) Strengthen the character of the area;**
- v) Are appropriate in terms of their visual impact;**
- vi) Provide wider urban design benefits; and**
- vii) Make a positive addition to the built form, townscape and surrounding landscape.**

Community and Corporate Plan – Pride in Place

### **Explanation**

11.17 Tall buildings will not in themselves achieve Torbay's housing need targets. Regard will 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 development 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 to 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 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 significant 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 area's special qualities. In considering building heights, decision makers should balance the need to respect the character and urban form of the surroundings for new development, with the importance of urban regeneration or brownfield urban sites.
- 11.23 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:**

- i) 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;**
- ii) 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;**
- iii) 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;**
- iv) the extension would not result in the loss of parking, including garage space, where no suitable alternative exists to serve the property; and**
- v) highway safety would not be impaired.**
- vi) All proposals should achieve a net reduction in water run-off to impermeable surfaces and shared sewers.**

Community and Corporate Plan – Pride in Place

### **Explanation**

- 11.24 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.
- 11.25 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.
- 11.26 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) as 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 ER3 Water Management.

- 11.27 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.
- 11.28 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:-**

- i) they would harm visual or aural amenity; or**
- ii) they would undermine highway or public safety.**

Community and Corporate Plan – Pride in Place

### Explanation

- 11.29 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.
- 11.30 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.

- 11.31 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.
- 11.32 Applicants should have regard to the location of Areas of Special Control of Advertisements in Torbay.
- 11.33 As part of assessing impacts on amenity and public safety, the Council will have regard to those impacts through the lens of public health and wellbeing. This may include consideration of impacts on children and young people, mental and physical health, cumulative effects, distraction and safety, and impacts on tranquillity and aural amenity.

# Chapter 12: Responsible resource use - Waste and Minerals



Figure 23 - Responsible Resource Use

## Strategic 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 ; adopting circular economy principles and the proximity principle at all stages of the development cycle

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 (including waste water) will be supported. Facilities should promote the movement of waste up the Waste Hierarchy.

**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.**

## 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. As Waste Planning Authority (WPA) we will therefore seek to minimise waste from all development, promote reuse, recycling, and resource efficiency and support waste facilities in sustainable locations.

### **Policy W1: Waste hierarchy and sustainable waste management**

**All development should seek to minimise the generation of waste, having regard to the waste hierarchy<sup>[1]</sup>( adopting circular economy principles and the proximity principle at all stages of the development cycle):**

- i) Prevention: Using less material in design, manufacture and re-use. Using less hazardous material and other measures to minimise waste generation.**
- ii) Preparing for Reuse: Checking, cleaning, repairing, refurbishing, whole items or spare parts**
- iii) 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.**

**iv) 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’.**

**v) Disposal: Minimise the amount of residual waste which is disposed of and minimise the exporting of waste for disposal to Devon and beyond.**

**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. Residential units should be provided with 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.**

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### 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.
- The Separation of Waste (England) Regulations 2025, require for a core set of materials to be collected and managed by local authorities. From March 2027, flexible plastics have to be collected from all households

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. All recycling and non-recycling waste for Torbay is managed by SWISCo (a wholly owned

TBC company) at the Waste Transfer Station (approx. 65,000 tonnes per annum). Recycling is sorted and baled or bulked ready for onward transport to facilities. Where possible facilities within Devon are sought, however due to limited availability there is a need for materials to be transported beyond Devon.

12.4 All non-recycling waste, apart from hazardous waste such as asbestos, is transported to the combined heat and power energy from waste facility in Plymouth. This facility was commissioned by the South West Devon Waste Partnership (Devon County Council, Plymouth City Council and Torbay Council), to divert non-recyclable waste away from landfills. In 2025/26 Torbay Council disposed of 34,800 tonnes of household waste at the EFW site in Plymouth.

12.5



Figure 24 - The Waste Hierarchy

<sup>[1]</sup> 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 development should be designed in accordance with circular economy principles to minimise waste generation and maximise reuse and recycling of materials by::

- retaining and repurposing existing structures where feasible;;
- allow for ease of adaptability, redevelopment and refurbishment; and,
- optimise 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 must be supported by a Waste Audit demonstrating how construction, demolition, excavation and operational waste will be minimised and managed in accordance with the waste hierarchy. This should include:

- i) measures to prevent, reuse and recycle waste;
- ii) provision for on-site waste storage and segregation;
- iii) efficient use of materials and reduction of raw material consumption;
- iv) measures to minimise pollution from waste; and
- v) consideration of how the proximity principle has been applied to the management of waste.

