

Friday, 6 October 2023

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 16 October 2023

commencing at **2.00 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Chestnut Avenue, Torquay TQ2 5LZ

Members of the Committee

Councillor Jacqueline Thomas (Chairwoman)

Councillor Billings (Vice-Chair)

Councillor Maddison

Councillor Cowell

Councillor Pentney

Councillor Fox

Councillor Tolchard

Councillor Joyce

Councillor Virdee

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 18 September 2023.

(Pages 5 - 8)

3. **Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairwoman decides are urgent.

5. **Recommendation for Adoption of the Local Validation List**

To consider the report on adoption of the Local Validation List following the updating of the document to account for changes in national and local requirements and significant changes to the format of the document.

(Pages 9 - 129)

6. **Torbay Holiday Motel, Collaton St Mary (P/2022/0771)**

Outline application for demolition and redevelopment of up to 30 dwellings with detailed access (matters of appearance, landscaping, layout and scale reserved)(as revised by plans received 28.04.2023).

(Pages 130 - 178)

7. Dawn, Brim Hill, Torquay (P/2023/0418)

(Pages 179 - 192)

Variation of appeal conditions relating to application P/2020/1044: Extensions and renovations to existing house and garage; single storey lower ground floor extension to rear (SE) with terrace over; two storey side extension (SW); single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration. Conditions: 02 - Approved Plans, 03 - Materials Schedule (Stone Walls). Variations sought: revised drawings and schedule document.

Public Speaking

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

We are using hybrid meeting arrangements to give registered speakers the opportunity to either attend the meeting in person to give their views or to attend the meeting remotely via Zoom. If you would like to attend the meeting remotely to speak you will be provided with a Zoom link to join the meeting. We also ask that you provide a copy of your speech to governance.support@torbay.gov.uk, before 11 am on the day of the meeting, so that the Clerk will be able to continue to read out your speech if you lose connection or cannot be heard in the physical meeting. Remote attendees who lose connection may still be able to follow the meeting via the live stream on the Council's YouTube channel.

Councillors who are not members of the Planning Committee will also be able to join the meeting via Zoom and must use their raise hand function to declare any interests.

Site Visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 11 October 2023. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Live Streaming

To encourage more people to engage in our public meetings the Council is trialling streaming our Planning Committee meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

We are also using hybrid meeting arrangements to enable registered speakers to either attend the meeting in person or to attend the meeting remotely via Zoom. **Anyone attending the meeting remotely must register their intention to do so by 11 am on the day of the meeting and provide a copy of their speech to governance.support@torbay.gov.uk by this deadline.** If anyone attending the meeting remotely loses connection the meeting will continue and their speech will be read out by the Clerk and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Planning Committee

18 September 2023

-: Present :-

Councillor Jacqueline Thomas (Chairwoman)

Councillors Fox, Joyce, Maddison, Pentney, Tolchard and David Thomas

(Also in attendance: Councillors Billings, Barbara Lewis and Chris Lewis)

23. Apologies for absence

Apologies for absence were received from Councillors Cowell and Mandy Darling for this meeting only.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended to include Councillor David Thomas in place of Councillor Adam Billings.

24. Minutes

The minutes of the meeting of the Committee held on 29 August 2023 were confirmed as a correct record and signed by the Chairwoman.

25. Land East of Limekiln Close, Paignton (P 2022 1173)

The Committee considered an outline application for up to 25 dwellings and associated works with details of access to be determined with all other matters reserved.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Terry Graham-Watson addressed the Committee against the application. Mr Andrew Maltby addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Billings addressed the Committee in relation to the application as Ward Councillor.

At the meeting the Planning Officer advised that since the report had been published the NHS had requested two contributions to be secured through a S106 agreement being a contribution of £521 per dwelling for NHS Devon ICB for GP Surgeries, which would total £13,020 for 25 units and a contribution of £437.79 per dwelling for South Devon NHS Foundation Trust for Acute and Community hospitals, which would total

£10,945 for 25 units. The officer recommendation was to include both those contributions within the Heads of Terms to be secured through a S106 Agreement.

Councillor David Thomas asked for clarity around the proposed initiative layout in response to the objector's concerns. An amendment was suggested to the reserved matters condition to ensure the indicative layout was not fixed and could be refined as necessary.

Resolved (unanimously):

Approved subject to:

1. the completion of a Section 106 Legal Agreement to secure the heads of terms, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, to include the additional contributions requested by the NHS, on terms acceptable to Officers;
2. the conditions outlined in the submitted report, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. Condition 1 – Reserved matters to be amended omitting: 'The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent.'
3. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

26. Access Track South of Limekiln Close, Paignton (P 2023 0143)

The Committee considered an application for change of use of land for the establishment of a public footway/cycleway link to include improvement works to existing track.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Terry Graham-Watson addressed the Committee against the application.

Resolved (unanimously):

Approved subject to:

1. the completion of a Section 106 Legal Agreement within 6 months of the Committee date to secure the heads of terms as outlined at the meeting;
2. the planning conditions outlined in the submitted report, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and

3. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

27. Site at Waterside Quarry, Paignton (P 2023 0520)

The Committee considered a reserved matters application relating to outline application P/2019/0520 (three new dwellings with vehicular access). Matters for approval related to layout; scale; access; appearance and landscaping.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Adam Billings addressed the Committee in support of the application.

At the meeting the Planning Officer advised that there was a correction to the committee report. The submitted report stated that all the dwellings were two storeys to the east and one storey to the west, however this was incorrect and all three dwellings featured two storeys to the west.

The Planning Officer advised that since the report had been published one further objection had been received which listed material considerations including impact on the local area; not in keeping with the local area; overdevelopment; sets a precedent; impact of traffic and access and impact on trees and wildlife.

Resolved (unanimously):

Approved subject to:

1. The conditions as outlined in the submitted report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
2. The completion of a s106 agreement to ensure the retention of the calcareous coastal grassland in accordance with the Landscape and Ecological Management Plan (LEMP) and to ensure that the Habitat Regulations Assessment (HRA) avoidance and mitigation measures set out in the Stage 2 Appropriate Assessment are secured and complied with;
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

(Note: Prior to consideration of the item in Minute 28, Councillor Billings declared a pecuniary interest as landowner and applicant and confirmed that he was speaking in a personal capacity and not as a Councillor or member of the Planning Committee).

Chairwoman

Meeting: Planning Committee **Date:** 16 October 2023

Wards affected: All

Report Title: Local List for Validating Planning Applications

When does the decision need to be implemented? October 2023

Director/Divisional Director Contact Details: David Edmondson, Divisional Director for Planning, Housing and Climate Emergency, david.edmondson@torbay.gov.uk

Supporting Officer Contact Details: Rob Palmer, Principal Planning Officer, Robert.palmer@torbay.gov.uk

1. Purpose of Report

- 1.1 To re-publish the Council's Local List for Validating Planning Applications ("the Local List") following the updating of the document to account for changes in national and local requirements and significant changes to the format of the document. This updated version of the Local List will replace the existing version which was adopted in 2018.

2. Reason for Proposal and Legal Implications

- 2.1 The Council's adopted Local List was published in 2018. In accordance with the national planning guidance, this document has now been reviewed with changes being proposed to reflect new local and national requirements and to make the document easier to understand and use.
- 2.2 The Local List establishes the information that the Council requires applicants to submit in support of their planning and other applications, which are assessed and determined by the Local Planning Authority. The requirements set out in the Local List must be justified by the Council's adopted Local Plan, along with national planning policy and guidance, and relevant planning legislation.
- 2.3 It is a requirement of Paragraph 44 of the National Planning Policy Framework (2023) that Local Planning Authorities review their Local Lists at least every two years. Our list has now undergone a review. Modifications are proposed to reflect changes to national and local requirements and to change the format of the document.
- 2.4 Not having an up-to-date Local List means that the Local Planning Authority can be challenged when it attempts to require further information from applicants, which it deems

necessary to enable the proper assessment and determination of their planning or other applications. The publication of an up-to-date Local List will therefore facilitate the proper assessment of development proposals in accordance with the adopted Torbay Local Plan, and therefore the delivery of sustainable development. Moreover, if the planning department is unable to secure required information, planning decisions may be delayed, which could result in planning application fees needing to be returned to applicants where certain deadlines are exceeded.

2.5 An up-to-date Local List enables the Council to ensure adequate details are provided at the time planning applications for new development are submitted and therefore facilitates the proper assessment of proposals in accordance with our Local Plan, which itself promotes the ambitions, principles, and actions of the Corporate Plan.

2.6 The timely and proper assessment of planning applications can help to unlock investment and new development in the area, contributing to the creation of employment, new homes, consumer and visitor attractions, and a more attractive environment.

2.7 The document has been updated to allow for the following changes, summarised below:

- Change in the format of the document to allow it to be organised by theme rather than application type

- Introduction of separate checklists for all application types

- Inclusion of new national and local requirements, including:

- Wildlife & Geology Trigger Table

- Bat and Bird Screening Checklist

- Sustainability Checklist

- Fire Statement

- Coastal Change Vulnerability Assessment

- Crime Prevention Statement

- Foul Drainage Assessment

- Agricultural Land Classification and Soil Statement

- Restoration and Aftercare Scheme Assessment

- Waste Planning Statement

- Biodiversity Net Gain Assessment in accordance with emerging guidance

2.7 The reasons for the decision are:

- To ensure that the new Local Validation List reflects new local and national planning requirements.

- To change the format of the document to improve its accessibility to allow it to be easier to use, thereby improving the efficiency of the planning process.

3. Engagement and Consultation

- 3.1 The updated Local Validation List was the subject of a six-week period of public consultation from 14th August to 25th September 2023.
- 3.2 The consultation was publicised through notifications on the Torbay Council website, the One Torbay newsletter, posts on Torbay Council social media channels, the Spatial Planning Newsflash, and emails sent to those on our consultation database (which includes statutory consultees, neighbourhood forums, community groups and organisations, as well as developers, planning agents and members of the public who have signed up to be on the database or who have previously responded to planning policy consultations). A hardcopy of the consultation was made available at the Town Hall and Torbay libraries.
- 3.3 The consultation resulted in 11 responses from external organisations/representatives as well as a number of representations from Torbay Council Officers or partner organisations.
- 3.4 A full summary of all external consultation responses received and how the matters raised were responded to is provided at Appendix 3.

4. Recommendation(s) / Proposed Decision

- 4.1 That the Local Validation List as set out in Appendix 1 be recommended for adoption by the Planning Committee.
- 4.2 That the Divisional Director for Planning, Housing and Climate Emergency be authorised to adopt the Local Validation List and for planning applications received after 1 November 2023 to be assessed in terms of this updated Local List.
- 4.3 That the Divisional Director for Planning, Housing and Climate Emergency be given delegated authority to enable minor amendments to be made to the Local Validation List where necessary.

Appendices

Appendix 1: Local Validation List 2023

Appendix 2: Local Validation List 2023 – marked changes post-consultation

Appendix 3: Summary of Representations

Adopted Torbay Local Plan 2012-2030: <https://www.torbay.gov.uk/local-plan/>

Adopted Torquay Neighbourhood Plan: <https://www.torbay.gov.uk/torquay-np/>

Adopted Paignton Neighbourhood Plan: <https://www.torbay.gov.uk/paignton-np/>

Adopted Brixham Peninsula Neighbourhood Plan: <https://www.torbay.gov.uk/brixham-np/>

National Planning Policy Framework: <https://www.gov.uk/guidance/national-planning-policy-framework>

Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.

Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

Validation Requirements for Planning Applications

August 2023

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Version control

Date	Details	Updated by
September 2023	Comprehensive update	Robert Palmer / Rose Bailey-Clark

1.0 Introduction

The validation stage for planning applications is from the point when a local authority receives an application to confirming that all the necessary information is present, and sufficient, in order to judge the impact of the proposed development and make an informed decision.

This document sets out the national and local information requirements that must be submitted for different types of planning application in Torbay. The local requirements ('the Local List') must be reviewed and updated every two years.

1.1 National Requirements

The minimum requirements for planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and further detailed by the Planning Practice Guidance.

The national requirements are shown for information purposes only and are up to date at the time of publication of this document; however, they can be changed by the Government at any time, so please contact Torbay Council if you have any queries.

1.2 Local Requirements

In addition to the national minimum requirements, the National Planning Policy Framework (NPPF) requires local planning authorities to publish a list of their requirements for planning applications. These requirements must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and

- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

1.3 Pre-Application Advice

Whilst it will always be necessary to submit the national requirements for applications to be validated, there may be times where the local requirements are not needed. Therefore, applicants are encouraged to submit Householder Development Enquiries for householder applications and Pre-application Enquiries for other application types to receive confirmation of what information needs to be submitted, together with advice on whether planning permission is required or is likely to be granted. The forms are available to download on the Council's website and include details of the fee for this service: <https://www.torbay.gov.uk/planning-and-building/planning/pre-planning/>

1.4 Pre-Application Advice Invalid applications and validation disputes

If the Council considers that insufficient information has been provided to validate an application, the case officer shall contact the applicant as soon as possible to explain what additional information is required and the reasons for this.

If the applicant disagrees and this cannot be resolved through informal negotiation, the applicant can submit an Article 12 notice of the Town and Country Planning (Development Management Procedure) Order 2015 to the Council setting out the reasons why the information requested does not meet the tests in article 34(6)(c) of the DMPO. The Council will consider the merits of this and either validate the application or issue a non-validation notice. In the case of the latter, if the Council has not determined the application within the relevant statutory time period, usually 8, 13 or 16 weeks, the applicant may appeal to the Planning Inspectorate against non-determination of the application.

Further guidance can be found on the Planning pages on the Council's website and on the Planning Practice Guidance website:

<https://www.torbay.gov.uk/planning-and-building/planning/>

<http://planningguidance.planningportal.gov.uk/>

5 How to submit

The best way to submit applications is online via the Planning Portal website:

<https://www.planningportal.co.uk/>

If you are making your submission electronically, please structure it in the following way:

- no individual document should be greater than 5MB;

- large documents should be broken down into manageable files, e.g. chapters;

- it is important that the electronic file names reflect the plan or document names; and

- drawings should be oriented so that they appear correctly when viewed on screen and should be provided in pdf format

We can also accept submissions by email (planning@torbay.gov.uk) or on paper by post or hand delivered to:

Torbay Council
Spatial Planning
Town Hall
Castle Circus
Torquay
TQ1 3DR

Please note that once hard copies have been received they cannot be returned.

1.6 Types of application

This document refers to information requirements for all types of applications, including:

“Householder application” – means:

- a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse; or
- b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, but does not include an application for a change of use or an application to change the number of dwellings in a building.

“Major development” – development meaning one or more of the following:

- a) the winning and working of minerals or the use of land for mineral-working deposits;
- b) waste development;
- c) the provision of dwellinghouses where:
 - i. the number of dwellinghouses to be provided is 10 or more; or

- ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph c)i;
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) development carried out on a site having an area of 1 hectare or more.

“Mining operations” – means:

the winning and working of minerals in, on or under land, whether by surface or underground working.

“Waste development” – means:

any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials

2.0 National Requirements

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IS IT REQUIRED AND FURTHER INFORMATION
<p>2.1 Application Form</p>	<p>All applications</p>	<p>A completed application form including signed Ownership Certificate and Agricultural Land Declaration.</p> <p>The Ownership Certificate incorporates an Agricultural Land Declaration to certify that any agricultural tenants have been notified of the application.</p> <p>Certificate A: applicant is the sole owner, no agricultural tenants</p> <p>Certificate B: applicant is not the sole owner, or there are agricultural tenants, and the details of all owners/tenants are known</p> <p>Certificate C: applicant is not sole owner and does not know the name and address of all the owners and/or agricultural tenants</p> <p>Certificate D: applicant is not sole owners and does not know the name and address of any the owners and/or agricultural tenants</p>	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Forms are available on the Planning Portal website.</p>

<p>2.2 Location Plan</p>	<p>All applications</p>	<p>The location plan must show the site outlined in red and any adjoining land owned by the applicant outlined in blue. The site should include all land necessary to carry out the proposed development, including access. The location plan should be drawn to scale 1:1250 or 1:2500 and show at least two named roads and a North marker.</p> <p>Site location plans should only show sites as existing.</p>	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Maps can be obtained on the Planning Portal website.</p>
<p>2.3 The correct fee</p>	<p>All applications where a fee is necessary</p>	<p>A Guide to the Fees for Planning Applications in England' is available on the Planning Portal website https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf which includes scenarios where exemptions or reductions apply. Further guidance is available on the Planning Practice Guidance website: https://www.gov.uk/guidance/fees-for-planning-applications</p> <p>Payment can be made:</p> <ul style="list-style-type: none"> • Online via the Planning Portal or; • Online payment at https://forms.torbay.gov.uk/PlanningPayment • BACS payments to: <ul style="list-style-type: none"> - Torbay Council 	<p>The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).</p>

		<ul style="list-style-type: none"> - Account no.: 06040411 - Sort Code: 557001 - Nat West Bank <ul style="list-style-type: none"> • Cheque made payable to Torbay Council <p>Please include reference details</p> <p>Please note that fee refunds for invalid applications that are returned will be subject to a 10% charge up to a maximum of £500</p>	
<p>2.4 Design & Access Statement</p> <p>Page 23</p>	<p>Applications for:</p> <ul style="list-style-type: none"> - development within a conservation area or World Heritage Site consisting of 1 or more dwellings or floorspace of more than 100m2 or more; - major development <p>However, the following applications are exempt from this requirement:</p> <ul style="list-style-type: none"> - waste development; 	<p>The Design and Access Statement (DAS) must explain the design principles and concepts that have been applied to the development and explain how issues relating to access to the development have been dealt with. Further detail is provided in article 9(3) of the DMPO.</p> <p>Development proposals will be assessed against the design considerations in Local Plan Policy DE1. In addition, major development proposals including housing will be assessed against the 2020 Building for a Healthy Life.</p> <p>Therefore, it is recommended that the DAS refers to these policies and/or be structured around these considerations/questions.</p> <p>The statement should include a Crime Prevention Statement where appropriate which should detail on how “Crime Prevention Through Environmental</p>	<p>Article 9 of the Town and Country Planning (Development Management Procedure) Order 2015.</p>

	<ul style="list-style-type: none"> - engineering or mining operations; - a material change of use; and - amendments to conditions. 	Design” principles are to be incorporated into the development.	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 24</p> <p>2.5 Environmental Statement</p>	For Schedule 1 development or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its size, nature or location	<p>If an applicant is in doubt whether a development proposal requires an Environmental Impact Assessment, they can request a screening opinion from Torbay Council. The request should include:</p> <ul style="list-style-type: none"> - a location plan; - a description of the development, including in particular: <ul style="list-style-type: none"> o a description of the physical characteristics of the development and, where relevant, of demolition works; and o a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected; - a description of the aspects of the environment likely to be significantly affected by the development; - to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from: 	<p>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p> <p>Guidance on Environmental Impact Assessment is available on the Planning Practice Guidance website: https://www.gov.uk/guidance/environmental-impact-assessment</p>

		<p>o the expected residues and emissions, including wastes, where relevant:</p> <p>and</p> <p>o the use and/or destruction and/or creation of environmental resources</p> <p>e.g. soil, land-take, water, fuels, habitats, heritage and culture.</p> <ul style="list-style-type: none"> - such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. <p>In addition, applicants can request a scoping opinion from the Council on the information to be supplied in the Environmental Statement. Again, the request should include the same material as above for requesting a screening opinion.</p>	
<p>2.6 Lawful Development Certificate – Application Statement</p>	<p>For an application for a Lawful Development Certificate for an existing or proposed use or operation or proposed works to a listed building.</p>	<p>This should include such evidence verifying the information included in the application as the applicant can provide.</p>	<p>The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014.</p> <p>Further information may be requested.</p>

<p>2.7 Plans</p>	<p>All applications (where relevant)</p>	<p>Plans should include, as appropriate to the development being applied for:</p> <ul style="list-style-type: none"> - block plan of the site (e.g. 1:50 or 1:100); - existing and proposed site layout (e.g. 1:50 or 1:100); - existing site and topographic surveys showing mAOD and an identified site datum including features such as green infrastructure, site levels, contours, buildings, watercourses, public rights of way, overhead lines and roads, trees, hedges and hedge-banks or shrubs masses within and adjacent to the site; - landscaping plans showing replacement landscape and/or natural features (e.g. 1:50 or 1:100) - proposed finished floor and site levels, contours and heights of the application site and adjacent land relating to OS datum (e.g. 1:50 or 1:100); - proposed finished floor and site levels should be shown in meters Above Ordnance Datum (mAOD), as this is useful for flood risk purposes; - existing and proposed floor plans (e.g. 1:50 or 1:100); - roof plans (e.g. 1:50 or 1:100); and - detailed junction layouts showing the width of road, turning radii and visibility (e.g. 1:50 or 1:100) <p>All plans/drawings should:</p> <ul style="list-style-type: none"> - be legible with clear labels and legends, and show a clear distinction between existing 	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Further information is available on the Council's website on the Make a Planning Application - Plans and Documents - National Requirements page</p>
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		<p>features to be retained and removed, and proposed features;</p> <ul style="list-style-type: none"> - show the proposal in context including surrounding surface features and topography beyond the site boundary; - be at an appropriate scale and include a scale bar and calibration scale; - show all major dimensions, including distances from boundaries or key features; - show a north point; and - have a unique drawing reference number and title (when a plan is revised, a revision number should also be shown). 	
2.8 Tree Location Plan Page 27	All applications for tree works: works to trees subject to a Tree Preservation Order and/or notification of proposed works to trees in a conservation area	This should show the trees in relation to a named road and/or property.	The Town and Country Planning (Tree Preservation) (England) Regulations 2012
2.9 Hedgerow Location Plan	All applications for hedgerow removal notice	This should show the location and length of hedgerow or hedgerows proposed to be removed drawn to an identified scale and showing the direction of North, along with location and details of any new hedge to be planted, or details of hedge to be transplanted, or enhanced management of retained hedges.	The Hedgerow Regulations 1997
2.10 Elevations	All applications proposing new or altered buildings or structures	<p>These should:</p> <ul style="list-style-type: none"> - show all sides of the proposed/affected buildings/structure including all window and door openings; - show existing and proposed elevations (e.g. 1:50 or 1:100); 	Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.

		<ul style="list-style-type: none"> - give details of proposed materials; - Show the site in context of the streetscene where appropriate - Include major dimensions; and - address the above formatting points for Plans. 	<p>Further information is available on the Council's website on the Make a Planning Application - Plans and Documents - National Requirements page</p>
<p>2.11 Existing and Proposed Sections</p>	<p>Applications:</p> <ul style="list-style-type: none"> - proposing altered land levels; - where alterations are proposed to floors/ceilings/roofs; - where the application needs to demonstrate that nationally described space standards can be achieved - where topography is key to the site; or - where the relationship of existing buildings, mature vegetation or other distinctive features with or surrounding the sites is required to be shown. 	<p>These should:</p> <ul style="list-style-type: none"> - show existing and proposed sections in context with surrounding buildings/structures/topographical features. The scale/height of such features should be accurate including height of existing and proposed trees that would help screen and integrate the proposal into the landscape show finished floor and/or site levels; - include major dimensions; and - provide spot heights and levels in metres above OS datum (AOD) 	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Further information is available on the Council's website on the Make a Planning Application - Plans and Documents - National Requirements page</p>
<p>2.12 Fire Statement</p>	<p>An application for planning permission for development which involves:</p>	<p>Fire statements must be submitted on a form published by the Secretary of State (or a form to similar effect) contain the particulars specified or</p>	<p>Town and Country Planning (Development Management Procedure and Section 62A Applications) (England)</p>

	<ul style="list-style-type: none"> - the provision of one or more relevant buildings - development of an existing relevant building - development within the curtilage of a relevant building <p>A relevant building is one which contains two or more dwellings or education accommodation and is 18m or 7 storeys in height or more.</p> <p>The following types of application are exempt:</p> <ul style="list-style-type: none"> - material change in use which would result in the building no longer being a relevant building or would not result in the provision of one or more relevant buildings within the curtilage of a relevant building - application for outline planning permission - application for permission to develop land without 	<p>referred to in the form, which includes information about (not exhaustive list):</p> <p>the principles, concepts and approach relating to fire safety that have been applied to each building in the development</p> <p>the site layout</p> <p>emergency vehicle access and water supplies for firefighting purposes</p> <p>what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this</p> <p>how any policies relating to fire safety in relevant local development documents have been taken into account</p> <p>Further information can be found here: https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021</p>	<p>(Amendment) Order 2021 ("the 2021 Order").</p>
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	compliance with conditions under section 73 of the Town and Country Planning Act 1990		
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3.0 Local Requirements

3.1 Planning statements/Documents

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.1.1 Planning Statement Page 30	Major development proposals, or proposals which are not in accordance with a policy or policies in the adopted Local Plan/Neighbourhood Plan	<p>This should provide an assessment of how the proposal accords with the policies in the Torbay Local Plan, the Neighbourhood Plan and NPPF, or whether there are material considerations to do otherwise.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	NPPF
3.1.2 Statement of Community Involvement	<p>Major development proposals, or proposals which are not in accordance with a policy or policies in the adopted Local Plan/Neighbourhood Plan</p> <p>This can be incorporated into the Design and Access Statement or Planning Statement / Planning Policy Statement.</p>	<p>A 'Good Practice Guide to Public Engagement in Development Schemes' (Planning Aid, 2012) is available to download on the RTPi website www.rtpi.org.uk.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	NPPF

3.1.3 Removal or Variation of Conditions – Application Statement	Where the application is to vary the wording of a condition(s) of a planning permission or to substitute alternative plans	This should clearly summarise the proposed amendments along with listing reworded condition(s). Where the proposal is to substitute alternative plans a schedule of the plan numbers to be superseded and by which new plan number should be provided.	
3.1.4 Discharge of Conditions – Application Statement	Where the application is to discharge condition(s) of a planning permission	This should clearly outline the wording of the conditions to be discharged and the information submitted to support this.	
3.1.5 Non-material Amendment – Application Statement	Where non-material amendments are proposed to conditions attached to planning permissions or where the application seeks non-material amendments to an approved development	This should clearly summarise the proposed amendments along with listing reworded condition(s). Where the proposal is to substitute alternative plans a schedule of the plan numbers to be superseded and by which new plan number should be provided	
3.1.6 Planning Performance Agreement P3 31	For complex major development proposals where through pre-application discussions it is agreed to take a bespoke project management approach to the preparation and determination of the application	PPAs will be sought where due to the complexities of a development proposal and the issues it raises, Torbay Council considers is unlikely that the planning application can be determined within the statutory 13 or 16 week time period. It is recommended that PPAs include all stages of the application, including ongoing pre-application discussions.	NPPF
3.1.7 Green Infrastructure Statement (including diagrams and plans where appropriate) (this can be incorporated into the Design and Access Statement or Planning	For all major planning applications and where green infrastructure assets are likely to be affected by the proposed development or where there is an opportunity to provide new green	Further advice is provided on the Council's website on the Strategic Planning - Green Infrastructure page , including a link to the 'Torbay Green Infrastructure Delivery Plan' (April 2011).	Policy SS9 of the Torbay Local Plan and the NPPF

Statement / Planning Policy Statement)	infrastructure to support existing networks	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	
3.1.8 Employment Statement / Economic Impact Assessment (including tourism impact) (this can be incorporated into the Planning Statement / Planning Policy Statement)	Major development proposals except residential of less than 30 dwellings, or development proposals resulting in a net loss of employment or tourist accommodation floor space, or development proposals resulting in a significantly lower density of employment provision	The depth of information should be proportional to the nature and scale of the proposed development. Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policies SS4 & SS5 of the Torbay Local Plan and the NPPF
3.1.9 Independent Viability Assessment (IVA)	For development where an applicant considers it is unviable to provide the affordable housing provision set out in Policy H2 of the Torbay Local Plan and/or contributions set out in the Planning Contributions and Affordable Housing SPD and its Update Or, Where viability is a key factor in the assessment of a proposed development.	A viability assessment should accompany any application that does not meet policy requirements for affordable housing or other contributions where the case is made that it is not viable to do so. The Council will commission an independent review of the viability assessment and the costs associated with its production will be recouped from the applicant. The review will not begin and the application will not be validated until the applicant has agreed to pay for its review in writing. The Council will only validate such applications provided the applicant has entered into a PPA with the Council, or agreed to an extended time period for determination in writing beyond the statutory 8/13/16 week period. The PPA should set out the timescales for completing the viability assessment review and for producing the s106 legal agreement to secure the agreed amount of affordable housing and contributions.	Policies SS7 & H2 of the Torbay Local Plan

		<p>Please note that the viability assessment will in most cases be displayed as a public record and will not be withheld as 'confidential'. If you consider certain parts of the document should be confidential you must explain why and clearly identify which parts of the assessment you request are not made public. We will consider the request.</p> <p>The assessment should include an executive summary to explain in plain English the basis and conclusions of the assessment.</p>	
3.1.10 Infrastructure Assessment (incorporating foul sewerage and utilities)	For major development proposals that have potential to affect the capacity of infrastructure in the area	Pre-application discussions should be undertaken with utility providers to identify any constraints in existing capacity.	
3.1.11 Sequential Test Assessment	For all development proposals for main town centre uses, as defined in the NPPF, on sites not in an existing centre or in accordance with an up-to-date Local Plan	<p>Guidance on the sequential test is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy TC3 of the Torbay Local Plan and the NPPF
3.1.12 Retail Impact Assessment / Town Centre Impact Assessment (including sequential test assessment)	Proposals for retail and main town centre uses over 500 sq m gross floor space outside of town centres	<p>Main town centre uses are defined within the NPPF. PPG states that the impact test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up-to-date Local Plan and outside of existing town centres. However, a sequential test assessment must be carried out for all main town centre uses.</p> <p>Guidance on carrying out Impact Assessments is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p>	Policy TC3 of the Torbay Local Plan and the NPPF

		Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	
3.1.13 Telecommunications Statement	Applications for telecommunications development	This should respond to the criteria set out in Policy IF1 of the Torbay Local Plan. Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy IF1 of the Torbay Local Plan and the NPPF
3.1.14 Contact details of applicant's legal practitioner	For all applications to modify or discharge a planning obligation agreed under S106 of the Town and Country Planning Act	This should provide all relevant contact details for the legal practitioner acting on the applicant's behalf	To help expedite the application.
3.1.15 Coastal Change Vulnerability Assessment (CCVA)	For all development within a Coastal Change Management Area.	This should demonstrate that the development: <ul style="list-style-type: none"> - will be safe over its planned lifetime and will not have an unacceptable impact on coastal change - will not compromise the character of the coast - provides wider sustainability benefits does not hinder the creation and maintenance of a continuous signed and managed route around the coast	Policy C3 of the Torbay Local Plan and the NPPF
3.1.16 Crime Prevention Statement	For applications for the following development: <ul style="list-style-type: none"> - major developments for residential and commercial uses - Educational uses - HMOs - New or relocated ATMs - New C2 or C3b uses where intended 	The statement should detail how Crime Prevention Through Environmental Design principles are to be incorporated into the development. This can be included within a Design & Access Statement where appropriate.	Policy DE1 of the Torbay Local Plan

	occupants are classed as vulnerable		
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3.2 Historic Environment and Design

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.2.1 Statement of Heritage Significance	Where the development/works will affect a heritage asset or its setting, such as a conservation area, listed building, scheduled monument or historic park and garden	<p>The requirements for Statements of Heritage Significance are set out within the NPPF.</p> <p>A template statement can be completed online or downloaded from our website: https://www.torbay.gov.uk/planning-and-building/planning/apply-planning/plans-and-documents/statement-of-heritage-significance/</p> <p>It is expected that this template be completed in full and as accurately as possible. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</p> <p>A further heritage impact assessment may be required for particularly complex or sensitive proposals.</p>	Policies HE1 & HE2 of the Torbay Local Plan and the NPPF
3.2.2 Archaeological Desk-based Assessment	Where the application site includes, or is likely to include, archaeological remains	<p>Guidance on non-designated heritage assets of archaeological interest is available on the Planning Practice Guidance website</p> <p>https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</p>	Policy HE1 of the Torbay Local Plan and the NPPF

		Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
3.2.3 Design Code	Major development proposals to be built in phases and by different developers	<p>Guidance on Design Codes is available on the Planning Practice Guidance website https://www.gov.uk/guidance/design</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	NPPF
3.2.4 Joinery Details	Where the proposed development/works includes replacement windows and/or doors which would affect a heritage asset or its setting, such as a conservation area or a listed building	Elevation at scale 1:10 or larger of existing and proposed windows and/or doors, and a typical section including reveal at scale 1:1	Policies HE1 & DE1 of the Torbay Local Plan
3.2.5 Design and Access Statement	<p>In addition to applications where a D&A Statement is a national requirement, the following developments will also require a Design and Access Statement:</p> <ul style="list-style-type: none"> - development or works to, or within the curtilage of, a listed building, a Registered Park & Garden or a Scheduled Monument 	<p>The Design and Access Statement must explain the design principles and concepts that have been applied to the development or works and explain how the design responds to its context and the needs of the development or works.</p> <p>Development proposals will be assessed against the design considerations in Local Plan Policy DE1.</p>	Policies HE1, HE2, SS10 and DE1 of the Torbay Local Plan.

3.3 Ecology

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.3.1 Wildlife & Geology Trigger Table	All applications	<p>It is expected that this form be completed in full and as accurately as possible.</p> <p>This document can be downloaded from the Council's website using the following link: Torbay Local Validation List consultation - Torbay Council</p>	<p>This will help to identify if further ecological surveys/reports are required at validation stage.</p> <p>Policy NC1 of the Torbay Local Plan and the NPPF</p>
3.3.2 Wildlife Report This may include: - Ecological Impact Assessment (including all protected species survey data, mitigation, enhancement and compensation)	Where indicated as necessary from the completed Wildlife & Geology Trigger Table	<p>This should be carried out by a suitably qualified ecologist and should be proportionate to the potential impacts.</p> <p>Surveys must be up-to-date and accord with best practice guidance/local guidance.</p> <p>Where the need for further survey works has been identified the surveys should take place prior to the validation of the planning application.</p> <p>Planning guidance on wildlife habitats and species can be found here: https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance</p> <p>Further guidance is provided by the Planning Practice Guidance website and Natural England, including standing advice for different protected species, on the GOV.UK website http://planningguidance.planningportal.gov.uk https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications.</p>	<p>The Conservation of Habitats and Species Regulations 2010 (as amended) Policies SS8 & NC1 of the Torbay Local Plan and the NPPF</p>

		Where there is uncertainty, the applicant is recommended to submit pre-application enquiry.	
3.3.3 Bat and Bird Screening Checklist	Householder applications or full applications where protected species surveys have identified that there are only bat roost / bird nesting issues	<p>This should be submitted where protected species surveys have identified that a proposal will impact a bat roost or nesting birds. This will ensure a quicker ecological assessment process.</p> <p>This document can be downloaded from the Devon County Council's website using the following link:</p> <p>https://www.devon.gov.uk/environment/wp-content/uploads/sites/112/2022/02/Jan-2022-householder-checklist.pdf</p>	
3.3.4 Biodiversity net gain assessment	<p>All major development proposals (unless defined as exempt in legislation).</p> <p><i>Note: a biodiversity net gain assessment using the Small Sites version of the Natural England biodiversity metric will be required for minor development proposals from April 2024.</i></p>	<p>This should be in accordance with emerging guidance and must be carried out by a suitably qualified ecologist.</p> <p>The biodiversity net gain assessment must include a completed version of the most recently published Statutory Biodiversity Metric Calculation Tool (when it becomes available) in excel format. Prior to the Statutory Metric Tool being published, the most recently published <u>Natural England biodiversity metric</u> (currently metric 4.0) should be submitted in excel format.</p> <p>For applications with BNG monitoring implications, the data may also be requested in GIS format.</p> <p>Biodiversity net gain must be demonstrated separately to protected species and site mitigation and compensation.</p> <p>For further guidance see https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance</p>	<p>Policies SS8 & NC1 of the Torbay Local Plan and the NPPF</p> <p>The Environment Act 2021</p>

		Where there is uncertainty, the applicant is recommended to submit pre-application enquiry.	
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3.4 Landscape and Trees

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.4.1 Tree Survey, Tree Constraint Plans & Arboricultural Impact Assessment	For development proposals on sites with trees, or where trees are in close proximity to the site boundary	<p>Tree Surveys and Arboricultural Impact Assessments should be carried out in accordance with BS 5837:2012 or any superseding standard.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees (April 2014) is available on the GOV.UK website www.gov.uk</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	Policy C4 of the Torbay Local Plan
3.4.2 Tree Protection Plan & Arboricultural Method Statement (as applicable)	For development proposals that will affect trees	<p>The Council's Arboricultural Officer will be consulted to determine whether this information is required. A Tree Protection Plan should be provided to inform the proposals. Where necessary, the Council may add a planning condition to the planning permission requiring the submission of updated details prior to the development commencing.</p> <p>Tree Protection Plans and Arboricultural Method Statements should be carried out in accordance with BS 5837:2012 or any superseding standard.</p>	Policy C4 of the Torbay Local Plan

		<p>Standing Advice for Ancient Woodland and Veteran Trees (April 2014) is available on the GOV.UK website www.gov.uk</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	
3.4.3 Landscape and Visual Impact Assessment	Major development proposals on undeveloped sites, or development proposals within the AONB or that could affect the setting of the AONB or Undeveloped Coast	<p>The AONB and Undeveloped Coast are shown on the Local Plan Policies Map found on the Torbay Local Plan webpage.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy SS8 of the Torbay Local Plan and the NPPF

Part 5 Transport and Highways

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.5.1 Parking Statement <i>(this can be incorporated into the Transport Statement / Transport Assessment or Planning Statement / Planning Policy Statement)</i>	Major development proposals, or proposals not in accordance with the car parking requirements in Appendix F of the Torbay Local Plan	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	Policy TA3 of the Torbay Local Plan
3.5.2 Transport Statement or Transport Assessment	Where the proposed development exceeds the relevant threshold in Appendix B of Guidance on Transport Assessment (DfT, 2007), Appendix F of the Torbay Local Plan	The Guidance on Transport Assessment (DfT, 2007) is available on the GOV.UK website www.gov.uk . Further guidance is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ .	Policies TA1 & TA2 of the Torbay Local Plan and the NPPF

	with regards to schools, or at the request of the Local Highway Authority or Network Rail.	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
3.5.3 Travel Plan	Major development proposals likely to have significant transport implications or where the proposed development exceeds the relevant threshold in Appendix F of the Torbay Local Plan with regards to schools.	Guidance on the information that should be included in Travel Plans is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ . Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy TA2 of the Torbay Local Plan and the NPPF
3.5.4 Advertisement Consent - Highways Statement	All applications for advertisement consent where the site is within the boundaries of a highway	This should provide sufficient evidence to demonstrate that the proposed advertisement is acceptable in relation to highways impact	The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

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3.6 Flooding and Water

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.6.1 Flood Risk Assessment (including surface water drainage strategy)	All applications for householder planning permission/full/outline/reserved matters planning permission/relevant demolition in a conservation area. Sites that are 1Ha or more in size.	Guidance on carrying out a Flood Risk Assessment is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ Householder development in Flood Zone 1 in most cases will only need to complete a short proforma which can be downloaded at: https://www.torbay.gov.uk/planning-and-building/planning/apply-planning/plans-and-documents/flood-risk-assessments/	Policy ER1 of the Torbay Local Plan, and the NPPF Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. A Flood Risk Assessment is therefore required in these areas.

	<p>Land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.</p> <p>All development in Flood Zones 2 & 3 will require a site specific flood risk assessment</p>	.	<p>Maidencombe is the only area not within the CDA however due to the absence of mains drainage and local topography, development in this area will still require an FRA.</p> <p>Further information and flood maps for planning can be found here: https://flood-map-for-planning.service.gov.uk/</p>
<p>3.6.2 Flooding Sequential Test</p>	<p>All applications for new dwellings in Flood Zones 2 & 3</p>	<p>Guidance on carrying out flooding sequential tests can be found here: https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants</p>	<p>Policy ER1 of the Torbay Local Plan, and the NPPF</p>
<p>3.6.3 Foul Drainage Assessment</p>	<p>All development involving a non-mains foul drainage system.</p>	<p>This should provide sufficient information to understand the implications for the water environment including justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment. Sufficient information would normally include the provision of the following:</p> <ul style="list-style-type: none"> - Full details of the proposed flows (based on Flows and Loads 4); 	<p>Policy ER1 and ER2 of the Torbay Local Plan and the NPPF.</p> <p>A template FDA form is available online here:</p> <p>https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1</p>

		<ul style="list-style-type: none"> - A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and - Percolation test results to demonstrate the viability of soakaways (if proposed). 	
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3.7 Energy and Sustainability

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.7.1 Torbay Sustainability Checklist Page 43	All major development	<p>This checklist must be completed for all major planning applications.</p> <p>The document is available at Torbay Local Validation List consultation - Torbay Council</p> <p>This indicates quality and sustainability of development in line with the requirements of the Torbay Local Plan</p>	NPPF and Torbay Local Plan
3.7.2 Energy Statement	Major development proposals, or proposals which are not in accordance with a policy or policies in the adopted Local Plan/Neighbourhood Plan	<p>This should explain the passive and active measures that have been taken in the development proposals to enhance the sustainability of the scheme, with particular focus on measures to reduce greenhouse gas emissions and minimise impact on climate change.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policies SS13, ES1 & ES2 of the Torbay Local Plan and the NPPF

3.8 Land and Soil

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.8.1 Geological Survey (including proposed mitigation where necessary)	Where geological sites of interest, including SSSIs and RIGS sites, will be affected by the development proposal and where identified as necessary from the Wildlife and Geology Trigger table	<p>Geological sites of interest in Torbay are included in Appendix D of the Torbay Local Plan. The Geological Survey should include an assessment of the impact of the proposals on the site and show how its features will be protected through appropriate management.</p> <p>Further information is available at Torbay Local Validation List consultation - Torbay Council</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	Policies SS8 & NC1 of the Torbay Local Plan and the NPPF
3.8.2 Contaminated Land Risk Assessment	Where land contamination is suspected from previous uses on or around the site	<p>Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website https://www.gov.uk/guidance/land-affected-by-contamination Detailed technical guidance is available on the GOV.UK website www.gov.uk.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy ER3 of the Torbay Local Plan and the NPPF
3.8.3 Contaminated Land Intrusive Site Investigation and Risk Assessment (including proposed remediation where necessary)	Where it cannot be demonstrated that the risk from contamination is acceptable, following a Contaminated Land Risk Assessment	<p>Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website https://www.gov.uk/guidance/land-affected-by-contamination Detailed technical guidance is available on the GOV.UK website www.gov.uk.</p>	Policy ER3 of the Torbay Local Plan and the NPPF

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		Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
3.8.4 Land Stability Risk Assessment Report (including proposed mitigation where necessary)	For development proposals on sites where land instability is identified or suspected, particularly those within the Coastal Change Management Area	<p>Guidance on land stability issues and preparing Land Stability Risk Assessment Reports is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p> <p>The Coastal Change Management Area is shown on the Local Plan Policies Map found on the Torbay Local Plan webpage.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policies C3 & ER4 of the Torbay Local Plan and the NPPF
3.8.5 Mineral Extraction Impact Assessment	Proposals for mineral extraction	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	Policy M1 of the Torbay Local Plan and the NPPF
3.8.6 Mineral Resource Impact Assessment	Major development proposals within a Mineral Safeguarding Area	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy M3 of the Torbay Local Plan and the NPPF
3.8.7 Agricultural Land Classification and Soil Statement	Applications that are of 5ha or more or a development which triggers a cumulative loss of 20ha or more of the best and most versatile agricultural land (Grades 1, 2 or 3a) in Torbay.	<p>This should include:</p> <ul style="list-style-type: none"> • the quality of existing agricultural land and soil quality • how the agricultural land classification would be protected or, on completion of proposed operation, would be returned to the same agricultural land grade classification and the quality of any agricultural land lost and justification for its loss • measures that would be taken to safeguard the soil qualities during storage and restoration 	<p>Policy SC4 of the Torbay Local Plan and the NPPF</p> <p><u>Planning Practice Guidance: Natural Environment – Brownfield land, soils and agricultural land</u></p> <p><u>Natural England: Agricultural Land Classification: protection the best and most versatile land</u></p>

		<ul style="list-style-type: none"> • the quality of imported soils/other waste materials and how they would improve the land for agricultural purposes by providing soil resource surveys to inform soil handling and reuse of displaced soils. • Subject to Natural England advice, a further detailed Agricultural Land Classification (ALC) survey to determine significant impacts and mitigation measures may be required. 	<p><u>Construction code of practice for the sustainable use of soils on construction sites</u></p> <p>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p>
<p>3.8.8 Restoration and Aftercare Scheme Assessment</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 46</p>	<p>Proposals for mineral extraction and all applications involving waste disposal.</p>	<p>A statement and plans detailing:</p> <ul style="list-style-type: none"> • details of the proposed restored landscape including landform, land cover and landscape features, showing how they link and relate to the contours and features of the surrounding area and how the design responds to the character of the landscape context • how the proposals would improve and connect with the green infrastructure network including ecological requirements identified in the Wildlife Report, ensuring ecological functionality of the wider landscape and access for informal recreation • measures for the management of emissions (including gases and liquids) • phasing arrangements • a programme of aftercare and monitoring of the site 	<p>National Waste Planning Policy</p> <p>Policy W1 of the Torbay Local Plan</p>

3.9 Open Space, Sports and Recreation

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.9.1 Open Space, Sports and Recreation Assessment	Development proposals on existing open space, sports and recreational land	<p>This should assess whether:</p> <ul style="list-style-type: none"> - The land is surplus to requirements - The loss from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location - The development is for alternative sports and leisure provision, the needs for which clearly outweigh the loss of the existing facility <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policies SS9 & SC2 of the Torbay Local Plan and the NPPF

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3.10 Noise, Lighting and Daylight

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.10.1 Lighting Assessment (<i>this can be incorporated into an Ecological Impact Assessment / Statement where applicable</i>)	For development proposals that will alter light levels and have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces, or adversely affect sensitive habitats or protected species, or adversely affect	<p>Guidance on light pollution in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p> <p>The Institute of Lighting Professionals has produced 'Guidance Notes for the Reduction of Obtrusive Light' (2021).</p> <p>Further guidance specific to Bats can also be found here:</p>	The Conservation of Habitats and Species Regulations 2010 (as amended), Policies SS8, NC1 & DE3 of the Torbay Local Plan and the NPPF

	<p>intrinsically dark landscapes</p>	<p>https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/</p> <p>And here: https://www.devon.gov.uk/environment/wp-content/uploads/sites/112/2022/02/Jan-2022-Final-Dark-corridors-for-bats.pdf</p> <p>In order to prevent harm to bats, external lighting should be 0.5 lux or less and include shields, baffles or louvres to direct light down and prevent light spill.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	
<p>Page 48</p> <p>3.10.2 Noise Impact Assessment</p>	<p>For development proposals that may create additional noise resulting in an adverse effect on residential / recreational amenity, or for sensitive development proposals located close to a use creating noticeable noise</p>	<p>Guidance on noise in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	<p>Policy DE3 of the Torbay Local Plan and the NPPF</p>
<p>3.10.3 Shading Diagrams / Sun Path Analysis</p>	<p>For development proposals that are likely to overshadow adjoining private property or public space and have the potential to adversely affect amenity.</p>	<p>The BRE guide 'Site Layout Planning for Daylight and Sunlight - A guide to good practice' (BRE, 2011) provides advice on this topic: https://www.right-of-light.co.uk/resources/factsheet-2/</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	<p>Policy DE3 of the Torbay Local Plan</p>

3.11 Health

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.11.1 Air Quality Assessment	For major development proposals within an Air Quality Management Area (AQMA), or within 500m of an AQMA	Guidance on air quality in relation to planning is available on the Planning Practice Guidance website https://www.gov.uk/guidance/air-quality-3 Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy DE3 of the Torbay Local Plan and the NPPF
3.11.2 Health Impact Assessment Screening	Major development proposals of 30 dwellings or more or other development creating over 1000 sq m floor space	The Department of Health has published ' Health Impact Assessment Tools - Simple tools for recording the results of the Health Impact Assessment ' (DfH, 2010). This includes a set of screening questions for HIA. For further guidance please see the Healthy Torbay SPD available here . Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy SC1 of the Torbay Local Plan
3.11.3 Health Impact Assessment (HIA) (<i>this can be incorporated into the Design and Access Statement or Planning Statement / Planning Policy Statement</i>)	Where significant impacts on the health and wellbeing of the local population or particular groups within it are expected, following a Health Impact Assessment Screening	Guidance on how health and well-being should be considered in planning decision making, including the impact of development proposals on health infrastructure and/or the demand for healthcare services, is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/	Policy SC1 of the Torbay Local Plan

		<p>For further guidance please see the Healthy Torbay SPD available here.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	
3.11.4 Ventilation and Extraction Equipment Details	For development proposals, including changes of use, that require installation of such equipment	<p>Further information is provided in 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems':</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy DE3 of the Torbay Local Plan

3.12 Construction and Demolition

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.12.1 Pollution Prevention Plans (<i>these can be incorporated into a Flood Risk Assessment</i>)	<p>For proposals involving demolition or major development:</p> <ul style="list-style-type: none"> - Within the 250 metre buffer of the Lyme Bay and Torbay SAC, or - Where the site is adjacent to/near a watercourse which provides a hydrological link to the Lyme Bay and Torbay SAC 	This should be prepared by a suitably qualified person and should outline how potential risks to nearby watercourses from soil/sediment runoff have been managed.	Policy ER2 of the Torbay Local Plan

3.12.2 Structural Survey	Where the application proposes demolition, significant alterations to the structure of the building or heavier floor loading	This should be prepared by a suitably qualified person.	Policy DE1 of the Torbay Local Plan
3.12.3 Demolition Method Statement	All applications for relevant demolition within a conservation area.	<p>This should include details of measures that will be put in place to protect neighbouring properties from noise and dust that will be generated by the works. It should also describe how materials will either be stored or removed from the site.</p> <p>This should also outline how potential risks to nearby watercourses from soil/sediment runoff have been managed where necessary.</p> <p>A schedule of works detailing how the land will be left after the demolition is complete including making good of any affected hard surfaces and landscaping details with plans as appropriate, should also be included.</p>	Policy DE1, DE3 and SS10 of the Torbay Local Plan

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3.13 Waste

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.13.1 Waste Audit and 5 Year Management Plan	For development proposals likely to generate significant volumes of waste during the works during construction and/or operation	<p>The audit should be proportionate to the scale of the proposal, number of visitors and likely waste generation.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy W2 of the Torbay Local Plan
3.13.2 Waste Planning Statement	All waste applications.	The waste planning statement should include where applicable:	National Planning Policy for Waste

		<ul style="list-style-type: none"> - how the facility meets sustainable waste management, drives waste up the waste hierarchy and does not undermine movement up the waste hierarchy (prevent, reuse, recycle, other recovery and disposal) - the maximum annual capacity of the facility and the types, quantities and sources of waste - Details of the operational and processing methods and, if landfill, details of phasing and time frames for filling - Details of any existing features of the site that require removal or diversion - Details of stockpiles including heights - Details of any residual materials and how they will be managed - Details of how any energy produced will be utilised and how any residual materials will be managed - Details of site management, e.g. wheel wash facilities - Details of monitoring and complaints procedures - Details of the restoration and aftercare proposed 	Local Plan Policies W1 and W4
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3.14 CIL

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.14.1 Community Infrastructure Levy – Planning Application Additional Information Requirement Form	All applications for built development, including changes of use or creation of floor space, with the exception of:	Further guidance on CIL along with a downloadable Planning Application Additional Information Requirement Form can be found here: https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/cil/	The Community Infrastructure Levy Regulations 2010, Policy SS7 of the Torbay Local Plan and the NPPF

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|--|---|--|--|
| | <ul style="list-style-type: none"> - Householder Applications - Listed Building Consent - Relevant Demolition in a Conservation Area <p>CIL is charged for the following developments:</p> <ul style="list-style-type: none"> - New dwellings - Larger out-of-town/ district centre retail and food and drink developments - development of more than 100 sq m of gross internal floorspace | | |
|--|---|--|--|

4.0 Prior Approvals and Prior Notifications

4.1 National Requirements

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the legislation which outlines the development types and the required information that needs to be submitted with prior approval and prior notification applications. As a minimum, you must provide the information set out in the legislation for your application to be validated. We have set out below the application type, and direct link to the corresponding legislation, as well as list as to what would be required for all applications:

Application Type	Town and Country Planning (General Permitted Development)(England) Order	Relevant Legislation
Householder Developments	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 1, Class A, AA	<ul style="list-style-type: none"> • Larger home extensions (Class A)- application requirements detailed in paragraph A.4(2) of Part 1- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/1/crossheading/class-a-enlargement-improvement-or-other-alteration-of-a-dwellinghouse_paragraph-A.4) • Enlargement of a dwellinghouse by construction of additional storeys (Class AA)- application requirements detailed in paragraph AA.3(2) of Part 1- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/1/crossheading/class-aa-enlargement-of-a-dwellinghouse-by-construction-of-additional-storeys_paragraph-AA.3)
<p>Page 54</p> Changes of use	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 3, Class G, M, MA, N, O, P, PA, Q, R, S, T	<ul style="list-style-type: none"> • Commercial, business and service or betting office or pay day loan shop to mixed use (Class G); • Certain uses to dwellinghouses (Class M); • Commercial, business and service uses to dwellinghouses (Class MA); • Specified sui generis uses to dwellinghouses (Class N); • Offices to dwellinghouses (Class O); • Storage of distribution centre to dwellinghouses (Class P); • Premises in light industrial use to dwellinghouses (Class PA); • Agricultural buildings to dwellinghouses (Class Q); • Agricultural buildings to a flexible commercial use (Class R); • Agricultural buildings to a state-funded school (Class S); • Commercial, business and service, hotels etc to state-funded school (Class T); • Application requirements for the above detailed in paragraph W of Part 3- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/3/crossheading/class-v-changes-of-use-permitted-under-a-permission-granted-on-an-application_paragraph-W)
Temporary buildings and uses	Town and Country Planning (General	

	Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 4, Class BB, CA, Class E	<ul style="list-style-type: none"> • Moveable structures for historic visitor attractions and listed pubs, restaurants etc (Class BB)- application requirements detailed in paragraph BB.3(2) of Part 4- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/paragraph/BB.3) • Provision of a temporary state-funded school on previously vacant commercial land (Class CA)- application requirements detailed in paragraph W, Part 3- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/3/crossheading/class-v-changes-of-use-permitted-under-a-permission-granted-on-an-application_paragraph-W) • Temporary use of buildings or land for film-making purposes (Class E)- application requirements detailed in paragraph E.3(2) of Part 4- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/crossheading/class-e-temporary-use-of-buildings-or-land-for-filmmaking-purposes_paragraph-E.3)
Page 55	Agricultural and forestry Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 6, Class A, B, E	<ul style="list-style-type: none"> • Agricultural development on units of 5 hectares or more (Class A)- application requirements detailed in paragraph A.1(2) of Part 6- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6/crossheading/class-a-agricultural-development-on-units-of-5-hectares-or-more_paragraph-A.2) • Agricultural development on units of less than 5 hectares (Class B)- application requirements detailed in paragraph B.5(2) of Part 6- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6/crossheading/class-b-agricultural-development-on-units-of-less-than-5-hectares_paragraph-B.5) • Forestry developments (Class E)- application requirements detailed in paragraph E.2(1) of Part 6- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6/crossheading/class-e-forestry-developments_paragraph-E.2)
	Non-domestic extension, alterations etc. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 7, Class C, M	<ul style="list-style-type: none"> • Click and collect facilities (Class C)- application requirements detailed in paragraph C.2(1) of Part 7- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/7/crossheading/class-c-click-and-collect-facilities_paragraph-C.2) • Extensions etc for schools, colleges, universities, prisons and hospitals (Class M)- application requirements detailed in paragraph M.2A(2) of Part 7- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/7/crossheading/class-c-click-and-collect-facilities_paragraph-C.2)

<p>Development relating to roads</p>	<p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 9, Class D</p>	<ul style="list-style-type: none"> • Toll road facilities (Class D)- application requirements detailed in paragraph D.2 of Part 9- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/9/crossheading/class-d-toll-road-facilities_paragraph-D.2)
<p>Heritage and demolition</p>	<p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 11, Class B</p>	<ul style="list-style-type: none"> • Demolition of buildings (Class B)- application requirements detailed in paragraph B.2 of Part 11- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/11/crossheading/class-b-demolition-of-buildings_paragraph-B.2)
<p>Renewable energy</p>	<p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 14, Class J</p>	<ul style="list-style-type: none"> • Installation or alterations etc of solar equipment on non-domestic premises (Class J)- application requirements detailed in paragraph J.4(3) of Part 14- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/14/crossheading/class-j-installation-or-alteration-etc-of-solar-equipment-on-nondomestic-premises_paragraph-J.4)
<p>Communications</p>	<p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 16, Class A</p>	<ul style="list-style-type: none"> • Electronic communications code operators (Class A)- application requirements detailed in paragraph A.3 of Part 16- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16/crossheading/class-a-electronic-communications-code-operators_paragraph-A.3)

Miscellaneous development	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 18, Class A	<ul style="list-style-type: none"> • Development under local or private Acts or Orders (Class A)- application requirements detailed in paragraph A.2 of Part 18- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/18/crossheading/class-a-development-under-local-or-private-acts-or-order_paragraph-A.1)
Development by the Crown or for national security purposes	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 19, Class TA	<ul style="list-style-type: none"> • Development by the Crown on a closed defence site (Class TA)- application requirements detailed in paragraph TA.4 of Part 19- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/paragraph/TA.4)
Construction of new dwelling houses	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 20, Class ZA, A, AA, AB, AC, AD	<ul style="list-style-type: none"> • Demolition of buildings and construction of new dwellinghouses in their place (Class ZA) • New dwellinghouses on detached blocks of flats (Class A) • New dwellinghouses on detached buildings in commercial or mixed use (Class AA) • New dwellinghouses on terrace buildings in commercial or mixed use (Class AB) • New dwellinghouses on terrace buildings in use as dwellinghouses (Class AC) • New dwellinghouses on detached buildings in use as dwellinghouses (Class AD) • Application requirements for the above detailed in paragraph B of Part 20- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/20/crossheading/class-a-new-dwellinghouses-on-detached-blocks-of-flats_paragraph-B)
Document/Plan	When required for my application	Further information
4.1.1 Written description of the proposed	All	Before beginning the application, please check the restrictions that apply to this class to ensure that the proposed development is permitted development under the GPDO. If the

<p>development and the developer's contact address and email address</p>		<p>proposal does not accord with these restrictions, a full planning application must be submitted.</p> <p>An application form is available on the Planning Portal website www.planningportal.gov.uk, which should be completed in full. It includes details of the restrictions and where the permitted development right does not apply.</p> <p>The written description should include information covering the relevant impacts for this class in the GPDO. These are listed on the application form. The application can be refused if insufficient information is provided.</p>
<p>4.1.2 Evidence that notice has been given to an owner or tenant of the land, other than the developer</p>	<p>Where there is an owner or tenant of the land, other than the developer.</p>	<p>A copy of the notice should be provided</p>
<p>4.1.3 A plan indicating the site and showing the proposed development</p>	<p>All</p>	<p>The plan should be drawn to an identified scale and show the direction of North. Outlining the site in red will help to clearly identify the site</p>
<p>4.1.4 Flood Risk Assessment</p>	<p>All</p>	<p>Guidance on carrying out a Flood Risk Assessment is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. Therefore, a Flood Risk Assessment will be required in most cases. Further guidance will be published on the Council's website shortly.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>
<p>4.1.5 Fee</p>	<p>All</p>	<p>A Guide to the Fees for Planning Applications in England' is available on the Planning Portal website www.planningportal.gov.uk, which includes scenarios where exemptions or reductions apply. Further guidance is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p>

		<p>Payment can be made:</p> <ul style="list-style-type: none"> • Online via the Planning Portal or; • Online payment at https://forms.torbay.gov.uk/PlanningPayment • BACS payments to: <ul style="list-style-type: none"> <input type="checkbox"/> Torbay Council <input type="checkbox"/> Account no.: 06040411 <input type="checkbox"/> Sort Code: 557001 <input type="checkbox"/> Nat West Bank • Cheque made payable to Torbay Council
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4.2 Local Requirements

The Council requests the following supporting information with a prior approval or prior notification application. This is the minimum requirement to be included in your supporting document to enable us to consider your application. If enough information is not provided within your supporting document, it is likely to cause delays to the consideration process.