Where appropriate, the audit should also consider opportunities to reduce waste transport impacts, including the use of sustainable transport modes where feasible and viable.

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 sites 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.**

## **Explanation**

- 12.6 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. Environment Agency waste permits will also need to be secured where applicable.
- 12.7 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. The council's Waste and Resource Strategy refresh will provide opportunities to enhance opportunities for reuse/repair capability.

## **Strategic Policy W3: Safeguarding waste management facilities**

**Existing, allocated or permitted waste management sites (for the re-use, recycling and composting, transfer, treatment, recovery or disposal of waste) will be protected unless it can be demonstrated that there is no longer a need for the facility or equivalent or enhanced replacement capacity will be provided prior to the loss of the site. Development proposals within or in the vicinity of (typically within 250m), waste management sites that would prevent or prejudice the use of such sites for those**

**purposes will not be permitted unless it can be demonstrated that any potential impacts can be effectively mitigated to ensure that the operation of the waste management facility is not adversely affected.**

**The improvement and expansion of existing waste management facilities will be supported where this would enhance their efficiency, capacity, or environmental performance, including the Torbay Household Waste Recycling Centre (HWRC) and Waste Transfer Station at Yalberton, Paignton. The use of Yalberton Tor Quarry for Construction, Demolition and Engineering Waste, or other waste management purposes, will be protected.**

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## Explanation

- 12.8 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.
- 12.9 Waste Collection Authority duties are managed by SWISCo on behalf of Torbay Council in line with the waste hierarchy. Upcoming requirements driven by simpler recycling, Extended Producer Responsibility (EPR), flexible plastics, persistent organic pollutants (POPs), food collections for both household and businesses and other central government directives demand additional space that cannot be accommodated within the existing footprint the Household Waste Recycling Centre (HWRC) at Tor Park Road. Additional expansion land for improved facilities are needed. 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 2045. The need for enhanced/expanded HWRC is acknowledged and an additional local Household Waste Recycling Centres elsewhere in Torbay during the Plan period will be kept under review. This is a key infrastructure requirement to serve additional Local Plan growth and a stepped growth trajectory should provide for phased improvements. 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.

- 12.10 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 permission. The Council's Waste and Resource Strategy refresh will provide opportunities to enhance opportunities to move waste up the Hierarchy including facilities for increasing reuse/repair capability.

## **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 should**

**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.**

**Where appropriate, provision for restoration and after use will be required.**

**Development proposals at, or within 250m of an allocated waste management site that would prevent or prejudice the use of such sites for those purposes will not be permitted unless conflicts can be satisfactorily mitigated.**

**The use of Yalberton Tor Quarry for Construction, Demolition and Engineering Waste, or other waste management purposes, will be supported.**

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## **Explanation**

- 12.11 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.
- 12.12 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. between Berry Acres and Yalberton Road.

## **Strategic Policy W5: Waste water disposal and infrastructure capacity**

**The Council will support the provision, upgrading and expansion of wastewater treatment and sewerage infrastructure 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.**

All development proposals will be required to demonstrate that they 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 or adversely affect the integrity of designated sites.

Proposals for housing developments, particularly on new greenfield sites and Future Growth Areas, (having regard to the advice of the relevant statutory bodies) will only be permitted where it can be demonstrated that:

- i) Waste water treatment works or other sewerage infrastructure serving these developments have sufficient capacity to accommodate the additional development, without increasing the risk of overflows of untreated sewage into the environment; or
- ii) There would be no 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
- iii) The proposal would not 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. Existing and permitted waste water infrastructure (including Brokenbury Quarry) will be protected; new development should not compromise their operational efficiency, necessary upgrades or expansion or introduce sensitive uses that could lead to conflict.