Document type	When required for my application	Further information
4.2.1 Elevations (all sides) drawn to an identified scale	<p>Where development extends floor space.</p> <p>Where alterations and/or extensions to an existing building(s) are proposed, including changes of use.</p> <p>When a new dwelling or building is proposed.</p> <p>Where structures are to be demolished that form part of the proposal.</p>	<p>Where they are requested, elevation drawings must show the position of any windows and doors that face towards adjoining premises to determine whether there will be any overlooking and impact on privacy.</p>

	<p>Where the development includes provision of ventilation/extraction equipment.</p> <p>Or, upon request of the Council</p>	
4.2.2 Floor plan drawn to an identified scale	<p>Where development extends floor space.</p> <p>Where alterations and/or extensions to an existing building(s) are proposed, including changes of use.</p> <p>When new dwelling or building(s) are proposed.</p> <p>Where the development proposed is below ground level.</p> <p>Or, upon request of the Council</p>	<p>Where they are requested, floor plans should show the uses of each room, position of windows, doors walls and partitions. Floor levels of the building(s) being constructed, altered or extended, in relation to the remainder of the building should also be shown.</p>
4.2.3 Shading Diagrams/Sun Path Analysis	<p>Where development has the potential to impact on neighbouring amenity</p> <p>Or, upon request of the Council</p>	<p>The BRE guide 'Site Layout Planning for Daylight and Sunlight A guide to good practice' (BRE, 2011) provides further advice on this topic.</p>
4.2.4 Existing and Proposed Site Plans showing the location of the proposed facilities drawn to an identified scale and showing the direction of North	<p>Where the development includes provision of waste storage facilities</p> <p>Or, upon request of the Council</p>	
4.2.5 Impact Assessment of the Change of Use	<p>Where a relevant change of use is proposed and the building is located outside a key shopping area (town centre, district centre or local centre) – only where there is a reasonable prospect of the building being used to</p>	<p>This should describe where alternative Class E (specifically former A1 and A2 services) are located in the area, and, if relevant, why there is no reasonable prospect of the building being used to provide these services.</p>

	<p>provide Class E (specifically former Class A1 and A2 use)</p> <p>Where a relevant change of use is proposed and the building is located in a key shopping area (town centre, district centre or local centre)</p> <p>Where a relevant change of use is proposed and the building is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services</p> <p>Or, upon request of the Council</p>	
Page 61 4.2.6 Noise Impact Assessment	<p>For development proposals that may create additional noise resulting in an adverse effect on residential / recreational amenity</p> <p>Or, upon request of the Council</p>	<p>Guidance on noise in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p>
4.2.7 Transport Statement or Transport Assessment	<p>Where the proposed development exceeds the relevant threshold in Appendix B of Guidance on Transport Assessment (DfT, 2007), or at the request of the Local Highway Authority</p> <p>Or, upon request of the Council</p>	<p>The Guidance on Transport Assessment (DfT, 2007) is available on the GOV.UK website www.gov.uk . Further guidance is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p>
4.2.8 Ventilation and Extraction Equipment Details	<p>Where the development includes provision of ventilation and extraction equipment</p> <p>Or, upon request of the Council</p>	

4.2.9 Contaminated Land Risk Assessment	<p>Where land contamination is suspected from previous uses on or around the site</p> <p>Or, upon request of the Council</p>	<p>Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ Detailed technical guidance is available on the GOV.UK website www.gov.uk.</p>
4.2.10 Contaminated Land Intrusive Site Investigation and Risk Assessment (including proposed remediation where necessary)	<p>Where it cannot be demonstrated that the risk from contamination is acceptable, following a Contaminated Land Risk Assessment</p> <p>Or, upon request of the Council</p>	<p>Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ Detailed technical guidance is available on the GOV.UK website www.gov.uk.</p>
4.2.11 Air Quality Assessment	<p>For major development proposals within an Air Quality Management Area (AQMA), or within 500m of an AQMA</p> <p>Or, upon request of the Council</p>	<p>Guidance on air quality in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p>
4.2.12 Lighting Assessment	<p>For development proposals that will alter light levels and have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces, or adversely affect sensitive habitats or protected species, or adversely affect intrinsically dark landscapes</p> <p>Or, upon request of the Council</p>	<p>Guidance on light pollution in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>The Institute of Lighting Engineers has produced 'Guidance Notes for the Reduction of Obtrusive Light' (2011).</p> <p>In order to prevent harm to bats, external lighting should be 0.5 lux or less and include shields, baffles or louvres</p>
4.2.13 Wildlife & Geology Trigger Table	<p>All</p>	<p>This will help to identify if further ecological surveys/reports are required at validation stage.</p> <p>This document can be downloaded from the Council's website using the following link: Torbay Local Validation List consultation - Torbay Council</p>

<p>4.2.14 Wildlife Report</p>	<p>Where indicated as necessary from the completed Wildlife & Geology Trigger Table.</p> <p>Or, upon request of the Council</p>	<p>If there is a 'yes' in any column a wildlife and/or geology report must be produced by a qualified and suitably experienced ecological consultant and submitted with the application. The report should be commissioned at the start of the project and any project changes discussed with the consultant.</p> <p>If the wildlife report indicates that detailed protected species surveys are required these must also be included as part of the wildlife report. The application cannot be validated without them. Surveys must be up-to-date and accord with best practice and local guidance. A guide on when to survey can be found here.</p> <p>All details of avoidance, mitigation, compensation and enhancement actions must be included with the application.</p>
<p>4.2.15 Flood Risk Assessment (including surface water drainage strategy)</p>	<p>Developments in Flood Zones 2 and 3, and in an area within Flood Zone 1 which has critical drainage problems or where the site area is 1ha or more</p> <p>Or, upon request of the Council</p>	<p>Guidance on carrying out a Flood Risk Assessment is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. Therefore, a Flood Risk Assessment will be required for most planning applications for new development (including minor development and change of use).</p>
<p>4.2.16 Landscape and Visual Impact Assessment</p>	<p>For relevant development proposals within the AONB or that could affect the setting of the AONB or Undeveloped Coast</p> <p>Or, upon request of the Council</p>	<p>The AONB and Undeveloped Coast are shown on the Local Plan Proposals Map.</p>

4.2.17 Tree Survey & Arboricultural Impact Assessment	<p>For development proposals which would impact on existing trees on site or those in close proximity to the site boundary</p> <p>Or, upon request of the Council</p>	<p>Tree Surveys and Arboricultural Impact Assessments should be carried out in accordance with BS 5837:2012 or any superseding standard.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees (April 2014) is available on the GOV.UK website www.gov.uk</p>
4.2.18 Tree Protection Plan & Arboricultural Method Statement	<p>For development proposals which would impact on existing trees</p> <p>Or, upon request of the Council</p>	<p>The Council's Arboricultural Officer will be consulted to determine whether this information is required</p>
4.2.19 Statement of Heritage Significance	<p>Where the development will affect the setting of a heritage asset, such as a conservation area, listed building, scheduled monument or historic park and garden</p> <p>Or, upon request of the Council</p>	<p>The requirements for Statements of Heritage Significance are set out within the NPPF.</p> <p>A template statement can be completed online or downloaded from our website: https://www.torbay.gov.uk/planning-and-building/planning/apply-planning/plans-and-documents/statement-of-heritage-significance/</p> <p>It is expected that this template be completed in full and as accurately as possible. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</p>
4.2.20 Demolition Method Statement	<p>For all applications for prior notification of proposed demolition</p> <p>Or, upon request of the Council</p>	<p>This should include details of measures that will be put in place to protect neighbouring properties from noise and dust that will be generated by the works. It should also describe how materials will either be stored or removed from the site.</p>
4.2.21 Pollution Prevention Plans (these can be incorporated into a Flood Risk Assessment or Method Statement)	<p>For demolition of major development within the 250 metre buffer of the Lyme Bay and Torbay SAC</p> <p>Or, upon request of the Council</p>	

4.2.22 Waste Audit	<p>For development proposals likely to generate significant volumes of waste during the works</p> <p>Or, upon request of the Council</p>	<p>The audit should be proportionate to the scale of the proposal, number of visitors and likely waste generation.</p>
4.2.23 Product Specification of solar PV equipment	<p>For all applications for Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) (GPDO Sch. 2 Part 14 Class J(c))</p> <p>Or, upon request of the Council</p>	
4.2.24 Community Infrastructure Levy – Planning Application Additional Information Requirement Form	<p>CIL is charged for the following developments:</p> <ul style="list-style-type: none"> - New dwellings - Larger out-of-town/ district centre retail and food and drink developments - development of more than 100 sq m of gross internal floorspace 	<p>Further guidance on CIL along with a downloadable Planning Application Additional Information Requirement Form can be found here: https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/cil/</p>
4.2.25 Fire Statements	<p>For an application for planning permission for development which involves:</p> <ul style="list-style-type: none"> - the provision of one or more relevant buildings - development of an existing relevant building - development within the curtilage of a relevant building <p>A relevant building is one which contains two or more dwellings or education accommodation and is 18m or 7 storeys in height or more.</p>	<p>Fire statements must be submitted on a form published by the Secretary of State (or a form to similar effect) contain the particulars specified or referred to in the form, which includes information about (not exhaustive list):</p> <ul style="list-style-type: none"> the principles, concepts and approach relating to fire safety that have been applied to each building in the development the site layout emergency vehicle access and water supplies for firefighting purposes what, if any, consultation has been undertaken on issues relating to the fire safety of the

	<p>The following types of application are exempt:</p> <ul style="list-style-type: none">- material change in use which would result in the building no longer being a relevant building or would not result in the provision of one or more relevant buildings within the curtilage of a relevant building	<p>development; and what account has been taken of this</p> <p>how any policies relating to fire safety in relevant local development documents have been taken into account</p> <p>Further information can be found here: https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021</p>
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This document can be made available in other languages and formats. For more information please contact planning@torbay.gov.uk

Validation Requirements for Planning Applications

August 2023

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Version control

Date	Details	Updated by
September 2023	Comprehensive update	Robert Palmer / Rose Bailey-Clark

1.0 Introduction

The validation stage for planning applications is from the point when a local authority receives an application to confirming that all the necessary information is present, and sufficient, in order to judge the impact of the proposed development and make an informed decision.

This document sets out the national and local information requirements that must be submitted for different types of planning application in Torbay. The local requirements ('the Local List') must be reviewed and updated every two years.

1.1 National Requirements

The minimum requirements for planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and further detailed by the Planning Practice Guidance.

The national requirements are shown for information purposes only and are up to date at the time of publication of this document; however, they can be changed by the Government at any time, so please contact Torbay Council if you have any queries.

1.2 Local Requirements

In addition to the national minimum requirements, the National Planning Policy Framework (NPPF) requires local planning authorities to publish a list of their requirements for planning applications. These requirements must be:

reasonable having regard, in particular, to the nature and scale of the proposed development; and

about a matter which it is reasonable to think will be a material consideration in the determination of the application.

1.3 Pre-Application Advice

Whilst it will always be necessary to submit the national requirements for applications to be validated, there may be times where the local requirements are not needed. Therefore, applicants are encouraged to submit Householder Development Enquiries for householder applications and Pre-application Enquiries for other application types to receive confirmation of what information needs to be submitted, together with advice on whether planning permission is required or is likely to be granted. The forms are available to download on the Council's website and include details of the fee for this service: <https://www.torbay.gov.uk/planning-and-building/planning/pre-planning/>

1.4 Pre-Application Advice Invalid applications and validation disputes

If the Council considers that insufficient information has been provided to validate an application, the case officer shall contact the applicant as soon as possible to explain what additional information is required and the reasons for this.

If the applicant disagrees and this cannot be resolved through informal negotiation, the applicant can submit an Article 12 notice of the Town and Country Planning (Development Management Procedure) Order 2015 to the Council setting out the reasons why the information requested does not meet the tests in article 34(6)(c) of the DMPO. The Council will consider the merits of this and either validate the application or issue a non-validation notice. In the case of the latter, if the Council has not determined the application within the relevant statutory time period, usually 8, 13 or 16 weeks, the applicant may appeal to the Planning Inspectorate against non-determination of the application.

Further guidance can be found on the Planning pages on the Council's website and on the Planning Practice Guidance website:

<https://www.torbay.gov.uk/planning-and-building/planning/>

<http://planningguidance.planningportal.gov.uk/>

5.5 How to submit

The best way to submit applications is online via the Planning Portal website:

<https://www.planningportal.co.uk/>

If you are making your submission electronically, please structure it in the following way:

- no individual document should be greater than 5MB;

- large documents should be broken down into manageable files, e.g. chapters;

- it is important that the electronic file names reflect the plan or document names; and

- drawings should be oriented so that they appear correctly when viewed on screen and should be provided in pdf format

We can also accept submissions by email (planning@torbay.gov.uk) or on paper by post or hand delivered to:

Torbay Council
Spatial Planning
Town Hall
Castle Circus
Torquay
TQ1 3DR

Please note that once hard copies have been received they cannot be returned.

1.6 Types of application

This document refers to information requirements for all types of applications, including:

“Householder application” – means:

- a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse; or
- b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, but does not include an application for a change of use or an application to change the number of dwellings in a building.

“Major development” – development meaning one or more of the following:

- a) the winning and working of minerals or the use of land for mineral-working deposits;
- b) waste development;
- c) the provision of dwellinghouses where:
 - i. the number of dwellinghouses to be provided is 10 or more; or

- ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph c)i;
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) development carried out on a site having an area of 1 hectare or more.

“Mining operations” – means:

the winning and working of minerals in, on or under land, whether by surface or underground working.

“Waste development” – means:

any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials

2.0 National Requirements

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IS IT REQUIRED AND FURTHER INFORMATION
<p>2.1 Application Form</p>	<p>All applications</p>	<p>A completed application form including signed Ownership Certificate and Agricultural Land Declaration.</p> <p>The Ownership Certificate incorporates an Agricultural Land Declaration to certify that any agricultural tenants have been notified of the application.</p> <p>Certificate A: applicant is the sole owner, no agricultural tenants</p> <p>Certificate B: applicant is not the sole owner, or there are agricultural tenants, and the details of all owners/tenants are known</p> <p>Certificate C: applicant is not sole owner and does not know the name and address of all the owners and/or agricultural tenants</p> <p>Certificate D: applicant is not sole owners and does not know the name and address of any the owners and/or agricultural tenants</p>	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Forms are available on the Planning Portal website.</p>

<p>2.2 Location Plan</p>	<p>All applications</p>	<p>The location plan must show the site outlined in red and any adjoining land owned by the applicant outlined in blue. The site should include all land necessary to carry out the proposed development, including access. The location plan should be drawn to scale 1:1250 or 1:2500 and show at least two named roads and a North marker.</p> <p>Site location plans should only show sites as existing.</p>	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Maps can be obtained on the Planning Portal website.</p>
<p>2.3 The correct fee</p>	<p>All applications where a fee is necessary</p>	<p>A Guide to the Fees for Planning Applications in England' is available on the Planning Portal website https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf which includes scenarios where exemptions or reductions apply. Further guidance is available on the Planning Practice Guidance website: https://www.gov.uk/guidance/fees-for-planning-applications</p> <p>Payment can be made:</p> <ul style="list-style-type: none"> • Online via the Planning Portal or; • Online payment at https://forms.torbay.gov.uk/PlanningPayment • BACS payments to: <ul style="list-style-type: none"> - Torbay Council 	<p>The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).</p>

		<ul style="list-style-type: none"> - Account no.: 06040411 - Sort Code: 557001 - Nat West Bank <ul style="list-style-type: none"> • Cheque made payable to Torbay Council <p>Please include reference details</p> <p>Please note that fee refunds for invalid applications that are returned will be subject to a 10% charge up to a maximum of £500</p>	
<p>2.4 Design & Access Statement</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 77</p>	<p>Applications for:</p> <ul style="list-style-type: none"> - development within a conservation area or World Heritage Site consisting of 1 or more dwellings or floorspace of more than 100m2 or more; - applications for listed building consent or planning permission relating to a listed building and; - major development 	<p>The Design and Access Statement (DAS) must explain the design principles and concepts that have been applied to the development and explain how issues relating to access to the development have been dealt with. Further detail is provided in article 9(3) of the DMPO.</p> <p>Development proposals will be assessed against the design considerations in Local Plan Policy DE1. In addition, major development proposals including housing will be assessed against the 2020 Building for a Healthy Life.</p> <p>Therefore, it is recommended that the DAS refers to these policies and/or be structured around these considerations/questions.</p> <p>The statement should include a Crime Prevention Statement where appropriate which should detail on how "Crime Prevention Through Environmental</p>	<p>Article 9 of the Town and Country Planning (Development Management Procedure) Order 2015.</p>

	<p>However, the following applications are exempt from this requirement:</p> <ul style="list-style-type: none"> - waste development; - engineering or mining operations; - a material change of use; and - amendments to conditions. 	<p>Design” principles are to be incorporated into the development.</p>	
<p>Page 78 5 Environmental Statement</p>	<p>For Schedule 1 development or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its size, nature or location</p>	<p>If an applicant is in doubt whether a development proposal requires an Environmental Impact Assessment, they can request a screening opinion from Torbay Council. The request should include:</p> <ul style="list-style-type: none"> - a location plan; - a description of the development, including in particular: <ul style="list-style-type: none"> o a description of the physical characteristics of the development and, where relevant, of demolition works; and o a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected; 	<p>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p> <p>Guidance on Environmental Impact Assessment is available on the Planning Practice Guidance website: https://www.gov.uk/guidance/environmental-impact-assessment</p>

		<ul style="list-style-type: none"> - a description of the aspects of the environment likely to be significantly affected by the development; - to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from: <ul style="list-style-type: none"> o the expected residues and emissions, including wastes, where relevant: <p>and</p> <ul style="list-style-type: none"> o the use and/or destruction and/or creation of environmental resources <p>e.g. soil, land-take, water, fuels, habitats, heritage and culture.</p> <ul style="list-style-type: none"> - such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. <p>In addition, applicants can request a scoping opinion from the Council on the information to be supplied in the Environmental Statement. Again, the request should include the same material as above for requesting a screening opinion.</p>	
<p>2.6 Lawful Development Certificate –</p>	<p>For an application for a Lawful Development Certificate for an existing or</p>	<p>This should include such evidence verifying the information included in the application as the applicant can provide.</p>	<p>The Planning (Listed Buildings) (Certificates of Lawfulness of</p>

Application Statement	proposed use or operation or proposed works to a listed building.		Proposed Works) Regulations 2014. Further information may be requested.
2.7 Plans	All applications (where relevant)	Plans should include, as appropriate to the development being applied for: <ul style="list-style-type: none"> - block plan of the site (e.g. 1:50 or 1:100); - existing and proposed site layout (e.g. 1:50 or 1:100); - existing site and topographic surveys showing mAOD and an identified site datum including features such as green infrastructure, site levels, contours, buildings, watercourses, public rights of way, overhead lines and roads, trees, hedges and hedge-banks or shrubs masses within and adjacent to the site; - landscaping plans showing replacement landscape and/or natural features (e.g. 1:50 or 1:100) - proposed finished floor and site levels, contours and heights of the application site and adjacent land relating to OS datum (e.g. 1:50 or 1:100); - proposed finished floor and site levels should be shown in meters Above Ordnance Datum (mAOD), as this is useful for flood risk purposes; - existing and proposed floor plans (e.g. 1:50 or 1:100); - roof plans (e.g. 1:50 or 1:100); and 	Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015. Further information is available on the Council's website on the Make a Planning Application - Plans and Documents - National Requirements page

		<ul style="list-style-type: none"> - detailed junction layouts showing the width of road, turning radii and visibility (e.g. 1:50 or 1:100) <p>All plans/drawings should:</p> <ul style="list-style-type: none"> - be legible with clear labels and legends, and show a clear distinction between existing features to be retained and removed, and proposed features; - show the proposal in context including surrounding surface features and topography beyond the site boundary; - be at an appropriate scale and include a scale bar and calibration scale; - show all major dimensions, including distances from boundaries or key features; - show a north point; and - have a unique drawing reference number and title (when a plan is revised, a revision number should also be shown). 	
2.8 Tree Location Plan	All applications for tree works: works to trees subject to a Tree Preservation Order and/or notification of proposed works to trees in a conservation area	This should show the trees in relation to a named road and/or property.	The Town and Country Planning (Tree Preservation) (England) Regulations 2012
2.9 Hedgerow Location Plan	All applications for hedgerow removal notice	This should show the location and length of hedgerow or hedgerows proposed to be removed drawn to an identified scale and showing the direction of North, along with location and details of any new hedge to be planted, or details of hedge	The Hedgerow Regulations 1997

		to be transplanted, or enhanced management of retained hedges.	
2.10 Elevations	All applications proposing new or altered buildings or structures	<p>These should:</p> <ul style="list-style-type: none"> - show all sides of the proposed/affected buildings/structure including all window and door openings; - show existing and proposed elevations (e.g. 1:50 or 1:100); - give details of proposed materials; - Show the site in context of the streetscene where appropriate - Include major dimensions; and - address the above formatting points for Plans. 	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Further information is available on the Council's website on the Make a Planning Application - Plans and Documents - National Requirements page</p>
2.11 Existing and Proposed Sections	<p>Applications:</p> <ul style="list-style-type: none"> - proposing altered land levels; - where alterations are proposed to floors/ceilings/roofs; - where the application needs to demonstrate that nationally described space standards can be achieved - where topography is key to the site; or - where the relationship of existing buildings, mature vegetation or other distinctive 	<p>These should:</p> <ul style="list-style-type: none"> - show existing and proposed sections in context with surrounding buildings/structures/topographical features. The scale/height of such features should be accurate including height of existing and proposed trees that would help screen and integrate the proposal into the landscape show finished floor and/or site levels; - include major dimensions; and - provide spot heights and levels in metres above OS datum (AOD) 	<p>Article 7 of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>Further information is available on the Council's website on the Make a Planning Application - Plans and Documents - National Requirements page</p>

	features with or surrounding the sites is required to be shown.		
2.12 Fire Statement	<p>An application for planning permission for development which involves:</p> <ul style="list-style-type: none"> - the provision of one or more relevant buildings - development of an existing relevant building - development within the curtilage of a relevant building <p>A relevant building is one which contains two or more dwellings or education accommodation and is 18m or 7 storeys in height or more.</p> <p>The following types of application are exempt:</p> <ul style="list-style-type: none"> - material change in use which would result in the building no longer being a relevant building or would not result in the provision of one or more relevant 	<p>Fire statements must be submitted on a form published by the Secretary of State (or a form to similar effect) contain the particulars specified or referred to in the form, which includes information about (not exhaustive list):</p> <p>the principles, concepts and approach relating to fire safety that have been applied to each building in the development</p> <p>the site layout</p> <p>emergency vehicle access and water supplies for firefighting purposes</p> <p>what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this</p> <p>how any policies relating to fire safety in relevant local development documents have been taken into account</p> <p>Further information can be found here: https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021</p>	<p>Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order").</p>

	buildings within the curtilage of a relevant building - application for outline planning permission - application for permission to develop land without compliance with conditions under section 73 of the Town and Country Planning Act 1990		
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3.0 Local Requirements

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3.1 Planning statements/Documents

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.1.1 Planning Statement	Major development proposals, or proposals which are not in accordance with a policy or policies in the adopted Local Plan/Neighbourhood Plan	<p>This should provide an assessment of how the proposal accords with the policies in the Torbay Local Plan, the Neighbourhood Plan and NPPF, or whether there are material considerations to do otherwise.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	NPPF
3.1.2 Statement of Community Involvement	Major development proposals, or proposals which are not in accordance with a policy or	A 'Good Practice Guide to Public Engagement in Development Schemes' (Planning Aid, 2012) is available to download on the RTPi website www.rtpi.org.uk .	NPPF

	<p>policies in the adopted Local Plan/Neighbourhood Plan</p> <p>This can be incorporated into the Design and Access Statement or Planning Statement / Planning Policy Statement.</p>	<p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	
3.1.3 Removal or Variation of Conditions – Application Statement	<p>Where the application is to vary the wording of a condition(s) of a planning permission or to substitute alternative plans</p>	<p>This should clearly summarise the proposed amendments along with listing reworded condition(s). Where the proposal is to substitute alternative plans a schedule of the plan numbers to be superseded and by which new plan number should be provided.</p>	
3.1.4 Discharge of Conditions – Application Statement	<p>Where the application is to discharge condition(s) of a planning permission</p>	<p>This should clearly outline the wording of the conditions to be discharged and the information submitted to support this.</p>	
3.1.5 Non-material Amendment – Application Statement	<p>Where non-material amendments are proposed to conditions attached to planning permissions or where the application seeks non-material amendments to an approved development</p>	<p>This should clearly summarise the proposed amendments along with listing reworded condition(s). Where the proposal is to substitute alternative plans a schedule of the plan numbers to be superseded and by which new plan number should be provided</p>	
3.1.6 Planning Performance Agreement	<p>For complex major development proposals where through pre-application discussions it is agreed to take a bespoke project management approach to the preparation and determination of the application</p>	<p>PPAs will be sought where due to the complexities of a development proposal and the issues it raises,</p> <p>Torbay Council considers is unlikely that the planning application can be determined within the statutory 13 or 16 week time period.</p> <p>It is recommended that PPAs include all stages of the application, including ongoing pre-application discussions.</p>	NPPF

<p>3.1.7 Green Infrastructure Statement (including diagrams and plans where appropriate) (this can be incorporated into the Design and Access Statement or Planning Statement / Planning Policy Statement)</p>	<p>For all major planning applications and where green infrastructure assets are likely to be affected by the proposed development or where there is an opportunity to provide new green infrastructure to support existing networks</p>	<p>Further advice is provided on the Council's website on the Strategic Planning - Green Infrastructure page, including a link to the 'Torbay Green Infrastructure Delivery Plan' (April 2011).</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	<p>Policy SS9 of the Torbay Local Plan and the NPPF</p>
<p>3.1.8 Employment Statement / Economic Impact Assessment (including tourism impact) (this can be incorporated into the Planning Statement / Planning Policy Statement)</p>	<p>Major development proposals except residential of less than 30 dwellings, or development proposals resulting in a net loss of employment or tourist accommodation floor space, or development proposals resulting in a significantly lower density of employment provision</p>	<p>The depth of information should be proportional to the nature and scale of the proposed development.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	<p>Policies SS4 & SS5 of the Torbay Local Plan and the NPPF</p>
<p>3.1.9 Independent Viability Assessment (IVA)</p>	<p>For development where an applicant considers it is unviable to provide the affordable housing provision set out in Policy H2 of the Torbay Local Plan and/or contributions set out in the Planning Contributions and Affordable Housing SPD and its Update</p> <p>Or,</p> <p>Where viability is a key factor in the assessment of a proposed development.</p>	<p>A viability assessment should accompany any application that does not meet policy requirements for affordable housing or other contributions where the case is made that it is not viable to do so.</p> <p>The Council will commission an independent review of the viability assessment and the costs associated with its production will be recouped from the applicant. The review will not begin and the application will not be validated until the applicant has agreed to pay for its review in writing. The Council will only validate such applications provided the applicant has entered into a PPA with the Council, or agreed to an extended time period for determination in</p>	<p>Policies SS7 & H2 of the Torbay Local Plan</p>

		<p>writing beyond the statutory 8/13/16 week period. The PPA should set out the timescales for completing the viability assessment review and for producing the s106 legal agreement to secure the agreed amount of affordable housing and contributions.</p> <p>Please note that the viability assessment will in most cases be displayed as a public record and will not be withheld as 'confidential'. If you consider certain parts of the document should be confidential you must explain why and clearly identify which parts of the assessment you request are not made public. We will consider the request.</p> <p>The assessment should include an executive summary to explain in plain English the basis and conclusions of the assessment.</p>	
3.1.10 Infrastructure Assessment (incorporating foul sewerage and utilities)	For major development proposals that have potential to affect the capacity of infrastructure in the area	Pre-application discussions should be undertaken with utility providers to identify any constraints in existing capacity.	
3.1.11 Sequential Test Assessment	For all development proposals for main town centre uses, as defined in the NPPF, on sites not in an existing centre or in accordance with an up-to-date Local Plan	<p>Guidance on the sequential test is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy TC3 of the Torbay Local Plan and the NPPF
3.1.12 Retail Impact Assessment / Town Centre Impact Assessment (including sequential test assessment)	Proposals for retail and main town centre uses over 500 sq m gross floor space outside of town centres	Main town centre uses are defined within the NPPF. PPG states that the impact test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up-to-date Local Plan and outside of existing town centres. However, a	Policy TC3 of the Torbay Local Plan and the NPPF

		<p>sequential test assessment must be carried out for all main town centre uses.</p> <p>Guidance on carrying out Impact Assessments is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	
3.1.13 Telecommunications Statement	Applications for telecommunications development	<p>This should respond to the criteria set out in Policy IF1 of the Torbay Local Plan.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy IF1 of the Torbay Local Plan and the NPPF
3.1.14 Contact details of Applicant's legal practitioner	For all applications to modify or discharge a planning obligation agreed under S106 of the Town and Country Planning Act	This should provide all relevant contact details for the legal practitioner acting on the applicant's behalf	To help expedite the application.
3.1.15 Coastal Change Vulnerability Assessment (CCVA)	For all development within a Coastal Change Management Area.	<p>This should demonstrate that the development:</p> <ul style="list-style-type: none"> - will be safe over its planned lifetime and will not have an unacceptable impact on coastal change - will not compromise the character of the coast - provides wider sustainability benefits <p>does not hinder the creation and maintenance of a continuous signed and managed route around the coast</p>	Policy C3 of the Torbay Local Plan and the NPPF
3.1.16 Crime Prevention Statement	For applications for the following development:	The statement should detail how Crime Prevention Through Environmental Design	Policy DE1 of the Torbay Local Plan

	<ul style="list-style-type: none"> - major developments for residential and commercial uses - Educational uses - HMOs - New or relocated ATMs - New C2 or C3b uses where intended occupants are classed as vulnerable 	<p>principles are to be incorporated into the development.</p> <p>This can be included within a Design & Access Statement where appropriate.</p>	
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3.2 Historic Environment and Design

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
<p>3.2.1 Statement of Heritage Significance</p> <p>Page 89</p>	<p>Where the development/works will affect a heritage asset or its setting, such as a conservation area, listed building, scheduled monument or historic park and garden</p>	<p>The requirements for Statements of Heritage Significance are set out within the NPPF.</p> <p>A template statement can be completed online or downloaded from our website: https://www.torbay.gov.uk/planning-and-building/planning/apply-planning/plans-and-documents/statement-of-heritage-significance/</p> <p>It is expected that this template be completed in full and as accurately as possible. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</p>	<p>Policies HE1 & HE2 of the Torbay Local Plan and the NPPF</p>

		A further heritage impact assessment may be required for particularly complex or sensitive proposals.	
3.2.2 Archaeological Desk-based Assessment	Where the application site includes, or is likely to include, archaeological remains	<p>Guidance on non-designated heritage assets of archaeological interest is available on the Planning Practice Guidance website https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy HE1 of the Torbay Local Plan and the NPPF
3.2.3 Design Code	Major development proposals to be built in phases and by different developers	<p>Guidance on Design Codes is available on the Planning Practice Guidance website https://www.gov.uk/guidance/design</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	NPPF
3.2.4 Joinery Details	Where the proposed development/works includes replacement windows and/or doors which would affect a heritage asset or its setting, such as a conservation area or a listed building	Elevation at scale 1:10 or larger of existing and proposed windows and/or doors, and a typical section including reveal at scale 1:1	Policies HE1 & DE1 of the Torbay Local Plan
3.2.5 Design and Access Statement	In addition to applications where a D&A Statement is a national requirement, the following developments will also require a Design and Access Statement:	The Design and Access Statement must explain the design principles and concepts that have been applied to the development or works and explain how the design responds to its context and the needs of the development or works.	Policies HE1, HE2, SS10 and DE1 of the Torbay Local Plan.

	- development or works to, or within the curtilage of, a listed building, a Registered Park & Garden or a Scheduled Monument	Development proposals will be assessed against the design considerations in Local Plan Policy DE1.	
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3.3 Ecology

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.3.1 Wildlife & Geology Trigger Table Page 9	All applications	<p>It is expected that this form be completed in full and as accurately as possible.</p> <p>This document can be downloaded from the Council's website using the following link: Torbay Local Validation List consultation - Torbay Council</p>	<p>This will help to identify if further ecological surveys/reports are required at validation stage.</p> <p>Policy NC1 of the Torbay Local Plan and the NPPF</p>
3.3.2 Wildlife Report This may include: <ul style="list-style-type: none"> - Ecological Impact Assessment (including all protected species survey data, mitigation, enhancement and compensation) - Extended Phase 1 Habitat Survey (including proposed 	Where indicated as necessary from the completed Wildlife & Geology Trigger Table	<p>This should be carried out by a suitably qualified ecologist and should be proportionate to the potential impacts.</p> <p>Surveys must be up-to-date and accord with best practice guidance/local guidance.</p> <p>Where the need for further survey works has been identified the surveys should take place prior to the validation of the planning application.</p> <p>Planning guidance on wildlife habitats and species can be found here: https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance</p>	<p>The Conservation of Habitats and Species Regulations 2010 (as amended) Policies SS8 & NC1 of the Torbay Local Plan and the NPPF</p>

<p>mitigation where necessary) - Protected Species Surveys (including proposed mitigation where necessary)</p>		<p>Further guidance is provided by the Planning Practice Guidance website and Natural England, including standing advice for different protected species, on the GOV.UK website http://planningguidance.planningportal.gov.uk/ https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications.</p> <p>Where there is uncertainty, the applicant is recommended to submit pre-application enquiry.</p>	
<p>3.3.3 Bat and Bird Screening Checklist</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 92</p>	<p>Householder applications or full applications where protected species surveys have identified that there are only bat roost / bird nesting issues</p>	<p>This should be submitted where protected species surveys have identified that a proposal will impact a bat roost or nesting birds. This will ensure a quicker ecological assessment process.</p> <p>This document can be downloaded from the Devon County Council's website using the following link: https://www.devon.gov.uk/environment/wp-content/uploads/sites/112/2022/02/Jan-2022-householder-checklist.pdf</p>	
<p>3.3.4 Biodiversity net gain assessment</p>	<p>All major development proposals (unless defined as exempt in legislation).</p>	<p>This should be carried out by a suitably qualified ecologist and must include a completed version of the most recently published the Natural England national biodiversity metric (currently metric 4.0). This should be in accordance with emerging guidance and must be carried out by a suitably qualified ecologist. The biodiversity net gain assessment must include a completed version of the most recently published Statutory Biodiversity Metric Calculation Tool (when it becomes available) in excel format. Prior to the Statutory Metric Tool being published, the most recently published Natural England biodiversity metric</p>	<p>Policies SS8 & NC1 of the Torbay Local Plan and the NPPF</p> <p>The Environment Act 2021</p>

	<p>Note: a biodiversity net gain assessment using the Small Sites version of the Natural England biodiversity metric will be required for minor development proposals from April 2024.</p>	<p>(currently metric 4.0) should be submitted in excel format.</p> <p>For applications with BNG monitoring implications, the data may also be requested in GIS format.</p> <p>Biodiversity net gain must be demonstrated separately to protected species and site mitigation and compensation.</p> <p>For further guidance see https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance</p> <p>Where there is uncertainty, the applicant is recommended to submit pre-application enquiry.</p>	
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C4 Landscape and Trees

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
<p>3.4.1 Tree and Hedge Position Plan (this can be incorporated into a Tree Survey & Arboricultural Impact Assessment where applicable)</p>	<p>Where there are trees or hedges within falling distance of the proposed development on the site and adjoining land and/or where trees or hedges will need to be removed or pruned in order to carry out the development</p>	<p>Species of tree should be identified if known and those which are to be removed or pruned should be clearly labelled. The plan should be drawn to an identified metric scale.</p> <p>A Tree Survey and Arboricultural Impact Assessment may also be required depending on the nature of the trees affected.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	<p>Policy C4 of the Torbay Local Plan.</p> <p>This information will help us consider how the proposal might affect these trees and hedges</p>
<p>3.4.1 Tree Survey, Tree Constraint Plans &</p>	<p>For development proposals on sites with trees, or where trees are in close</p>	<p>Tree Surveys and Arboricultural Impact Assessments should be carried out in</p>	<p>Policy C4 of the Torbay Local Plan</p>

<p>Arboricultural Impact Assessment</p>	<p>proximity to the site boundary</p>	<p>accordance with BS 5837:2012 or any superseding standard.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees (April 2014) is available on the GOV.UK website www.gov.uk</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry</p>	
<p>3.4.2 Tree Protection Plan & Arboricultural Method Statement (as applicable)</p> <p>Page 94</p>	<p>For development proposals that will affect trees</p>	<p>The Council's Arboricultural Officer will be consulted to determine whether this information is required. A Tree Protection Plan should be provided to inform the proposals. Where necessary, the Council may add a planning condition to the planning permission requiring the submission of updated details prior to the development commencing.</p> <p>Tree Protection Plans and Arboricultural Method Statements should be carried out in accordance with BS 5837:2012 or any superseding standard.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees (April 2014) is available on the GOV.UK website www.gov.uk</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	<p>Policy C4 of the Torbay Local Plan</p>
<p>3.4.3 Landscape and Visual Impact Assessment</p>	<p>Major development proposals on undeveloped sites, or development proposals within the AONB or that could affect the</p>	<p>The AONB and Undeveloped Coast are shown on the Local Plan Policies Map found on the Torbay Local Plan webpage.</p>	<p>Policy SS8 of the Torbay Local Plan and the NPPF</p>

	setting of the AONB or Undeveloped Coast	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
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3.5 Transport and Highways

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.5.1 Parking Statement <i>(this can be incorporated into the Transport Statement / Transport Assessment or Planning Statement / Planning Policy Statement)</i>	Major development proposals, or proposals not in accordance with the car parking requirements in Appendix F of the Torbay Local Plan	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	Policy TA3 of the Torbay Local Plan
3.5.2 Transport Statement or Transport Assessment	Where the proposed development exceeds the relevant threshold in Appendix B of Guidance on Transport Assessment (DfT, 2007), Appendix F of the Torbay Local Plan with regards to schools, or at the request of the Local Highway Authority or Network Rail.	The Guidance on Transport Assessment (DfT, 2007) is available on the GOV.UK website www.gov.uk . Further guidance is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ . Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policies TA1 & TA2 of the Torbay Local Plan and the NPPF
3.5.3 Travel Plan	Major development proposals likely to have significant transport implications or where the proposed development exceeds the relevant threshold in Appendix F of	Guidance on the information that should be included in Travel Plans is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ . Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy TA2 of the Torbay Local Plan and the NPPF

	the Torbay Local Plan with regards to schools.		
3.5.4 Advertisement Consent - Highways Statement	All applications for advertisement consent where the site is within the boundaries of a highway	This should provide sufficient evidence to demonstrate that the proposed advertisement is acceptable in relation to highways impact	The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

3.6 Flooding and Water

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.6.1 Flood Risk Assessment (including surface water drainage strategy) page 96	<p>All applications for householder planning permission/full/outline/reserved matters planning permission/relevant demolition in a conservation area.</p> <p>Sites that are 1Ha or more in size.</p> <p>Land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.</p>	<p>Guidance on carrying out a Flood Risk Assessment is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. A Flood Risk Assessment will be required in these areas.</p> <p>Maidencombe is the only area not within the CDA however due to the absence of mains drainage and local topography, development in this area will still require an FRA.</p> <p>Householder development in Flood Zone 1 in most cases will only need to complete a short proforma which can be downloaded at:</p> <p>https://www.torbay.gov.uk/planning-and-building/planning/apply-planning/plans-and-documents/flood-risk-assessments/</p>	<p>Policy ER1 of the Torbay Local Plan, and the NPPF</p> <p>Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. A Flood Risk Assessment is therefore required in these areas.</p> <p>Maidencombe is the only area not within the CDA however due to the absence of mains drainage and local topography, development in this area will still require an FRA.</p>

	All development in Flood Zones 2 & 3 will require a site specific flood risk assessment		Further information and flood maps for planning can be found here: https://flood-map-for-planning.service.gov.uk/
3.6.2 Flooding Sequential Test	All applications for new dwellings in Flood Zones 2 & 3	Guidance on carrying out flooding sequential tests can be found here: https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants	Policy ER1 of the Torbay Local Plan, and the NPPF
3.6.3 Foul Drainage Assessment	All development involving a non-mains foul drainage system.	This should provide sufficient information to understand the implications for the water environment including justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment. Sufficient information would normally include the provision of the following: <ul style="list-style-type: none"> - Full details of the proposed flows (based on Flows and Loads 4); - A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and - Percolation test results to demonstrate the viability of soakaways (if proposed). 	Policy ER1 and ER2 of the Torbay Local Plan and the NPPF. A template FDA form is available online here: https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1

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3.7 Energy and Sustainability

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
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3.7.1 Torbay Sustainability Checklist	All major development	<p>This checklist must be completed for all major planning applications.</p> <p>The document is available at Torbay Local Validation List consultation - Torbay Council</p> <p>This indicates quality and sustainability of development in line with the requirements of the Torbay Local Plan</p>	NPPF and Torbay Local Plan
3.7.2 Energy Statement	Major development proposals, or proposals which are not in accordance with a policy or policies in the adopted Local Plan/Neighbourhood Plan	<p>This should explain the passive and active measures that have been taken in the development proposals to enhance the sustainability of the scheme, with particular focus on measures to reduce greenhouse gas emissions and minimise impact on climate change.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policies SS13, ES1 & ES2 of the Torbay Local Plan and the NPPF

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3.8 Land and Soil

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.8.1 Geological Survey (including proposed mitigation where necessary)	Where geological sites of interest, including SSSIs and RIGS sites, will be affected by the development proposal and where identified as necessary from the Wildlife and Geology Trigger table	<p>Geological sites of interest in Torbay are included in Appendix D of the Torbay Local Plan. The Geological Survey should include an assessment of the impact of the proposals on the site and show how its features will be protected through appropriate management.</p> <p>Further information is available at Torbay Local Validation List consultation - Torbay Council</p>	Policies SS8 & NC1 of the Torbay Local Plan and the NPPF

		Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	
3.8.2 Contaminated Land Risk Assessment	Where land contamination is suspected from previous uses on or around the site	Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website https://www.gov.uk/guidance/land-affected-by-contamination Detailed technical guidance is available on the GOV.UK website www.gov.uk . Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy ER3 of the Torbay Local Plan and the NPPF
3.8.3 Contaminated Land Intrusive Site Investigation and Risk Assessment (including proposed remediation where necessary)	Where it cannot be demonstrated that the risk from contamination is acceptable, following a Contaminated Land Risk Assessment	Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website https://www.gov.uk/guidance/land-affected-by-contamination Detailed technical guidance is available on the GOV.UK website www.gov.uk . Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy ER3 of the Torbay Local Plan and the NPPF
3.8.4 Land Stability Risk Assessment Report (including proposed mitigation where necessary)	For development proposals on sites where land instability is identified or suspected, particularly those within the Coastal Change Management Area	Guidance on land stability issues and preparing Land Stability Risk Assessment Reports is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ . The Coastal Change Management Area is shown on the Local Plan Policies Map found on the Torbay Local Plan webpage .	Policies C3 & ER4 of the Torbay Local Plan and the NPPF

		Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
3.8.5 Mineral Extraction Impact Assessment	Proposals for mineral extraction	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry	Policy M1 of the Torbay Local Plan and the NPPF
3.8.6 Mineral Resource Impact Assessment	Major development proposals within a Mineral Safeguarding Area	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	Policy M3 of the Torbay Local Plan and the NPPF
3.8.7 Agricultural Land Classification and Soil Statement	Applications that are of 5ha or more or a development which triggers a cumulative loss of 20ha or more of the best and most versatile agricultural land (Grades 1, 2 or 3a) in Torbay.	<p>This should include:</p> <ul style="list-style-type: none"> the quality of existing agricultural land and soil quality how the agricultural land classification would be protected or, on completion of proposed operation, would be returned to the same agricultural land grade classification and the quality of any agricultural land lost and justification for its loss measures that would be taken to safeguard the soil qualities during storage and restoration the quality of imported soils/other waste materials and how they would improve the land for agricultural purposes by providing soil resource surveys to inform soil handling and reuse of displaced soils. Subject to Natural England advice, a further detailed Agricultural Land Classification (ALC) survey to determine significant impacts and mitigation measures may be required. 	<p>Policy SC4 of the Torbay Local Plan and the NPPF</p> <p><u>Planning Practice Guidance: Natural Environment – Brownfield land, soils and agricultural land</u></p> <p><u>Natural England: Agricultural Land Classification: protection the best and most versatile land</u></p> <p><u>Construction code of practice for the sustainable use of soils on construction sites</u></p> <p><u>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</u></p>
3.8.8 Restoration and Aftercare Scheme Assessment	Proposals for mineral extraction and all applications involving waste disposal.	<p>A statement and plans detailing:</p> <ul style="list-style-type: none"> details of the proposed restored landscape including landform, land 	National Waste Planning Policy

		<p>cover and landscape features, showing how they link and relate to the contours and features of the surrounding area and how the design responds to the character of the landscape context</p> <ul style="list-style-type: none"> • how the proposals would improve and connect with the green infrastructure network including ecological requirements identified in the Wildlife Report, ensuring ecological functionality of the wider landscape and access for informal recreation • measures for the management of emissions (including gases and liquids) • phasing arrangements • a programme of aftercare and monitoring of the site 	<p>Policy W1 of the Torbay Local Plan</p>
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3.9 Open Space, Sports and Recreation

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
<p>3.9.1 Open Space, Sports and Recreation Assessment</p>	<p>Development proposals on existing open space, sports and recreational land</p>	<p>This should assess whether:</p> <ul style="list-style-type: none"> - The land is surplus to requirements - The loss from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location - The development is for alternative sports and leisure provision, the needs for which clearly outweigh the loss of the existing facility 	<p>Policies SS9 & SC2 of the Torbay Local Plan and the NPPF</p>

		Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
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3.10 Noise, Lighting and Daylight

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.10.1 Lighting Assessment (this can be incorporated into an Ecological Impact Assessment / Statement where applicable)	For development proposals that will alter light levels and have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces, or adversely affect sensitive habitats or protected species, or adversely affect intrinsically dark landscapes	<p>Guidance on light pollution in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>The Institute of Lighting Professionals has produced 'Guidance Notes for the Reduction of Obtrusive Light' (2021).</p> <p>Further guidance specific to Bats can also be found here: https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/</p> <p>And here: https://www.devon.gov.uk/environment/wp-content/uploads/sites/112/2022/02/Jan-2022-Final-Dark-corridors-for-bats.pdf</p> <p>Bat Conservation trust guidance on considering the impact upon bats when designing lighting schemes can be found here: https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting</p>	The Conservation of Habitats and Species Regulations 2010 (as amended), Policies SS8, NC1 & DE3 of the Torbay Local Plan and the NPPF

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		<p>In order to prevent harm to bats, external lighting should be 0.5 lux or less and include shields, baffles or louvres to direct light down and prevent light spill.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	
3.10.2 Noise Impact Assessment	For development proposals that may create additional noise resulting in an adverse effect on residential / recreational amenity, or for sensitive development proposals located close to a use creating noticeable noise	<p>Guidance on noise in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy DE3 of the Torbay Local Plan and the NPPF
3.10.3 Shading Diagrams / Sun Path Analysis	For development proposals that are likely to overshadow adjoining private property or public space and have the potential to adversely affect amenity.	<p>The BRE guide 'Site Layout Planning for Daylight and Sunlight - A guide to good practice' (BRE, 2011) provides advice on this topic: https://www.right-of-light.co.uk/resources/factsheet-2/</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy DE3 of the Torbay Local Plan

3.11 Health

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.11.1 Air Quality Assessment	For major development proposals within an Air Quality Management Area	Guidance on air quality in relation to planning is available on the Planning Practice Guidance	Policy DE3 of the Torbay Local Plan and the NPPF

	(AQMA), or within 500m of an AQMA	<p>website https://www.gov.uk/guidance/air-quality-3</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	
3.11.2 Health Impact Assessment Screening	Major development proposals of 30 dwellings or more or other development creating over 1000 sq m floor space	<p>The Department of Health has published 'Health Impact Assessment Tools - Simple tools for recording the results of the Health Impact Assessment' (DfH, 2010). This includes a set of screening questions for HIA.</p> <p>For further guidance please see the Healthy Torbay SPD available here.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy SC1 of the Torbay Local Plan
3.11.3 Health Impact Assessment (HIA) (<i>this can be incorporated into the Design and Access Statement or Planning Statement / Planning Policy Statement</i>)	Where significant impacts on the health and wellbeing of the local population or particular groups within it are expected, following a Health Impact Assessment Screening	<p>Guidance on how health and well-being should be considered in planning decision making, including the impact of development proposals on health infrastructure and/or the demand for healthcare services, is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>For further guidance please see the Healthy Torbay SPD available here.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy SC1 of the Torbay Local Plan
3.11.4 Ventilation and Extraction Equipment Details	For development proposals, including changes of use, that	Further information is provided in ' Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems ':	Policy DE3 of the Torbay Local Plan

	require installation of such equipment	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.	
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3.12 Construction and Demolition

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.12.1 Pollution Prevention Plans (these can be incorporated into a Flood Risk Assessment) Page 105	For proposals involving demolition or major development: <ul style="list-style-type: none"> - Within the 250 metre buffer of the Lyme Bay and Torbay SAC, or - Where the site is adjacent to/near a watercourse which provides a hydrological link to the Lyme Bay and Torbay SAC 	Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry. This should be prepared by a suitably qualified person and should outline how potential risks to nearby watercourses from soil/sediment runoff have been managed.	Policy ER2 of the Torbay Local Plan
3.12.2 Structural Survey	Where the application proposes demolition, significant alterations to the structure of the building or heavier floor loading	This should be prepared by a suitably qualified person.	Policy DE1 of the Torbay Local Plan
3.12.3 Demolition Method Statement	All applications for relevant demolition within a conservation area.	This should include details of measures that will be put in place to protect neighbouring properties from noise and dust that will be generated by the	Policy DE1, DE3 and SS10 of the Torbay Local Plan

		<p>works. It should also describe how materials will either be stored or removed from the site.</p> <p>This should also outline how potential risks to nearby watercourses from soil/sediment runoff have been managed where necessary.</p> <p>A schedule of works detailing how the land will be left after the demolition is complete including making good of any affected hard surfaces and landscaping details with plans as appropriate, should also be included.</p>	
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3.13 Waste

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.13.1 Waste Audit and 5 Year Management Plan	For development proposals likely to generate significant volumes of waste during the works during construction and/or operation	<p>The audit should be proportionate to the scale of the proposal, number of visitors and likely waste generation.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>	Policy W2 of the Torbay Local Plan
3.13.2 Waste Planning Statement	All waste applications.	<p>The waste planning statement should include where applicable:</p> <ul style="list-style-type: none"> - how the facility meets sustainable waste management, drives waste up the waste hierarchy and does not undermine movement up the waste hierarchy (prevent, reuse, recycle, other recovery and disposal) - the maximum annual capacity of the facility and the types, quantities and sources of waste 	<p>National Planning Policy for Waste</p> <p>Local Plan Policies W1 and W4</p>

		<ul style="list-style-type: none"> - Details of the operational and processing methods and, if landfill, details of phasing and time frames for filling - Details of any existing features of the site that require removal or diversion - Details of stockpiles including heights - Details of any residual materials and how they will be managed - Details of how any energy produced will be utilised and how any residual materials will be managed - Details of site management, e.g. wheel wash facilities - Details of monitoring and complaints procedures - Details of the restoration and aftercare proposed 	
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3.14 CIL

DOCUMENT	WHEN IS IT REQUIRED	WHAT IS REQUIRED	WHY IT IS REQUIRED AND FURTHER INFORMATION
3.14.1 Community Infrastructure Levy – Planning Application Additional Information Requirement Form	<p>All applications for built development, including changes of use or creation of floor space, with the exception of:</p> <ul style="list-style-type: none"> - Householder Applications - Listed Building Consent 	<p>Further guidance on CIL along with a downloadable Planning Application Additional Information Requirement Form can be found here: https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/cil/</p>	<p>The Community Infrastructure Levy Regulations 2010, Policy SS7 of the Torbay Local Plan and the NPPF</p>

	<ul style="list-style-type: none"> - Relevant Demolition in a Conservation Area <p>CIL is charged for the following developments:</p> <ul style="list-style-type: none"> - New dwellings - Larger out-of-town/ district centre retail and food and drink developments - development of more than 100 sq m of gross internal floorspace 		
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4.0 Prior Approvals and Prior Notifications

4.1 National Requirements

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the legislation which outlines the development types and the required information that needs to be submitted with prior approval and prior notification applications. As a minimum, you must provide the information set out in the legislation for your application to be validated. We have set out below the application type, and direct link to the corresponding legislation, as well as list as to what would be required for all applications:

Application Type	Town and Country Planning (General Permitted Development)(England) Order	Relevant Legislation

Householder Developments	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 1, Class A, AA	<ul style="list-style-type: none"> • Larger home extensions (Class A)- application requirements detailed in paragraph A.4(2) of Part 1- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/1/crossheading/class-a-enlargement-improvement-or-other-alteration-of-a-dwellinghouse_paragraph-A.4) • Enlargement of a dwellinghouse by construction of additional storeys (Class AA)- application requirements detailed in paragraph AA.3(2) of Part 1- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/1/crossheading/class-aa-enlargement-of-a-dwellinghouse-by-construction-of-additional-storeys_paragraph-AA.3)
Changes of use	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 3, Class G, M, MA, N, O, P, PA, Q, R, S, T	<ul style="list-style-type: none"> • Commercial, business and service or betting office or pay day loan shop to mixed use (Class G); • Certain uses to dwellinghouses (Class M); • Commercial, business and service uses to dwellinghouses (Class MA); • Specified sui generis uses to dwellinghouses (Class N); • Offices to dwellinghouses (Class O); • Storage of distribution centre to dwellinghouses (Class P); • Premises in light industrial use to dwellinghouses (Class PA); • Agricultural buildings to dwellinghouses (Class Q); • Agricultural buildings to a flexible commercial use (Class R); • Agricultural buildings to a state-funded school (Class S); • Commercial, business and service, hotels etc to state-funded school (Class T); • Application requirements for the above detailed in paragraph W of Part 3- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/3/crossheading/class-v-changes-of-use-permitted-under-a-permission-granted-on-an-application_paragraph-W)
Temporary buildings and uses	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 4, Class BB, CA, Class E	<ul style="list-style-type: none"> • Moveable structures for historic visitor attractions and listed pubs, restaurants etc (Class BB)- application requirements detailed in paragraph BB.3(2) of Part 4- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/paragraph/BB.3) • Provision of a temporary state-funded school on previously vacant commercial land (Class CA)- application requirements detailed in paragraph W, Part 3- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/3/crossheading/class-v-changes-of-use-permitted-under-a-permission-granted-on-an-application_paragraph-W)

		<ul style="list-style-type: none"> • Temporary use of buildings or land for film-making purposes (Class E)- application requirements detailed in paragraph E.3(2) of Part 4- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/crossheading/class-e-temporary-use-of-buildings-or-land-for-filmmaking-purposes_paragraph-E.3)
Agricultural and forestry	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 6, Class A, B, E	<ul style="list-style-type: none"> • Agricultural development on units of 5 hectares or more (Class A)- application requirements detailed in paragraph A.1(2) of Part 6- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6/crossheading/class-a-agricultural-development-on-units-of-5-hectares-or-more_paragraph-A.2) • Agricultural development on units of less than 5 hectares (Class B)- application requirements detailed in paragraph B.5(2) of Part 6- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6/crossheading/class-b-agricultural-development-on-units-of-less-than-5-hectares_paragraph-B.5) • Forestry developments (Class E)- application requirements detailed in paragraph E.2(1) of Part 6- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6/crossheading/class-e-forestry-developments_paragraph-E.2)
Non-domestic extension, alterations etc.	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 7, Class C, M	<ul style="list-style-type: none"> • Click and collect facilities (Class C)- application requirements detailed in paragraph C.2(1) of Part 7- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/7/crossheading/class-c-click-and-collect-facilities_paragraph-C.2) • Extensions etc for schools, colleges, universities, prisons and hospitals (Class M)- application requirements detailed in paragraph M.2A(2) of Part 7- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/7/crossheading/class-c-click-and-collect-facilities_paragraph-C.2)
Development relating to roads	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) –	<ul style="list-style-type: none"> • Toll road facilities (Class D)- application requirements detailed in paragraph D.2 of Part 9- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/9/crossheading/class-d-toll-road-facilities_paragraph-D.2)

	Schedule 2, Part 9, Class D	
Heritage and demolition	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 11, Class B	<ul style="list-style-type: none"> • Demolition of buildings (Class B)- application requirements detailed in paragraph B.2 of Part 11- (https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/11/crossheading/class-b-demolition-of-buildings_paragraph-B.2)
Renewable energy	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 14, Class J	<ul style="list-style-type: none"> • Installation or alterations etc of solar equipment on non-domestic premises (Class J)- application requirements detailed in paragraph J.4(3) of Part 14- (https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/14/crossheading/class-j-installation-or-alteration-etc-of-solar-equipment-on-nondomestic-premises_paragraph-J.4)
Communications	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 16, Class A	<ul style="list-style-type: none"> • Electronic communications code operators (Class A)- application requirements detailed in paragraph A.3 of Part 16- (https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/16/crossheading/class-a-electronic-communications-code-operators_paragraph-A.3)
Miscellaneous development	Town and Country Planning (General Permitted Development) (England) Order 2015 (as	<ul style="list-style-type: none"> • Development under local or private Acts or Orders (Class A)- application requirements detailed in paragraph A.2 of Part 18- (https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/18/crossheading/class-a-development-under-local-or-private-acts-or-order_paragraph-A.1)

	amended) – Schedule 2, Part 18, Class A	
Development by the Crown or for national security purposes	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 19, Class TA	<ul style="list-style-type: none"> • Development by the Crown on a closed defence site (Class TA)- application requirements detailed in paragraph TA.4 of Part 19- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/paragraph/TA.4)
Construction of new dwelling houses	Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 20, Class ZA, A, AA, AB, AC, AD	<ul style="list-style-type: none"> • Demolition of buildings and construction of new dwellinghouses in their place (Class ZA) • New dwellinghouses on detached blocks of flats (Class A) • New dwellinghouses on detached buildings in commercial or mixed use (Class AA) • New dwellinghouses on terrace buildings in commercial or mixed use (Class AB) • New dwellinghouses on terrace buildings in use as dwellinghouses (Class AC) • New dwellinghouses on detached buildings in use as dwellinghouses (Class AD) • Application requirements for the above detailed in paragraph B of Part 20- (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/20/crossheading/class-a-new-dwellinghouses-on-detached-blocks-of-flats_paragraph-B)
Document/Plan	When required for my application	Further information
4.1.1 Written description of the proposed development and the developer's contact address and email address	All	<p>Before beginning the application, please check the restrictions that apply to this class to ensure that the proposed development is permitted development under the GPDO. If the proposal does not accord with these restrictions, a full planning application must be submitted.</p> <p>An application form is available on the Planning Portal website www.planningportal.gov.uk, which should be completed in full. It includes details of the restrictions and where the permitted development right does not apply.</p>

		The written description should include information covering the relevant impacts for this class in the GPDO. These are listed on the application form. The application can be refused if insufficient information is provided.
4.1.2 Evidence that notice has been given to an owner or tenant of the land, other than the developer	Where there is an owner or tenant of the land, other than the developer.	A copy of the notice should be provided
4.1.3 A plan indicating the site and showing the proposed development	All	The plan should be drawn to an identified scale and show the direction of North. Outlining the site in red will help to clearly identify the site
4.1.4 Flood Risk Assessment	All	<p>Guidance on carrying out a Flood Risk Assessment is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. Therefore, a Flood Risk Assessment will be required in most cases. Further guidance will be published on the Council's website shortly.</p> <p>Where there is uncertainty, the applicant is recommended to submit a pre-application enquiry.</p>
4.1.5 Fee	All	<p>A Guide to the Fees for Planning Applications in England' is available on the Planning Portal website www.planningportal.gov.uk, which includes scenarios where exemptions or reductions apply. Further guidance is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p> <p>Payment can be made:</p> <ul style="list-style-type: none"> • Online via the Planning Portal or; • Online payment at https://forms.torbay.gov.uk/PlanningPayment • BACS payments to: <ul style="list-style-type: none"> <input type="checkbox"/> Torbay Council

		<input type="checkbox"/> Account no.: 06040411 <input type="checkbox"/> Sort Code: 557001 <input type="checkbox"/> Nat West Bank <ul style="list-style-type: none"> • Cheque made payable to Torbay Council
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4.2 Local Requirements

The Council requests the following supporting information with a prior approval or prior notification application. This is the minimum requirement to be included in your supporting document to enable us to consider your application. If enough information is not provided within your supporting document, it is likely to cause delays to the consideration process.

Document type	When required for my application	Further information
4.2.1 Elevations (all sides) drawn to an identified scale Page 114	<p>Where development extends floor space.</p> <p>Where alterations and/or extensions to an existing building(s) are proposed, including changes of use.</p> <p>When a new dwelling or building is proposed.</p> <p>Where structures are to be demolished that form part of the proposal.</p> <p>Where the development includes provision of ventilation/extraction equipment.</p> <p>Or, upon request of the Council</p>	<p>Where they are requested, elevation drawings must show the position of any windows and doors that face towards adjoining premises to determine whether there will be any overlooking and impact on privacy.</p>

<p>4.2.2 Floor plan drawn to an identified scale</p>	<p>Where development extends floor space.</p> <p>Where alterations and/or extensions to an existing building(s) are proposed, including changes of use.</p> <p>When new dwelling or building(s) are proposed.</p> <p>Where the development proposed is below ground level.</p> <p>Or, upon request of the Council</p>	<p>Where they are requested, floor plans should show the uses of each room, position of windows, doors walls and partitions. Floor levels of the building(s) being constructed, altered or extended, in relation to the remainder of the building should also be shown.</p>
<p>4.2.3 Shading Diagrams/Sun Path Analysis</p>	<p>Where development has the potential to impact on neighbouring amenity</p> <p>Or, upon request of the Council</p>	<p>The BRE guide 'Site Layout Planning for Daylight and Sunlight A guide to good practice' (BRE, 2011) provides further advice on this topic.</p>
<p>4.2.4 Existing and Proposed Site Plans showing the location of the proposed facilities drawn to an identified scale and showing the direction of North</p>	<p>Where the development includes provision of waste storage facilities</p> <p>Or, upon request of the Council</p>	
<p>4.2.5 Impact Assessment of the Change of Use</p>	<p>Where a relevant change of use is proposed and the building is located outside a key shopping area (town centre, district centre or local centre) – only where there is a reasonable prospect of the building being used to provide Class E (specifically former Class A1 and A2 use)</p> <p>Where a relevant change of use is proposed and the building is located in a</p>	<p>This should describe where alternative Class E (specifically former A1 and A2 services) are located in the area, and, if relevant, why there is no reasonable prospect of the building being used to provide these services.</p>

	<p>key shopping area (town centre, district centre or local centre)</p> <p>Where a relevant change of use is proposed and the building is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services</p> <p>Or, upon request of the Council</p>	
4.2.6 Noise Impact Assessment	<p>For development proposals that may create additional noise resulting in an adverse effect on residential / recreational amenity</p> <p>Or, upon request of the Council</p>	<p>Guidance on noise in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p>
4.2.7 Transport Statement or Transport Assessment	<p>Where the proposed development exceeds the relevant threshold in Appendix B of Guidance on Transport Assessment (DfT, 2007), or at the request of the Local Highway Authority</p> <p>Or, upon request of the Council</p>	<p>The Guidance on Transport Assessment (DfT, 2007) is available on the GOV.UK website www.gov.uk . Further guidance is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/.</p>
4.2.8 Ventilation and Extraction Equipment Details	<p>Where the development includes provision of ventilation and extraction equipment</p> <p>Or, upon request of the Council</p>	
4.2.9 Contaminated Land Risk Assessment	<p>Where land contamination is suspected from previous uses on or around the site</p> <p>Or, upon request of the Council</p>	<p>Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ Detailed technical guidance is available on the GOV.UK website www.gov.uk.</p>

4.2.10 Contaminated Land Intrusive Site Investigation and Risk Assessment (including proposed remediation where necessary)	<p>Where it cannot be demonstrated that the risk from contamination is acceptable, following a Contaminated Land Risk Assessment</p> <p>Or, upon request of the Council</p>	<p>Guidance on dealing with sites that could be contaminated is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/ Detailed technical guidance is available on the GOV.UK website www.gov.uk.</p>
4.2.11 Air Quality Assessment	<p>For major development proposals within an Air Quality Management Area (AQMA), or within 500m of an AQMA</p> <p>Or, upon request of the Council</p>	<p>Guidance on air quality in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p>
4.2.12 Lighting Assessment	<p>For development proposals that will alter light levels and have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces, or adversely affect sensitive habitats or protected species, or adversely affect intrinsically dark landscapes</p> <p>Or, upon request of the Council</p>	<p>Guidance on light pollution in relation to planning is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>The Institute of Lighting Engineers has produced 'Guidance Notes for the Reduction of Obtrusive Light' (2011).</p> <p>In order to prevent harm to bats, external lighting should be 0.5 lux or less and include shields, baffles or louvres</p>
4.2.13 Wildlife & Geology Trigger Table	<p>All</p>	<p>This will help to identify if further ecological surveys/reports are required at validation stage.</p> <p>This document can be downloaded from the Council's website using the following link: Torbay Local Validation List consultation - Torbay Council</p>
4.2.14 Wildlife Report	<p>Where indicated as necessary from the completed Wildlife & Geology Trigger Table.</p> <p>Or, upon request of the Council</p>	<p>If there is a 'yes' in any column a wildlife and/or geology report must be produced by a qualified and suitably experienced ecological consultant and submitted with the application. The report should be commissioned at the start of the project and any project changes discussed with the consultant.</p>

		<p>If the wildlife report indicates that detailed protected species surveys are required these must also be included as part of the wildlife report. The application cannot be validated without them. Surveys must be up-to-date and accord with best practice and local guidance. A guide on when to survey can be found here.</p> <p>All details of avoidance, mitigation, compensation and enhancement actions must be included with the application.</p>
<p>4.2.15 Flood Risk Assessment (including surface water drainage strategy)</p> <p>Page 118</p>	<p>Developments in Flood Zones 2 and 3, and in an area within Flood Zone 1 which has critical drainage problems or where the site area is 1ha or more</p> <p>Or, upon request of the Council</p>	<p>Guidance on carrying out a Flood Risk Assessment is available on the Planning Practice Guidance website http://planningguidance.planningportal.gov.uk/</p> <p>Almost all of Torbay has been classified as being within a Critical Drainage Area (CDA) by the Environment Agency. Therefore, a Flood Risk Assessment will be required for most planning applications for new development (including minor development and change of use).</p>
<p>4.2.16 Landscape and Visual Impact Assessment</p>	<p>For relevant development proposals within the AONB or that could affect the setting of the AONB or Undeveloped Coast</p> <p>Or, upon request of the Council</p>	<p>The AONB and Undeveloped Coast are shown on the Local Plan Proposals Map.</p>
<p>4.2.17 Tree Survey & Arboricultural Impact Assessment</p>	<p>For development proposals which would impact on existing trees on site or those in close proximity to the site boundary</p> <p>Or, upon request of the Council</p>	<p>Tree Surveys and Arboricultural Impact Assessments should be carried out in accordance with BS 5837:2012 or any superseding standard.</p>

		Standing Advice for Ancient Woodland and Veteran Trees (April 2014) is available on the GOV.UK website www.gov.uk
4.2.18 Tree Protection Plan & Arboricultural Method Statement	For development proposals which would impact on existing trees Or, upon request of the Council	The Council's Arboricultural Officer will be consulted to determine whether this information is required
4.2.19 Statement of Heritage Significance	Where the development will affect the setting of a heritage asset, such as a conservation area, listed building, scheduled monument or historic park and garden Or, upon request of the Council	The requirements for Statements of Heritage Significance are set out within the NPPF. A template statement can be completed online or downloaded from our website: https://www.torbay.gov.uk/planning-and-building/planning/apply-planning/plans-and-documents/statement-of-heritage-significance/ It is expected that this template be completed in full and as accurately as possible. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
4.2.20 Demolition Method Statement	For all applications for prior notification of proposed demolition Or, upon request of the Council	This should include details of measures that will be put in place to protect neighbouring properties from noise and dust that will be generated by the works. It should also describe how materials will either be stored or removed from the site.
4.2.21 Pollution Prevention Plans (these can be incorporated into a Flood Risk Assessment or Method Statement)	For demolition of major development within the 250 metre buffer of the Lyme Bay and Torbay SAC Or, upon request of the Council	
4.2.22 Waste Audit	For development proposals likely to generate significant volumes of waste during the works	The audit should be proportionate to the scale of the proposal, number of visitors and likely waste generation.

	Or, upon request of the Council	
4.2.23 Product Specification of solar PV equipment	For all applications for Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) (GPDO Sch. 2 Part 14 Class J(c)) Or, upon request of the Council	
4.2.24 Community Infrastructure Levy – Planning Application Additional Information Requirement Form	CIL is charged for the following developments: - New dwellings - Larger out-of-town/ district centre retail and food and drink developments - development of more than 100 sq m of gross internal floorspace	Further guidance on CIL along with a downloadable Planning Application Additional Information Requirement Form can be found here: https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/cil/
4.2.25 Fire Statements	For an application for planning permission for development which involves: - the provision of one or more relevant buildings - development of an existing relevant building - development within the curtilage of a relevant building A relevant building is one which contains two or more dwellings or education accommodation and is 18m or 7 storeys in height or more. The following types of application are exempt: - material change in use which would result in the building no longer being a relevant building	Fire statements must be submitted on a form published by the Secretary of State (or a form to similar effect) contain the particulars specified or referred to in the form, which includes information about (not exhaustive list): the principles, concepts and approach relating to fire safety that have been applied to each building in the development the site layout emergency vehicle access and water supplies for firefighting purposes what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this how any policies relating to fire safety in relevant local development documents have been taken into account

	or would not result in the provision of one or more relevant buildings within the curtilage of a relevant building	Further information can be found here: https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021
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This document can be made available in other languages and formats. For more information please contact planning@torbay.gov.uk

Appendix 3: Summary of Representations

Person/Organisation and comments	LPA Response
Environment Agency	
2.7 Plans It may be worth specifying that an existing and proposed topographic survey is also drawn to mAOD and where needed, an identified site datum.	<i>The document will be amended to include for this</i>
3.6.1 Flood Risk Assessment (including surface water drainage strategy) Please note that an FRA is also required for applications of 1Ha or more. The NPPF also specifies that an FRA should be provided for: “land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.”	<i>The document will be amended to include for this</i>
3.6.1 You may consider putting the second paragraph under ‘what is required’ in the ‘when is it required column’ as this refers to the need for an FRA for site on land identified as having critical drainage problems.	<i>The document has been amended to include this paragraph within the ‘why it is required’ column</i>
3.6.1 You may wish to specify that the requirement for an FRA can be influenced by the maps for different sources of flooding (fluvial, tidal and surface water as well as any others e.g. reservoir risk).	<i>A link to the Government webpage for flood risk information for planning has been provided in the ‘further information’ column</i>
3.12.1 Pollution Prevention Plans: We consider that this category could be expanded to include Construction Environment Management Plans (CEMP) also. And with this, we would expect that the documents should be required for any development which poses a risk to a nearby watercourse/ waterbody. Under ‘what is required’ a paragraph could be added to identify the requirement to manage risks to nearby watercourses from soil/sediment runoff. This could be reflected in 3.12.3 Demolition method Statement also, by referencing risks to waterbodies as well as noise/dust.	<p><i>It is considered that CEMPS are more appropriately secured through condition rather than at validation stage as the proposed development could be subject to change through the planning process.</i></p> <p><i>The document has been amended to address the other comments.</i></p>
<p>Foul Drainage Assessment (FDA)- A FDA should be submitted with all development involving a non-mains foul drainage system. Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality – Reference ID: 34-020-20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.</p> <p>Paragraph 20 also states that ‘applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment’. Any planning application for a non-mains system should therefore be accompanied by a Foul Drainage Assessment (FDA) form including a justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment. Sufficient information would normally include the provision of the following:</p> <ul style="list-style-type: none"> o Full details of the proposed flows (based on Flows and Loads 4); o A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and 	<i>This has been added as an additional requirement</i>

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<p>o Percolation test results to demonstrate the viability of soakaways (if proposed). The FDA form is available online at https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1</p>	
<p>The Environment Agency is only a Statutory Consultee for major developments involving non-mains foul drainage systems. We have produced some guidance for LPAs to assist them determining applications for non-major development: https://www.planningportal.co.uk/info/200204/local_authorities/154/advices_for_local_authorities_on_non-mains_drainage_from_non-major_development</p>	<i>Noted</i>
<p>Coastal Change Vulnerability Assessment (CCVA) – The plan area includes the Coastal Change Management Areas (policy C3). As such, we suggest that the validation list include a CCVA as set out in paragraph 075 of the flood risk and coastal change section of the PPG: “Applications for development in a Coastal Change Management Area may need to be accompanied by a coastal change vulnerability assessment, demonstrating whether or not the requirements of National Planning Policy Framework paragraph 172 can be met...”.</p>	<i>This has been added as an additional requirement</i>
<p>we would encourage you to incorporate water efficiency policies in your emerging plan policies and to compliment this would suggest the following or similar in your accompanying Local Validation List (at present such a requirement still echoes your water consumption/supply references in current Policy SS14):</p> <p>Example Validation checklist trigger and guidance for the requirement of a water efficiency statement to accompany proposals. ‘For those applications that will create demand (regardless of any existing use of the site) for mains water, the applicant must submit a Water Efficiency Statement</p> <p>Water efficiency Statements: As a general guide, we would expect a Water efficiency Statement to cover the following elements:</p> <ul style="list-style-type: none"> • Introduction Explain the purpose of the statement and the reason for its submission. • Background Outline the background to the statement. This includes details of the site, including its existing or most recent use, any extant permissions, and details of the current proposal. • Compliance This should demonstrate the proposal’s compliance with Building Regulations Part G (for new dwelling proposals) or demonstrate that it has incorporated the capture recycling, re-use or demand reduction for water where reasonably possible. For major development’s this should include consumption data (for business uses, the proposed consumption data must include consumption used for any proposed industrial processes.) Completion of the Part G or BREEAM water calculators can help demonstrate the savings to be made. Where highly efficient appliances are to be installed, details of an appliance that meets that high standard of water consumption should be submitted to demonstrate the efficiencies are achievable. • Conclusion It is important the conclusion summarises the water efficiency in a clear manner and sets out clearly the detail of any strategies/technology and infrastructure proposed to make the development as efficient as possible. 	<i>This is noted for any future policy review and updating of the Local Validation List</i>
<p>Devon and Cornwall Police</p>	

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<p>a Crime Prevention Statement is included to form part of the DAS or attached as another supplement.</p> <p>If possible, I would like it to be considered for the following:</p> <ul style="list-style-type: none"> • All Major developments including housing, commercial. • Educational Buildings • New neighbourhood community facilities • Premises where the intended occupants are particularly vulnerable and require higher standards of security to ensure their personal safety, i.e., care homes, drug rehabilitation centres etc. • HMO's • ATM/cash machines <p>The statement should detail how Crime Prevention Through Environmental Design principles are to be incorporated into the development. This includes:</p> <ul style="list-style-type: none"> • Access and Movement - places with quality connections and well-defined routes, that provide convenient movement without compromising security. • Structure – encouraging 'active frontages' and limiting access to private space. • Surveillance – encouraging overlooking of public spaces by those who will take action should a crime be committed. • Ownership – clearly defining where public space ends and private space begins and encouraging people to take ownership of their environment. • Physical Protection – ensuring buildings include appropriate physical measures to prevent crime. • Activity – ensuring the level of human activity is appropriate to the location to reduce the risk of crime and increase perceptions of public safety. • Management and Maintenance – discouraging disorder by creating places that are well looked after with minimum cost implications. <p>If this is possible it would be preferred this is called a Designing Out Crime Statement or Crime Prevention Statement as opposed to mentioning Secured By Design as this has caused confusion in other areas where implemented, which have called it a Secured By Design Statement it because of the association with Secured By Design and any potential Secured By Design applications which would be dealt with separately to this.</p>	<p><i>The particular applications which require a D&A Statement have been aligned with national requirements with the exception of works or development in relation to a listed building, Registered Park and Garden or a Scheduled Monument.</i></p> <p><i>The document has been amended to require a Crime Prevention Statement within a Design and Access Statement and separately where appropriate.</i></p>
<p>SwisCo (Trees)</p>	
<p>3.4.1 Not sure what this is requiring as there is potential for duplication with a BS5837 Tree Survey which should record the trees and or vegetation masses. Hedge does this mean a structure e.g. Devon bank or a live hedge (woody vegetation). Any retained live hedges should be identified within a BS5837 tree survey. Retained hedges will be identified in the Tree Protection Plan or within the landscape plans.</p> <p>Suggested Revised Wording: Existing site plan or topographic survey identifying all trees (on or adjacent to application boundary), hedges and hedge-banks or shrubs masses.</p>	<p><i>3.4.1 has been removed from the requirements and trees, hedges and hedge-banks or shrub masses added into the wording of existing site and topographic surveys within 2.7</i></p>
<p>3.4.2 BS5837 (current version) tree survey must be undertaken prior to any planning submissions</p> <p>– this information cannot be secured by a planning condition and is an aid to the design process. The BS5837 tree survey will lead to the production of Tree Constraints Plans & Arboricultural Impact Assessment. A Draft Tree Protection Plan or Tree Protection Plan would normally be prepared.</p>	<p><i>The document has been amended to reflect this.</i></p>

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Suggested Revised wording: BS5837 (current version) tree survey including Tree Constraints Plans, Arboricultural Impact Assessment and Draft Tree Protection Plan	
<p>3.4.3 Suggested Revised Wording: Tree Protection Plan (final version). Arboricultural Method Statements (as applicable).</p> <p>From an arboricultural perspective, it is essential that the BS5837 tree survey accompanies any application for development (householder – major) where trees are present on or adjacent to the application area. In the absence of this information, applications should not be validated.</p>	<i>The document has been amended to reflect this.</i>
Paul Barkley (Planning Agent)	
<p>I note that in the consultation paper the requirement for a Design and Access Statement in paragraph 2.4 is stated to be a national requirement in accordance with article 9 of the Town and Country Planning (Development Management Procedure) Order. Article 9 makes no mention of listed building consent or applications for planning permission relating to a listed building.</p> <p>It seems to me that a requirement for a Design and Access Statement in applications for listed building consent or planning permission related to a listed building can only be a local requirement as it goes beyond national requirements.</p> <p>In general, in my opinion, requiring a Design and Access Statement for every application for every application for listed building consent or planning permission relating to a listed building in order to be validated is excessive. There will be applications (such as the one in question) which have no design and access implications as set out in article 9 (3), or at least not all of the specified issues which must be addressed. I accept that a case officer considering the merits of an application may require further information but as a hurdle to be overcome to get an application validated it is not justified. I defy anyone to write an article 9 (3) compliant Design and Access Statement in relation to new guttering."</p>	<p><i>The document has been amended to include for this within the local as well as the national requirements.</i></p> <p><i>It is considered that a D&A statement is an important requirement where proposals affect designated heritage assets due to their sensitivity and cultural significance.</i></p> <p><i>This is routinely requested by other LPA across the country.</i></p>
My experience, and concern, shared with professional colleagues, is that validation is a "tick box" approach applied without any consideration as to whether particular requirements have any relevance to the particular application. This puts applicants to unnecessary expense and contributes to delay.	<i>The purpose of this update is to specifically avoid the "tick box" approach and to provide greater flexibility to ensure that the information required is site/project specific. It is considered that this will speed up the planning process as a whole.</i>
In my view, validation requirements should be little more than national requirements, with case officers being able to request such further information as is reasonably required in the circumstances of the particular case using section 62 (3) of the 1990 Act and article 11 (e) of the Development Management Procedure Order. Section 63 (4A) states that requirements under s. 63 (3) must be "reasonable having regard, in particular, to the nature and scale of the proposed development", and "only if reasonable to think that the matter will be a material consideration in the determination of the application".	<i>The purpose of this update is to pay closer regard to the scale and nature of the proposal and use this to inform what information will be required to allow a fully informed assessment to be made of the development.</i>
Natural England	
Natural England does not have any specific comments on this Local Validation List.	<i>Noted</i>
RSPB England	
2.9 Hedgerow Location Plan. We recommend requesting details of proposed mitigation/compensation eg, location and details of any new	<i>The document has been amended to reflect this.</i>