## Explanation

- 12.13 Waste water treatment facilities are essential infrastructure, necessary to protect human health and water quality.
- 12.14 In exceptional cases, the council will may consider the use of natural sewage treatment methods (including reedbeds) and alongside sustainable drainage measures. This will help meet Water Framework Directive objectives, which the council will ensure are not undermined by development.

## Strategic Policy MS: Sustainable minerals strategy

The Council will support a sustainable minerals strategy that:

- i) supports the transition to a low carbon economy, including through increasing the use of secondary and recycled aggregates and reducing reliance on land-won materials where practicable;
- ii) safeguards economically important mineral resources, including building stone, and associated transportation and processing infrastructure from unnecessary sterilisation;
- iii) ensures that mineral development incorporates appropriate measures to adapt to and mitigate climate change;
- iv) protects amenity and minimises adverse environmental impacts;
- v) delivers high-quality restoration and after-use, conserving and enhancing landscape character, historic assets, and geodiversity, including the significance of the UNESCO Geopark; and
- vi) maintains a steady and adequate supply of minerals in accordance with identified needs and the evidence base.

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## Explanation

12.15 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 GE1 provides the policy context for Geodiversity and the English Riviera UNESCO Global Geopark.

## **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:

- i) The need for the mineral, taking account of aggregate landbanks for the region;
- ii) Likely effects on designated sites of environmental and historic importance, geodiversity or biodiversity (policies GE1, NC1 and HE1 refer);
- iii) The sustainability of the impact on the surface water flow regime and groundwater sources under current and future climate change scenarios;
- iv) Compatibility with surrounding land uses, including historic character and landscapes, and in particular protected landscapes such as National Landscape;
- v) Proximity to local communities and the need to maintain and enhance the local landscape character and setting of settlements;
- vi) Proximity to primary end use markets and ease of access by road or alternative transport modes;
- vii) The ability for a site or sites to deliver significant contributions to habitat creation and priority species as well as geodiversity gains where applicable;
- viii) The provision of Pollution Prevention Plans, including a method statement for management of all potentially polluting activities; and
- ix) There are no unacceptable impacts on human health, noise-sensitive properties and aviation safety; 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 must be submitted.**

**Explanation**

- 12.16 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.
- 12.17 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.
- 12.18 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.
- 12.19 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 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:

- i) Industrial areas and previously developed land;
- ii) Within existing, proposed or suitable former minerals developments; and
- iii) Co-located with existing or proposed waste management facilities.

Proposals will be assessed against relevant environmental and amenity criteria set out in Policy M1 where applicable to the nature of the development. Development that would prejudice the operation or potential expansion of existing or permitted secondary and recycled aggregate facilities will not be permitted.

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## Explanation

- 12.20 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.
- 12.21 Yalberton Tor Quarry ceased mineral extraction when it gained planning approval for the operation of recycling aggregates the site is currently vacant. 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 NC1 and GE1 may also be relevant for existing or disused quarry sites.

## Policy M3: Preserving and safeguarding of limestone resources and key local building stone

**The council will seek to safeguard important mineral resources and sites, which may include currently disused quarries. 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 non-mineral development proposal on or in the vicinity of an important mineral resource, including a Mineral Safeguarding Area (shown on the Policies Map), will only be permitted where it can demonstrate (through a Mineral Resource Assessment) that it will not cause unnecessary sterilisation or prejudice the future extraction of important minerals or building stone on these sites.**

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## Explanation

- 12.22 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.
- 12.23 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. The entire area of Torbay including the marine environment is also covered by the highest level of international recognition through the UNESCO Global Geopark designation. This designation integrates the geology, biodiversity, history, heritage, culture and the communities of the area. Please refer to Policies NC1 and GE1 as mineral sites are also likely to be valued for their geodiversity, wildlife and habitat.
- 12.24 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, a Mineral Resource Assessment may be required of the likely effect on the mineral resource beneath or

adjacent to the development site to demonstrate no unnecessary sterilisation. This assessment may include an assessment of the degree to which the resource exists; the feasibility of extraction ( mineral resource is not of economic value or is not viable to extract) or if the mineral resource can be extracted prior to development taking place; and the development would not prejudice the operation or future expansion of existing or permitted mineral sites..

- 12.25 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, avoid the carbon footprint of importation and may be a more appropriate for use where traditional architecture and the use of local materials are prevalent 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.