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hedge to be planted, or details of hedge to be transplanted, or enhanced management of retained hedges.	
3.1.6 Does Green Infrastructure include provision of SANG, eg, in relation to increased residential developments where the new residents may reasonably be expected to go to Berry Head for daily recreation such as dog walking? SANG sites need to be located and designed so as to provide a viable preferred alternative to adding to the existing damaging impacts on the site from recreation.	This falls outside the scope of this review
3.3.4 Recommend amendment to “Biodiversity Net Gain must be demonstrated separately to protected species and sites mitigation and compensation” as provision of compensatory habitat may be required (eg, for cirl buntings where territories are lost to development).	<i>The document has been amended to reflect this.</i>
3.7.1 Torbay Sustainability Checklist. Section 2f of the Torbay Sustainability Checklist gave examples in the green High Quality column that included “bird nesting boxes” and “swift terraces”. The RSPB recommends that those terms are replaced by “integral nestboxes for swifts (ie swift bricks)”. These are also used by other urban hole nesting birds including blue and great tits and house sparrows”. While this wording is in the Sustainability Checklist itself rather than the Local Validation list, if this recommended revision is viewed as ‘non-substantial’ from the point of view of impact on applicants, then amendment would in our view result in better provision for urban nesting birds and so a more sustainable outcome. We strongly recommend the use of internal boxes that can be built into new dwellings as they are constructed, at a minimum ratio of 1 per dwelling (more on larger buildings such as hotels or blocks of flats). Unlike externally fitted nestboxes, internal boxes do not need maintenance and will last the lifetime of the building. Boxes for swifts should not be placed adjacent to each other but rather loosely grouped in two or threes about 1 metre apart. They should be sited as high as possible and with a minimum of 5 metres clear air space in front of and below the entrance hole. Full details are provided in a new British Standards.	<i>This falls out of the scope of the proposed update of the Local Validation List but will be passed on for review.</i>
3.10.1 Lighting. The Bat Conservation Trust link is broken. The Institute of Lighting Professionals issued updated guidance August 2023: ‘Bats and Artificial Lighting at Night’ ILP Guidance Note update released - News - Bat Conservation Trust and it is downloadable here: Guidance Note 8 Bats and Artificial Lighting Institution of Lighting Professionals (theilp.org.uk)	<i>The document has been amended to reflect this.</i>
Alistair Brierley (Planning Agent)	
Regarding Flood Risk Assessments could there be clarification on when a BRE 365 permeability test is required. The need for results from this test to be included in the planning application is an impediment to development as they can be quite costly to carry out (especially for householders) and there is no guarantee that an approval will be granted. They can also take some time to organise and carry out.	<i>This is considered on a case-by-case basis and can be covered by condition if necessary</i>
In Section 3.6.1, the draft validation list states ‘including surface water drainage strategy’ which, if taken as a statement of intent by the applicant and is sufficient, is a much more sensible approach. A detailed drainage design which includes the results of the BRE 365 test could be a pre-commencement condition of planning.	<i>Noted</i>
Additionally, the Flood Risk Assessment form for Zone 1 should have an option for using the existing drainage system for the situation where the proposed development replaces impermeable surfaces or roofs of the same area or less (or within a certain limit). In these situations, the discharge is the same or lower so none of the existing options apply. It will save agents/applicants having to add a paragraph of text to the bottom of the page.	<i>This is noted but falls outside of the scope of this update to the Local Validation List. It will be passed on for review.</i>

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Network Rail	
<p>Network Rail needs to monitor and assess new development that may have an impact on rail services and/or safety of existing infrastructure. In order to carry out this function it is vital that sufficient information is submitted with a planning application. It is noted that the Validation Guide requires the submission of a Transport Assessment for outline applications and full planning permission, the TA should reflect the scale of the development and the extent of the transport implications of the proposal.</p> <p>We recommend that any development of land which would result in a material increase or significant change of the traffic using existing rail infrastructure (particularly level crossings) and/or require rail improvements should also be added to this list of development when a TA is required.</p>	<p><i>The option for a Transport Assessment to be provided at the request of Network Rail has been included (within 3.5.2)</i></p>
<p>We would therefore appreciate the Council providing Network Rail with an opportunity to comments on any future pre-application or planning applications should they be submitted for sites adjoining the railway or within close proximity to the railway as we may have more specific comments to make (further to those above).</p>	<p><i>Noted</i></p>
Devon Wildlife Trust	
<p>3.3.2 Wildlife Report</p> <p>Reference to 'Extended Phase 1 Habitat Survey' is outdated. Where ecological assessment is required, this should take the form of an 'Ecological Impact Assessment' which includes the results of all required protected species surveys. 'Preliminary Ecological Appraisals' which contain recommendations for further surveys that have not been carried out are insufficient to enable the LPA to consider the potential impact of a scheme on the existing ecology of a site.</p> <ul style="list-style-type: none"> - Extended Phase 1 Habitat Survey (including proposed mitigation where necessary) - Protected Species Surveys (including proposed mitigation where necessary) <p>Should be replaced with:</p> <ul style="list-style-type: none"> - Ecological Impact Assessment (including all protected species survey data, mitigation, enhancement and compensation) 	<p><i>The document has been amended to account for this</i></p>
<p>3.3.4 Biodiversity net gain assessment</p> <p>The 'What is required' section needs to include the following: Biodiversity net gain calculations for the site must be produced. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain. Biodiversity net gain calculations for the site must be produced using a detailed landscaping plan and must show a minimum 10% net gain. Further details are also required to ensure that the BNG proposed is realised. This includes: a standalone Habitat Creation and Management Plan; written commitment from the landowner; details of an appropriate management company/organisation who has been appointed to carry out the works; the method of monitoring; and details for the funding of the creation, long-term management and monitoring regime for the duration of management period (minimum 30 years).</p>	<p><i>The document has been amended to account for this and associated comments made by DCC Ecology</i></p>
<p>We welcome reference to the use of Biodiversity Net Gain (BNG). We would, however, like to see Torbay Council take an ambitious approach to BNG and set this at 20% to ensure nature's recovery. In order to see real gains in biodiversity across the county, a 20% target will be required. East Devon District Council have committed to this level of gain in their emerging Local Plan. Now that a precedent has been set, we would urge</p>	<p><i>This can be considered as part of a wider policy review but falls outside the scope of this update</i></p>

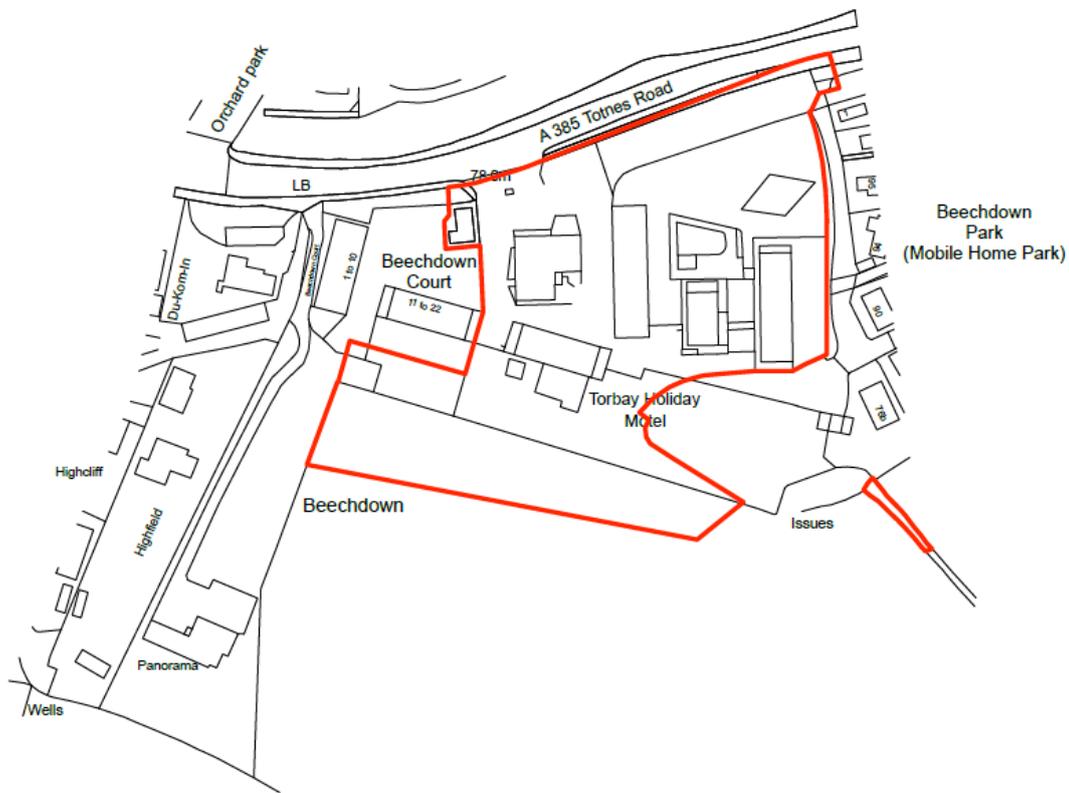
Appendix 3: Summary of Representations

Torbay Council to take a lead on ensuring that the whole of the county sees the vast array of known benefits that a commitment to delivery of 20% net gain will bring.	
3.10.1 Lighting Assessment (this can be incorporated into an Ecological Impact Assessment / Statement where applicable) DCC 'Maintaining dark corridors through the landscape for bats' should be referenced within the 'What is required' section.	<i>The document has been amended to account for this</i>
Cavanna Homes	
2.5 Environmental Statement- No definition in the document to what a Schedule 1 or Schedule 2 development is.	<i>This definition is provided within the .GOV link within the further information section</i>
P.15 Existing and Proposed sections- "Proposing altered land levels"- how much is an alteration? And "where Topography is key to the site"- this is fairly ambiguous and could do with a better definition	<i>This will be assessed on a case by case basis, with the current definition as is to allow flexibility</i>
P.16 Fire Statement – "A relevant building is one which contains two or more dwellings..." to confirm, does this include apartment arrangements with no common areas and designated individual dwelling entrances to the outside?	<i>This is covered nationally rather than locally – the relevant legislation and link to further information has been provided within the document</i>
P.20 Employment Statement/Economic Impact assessment- To confirm, would a purely residential scheme of 30+ dwellings, built on greenfield (ie no loss of employment space) also trigger this?	<i>This specific query can be addressed outside of this consultation process</i>
P.21- Infrastructure assessment- Trigger "for Major development proposals that have potential to affect the capacity of infrastructure in the area" A couple of points on this; <ul style="list-style-type: none"> • Would this then need proof of capacity from any providers? • In theory any development of any size would affect capacity in local infrastructure- this may need to be more specific 	<i>This will be assessed on a case by case basis, with the current definition as is to allow flexibility</i>
p.23 3.2.2 Archaeological desk based assessment- "Where the application site includes, or is likely to include, archaeological remains" Uncertainty/ a grey area on what constitutes 'remains'. It feels that there is a need for a heritage and archaeology trigger table as per the Wildlife and Geology one that would make this more user friendly. Also, as currently worded, it feels like you would need a desk based survey o find out if you needed a desk based survey here.	<i>This will be assessed on a case by case basis – development proposals should be informed by the constraints on the site. This initial assessment should identify whether archaeology is a material consideration</i>
P.29 Flood risk assessment- The critical drainage area covering everywhere apart from Maidencombe, but Maidencombe requiring an FRA due to no mains drainage and topography, would it make sense to present this as a blanket requirement and remove any ambiguity?	<i>This is a blanket requirement as outlined within the "When it is Required" section</i>
P.38 Waste Audit and 5 year management plan- 'significant' waste generation needs clarifying.	<i>This will be assessed on a case by case basis, with the current definition as is to allow flexibility</i>
UNESCO Global Geopark Representative	
Provided an updated version of the ERUGGp planning briefing document (updated in relation to the 2023 revalidation result)	<i>Noted</i>
the proposed wildlife and geology trigger table we feel the geology section is missing something along the line of the following: <ul style="list-style-type: none"> lc The application will expose or create a new rock exposure or cutting 	<i>Noted – the Wildlife & Geology Trigger Table will be amended accordingly</i>

TORBAY COUNCIL

Application Site Address	Former Torbay Holiday Motel, Totnes Road, Paignton. TQ4 7PP
Proposal	Outline Application: Demolition and redevelopment up to 30 dwellings with detailed Access (matters of Appearance, Landscaping, Layout and Scale reserved)(as revised by plans received 28.04.2023).
Application Number	P/2022/0771
Applicant	Torbay Eden Ltd
Agent	N/A
Date Application Valid	17.10.2022
Decision Due date	16.01.2023
Extension of Time Date	31.10.2023
Returning Recommendation	<p>Approval: Subject to;</p> <p>The conditions outlined, to include additional conditions (a) and (b) of the Planning Committee resolution made 24th July 2023, with the final drafting of conditions delegated to the Divisional Director - Planning, Housing & Climate Emergency.</p> <p>The completion of a S106 Legal Agreement to secure heads of terms in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers, to include £20,000 financial obligation to secure improvements to Beechdown Court, or to secure public realm improvements to the wider “Western Gateway” area of the Collaton St Mary Masterplan Area.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director - Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Returns to committee for reconsideration following failure to agree/secure a pre-commencement condition stipulated by the Planning Committee resolution 24 th July 2023 (to secure a scheme of enhancements to Beechdown Court Apartments)
Planning Case Officer	Scott Jones

Location Plan (Updated 28.09.2023)



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Summary Section: The Return of the Application for Reconsideration

The application was considered by Members at the 24th July 2023 Planning Committee and was resolved for approval in accordance with the Officer Recommendation subject to three additional conditions. The additional conditions sought by Members being:

- (a) reserved matters to be submitted to the Planning Committee for consideration within a two-year period from the date of the decision (rather than three years);
- (b) set back distance (positive and active frontage with the Totnes Road) to be addressed within reserved matters; and
- (c) a requirement to incorporate and secure landscape and appearance enhancements to Beechdown Court and associated parking area to comply with the Collaton St Mary Masterplan.

Following the committee resolution and communication with the applicant to discuss the necessary wording of these conditions the imposition of condition (c), securing improvements to Beechdown Court, could not be agreed with the applicant. The imposition of conditions (a) and (b) have been agreed in full.

Due to the inability to agree the imposition of one of the additional conditions required by Members within the previous resolution the application returns to the Planning Committee to be reconsidered. The context regarding this condition and the inability to agree its imposition is outlined below, together with an officer assessment and a revised recommendation for Members.

Applicant's Position

Notwithstanding information previously presented (which showed Beechdown Court edged in blue on the application site plan, which presented it as land in control of the applicant), Beechdown Court was sold just prior to the July Planning Committee and is hence no longer land that is within the same ownership as the application site. Leading from this the applicant's position is that the condition requires physical works to a property/site now owned by a third-party, which will create a significant obstacle to implementing the planning permission. This is the principal reason why the condition cannot be agreed.

The applicant has stated that they understand the Council's desire to improve the gateway into the Collaton St Mary Masterplan Area and have considered alternative solutions to deliver a similar outcome. Following this as an alternative to the proposed condition it is proposed that a financial obligation is offered to the Council towards public realm improvements in the 'Gateway' area of the Collaton St Mary Masterplan area, with the flexibility for direct improvements of Beechdown Court should the Council secure agreement for such works with the new owners. The applicant is offering a contribution of £20,000 which can be secured in the section 106 agreement.

Officer Assessment

Guidance on planning conditions requires all conditions to meet certain tests. Paragraph 56 of the NPPF outlines that planning conditions should be kept to a minimum and should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. These are referred to in this guidance as the 6 tests, and each of them need to be satisfied.

Members imposed the condition requiring improvements to Beechdown Court in response to the adopted Masterplan's expectation for holistic redevelopment of the wider site (the motel and the apartments being considered one site) and the importance of the site and area as the 'Gateway' to the Future Growth Area. The decision was made on the information that the applicant controlled Beechdown Court (as it was identified as 'blue land' within the submitted OS Site Plan accompanying the application) which showed control of this land and thus the ability to deliver any subsequent agreed works. This condition was considered reasonable in the context of the Masterplan's ambitions and deliverable in terms of the site being in control of the applicant, along with meeting the other tests.

Following the committee and discussions regarding the committee's resolution the applicant has subsequently confirmed that they no longer have an interest in

Beechdown Court, with its sale being completed on the 19th July 2023. They have submitted a revised OS Site Plan that no longer shows the land outlined in blue and have submitted two statutory declarations from the Directors of the company applying for planning permission that confirm that the sale was finalised on the 19th July 2023 following agreement for its sale being made on the 30th May 2023. The statutory declarations also confirm that the new owners are not known in a personal, business or any other capacity other than through the sale of the property. The provision of the statutory declarations and revised OS Site Plan is considered to provide sufficient comfort that the site is no longer in the control of the applicant and its disposal preceded the committee resolution.

Considering the submitted supporting information it is recognised that the applicants' no longer have control over Beechdown Court. In terms of how that influences the previously proposed condition it is necessary to turn to national planning practice guidance and consider the 6 tests for conditions. In terms of national guidance on the use of planning conditions for land not in control of the applicant it is stated that conditions requiring works to, or that requires the consent or authorisation of another person or body, will often fail the tests of reasonableness and enforceability. The guidance does offer that it may be possible to achieve a result or outcome by using a negatively worded (a Grampian condition) that for example prohibits development until a specified action has been taken, however importantly it furthers that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. It is reasonable to conclude that retaining a similar condition to that previously resolved by Members, restricting development until works are agreed/secured on land that is now known to be in 3rd party control, would fail the tests of reasonableness and enforceability where it presents undue control on the delivery of the development proposed on a 3rd party. It is also likely to delay and may prevent the development from proceeding.

In response to the situation the applicant has tabled a financial obligation of £20,000 to deliver improvements to Beechdown Court (should the Local Authority secure delivery with the owners), or alternatively to spend on public realm improvements to the wider 'Western Gateway Area' of the Masterplan Area.

Planning obligations can be used to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, in this case it is proposed as a solution to an unreasonable planning condition. Planning obligations also do need to meet their own tests and they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development. The provision of an obligation to achieve some form of visual improvements to the area, be it to the building and plot previously identified, or towards wider improvements to mitigate those improvements not being delivered/secured within that particular site, is considered reasonable and would be related to the development.

The proposal, for a financial obligation to secure visual improvements to the area, or possibly the building, is considered a reasonable and alternative solution to the planning condition previously tabled. The disaggregation of the wider site in terms of ownership clearly presents a hurdle towards holistic regeneration and the reasonable use of a planning condition.

In terms of matters for Members to consider when revisiting the resolution the following is offered.

Although a financial obligation to the Authority provides a potential pathway to secure visual improvements to the site or the area there is some inherent engrained uncertainty on what degree of enhancement £20,000 could or would deliver. The applicant has stated that the sum is proposed “*having costed a likely scheme of improvements*”, but there is no detail on the extent of the costed scheme and the assessment of cost, whether it is costed towards a scheme for Beechdown Court, or if such a scheme is not deliverable what potential improvements could be delivered within public or authority controlled, land. In the absence of such detail it is not fully possible to understand whether a £20,000 obligation will secure commensurate visual enhancements to what the proposed condition would have secured. However it is the proposal before Members and such an obligation will provide funding to explore delivering improvements in the area, and will provide a route to secure planning permission for the redevelopment of the Motel site, which itself secures regeneration benefits on the derelict element of the wider site, offering a viable new use, and would tackle the social and visual harm that is evident through the sites continuing non-use. It would also secure up to 30 dwellings which itself is a substantial public benefit when considering the Council can only currently demonstrate a 2.2 year housing land supply. If the obligation is deemed insufficient to meet the aspirations of the Masterplan and Members consider this critical to the application the course of action would be to refuse the application due to the weight afforded and necessity of holistic redevelopment of the site as a whole. This would result in establishing no immediate consent for the potential redevelopment of the majority of the site, on the element that is causing most harm in terms of visual degradation and social issues inherently connected to its derelict state, and may present a hurdle for any forthcoming holistic application where the two parts of the wider site are in sperate and unrelated control.

With the above matters considered the balanced judgement and recommendation to Members is, notwithstanding some concern on whether the financial obligation will deliver visual improvements commensurate with the previously expected condition, which sought to improve the visual appearance of the buildings and setting of Beechdown Park, the benefits of securing a viable planning permission over the disused part of the site, in terms of providing much needed housing and its own visual enhancements such redevelopment would bring in place of the existing dilapidated buildings, the proposal is recommended for approval in its revised form.

Conclusion

Approval, in accordance with the July 2023 Committee resolution (amending the time limit for reserved matters to 2 years and an additional condition to ensure future reserved matters adhere to the positive and active frontage indicatively shown in the supporting plans), and hereby accepting a financial obligation in lieu of the previously proposed planning condition to secure visual improvements to the area to address the Adopted Masterplans ambitions of a more transformative Gateway development.

Previous Committee Report (24th July 2023):

Site Details

The application site is the former Torbay Holiday Motel, which is set on the south side of the Totnes Road (A385) on the outskirts of Collaton St Mary, Paignton.

The Motel consists of a small grouping of two-storey buildings that date from the mid-20th Century. The Motel has been closed for a number of years and the buildings display a neglected appearance. The land around the buildings is largely laid to hardstand but where it is not there is unmanaged scrub growth.

To the front of the site, to the east of the existing entrance, there is a linear strip of hardstand that runs parallel to the low boundary walls that abuts the pavement. This hardstand is in use as an access route for the adjacent 'park home' site that sits to the east, Beechdown Park. The application site also includes the lower section of the adjacent field to the south of the site, and a separate section of land ownership to the southeast, which is a small strip of land. To the west of the site there are two residential blocks (Beechdown Court) that remain in use, which provide 22 small apartments. These blocks are arranged in an L shape with the associated parking area clearly delineated from that of the wider site by a wall and the previous reception building for the Motel. They sit outside the application site but are identified as being within the applicant's ownership.

In the Torbay Local Plan the site is identified as part of the wider Collaton St Mary (Paignton North and West Area) Future Growth Area. It is also a site identified for housing within the Collaton St Mary Masterplan, which is an Adopted Supplementary Planning Document for the area (adopted February 2016).

Description of Development

The application seeks outline planning permission for up to 30 dwellings with all matters reserved except for Access. Matters of Layout, Scale, Appearance and Landscaping are therefore reserved for future consideration with indicative detail on these matters submitted as part of the current outline application.

The proposal includes a revised access that sits east of the existing access point off the Totnes Road (A385). The centre point of the proposed junction being approximately 17m east of the centre point of the much wider existing access. In regard to design detail the access proposes a 6m wide carriageway into the site with a 2.5m wide footpath on the western side and a 3m wide foot/cycle path on the eastern side. The access proposal includes highway works to widen and re-align the A385 to

provide a designated right hand turn lane into the site.

Beyond the access detail the information submitted is indicative as all other matters are reserved for future consideration. The additional information submitted is principally seeking to demonstrate that the level of development proposed could be achieved on the site. This detail includes an indicative masterplan layout that presents a potential residential layout aligned around a sweeping central road to the south-eastern corner of the site. This road is shown to extend to the edge of the application site. This is made in reference to the aspirations of the adopted masterplan for the area, which depicts the motel site as a 'gateway' site that will provide access to 'Phase 3' to the southeast.

In addition to the central spine road the indicative layout presents a spur road to the east that connects and provides access to the adjacent Beechdown Park to the east and a spur road to the west to serve dwellings along the southern border, together with a retained access to Beechdown Court apartments to the west.

The indicative masterplan shows a mix of detached, semi-detached and short terraced properties, which appear to be provided with a mix of off-road and courtyard parking facilities. Garden divisions that provide private space for all dwellings is also shown (excluding a coach-house). The principles of the layout show development that fronts the A385, which is expected to be set behind some form of landscaping, indicated as possibly taking the form of a Devon hedge bank with native hedge planting. The layout also includes the potential for some form of public open space within a central position towards the southern border adjacent to the spine road, and there are shown to be opportunities for wider landscaping which include a replacement landscaped green buffer along the southern border.

Regarding visual character the supporting information includes some artistic street impressions and some indicative house type elevations that depict a mixed use of materials that suggests the use of render, stone and assumed timber elements within elevations, although precise materials are not expressly detailed.

Pre-Application Enquiry

N/A.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Paignton Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Collaton St Mary Masterplan
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

Applications

P/2019/0615: Outline application for the demolition of Torbay Holiday Motel and redevelopment of site for up to new 39 residential dwellings together with the retention of Beechdown Court, with detailed access (Matters of Appearance, Landscaping, Layout and Scale reserved) (As revised by plans received 20.03.2020 and description amended 24.03.2020). Resolved approval at the November 2020 Planning Committee, formal decision pending. Might be worth saying why the decision is pending. Members seem to be reading Officer reports now and might want to know why.

P/2015/0709: Demolition of motel buildings and erection of 33 dwelling houses with associated infrastructure and amenity land. Application Withdrawn.

Summary of Representations

16 representations have been submitted citing objections to the proposals. In addition, 50 separate pre-typed objections have been submitted from occupants of Beechdown Park citing concerns on the access. A further 2 objections have also been received from health providers, NHS Devon and the Torbay and South Devon NHS Trust.

The following provides a summary of the main issues identified and where appropriate a summary response is provided by the planning officer. Where appropriate the issues raised are discussed further in the Key Issues / Material Considerations section of this report.

The concerns raised in the objections are as follows:

- New access route to Beechdown Park and in particular the excessively sharp turn required for vehicles leaving the site.
- Impact on pedestrian movement and access on to public footpath on the Totnes Road if it lengthens the route to walk from Beechdown Park.
- Potential issues for emergency vehicles and refuse vehicles accessing Beechdown Park.
- Impact on health services.
- Flooding and drainage capacity issues.
- Landscape impacts.
- Shouldn't include fields to the rear.
- Additional traffic.
- More water demands.
- Impacts a right of way for Beechdown Park residents.

- Impact on ecology.
- Asbestos.
- New access point more dangerous.

Supporting comments include:

- Support the principle as it's a brownfield site.
- Removes unsightly buildings.
- Improves access from the A385.
- Would support it if highway and access concerns can be addressed.
- Desirable to redevelop considering the decay of the site.
- Welcome any improvement considering the state of the site and the associated problems its dereliction causes.
- Application should proceed if parking issues can be resolved.

NHS Devon

The combined surgeries of Old Farm Surgery, Corner Place Surgery, Mayfield Medical Centre and Pembroke House Surgery already over capacity within their existing footprint. Old Farm Surgery have plans for circa £15,000 funding to help create space for additional staff required to create more clinical capacity by amalgamating two small rooms to create a more useable space to cater for more staff. Mayfield Medical Centre have plans for circa £20,000 to create an additional clinical room. Request a financial contribution that will be utilised to fund either scheme to increase local capacity. For 31 dwellings a total contribution required of £15,068 to mitigate the impact of additional households in terms of increasing local capacity.

Torbay and South Devon NHS Foundation Trust:

Section 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contributes towards the impact a development creates on services. The contribution of £18,230 is sought towards the gap in the funding created by each potential patient from this development.

Officer response on the NHS Devon and the Torbay and South Devon Foundation Trust comments:

The Local Plan and Planning Contributions and Affordable Housing SPD only seeks healthcare contributions where sites are not allocated in the Local Plan. The former Torbay Holiday Motel is an allocated housing site expected to deliver 25-30 houses across the entire site, which included Beechdown Court apartments. Beechdown Court is retained and hence is consented the development would present additional health needs over that expected through the Development Plan. The request from NHS Devon for contributions towards improving surgery facilities is considered relevant due to the net provision of residential units being significantly greater than expected through the Development Plan and is deemed as being a CIL compliant obligation within the scope of the Local Plan/S106 SPD. This obligation should be secured through the accompanying S106 legal agreement.

In regard to the request for gap funding such obligations are not considered to meet the necessary tests and advice is that the obligation cannot be sought.

Summary of Consultation Responses

Highway Authority:

Connectivity:

The Highway Authority believe that it is important to secure active travel routes into the adjoining Future Growth Area (FGA). A continuous route cannot be secured, as it stands, therefore it is important to ensure that the land edged red allows for connectivity. It is therefore suggested that a reserve access point is provided which connects directly with adjoining land to the south so that, as later phases of development come forward, an alternative route is available. Under Policy SS2 of the Local Plan, it is a requirement to ensure connectivity with FGA's and therefore all access points should be secured at this stage.

Sustainable Transport Contributions:

As the Planning Application was submitted in 2022 it will be assessed in accordance with the 2017 version of the Planning Contributions and Affordable Housing SPD. For Sustainable Transport costs this is indicated as 'trip rate x £171' per dwelling. The Transport Statement submitted by the applicant (ref. 11032-HYD-XX-XX-RP-TP-4002) identifies a daily trip rate of 4.792 (contained with Appendix G – TRICS Outputs). The Planning Statement says that in accordance with Local Plan Policy 20% of dwellings will be affordable, resulting in 6 dwellings. Therefore, the Sustainable Transport cost will be $(4.792 \times 171) = £819.43$ (per dwelling) $\times 24$ (number of market houses) = £19,666.

Further Contributions:

Torbay Local Plan Policy SS6.2 and SPD3 indicates that development along the Totnes Road corridor will require infrastructure improvement works to the A385 Totnes Road area. As stated in Paragraph 4.2.7. of the Planning Contributions and Affordable Housing SPD, this is estimated to be £1 million. It is deemed appropriate to divide the cost of works against the total number of dwellings proposed within the Adopted Masterplan (currently estimated at 460) providing a figure of £2,174 per dwelling. As the P/2022/0771 relates to 30 dwellings, this results in a requirement of $30 \times £2,174 = £65,220$.

A S106 contribution (£8,000) to cover the costs of the TRO (Traffic Road Order) and implementation, with the view that we have 10 years to carry out the works associated with the order, linked to a review of the 30/40mph boundaries.

Additional issues that have been resolved:

Revisions to the detailed access remove previous concerns on the width of carriageways and turning lane. The access into the site is considered acceptable.

The revised indicative layout for the site, together with the submitted swept paths for refuse and long/wide loads (mobile home delivery/removal), has removed previous concerns on the requisite access and egress through the site for larger vehicles.

Torbay Council (TDA) Drainage Engineer:

Further to the email dated 1st June 2023 attaching the revised surface water drainage details for the above planning application, I would like to make the following comments:

The latest surface water drainage information that has been submitted confirms that the drainage has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change.

Providing the surface water drainage is constructed in accordance with the submitted surface water drainage drawing number 1004 P07 and the hydraulic modelling dated 31st May 2023, I have no objections on drainage grounds to planning permission being approved.

Torbay Council have secured grant in aid funding towards a flood alleviation scheme on the Yalberton watercourse which is currently at the detailed design stage. As the surface water run-off from the proposed development is likely to impact on this watercourse within the flood alleviation scheme a contribution to the funding for the flood alleviation scheme should be secured from the developer through S106 funding. In accordance with previous correspondence relating to a section 106 contributions within the Collaton St Mary area, a previously agreed figure of £563 per dwelling has been identified. As a result, the S106 contribution from this development to the flood alleviation scheme should be in the sum of £16,890 (30 x £563).

Devon County Council Ecologist:

Advice dated 21.06.2023: Following further information the summary position is that the development is supported on ecology grounds subject to conditions.

Clarification email 22.06.2023: All of the previous conditions (P/2019/0615) other than the one requesting the bat licence are still relevant for this application.

Final summary advice:

European Sites: South Hams Special Area of Conservation

The site is within the Landscape Connectivity Zone for the South Hams SAC with respect to Greater Horseshoe Bats. A Habitat Regulations Assessment has been completed and, provided the mitigation measures are secured by condition, there will be no adverse effect on the integrity of the South Hams SAC alone or in-combination with other proposals or projects. Natural England have been consulted on the detail of this conclusion and do not object.

Priority Habitats

There will be a loss of 0.1ha species-poor hedgerow and loss of 0.1ha of broadleaved woodland. A planted hedgebank and belt of vegetation comprising shrub planting and an herb-rich hedgerow / field margin is to be provided to the south of the site, which is

considered adequate compensation. Planting of broadleaved trees will compensate for the loss of broadleaved woodland habitat.

Other Habitats

There will be a loss of 0.09ha of scrub and 0.15ha of semi-improved grassland. A 5m wide species rich field margin will adequately compensate for the loss.

European Protected Species

Various conditions should secure development that protects bat commuting and foraging, including securing compensatory habitat, lighting restrictions during construction and operation phases, and management of the construction phase. Replacement roosting facilities should also be secured, with detail agreed by condition, with any permission subject to the satisfying the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPS license which would permit the proposal to lawfully proceed. The first two tests (below) are essentially planning tests and are for the LPA to conclude. The third test it is my opinion that the test is satisfied for the impact on bats associated with buildings, as given the mitigation measures included within the Bat and Habitat Survey Report and Updated Ecological Impact Assessment for Bats, which includes the new bat roost building, bat tubes and mitigation against disturbance, it concluded that the third test of the Habitats Regulations is satisfied.

The tests are:

- i) The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- ii) There must be 'no satisfactory alternative';
- iii) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

Other Protected Species

Dormice: Previous surveys and there was a likely absence. However, a precautionary approach is recommended in the absence of update surveys, which would include checks of suitable habitat prior to works. Should dormice be recorded an EPS licence may be required and thus the 3 derogation tests should be considered prior to the grant of planning permission, and accordingly whether Natural England are likely to grant an EPS license. Again the first two tests are planning tests and are for the LPA to conclude. The third test I would conclude that given the mitigation measures included within the Updated Ecological Impact Assessment which includes mitigation against disturbance and replacement dormouse habitat, it is my opinion that the third test of the Habitats Regulations is satisfied.

Badgers/birds and reptiles: Conditions will ensure adequate protections of these species.

Torbay Council Strategic Planning (Policy) Officer

The former motel site is allocated for development under Policy SS2.2/SDP3.3 of the Adopted Torbay Local Plan 2012-30 as part of the Collaton St Mary Future Growth Area. Policy PNP24 of the Neighbourhood Plan is also relevant. Policy PNP24(d) seeks to prioritise the redevelopment of brownfield sites, which is also reflected in Table 8.1 Phasing Conclusions on P93 of the PNP. The site is shown as part of the Phase 1 development in the Adopted Collaton St Mary Masterplan SPD. The Masterplan shows the site providing a safeguarded access link to the proposed housing to the south of Totnes Road.

Torbay has a substantial shortfall in its housing delivery measured both against the Local Plan, and the government's "standard methodology local housing need" figure of 605 dwellings a year (sometimes referred to as the government's "housing target"). The council cannot demonstrate a five or three year housing supply. On this basis Policies SS3 and SS13 of the Local Plan are particularly relevant. These seek to "consider favourably applications for new housing, consistent with Policy SS2, H1 and other policies of the Plan". Policy SS3 sets out a "Presumption in favour of sustainable development" which operates separately from the NPPF, although clearly influenced by the Framework.

On the basis of the above, the application must be considered on the basis of the Presumption in Favour of Sustainable Development in paragraph 11 of the NPPF. In broad policy terms it is allocated within the Plan and should be approved under 11(c). Where there are difficulties with the proposal they would need to be considered on the basis of the "tilted balance" at 11(d) ii. It's possible that some issues could trigger a "clear reason for refusal" under 11(d)i. But the bar to trigger a "clear reason" refusal on an allocated brownfield site is a high one.

Turning to S106 matters, the application was received in 2022, so falls under the 2017 iteration of the Planning Contributions and Affordable Housing SPD.

In terms of the NHS's request for S106 contributions there are two requests. The letter dated 25th October refers to the gap between housing being occupied and NHS funding becoming available, and relates to general funding. In my view this cannot be sought when considering case law and the adopted local SPD. The second NHS Devon LPA Engagement letter does relate to infrastructure improvements needed by local GP surgeries needed to support additional housing. This is seeking £15,068 towards surgery improvements. This is a different matter from the NHS gap funding argument, and much more closely aligned to the CIL Tests of Lawfulness. I would support George Grute's request for contributions towards improving surgery facilities as being a CIL compliant policy and within the scope of the Local Plan/S106 SPD.

Taking the above into account I do not wish to object to the application on planning policy terms. Substantial weight needs to be given to boosting housing supply on an allocated site.

Torbay Council Affordable Housing Team

Affordable Housing Policy H2 requires a 20% provision of affordable housing on brownfield sites of 20 or more dwellings. This should be broken down as 1/3 Social

Rent, 1/3 Affordable Rent and 1/3 shared ownership. The applicant has accepted the implications of Policy H2 and the accompanying SPD in their Planning Statement.

The applicant indicates that the scheme is eligible for a vacant building credit (vbc), which will reduce the provision of affordable housing from the policy position in line with national policy guidance.

I agree with the applicant that given this is an outline application, the impact of vbc upon affordable housing provision cannot be fully assessed. The applicant should submit an Affordable Housing Plan prior to or with the reserved matters application for agreement by the Council. This requirement should be secured within the section 106 agreement.

The LPA would welcome an early dialogue in respect of the Affordable Housing Plan.

Green Infrastructure Manager (Swisco)

Regarding open space provision in respect to this development 'Major' developments are expected to provide public open space as part of their layouts. Without prejudice, should the application be approved, the Green Infrastructure Team request the adoption of this public open space and the necessary (25 year) maintenance payments for these areas. In addition, where on-site provision, does not entirely meet the additional demands created by occupiers of the development, commuted payments for offsite provision and enhancement of open space are sought. Please refer to the relevant SPD detail.

Natural England

The appropriate assessment (AA) concludes that Torbay Council is able to ascertain that the proposal will not result in adverse effects on the integrity of the South Hams SAC. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures specified in the AA are appropriately secured by conditions or Section 106 agreement in any planning permission given.

South West Water

South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy.

Torbay Council Waste and Recycling Officer

In response to this consultation request I can confirm that the development would be provided with individual waste and recycling containers (2 x recycling box; 1 x blue bag for paper; 1 x food waste bin and 1 x 240 litre wheeled bin for refuse), which will need to be stored within the boundary of each property between collections. Residents are also able to subscribe to a garden waste collection, which if used will mean they need to store an additional 240 litre bin.

On collection day residents will need to present their recycling and waste at the curtilage of their property, next to the public highway. SWISCo will not drive on to

unadopted highway to collect recycling and refuse, so it would be useful to confirm whether there are plans for all of the roads to be adopted or if some will remain as private shared drives? If there are shared private drives residents will need to bring their containers to the public highway for collection, as our operatives will not walk the containers out.

Torbay Council Community Protection Officer

No objections subject to the inclusion of a Construction/Demolition Management Plan condition. This would need to be pre-commencement, submitted and approved, to demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

Police Designing Out Crime Officer

From a designing out crime, fear of crime and anti-social behaviour perspective the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision-making process for the planning authority.

Crime, fear of crime, ASB and conflict are less likely to occur if the following attributes of Crime Prevention through Environmental Design (CPTED) are also considered in the design and layout of the proposed scheme;

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict. It is noted that residents will be given space for two bicycle storage either in within in a shed or in the garage. Where this is inside a garage there should be sufficient space to remove the bicycle without the need to remove a vehicle within the garage.

Public open spaces should be designed to allow natural surveillance from nearby dwellings. It is appreciated that plot 15 is facing this, however it appears this is the only property that will have natural surveillance from active rooms. It would be suggested that to improve the surveillance onto the public open space that plot 7 is repositioned to allow for more surveillance from active rooms.

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Boundaries between public and private spaces should be clearly defined. Plot 15 should have a clear front boundary to prevent casual intrusion into the front garden from the public open space.

Physical protection - Places that include necessary, well-designed security features as required by ADQ and SBD Homes 2019

Rear boundary treatments must be robust and attain a minimum height of 1.8 m. If greater surveillance is required, the solid boundary treatment could be reduced to 1.5m with a trellis topping of 0.3m or 0.6m. Where gates are installed for access into private rear gardens these should be the same height of the adjoining boundary treatment, robustly constructed and be lockable from both sides by means of a key as an example.

Where shared rear access footpaths are proposed, these should also be gated with access controlled for the associated residents only. The gates must be placed at the entrance to the footpath as near to the front of the building line as possible to prevent unnecessary recesses.

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

Parking

Communal car parking should be lit to a standard of BS5489-1:2020. Please be advised that we would not support the use of low level bollard lighting in parking areas as these should only be used for wayfinding and demarcation purposes as they generally do not provide sufficient up lighting to aid facial recognition, which can increase the fear of crime. Also, once a car is parked adjacent to a bollard light the light spill will be reduced to lighting the car only.

Tandem parking should be avoided as it is likely that from a practical and convenient point of view only one of the spaces will be used which will encourage unplanned parking elsewhere. The 'elsewhere' has real potential in creating vehicle and parking related problems which the police can spend a lot of time dealing with.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Design and Visual Impact
3. Impact on Heritage Assets
4. Residential Amenity
5. Highway Safety
6. Ecology and Biodiversity
7. Drainage and Flood Risk
8. Low Carbon Development
9. Affordable Housing
9. Other Considerations

1. Principle of Residential Development

The application site is located within a Strategic Delivery Area (SDA), as designated in the Torbay Local Plan under Policy SS1, which identifies areas for the delivery of growth and change in Torbay for the period of the Local Plan. In addition the site is also part of a Future Growth Area, as identified within Policy SS2 of the Torbay Local Plan, where it sits in the identified *Paignton North and West Area, including Collaton St Mary* (Policy SS2.2). The site forms part of the Paignton North and Western Area SDA and Policy SDP3 of the Torbay Local Plan identifies that 460 houses could be provided within the Totnes Road / Collaton St Mary Future Growth Area over the plan period. Policies SS1 and SS2 identifies that Future Growth Areas are areas within SDAs that show broad locations where the Council will seek to work with landowners and the community, through neighbourhood planning and/or master-planning, to identify in more detail the sites, scale of growth, infrastructure etc that is required to help deliver the aspirations of the Local Plan.

The Torbay Local Plan offers some specific reference to the site within the accompanying explanatory text (5.3.3.8) to Policy SDP3 where it states that a smaller amount of housing (around 40 dwellings) is possible in the shorter term at the former Torbay Holiday Motel, which is an under-used brownfield site.

The site is also subject to an adopted masterplan for the wider Future Growth Area (adopted February 2016). The Collaton St Mary Masterplan identifies the application site for residential development and identifies the site as being 'Phase 1', with introductory commentary as follows;

At the western end of the village is the vacant motel site. It is surrounded by occupied uses on either side, including a static caravan site along its eastern boundary and a car showroom and dwellings to its west.

The development of this site will affect the long term viability of the rest of the masterplan proposals. This first phase needs to be designed and laid out in such a way as to ensure that access is safeguarded to future phases further east. In essence, this first phase will form one of 2 major gateways into the southern part of the masterplan. Therefore, its primary value is not in achieving maximum housing numbers on the site but rather in providing a gateway into a larger area.

The expected number of units within the Masterplan's schematic proposal suggests the delivery of between 25-30 houses, together with a small area of public open place space, a safeguarded link into 'Phase 3' area to the east and retained future access links to the park home site.

In terms of the Paignton Neighbourhood Plan Policy PNP24 (*Collaton St Mary Village*) outlines that any further development beyond the currently developed areas will only be supported where the proposals are in accordance with the adopted masterplan for the area. As the application site is identified as a potential site for housing within the adopted masterplan the Neighbourhood Plan is considered to support the principle of housing development on this site. The current proposal is considered to be generally consistent with the Masterplan proposal, as although a larger number of dwellings are proposed when considering the retention of Beechdown Court apartments, the layout and number shown on the masterplan are indicative and the indicative layouts in the

Masterplan are schematic and should not be taken as a ceiling on the number of dwellings that can be achieved.

It should be noted that the application site includes a linear section of the adjacent field, which is not referenced or included for development within the adopted masterplans commentary, although it does sit within the Future Growth Area identified within the Torbay Local Plan. The inclusion of this additional parcel of land is not considered to present any overriding conflict of policy in terms of broad principle as the addition is relatively limited and the site is principally that of the motel site. The impact of the inclusion of this land should duly consider landscape and ecology impacts though, which will be discussed in later sections of this report.

Due to the reasons stated above there is deemed to be a consistent policy umbrella that supports the principle of the site's redevelopment to provide housing. This position is supported by the Council Strategic Planning Team in their policy response.

In terms of other material considerations the Local Planning Authority supported the principle of housing on the site when it resolved approval in November 2020 for outline planning permission for 39 dwellings under planning reference P/2019/0615. Although formal grant of outline planning permission was not established the decision of the planning committee under the same policy umbrella is a material consideration in terms of supporting the principle of housing.

In addition to the above, the Council cannot currently demonstrate a 3 or 5 year housing land supply, which is a relevant material consideration to the principle. For decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are to be considered out of date and therefore should be afforded limited weight within the current decision-making process. The 'tilted balance' in favour of sustainable housing development therefore applies subject to the detail wording of the NPPF Para 11 and the associated footnotes. This principally means that for permission to be withheld either (a) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development or (b) harm would significantly and demonstrably outweigh benefits. This current context therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application for housing. Notwithstanding the NPPF and the 'tilted balance' guidance this does not displace the primacy of the Development Plan, however as stated above there is broad policy compliance with strategic and housing policies due to the sites location within an identified Future Growth Area and its identification as a 'housing' site.

All matters considered the principle of residential development is therefore accepted, when considering strategic policies SS1, SS2, SS5 and SS12 of the Torbay Local Plan and Policies PNP1 and PNP24 of the Paignton Neighbourhood Plan, and the Development Plan as a whole. This is purely a matter of principle and the broader merits of the proposal and other material considerations, will be discussed in more detail in the following sections of the report below.

2. Design and Visual Impact

Whilst the proposal only seeks detailed consent for the proposed access, being in outline with all other matters reserved for future consideration, the submitted information does include an indicative site layout and further detail on the potential character and appearance of the development. It is necessary to consider whether the submitted detail indicates and ultimately provides sufficient comfort that the amount of development (up to 30 dwellings) could be appropriately achieved in terms of its layout, design and resultant character.

Achieving good design is a central thread within government guidance and Part 12 of the NPPF “Achieving well-designed places” offers key guidance. Paras 126 and 130 are particularly relevant and accumulatively inform that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable development, and the importance of design being sympathetic to local character (built environment and landscape setting). Para 134 offers that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In regard to the Local Plan Policy SS2 states that development delivered within each of the Future Growth Areas must be integrated with existing communities and reflect the landscape character of the area as informed by Torbay’s Landscape Character Assessment (2010). Policy SS8 states that development proposals outside of the AONB designation (the site is not within the AONB) will be supported where they conserve or enhance the distinctive character of Torbay, or where the impact is commensurate with the landscape importance. Policy SS11 states in part that development should be of an appropriate type, scale, quality, mix and density in relation to its location. In terms of non-strategic policies Policy DE1 outlines a number of factors towards securing development that is well-designed and that respects Torbay’s special qualities. Further to these Local Plan policies Policy PNP1(c) and (d) of the Paignton Neighbourhood Plan sets out local design criteria, whilst PNP24 seeks development to be designed in such a way that it re-establishes the village character (of Collaton St Mary) and respects prominent landscape and other features.

The application is supported by an indicative masterplan and landscape plan that seeks to present how the amount of development could be laid out within the site. There is also some artistic impressions of the frontage street-scene and the central street-scene and some indicative elevations, which seek to offer a potential understanding as to a possible design ethos and general character. The submitted Design and Access Statement that accompanies the application also has some limited detail on layout and design with the central messages offered below;

- Creation of strong clearly defined streets with a rural character.
- A primary route defined by a variety of house types and styles that directly address the street, with minimal defensible space to the frontage.
- Car parking generally located in parking courts to the rear, to minimise the presence of cars within the streetscene.
- Frontages offered to the conspicuous northern and eastern edges of the site, ensuring that the development positively addresses Totnes Road and improves the appearance of the site when viewed in prospect in distance views from the east.
- The main entrance to be defined by turning gateway feature buildings.

- Provide a green area of Public Open Space which sits in the heart of the development.

In regard to the outline proposals submitted for consideration it is deemed that the broad layout presents a satisfactory foundation that a future reserved matters could be evolved from, insomuch that it provides an acceptable entrance to the development that is safe and legible, which leads to a direct and legible central route for what is expected to be the main route through to a later phase of the masterplan area. This appears a reasonable approach and is detailed to provide access to the edge of the site to enable future linking to the wider masterplan development to the east (Phase 3).

In regard to other positive foundations the layout also maintains an access to Beechdown Park to the east, which again aligns with the adopted masterplans expectation of a future link being engrained within any redevelopment, and it also maintains an access to Beechdown Court to the West. It also generally presents a perimeter form of development that results in buildings positively addressing the public realm. This concept generally helps support the delivery of attractive streets and secures natural surveillance of public spaces, which aids designing out crime.

Moving on to the likely form of development that the layout may inform it does present a relatively uniform density throughout. This is a point of concern that should be addressed by further design work to inform a future reserved matters application. It is considered a key urban design principle that any future layout responds to the context and presents a hierarchy to the streets, and this is likely to include reconsideration to the form of development on the 'central spine', in terms of it having a clear status as a through route. The orientation and direct nature of the route supports the potential of it being legible as a through route but the even density and apparent lack of the strength to the built form is considered to somewhat fail, in terms of delivering on the rural, rather than suburban, expectation for this edge of settlement gateway site. Away from the central spine the ambition of having frontage development addressing the Totnes Road is welcomed as a principle, certainly where it is married with a demonstrable landscape buffer, which itself is likely to slightly soften the development and improve future residential environment of occupants adjacent to what is a busy and noisy road.

Moving on the likely built form the layout plans and indicative images present buildings with a mixed palette of materials (visually they suggest elements of stone, render and timber) behind what appears largely open plan frontages mixed with parking and landscaping. In terms of submitted supporting text the Design and Access Statement suggests a positive response to a rural context is necessary. This concept is supported and a strong response to the rural context will be key to see evolved and successfully delivered in a future reserved matters application. The Development Plan policy aspirations (Paignton Neighbourhood Plan) for the use of natural materials should be duly considered and it is expected that a reserved matters would be positively evolved in terms of natural materials sensitive to the rural context. As detailed the current plans are only indicative and further scrutiny will be at reserved matters stage. In terms of other matters it is relevant to note that the parking provision appears relatively suburban in terms of the indicative form and further thought should be given to softening the prominence of these elements and possibly providing some variety to its

form. Another observation on form is the building lines and public frontages and boundary treatments present some concern in terms of whether the indicative detail would successfully deliver a rural character. Open plan is not particularly rural in character and a stronger enclosure between the public realm and private areas should be duly considered in the evolution of the reserved matters. Rural development is more generally a mix of buildings directly abutting the public realm where appropriate, or buildings set behind strongly defined boundary treatments such as stone walls or hedging, clearly defining public from private.

Although, as detailed, there are some areas of concern these concerns should not be considered as fatal to this current outline application. There is deemed to be sufficient comfort that the amount of development could be appropriately delivered and there is sufficient comfort that the design aspirations towards a rural character outcome is sufficiently clear notwithstanding some areas of concern on the indicative layout and supporting information. It is hence expected that any future reserved matters would need to evolve a stronger design assessment and solution to capture a more rural character, which may present less suburban parking arrangement, stronger landscaping, and stronger enclosures and definition between public and private space. In regard to the materials the use of natural materials would be expected considering the indicative detail, the supporting statements offered, and considering Development Plan policy.

In summary, in terms of design and visual impact the outline proposal provides a loose basis for a future reserved matters application. There is sufficient comfort that up to 30 dwellings could be delivered to offer support for this outline application, with scope within the site and potential to positively resolve the points of concern.

To conclude it is considered that the proposed access arrangements would not result in unacceptable harm to the character of the area. Based on the indicative information provided, the proposed development is, for the reasons above, considered to sufficiently demonstrate the potential to provide a satisfactory form of development subject to further work to resolve the concerns raised. The proposal is therefore on balance considered to be in accordance with Policies SS2, SS11, H1 and DE1 of the Torbay Local Plan, Policies PNP1, PNP1(c) and PNP24 of the Paignton Neighbourhood Plan, the adopted Masterplan for Collaton St Mary, and the NPPF.

3. Impact on Heritage Assets

As an outline proposal with all other matters reserved for future consideration except for the access, it is necessary to consider the likely impact upon heritage assets of the expected scheme.

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199).

In terms of the local Development Plan, it is guided that development proposals should have special regard to the desirability of preserving any listed building and its setting

(Policy HE1 of the TLP). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The site is not within or within the setting of a Conservation Area. Listed buildings in the area do not sit immediately adjacent to the site and hence their direct settings would not be impacted. Blagdon Manor (Grade 2*) is the nearest listed building, sitting approximately 200m to the north across the A385 and nestled on the far edge of a holiday park. Further afield approximately 800m to the east a group of listed buildings sit around the junction of the A385 with Blagdon Road, which include the Grade 2* Parish Church. There are also listed barns (converted) approximately 1km away to the north east at the junction of the A385 with Stoke Road. In addition, there are no obvious or overtly sensitive visual links to listed buildings which could possibly present harm to their settings. Finally, the kinetic relationship has also been considered and the redevelopment of the defunct motel site for residential purposes will not overtly alter the experience of passing through the area and appreciating the listed buildings nearby.

In light of the context of the site and how it relates to the listed buildings on the area there is no harm to the setting of the heritage assets. The proposal is considered, in terms of heritage assets, in accordance with Policies SS10 and HE1 of the Torbay Local Plan and Paragraph 199 of the NPPF.

In reaching this conclusion Officers have duly considered the general duties as respects listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66.

4. Residential Amenity

The Development Plan contains policies and the NPPF contains guidance that seeks an appropriate quality of residential environment for future occupiers of residential development, and for neighbouring occupiers or uses to be duly respected. Although the application seeks outline approval with only the access fixed it is necessary that the application presents sufficient evidence that the amount of development could be delivered with adequate amenity for future occupiers and neighbours.

In terms of the Development Plan Policy DE3 states that development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact up on the amenity of neighbouring and surrounding uses. It also engrains size standards and standards for outdoor space. The NPPF (Para 130) guides that decisions should ensure that that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In terms of broad use residential development would align with the residential uses nearby and the development would not result in undue noise or general disturbance for existing occupiers adjacent to the east or west.

In terms of the likely form of development and potential impact on neighbouring occupiers the indicative layout and scale (two-storeys) is deemed to show that the amount of development proposed, up to 30 dwellings, could be delivered without undue impact. Broadly the indicative layout presents dwellings that are unlikely to cause undue loss of light, outlook, or privacy for adjacent occupiers. As the proposals are currently indicative any grant of consent would not 'fix' the final form of development and the future reserved matters would present the point in time to scrutinise the relationship and likely impacts in detail, when the final layout and form, and hence distances to neighbours, levels etc will be proposed.

In terms of the level of amenity afforded future occupiers of the development itself the indicative proposals present dwellings with adequate internal and external amenity areas that accord with Development Plan Policy DE3, which includes minimum space standards and levels outdoor amenity space. The indicative plans show all dwellings exceed the minimum space standards and all dwellings, excluding a potential flat above an access, exceed the minimum garden size expected of 55sqm. In terms of outlook, natural light and likely privacy levels the general layout appears satisfactorily suggest 30 dwellings could be delivered with most dwellings within the indicative layout showing what is likely to offer suitable inter-relationships. There are limited occasions in the indicative layout where properties face adjacent blank walls at circa 10m which, for 2-storey development, should be better resolved reflecting on the quality of outlook. However, overall, there would appear sufficient scope to address these issues through design evolution towards the reserved matters, and hence these concerns should not be considered fatal for this application. It is relevant to note the indicative proposals to set back properties from the A385 and to provide substantial landscaping. Considering the apparent hostile and noisy environment that this highway presents this indicative element appears well considered and should be positively retained and evolved through the reserved matters stage should outline planning permission be granted.

In terms of ancillary elements that influence residential quality parking, cycle parking and waste storage are key domestic elements to consider. The indicative plans show 2 parking spaces per dwelling, which is the policy expectation within the Development Plan. These are indicatively shown as being largely delivered on each plot, however there is a central shared rear courtyard for a few properties. Electric parking facilities should be delivered for every dwelling, and this is suggested to be clarified by a planning condition for future reserved matters to include. Cycle parking facilities are not shown and would need to be evolved within a future reserved matters application, to deliver 2 cycle spaces per dwelling. This is suggested to be secured by planning condition, similar to the final parking provision. Considering the likely form of dwellings cycle parking could readily be delivered within ancillary structures on-plot and hence the lack of indicative planning is not considered unacceptable in terms of consideration of this outline application. In terms of waste storage, like cycle parking, there appears to be the opportunity to deliver storage facilities within gardens. Where plots do not have natural collection areas to the frontage it would be expected that future reserved matters detail did include collection day point detail within the layout where needed. Within the indicative layout this may apply to a number of plots. Such detail would seek to ensure suitable 'drag' distances and collection areas that would minimise potential obstruction to footpaths or unsuitable use of landscaped areas.

Finally in terms of the construction phase this will naturally have some temporary impacts however such impacts are not unusual and can be limited through restricting hours of construction and agreeing processes to limit delivery and construction movement and parking impacts using a planning condition. The retention of adequate residential access during construction phase to the adjacent park homes site and the adjacent apartment should be duly protected through consideration of a construction management plan, secured by condition.

In summary the proposal appears to demonstrate the potential to provide a satisfactory form of development in terms of protecting the amenities of adjacent occupiers, but greater scrutiny on this will be undertaken at reserved matters stage. On the information available the development is also considered to evidence scope to deliver the amount of development proposed in a form that could accord with Policies SS11, DE1 and DE3 of the Torbay Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan, the adopted Masterplan for Collaton St Mary, and guidance contained within the NPPF.

5. Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that *a)* appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; *b)* safe and suitable access to the site can be achieved for all users; and *c)* any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110). It also furthers (Para 111) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided.

The Paignton Neighbourhood Plan is largely silent on access and highway matters beyond guiding that appropriate infrastructure should be in place for development, that sustainable modes should be encouraged and that suitable parking and cycle facilities should be provided within residential development. These matters have been previously discussed within the officer assessment section of this report.

In regard to vehicular access the development would be served by a single new access junction which includes a right hand turn lane off the Totnes Road. The visibility standard of the junction is considered acceptable by the Highway Authority. The Highway Authority has considered the junction detail and following revisions, principally to secure wider carriageway widths, they raise no objections in relation to the proposed vehicular access arrangements. It is considered that the proposal would not result in significant harm to highway safety or amenity and would accord with local

and national guidance. The detailed access point into the site and integrated works to the highway are hence considered acceptable.

Beyond the access point into the site the detail is currently indicative and would be considered again through a future reserved matters (layout) application. The proposed site layout currently submitted is not being applied for at this time. It is indicative detail to support that the site has the potential to deliver the amount of development proposed. Key elements of the indicative layout are outlined below.

The junction into the site and central road through the indicative layout to the southeast corner is designed as a major access road with 6m width carriageway suitable for bus movement. This accords with the expectation within the adopted Masterplan for the spine road to be designed as such, future-proofing potential use should the wider masterplan area come forward.

The spur road to the east provides a link to Beechdown Park and is shown as 5.5m wide, which is appropriate for the number of dwellings it would serve. Other spur roads are detailed as 4.8m wide which accords with highway width design guides for roads serving less properties.

In terms of sustainable travel modes, the indicative layout shows an enhanced pedestrian/cycle route along the frontage, which improves the current situation. The indicative plan also indicates a link to this at the north-eastern corner of the site. In terms of permeability for future residents of the development, and residents of adjacent sites, this ambition is positive and is supported. It is noted that several representations raise the harm from impeded access to bus stops etc, however the delivery of a link in this location will improve the current access situation for adjacent occupants. In terms of wider permeability, it is deemed beneficial to secure a similar link to the southern border, to future-proof potential access to the countryside. Both of these sustainable access points should be secured by a planning condition.

In terms of the internal layout more broadly the indicative layout is considered to present a permeable and safe environment for pedestrians with natural surveillance through the scheme. The layout will however be scrutinised at reserved matters stage, including the provision or absence of footways in certain areas.

In terms of more general movement needs due consideration has been given to the requisite access requirements for waste collection vehicles, and for the more site-specific requirement for Beechdown Park in terms of access and egress of mobile homes. The latter concern is raised within several public representations. Through the course of the application swept-path detail, and the subsequent layout, has been submitted and evolved to show that (a) refuse vehicles can access and egress all parks of the site, and (b) that larger vehicles (for mobile homes) can safely access and egress to and from Beechdown Park. The information submitted has satisfied the Highway Authority on these matters. It is important to note that a future reserved matters will seek a detailed layout and would again scrutinise the layout's ability to deliver safe access and egress for refuse and larger vehicles.

In regard to other matters Torbay Local Plan Policy SS6.2 and SDP3 indicates that development along the Totnes Road area (SDP3.3) will require infrastructure

improvement works to the A385 Totnes Road. The Highway Authority comments seek mitigation funding in accordance with the council's Planning Contributions and Affordable Housing SPD and based on the scale of the development expected within the area and within this site a proportionate funding level of £65,220 should be secured.

In terms of other matters funding to secure improved sustainable transport links should be secured in accordance with Torbay Local Plan Policy SS7 and the Planning Contributions and Affordable Housing SPD (to the open market dwellings). This funding would support strategic connectivity from Collaton St Mary to employment areas along the Western Corridor and into Paignton Town Centre. It has been raised that improved access facilities to inbound bus stops (central refuge areas) should be secured through this obligation. Again, this obligation should be secured via a S106 legal agreement.

As a raised site acceptability matter funding towards amendments to the speed limits in the area should be sought. A Road Traffic Order will be required and £8,000 funding for costs has been requested by the Highway Authority. This funding should be secured by legal agreement.

Considering the points above, and having regard to guidance contained within the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 111), the proposal is, subject to securing the identified off-site sustainable transport links and financial transport obligations towards the western corridor improvements, sustainable travel and a local traffic order, considered acceptable on highway and movements grounds, and in accordance with the Policy TA2 of the Torbay Local Plan, The Paignton Neighbourhood Plan and the NPPF.

6. Ecology & Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

Policy PNP1 (Area Wide) of the Paignton Neighbourhood Plan states that development will not be supported where the development proposal would result in an adverse impact on a European protected site and Policy PNP1 (c) *Design Principles* includes a number of aspirations for development to secure, where possible and appropriate to the scale and size of development. PNP1 (c) includes reference to safeguarding biodiversity and geodiversity by ensuring that layout and design will protect existing features of biodiversity value on site and biodiversity connections with related sites and ensure that features of geodiversity value are protected and wherever possible enhanced in their condition and future management. The policy furthers that hedgerow habitat should be provided on at least one development boundary wherever possible, and that bat and bird boxes should be featured.

In terms of the ecology context the site is a brownfield site with unkempt buildings and areas of overgrown scrub and occasional trees, which also encompasses a section of

the field to the south and boundary tree belt.

Considering the context, the key ecological issues relate to the use of the site by Greater Horseshoe Bats (GHBs) and the consideration of the likelihood of a significant effect, along with broader ecology considerations regarding notable habits, protected species and together with broader biodiversity enhancement aspirations.

In regard to the potential impact upon GHBs associated with the South Hams SAC the proposals include the creation of a 'dark' wildlife corridor (<0.5 lux) along the southern boundary, replacing the existing tree belt with a planted 3m wide Devon Bank and incorporating a 5m wide belt of vegetation comprising shrub planting and an herb-rich hedgerow / field margin to the south. It is proposed that the belt of vegetation will be protected from over grazing by a stockproof fence and a 3m high close board fence is to be installed adjacent to the northern side of the Devon hedge to act as a light shield whilst the Devon Bank matures. This is to allow the GHB flight line to remain undisturbed in perpetuity. Management of this flight line should be delivered by a dedicated management company to ensure suitable management in perpetuity, which will need to be detailed in an agreed Landscape and Ecological Management Plan. The Council's ecology advisor has undertaken a Habitat Regulations Assessment / Appropriate Assessment which concluded that subject to achieving the outlined mitigation through planning conditions the development would not have a likely significant effect on the South Hams SAC. The Council's HRA/AA has been submitted to Natural England for comment and they support the conclusions made.

In regard to wider ecology considerations there is evidence of bat roosting within the building complex and the proposal includes the provision of a dedicated bat building adjacent to the dark corridor along the southern boundary of the site as part of the formal mitigation. This will require a European Protected Species (EPS) license and hence the likelihood of Natural England granting such a licence falls on the Local Authority prior and needs considering prior to granting planning permission. The Authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant a license which would permit the proposal to lawfully proceed. In terms of the first test the redevelopment of an unused building and site to provide 30 dwellings provides public benefit and social/economic reasons. In terms of the second test the roost is within the disused building and there is no obvious satisfactory alternative to holistically redevelop the site. In terms of the third test the DCC ecologist considers that the mitigation measures included within the Bat and Habitat Survey Report and Updated Ecological Impact Assessment for Bats, which includes the new bat roost building, bat tubes and mitigation against disturbance, it is my opinion that the third test of the Habitats Regulations is satisfied for the impact on bats associated with buildings. This positive conclusion is similarly offered on potential impacts on dormouse, which was advised as necessary due to the extent of survey work, which this proposed mitigation satisfying the final test again.

In terms of other matters, the Council's ecology advisor has concluded that that there is no reason for refusal of the planning application on broader ecological grounds provided the proposals are implemented and maintained in accordance with the ecology documents that have been produced.

In terms of broader biodiversity aspirations in-line with advice from the Council's ecology advisor future reserved matters should duly consider and propose measures to enhance biodiversity, including certainty on the long-term benefits.

In-line with the conclusions above the proposal is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Local Plan, Policies PNP1, PNP1(a) and PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

7. Flood Risk and Drainage

National guidance contained within the NPPF cites that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (Para 166). It also guides that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Para 168).

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere, which is aligned with guidance contained within the NPPF. In regard to foul waters Policy ER2 of the Local Plan includes reference that development proposals should provide appropriate sewage disposal systems with separate foul and surface water, which seek to use sustainable measures and reduce water being discharged into shared sewers.

The Paignton Neighbourhood Plan has two key policies relating to drainage and flood risk. Policy PNP1 (Area Wide) Section *(i) Surface Water* cites that developments will be required to comply with all relevant drainage and flood risk policy. It furthers that proposals which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source are encouraged. PNP24 (Collaton St Mary) cites that foul and surface water disposal have become a significant problem in the area and furthers that residential development proposals where appropriate will be required to demonstrate (i) that sufficient capacity exists to accommodate the additional development and not cause any risk of flooding to existing properties, and (ii) there is infrastructure in place to provide for, and service, such growth and development.

The site sits in an area with a low risk (Flood Zone 1) of flooding and the site is also within a Critical Drainage Area as designated by the Environment Agency.

A flood risk assessment has been submitted with the development and there are accompanying surface water drainage plans. As this is an outline application these plans are indicative as the final layout, number of buildings and total areas of managed hardstand etc, is not yet fixed. Therefore, the information seeks to demonstrate that a suitable flood risk / drainage solution is deliverable.

Surface water

In terms of surface water the Flood Risk Assessment confirms that the existing 'brownfield' site positively drains surface water run-off to an existing private drainage network through the neighbouring caravan / mobile home park to the existing watercourse on the eastern site boundary. An initial Ground Investigation has shown, via percolation testing, that infiltration is not a viable option for surface water disposal at the site. As such, it is proposed that surface water be discharged at a restricted rate to the existing watercourse to the east, with on-site attenuation provided.

The Council's drainage engineer has reviewed the proposal and has concluded that the submitted detail demonstrates that there is no risk of flooding for the critical 1 in 100 year storm event plus 40% for climate change. By necessity as this is an outline scheme the layout may change and hence any future reserved matters would need to be accompanied by a detailed strategy that responds to the final proposed layout should outline consent be granted. A planning condition should be used to secure this detail with any future reserved matters (layout) application. This is considered to accord with Policy PNP(iv) as there is a detailed scheme that shows that an appropriate surface water management system can be achieved for the indicative layout.

In terms of other matters there is an identified flood alleviation scheme immediately downstream of the development on the Yalberton watercourse and the council's drainage engineer has identified that as the surface water run-off from the proposed development is likely to impact on this watercourse a contribution to the funding for the flood alleviation scheme should be secured from the developer through S106 funding. In accordance with previous correspondence relating to a section 106 contribution a figure of £563 per dwelling has been identified, which would present an obligation from this development to the flood alleviation scheme to the sum of £16,980 (30 x £563).

Foul water

In terms of foul water the Flood Risk Assessment confirms the site currently discharges foul water to a foul sewer within the neighbouring caravan / mobile home park to the east. This sewer discharges to a pump station, which in turn pumps foul flows to a public foul sewer in Totnes Road. It is proposed that foul water from the site be discharged via a gravity system to the existing sewer on the eastern site boundary.

South West Water do not object to the development.

Based on the above comments there is no objection to planning permission being granted for the above development subject to a condition requiring the developer to submit their final surface water drainage design for approval, together with the funding above being secured. The proposal is considered, subject to the above, in accordance with Policies ER1, ER2, SS2 and SS7 of the Local Plan, the Paignton Neighbourhood Plan, and advice contained within the NPPF.

8. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the

use of natural resources. Policy PNP1(f) of the Paignton Neighbourhood Plan has a similar policy goal towards achieving sustainable low carbon and energy efficient development, where appropriate and subject to viability.

An Energy and Sustainability Statement has been prepared to assess the potential for energy efficiencies, utilising clean energy, sourcing energy from decentralised systems and incorporating renewable energy provision into the development.

As an outline proposal a detailed assessment will need to be undertaken to inform and be part of a detailed reserved matters proposal. At the present time the report identifies scope for energy efficiencies and the use of solar panels.

As matters stand the outline application has duly considered policy desire to reduce emissions and use of natural resources. As highlighted above it is necessary that these statements / aspirations are explored and evolved and are engrained within a future detailed reserved matters application. It is proposed to secure such detail by the use of a planning condition relating to energy efficiency and the submission of such detail as part of a future reserved matters application. With such a condition the development is considered to accord with Policies SS14, ES1 and PNP1(f) of the Development Plan.

9. Affordable Housing

Affordable housing provision should be secured from this development in accordance with Policy H2 of the Torbay Local Plan, which states that for development of brownfield sites for schemes of 20+ dwellings that 20% should be affordable housing. A policy position would hence be for the delivery of 6 affordable units.

Notwithstanding the above the development seeks to deliver new housing in place of the disused motel. Para 64 of the NPPF states that the "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".

As the motel has sat empty for some years the existing floor space is recommended to be accepted as mitigation to reduce the obligation to provide affordable housing, in-line with guidance from Central Government that seeks to help unlock brownfield sites.

As an outline permission the extent of affordable housing cannot be offered until the detailed number and floor space of proposed housing is offered at reserved matters stage. However, Members are minded to appreciate that the application of Vacant Building Credit is likely to demonstrably reduce, or negate altogether, the provision of affordable homes from the policy position of 6 dwellings.

Considering the above the recommendation is for affordable housing provision to be secured via a S106 to a policy compliant position, with understanding of the final provision being linked to the final reserved matters and being subject to Vacant Building Credit.

10. Other Considerations

Housing Supply

The Council cannot currently demonstrate a 5 year housing land supply, as sought by Government, and the proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan when considered as a whole. As stated within this report the site is allocated and the proposals are in broad accordance with the adopted masterplan for the area.

Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

The provision of housing is a significant benefit within the planning balance, certainly in light of the current published position where the Authority can only demonstrate a 3 year supply, which is a significant shortfall.

It is concluded that the development accords with the Development Plan and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11). Were this judgment different and the proposal considered to conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development as it triggers a tilted balance in favour of sustainable development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As stated the land is identified for housing and the development broadly accords with an adopted masterplan for the area, that is itself supported within the Neighbourhood Plan, the conclusion would in such a circumstance be that the adverse impacts are not significant and demonstrable in this context, and the tilted balance in favour of granting permission should apply.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development

In respect of the economic element of sustainable development the balance is considered to be in favour of the development

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. The proposed development will provide a play area as a social benefit to the village and financial contributions will be provided towards education infrastructure demands.

Impacts on neighbour amenity have been discussed above where it is concluded that it would be possible to develop this site as proposed without significant harm to residential amenity.

NHS requests for financial contributions towards increasing local GP capacity is considered reasonable and necessary and should be a secured financial obligation through the legal agreement. Maybe clarify this in the report and mention the representations.

On balance, the social impacts of the development weigh in favour of the development

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape, ecology and biodiversity and surface and foul water drainage. These matters have been considered in detail above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. It has to be appreciated that the site is identified for housing within the Development Plan and is a semi-derelict brownfield site for the most part.

The proposed development is in a sustainable location inasmuch as it borders and forms part of the existing urban area and is located in close proximity to local amenities of West Paignton where there are also public transportation links.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Local Finance Considerations

S106:

The following are draft Heads of Terms for a legal agreement, which should be completed prior to a planning consent being issued. Triggers and instalments in relation to the proposed financial contributions are to be agreed as part of the detailed

negotiation of the legal agreement. It is recommended that authority to progress and complete the legal agreement be delegated to officers.

Affordable Housing

Should be secured via a S106 to a policy compliant position, with understanding of the final provision being linked to the final reserved matters and being subject to Vacant Building Credit.

Highway works

In-line with Torbay Local Plan Policy SS6.2 and SDP3 development along the Totnes Road area (SDP3.3) will require infrastructure improvement works to the A385 Totnes Road. Based on the scale of the development expected within the area and within this site a proportionate funding level of £65,220 towards the development and implementation of this scheme should be secured.

In order to undertake necessary traffic orders linked to revisions to the 30/40mph zones an obligation of £8,000 is required.

Sustainable Transport

In accordance with Torbay Local Plan Policy SS7 and the Planning Contributions and Affordable Housing SPD (to open marking housing only) Sustainable Transport obligations should be secured based on “trip rate x £171” per open market dwelling (or other alternative method as agreed). This funding would support strategic connectivity from Collaton St Mary to employment areas along the Western Corridor and into Paignton Town Centre.

Flood Works

Strategic flood alleviation works are required to secure a flood alleviation scheme on the Yalberton watercourse. Dwellings within the FGA and within the catchment drainage to the Yalberton Watercourse a contribution for each property should be secured. The level of funding should be secured based on a figure of £563 per dwelling. As a result the S106 contribution from this development to the flood alleviation scheme should be in the sum of £16,890 (30 x £563).

Greenspace and Recreation

No obligation request raised by Natural Environment Services. It is noted that the indicative masterplan includes a play area. The provision of a Locally Equipped Play Area is considered commensurate for the scale of development in the absence of further comment from the Councils Natural Environment Services Team. Legal agreement should secure adoption or management arrangements for the public open space secured in a future RM application commensurate with the indicative masterplan.

Education

Obligations in-line with the adopted SPD should be sought to secure increased school capacity within Paignton, based on the provision of open market housing, the detail of which will come forward at reserved matters stage.

Lifelong Learning Obligations

Obligations in-line with the adopted SPD should be sought to secure library improvements within the area, based on the provision of open market housing, the detail of which will come forward at reserved matters stage.

Waste and Recycling

Obligations in-line with the SPD should be secured to provide waste and recycling facilities for properties that will be served by the Local Authority waste collection provider.

Sustainable Urban Drainage System

Details pertaining to the ongoing management of the proposed SUDs within public areas, by a management company, shall be secured in order to secure certainty on future maintenance and effectiveness of the system.

CIL:

The CIL liability for this development is Nil as infrastructure requirements are secured by S106 legal agreement.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA:

The application site is within a landscape connectivity zone associated with the South Hams SAC.

A Habitat Regulations Assessment / Appropriate Assessment has been carried out for this development. The proposed development is unlikely to have a significant effect on the South Hams SAC, subject to securing the proposed mitigation measures. Natural England have been consulted and concur with the Council's conclusions.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

The provision of a public play area is also a public benefit, certainly considering the current absence of child's play facilities within the area. The nearest formal play area being at Claylands near the junction of Borough Road and Brixham Road.

Statement on Human Rights and Equalities Issues

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which

have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Proactive Working

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Conclusions and Reasons for Decision

The site is identified for housing within the Development Plan and the proposal has a broad degree of consistency with the associated adopted Masterplan for the area. Where there is divergence the level of harm is not considered sufficient to deny a presumption in favour of the development at outline stage where there is a further stage to scrutinise any divergence and ultimate harm (through the reserved matters).

There are demonstrable public benefits that weigh in favour of the scheme, notably housing provision in place of a long disused and derelict motel, the associated regeneration benefits of delivering on this long disused site, an expected provision of local public play space, and improvements to the sites surface water discharge into the local watercourse. Certain financial obligations to mitigate the impact of development will also deliver wider community benefits, for example sustainable transport obligations could, as identified, deliver improved crossing facilities to in-bound bus stops across what is a busy 'A' road.

The only fixed detail being sought is access and the detailed access is considered safe and there is no objection from the Highway Authority.

In terms of broader matters note yet fixed the indicative layout is considered to adequately demonstrate that the amount of development could be delivered within an acceptable form of development. The road layout has addressed movement concerns in terms of safe access and egress for all future users including adjacent occupiers. The revised building layout has demonstrated a good level of amenity is achievable despite some minor concerns and, together with the indicative landscaping and design work, has demonstrated that an acceptable design and character is achievable, again notwithstanding some minor concerns. In terms of these reserved matters it is concluded that commensurate evolution of the stated 'rural character' ambitions outlined within the submitted Design and Access Statement appear achievable.

Key public concerns regarding access and egress have been resolved to the satisfaction of the Highway Authority, and a future reserved matters application will ultimately consider and determine the acceptability of the internal layout including links to adjacent sites.

When considered as a whole the proposed development is deemed to represent sustainable development and is acceptable, having regard to the Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay, or where for housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

There are no impacts on protected areas or assets of particular importance to provide a clear reasoning for refusal.

Officer Recommendation (Amended for the October Committee)

Approval: Subject to;

The conditions outlined, to include additional conditions (a) and (b) of the Planning Committee resolution made 24th July 2023, with the final drafting of conditions delegated to the Divisional Director - Planning, Housing & Climate Emergency.

The completion of a S106 Legal Agreement to secure heads of terms in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers, to include £20,000 financial obligation to secure improvements to Beechdown Court, or to secure public realm improvements to the wider "Western Gateway" area of the Collaton St Mary Masterplan Area.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director - Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations

Conditions (Amended for the October Committee)

Amended Standard time condition (2 years – July Committee Resolution):

That in the case of any reserved matter, an application for approval must be made not later than the expiration of two years beginning with the date of the grant of outline planning permission; and

That the development to which this permission relates must be begun not later than two years from the date of the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

Additional Condition (July Committee Resolution):

The reserved matters relating to layout, scale, appearance and landscaping shall be consistent with the with the details submitted and approved pursuant to the outline consent in terms of securing the developments set-back distance (and positive and active frontage) to the A385 (Totnes Road).

The development shall be undertaken in accordance with the approved reserved matters.

Reason: To secure an acceptable form of development in accordance with Policies SS11, DE1, DE3 and PNP1, PNP1(a), PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan, and the NPPF (2021).

1. Reserved Matters condition

An application for the following reserved matters shall be submitted to the Local Planning Authority for its approval in writing:

- (i) layout,
- (ii) scale,
- (iii) appearance; and
- (iv) landscaping.

The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Flood risk / Surface Water Drainage

As part of any reserved matters application for layout a scheme for the treatment of surface water that demonstrates that the risk of flooding would not be increased, which is in-line with the design parameters outlined within the submitted and approved Flood Risk Assessment and Drainage Strategy (surface water drainage drawing number 1004 P07 and the hydraulic modelling dated 31st May 2023), shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full prior to the first occupation of the development unless an alternative phasing plan has been submitted to and approved

by the Local Planning Authority and shall then be subsequently maintained at all times thereafter.

Reason: To ensure that there is no increased flood risk, in accordance with Policies ER1 and ER2 of the Torbay Local Plan, the Paignton Neighbourhood Plan, and advice contained within the NPPF.

3. Energy / Low Carbon Development

As part of any application for reserved matters relating to the proposal's layout, scale and appearance, details of energy efficiency measures shall be submitted for the approval in writing by the Local Planning Authority. The measures shall accord with the submitted and approved Energy and Sustainability Statement and aim to achieve where appropriate;

- the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change.
- the use of reclaimed materials and natural finishes.
- on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible.
- the provision of electric vehicle charging facilities to all dwellings.

The measures in relation to each residential unit shall be completed, in accordance with the approved details, prior to the first occupation of that unit and retained thereafter.

Reason: In the interests of sustainable development and in accordance with Policies PNP1 and PNP1(f) of the Paignton Neighbourhood Plan, and Policies SS14, ES1 and TA3 (and Appendix F) of the Torbay Local Plan 2012-2030.

4. Play Areas

The reserved matters for layout and landscaping shall include details of local equipped play area aligned with the details within the adopted Planning Contributions and Affordable Housing SPD that details the type and provision of play for a variety of ages of children. The detail shall include appropriate provision of impact absorbing surface treatments, means of enclosures and litter and seating facilities. The reserved matters shall seek to secure appropriate levels of natural surveillance to all play areas and an appropriate buffer distance from properties to ensure neighbour amenity is not unduly impacted.

Reason: To ensure that the development provides a range of physical, social and green infrastructure, including local play spaces, in accordance with Policies SS7, SS9, SS11 and DE1 of the adopted Torbay Local Plan 2012-2030 and Policy PNP24 of the Paignton Neighbourhood Plan.

5. Parking Provision

The reserved matters for layout shall include details for the parking of 2 vehicles for all dwellings. The approved parking facilities shall be provided in full for each dwelling prior to its first occupation and shall be maintained for the purposes of parking at all times thereafter.

Reason: To ensure adequate parking is provided to support an adequate residential environment, protect the amenities of the area and maintain highway safety, in accordance with Policy TA3 of the adopted Torbay Local Plan 2012-2030.

6. Electric Charging Facilities

The reserved matters for layout shall include details for the provision of no less than one electric car charging point to serve each dwelling. The approved facilities for each dwelling shall be implemented in full prior to the first occupation of the dwelling and maintained thereafter.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

7. Cycle Provision

The reserved matters for layout and appearance shall include details of safe and secure cycle storage facilities for no less than 2 cycles per dwelling. The approved facilities for each dwelling shall be implemented in full prior to the first occupation of the dwelling and maintained for such purposes for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy PNP of the Paignton Neighbourhood Plan 2012-2030.

8. Waste Storage Facilities

The reserved matters for layout shall include details for the provision of waste storage facilities for each dwelling and, as appropriate, collection day points adjacent to the public highway (including materials and any form of enclosure or demarcation). The approved facilities for each dwelling shall be implemented in full prior to the first occupation of the dwelling and maintained thereafter for such purposes.

Reason: To secure an appropriate form of development in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

9. Connectivity (Revised and Agreed within the July Committee Resolution)

Notwithstanding the information provided with the planning application, details of the following matters (including swept path analyses) shall be submitted to the local planning authority for its approval in writing:

- (a) Access and egress to/from Beechdown Park and Beechdown Court for vehicles, including waste vehicles, emergency services and (in relation to Beechdown Park only) mobile home deliveries;
- (b) A pedestrian/cycle link to the existing public footway within the northeast corner of the site;
- (c) A pedestrian/cycle link to the southern boundary of the site; and
- (d) A phasing plan for the delivery of the access/egress and links.

Approval of the details and phasing plan to be obtained from the local planning authority in writing before any development is commenced. The access/egress and

links shall be provided in accordance with the approved details and phasing plan and shall be maintained thereafter for the duration of the development.

Reason for variation to Condition 9: to secure appropriate connectivity and permeability and to protect existing amenity, support sustainable modes of local travel and/or access to the countryside, in accordance with Policies SS11, DE1 and TA2 of the Torbay Local Plan.

10. Boundary Treatments / Means of Enclosure

The reserved matters for layout, appearance and landscaping shall include the detailed design of all boundary treatments and means of enclosure plan, which shall include all retaining structures. The scheme shall seek to deliver a cohesive enclosure plan that responds positively to the rural context referenced within the submitted Design and Access Statement.

The approved details shall be implemented prior to the first occupation of the dwelling to which they relate or prior to the first use of public land to which they relate without variance.

Reason: To secure an appropriate form of development in accordance with Policies SS11 and DE1 of the Torbay Local Plan and Policies PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan and advice contained within the NPPF.

11. Biodiversity enhancement measures

The details for reserved matters of layout and landscaping shall include the submission of a biodiversity metric calculation which use the most up-to-date metric and associated guidance documents. The submission shall evidence that all created and retained habitats will be managed appropriately for a minimum of 30 years.

The approved measures shall be implemented in full prior to the first occupation of the development, unless a phasing strategy has otherwise been agreed in writing, and shall be permanently managed and maintained at all times thereafter in accordance with the approved detail.

Reason: in the interests of biodiversity, in accordance with Policies SS8 and NC1 of the Torbay local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF.

12. Phasing

A phasing plan shall be submitted to and approved in writing by the Local Planning Authority as part of the first application for reserved matters approval of layout. The plan shall demonstrate how the development will be implemented in relation to an agreed timetable of works. The development shall then be implemented in accordance with the approved phasing plan.

Reason: To ensure that necessary elements of the scheme are implemented within acceptable parameters and at an appropriate stage, to comply with policies SS2, SS9, Page 116, SS10, NC1 and DE1 of the adopted Torbay Local Plan 2012-2030 and policies PNP1(a), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

13. Travel Plan

Prior to the first occupation of the development a Travel Plan, which seeks to secure a modal shift of 30% of potential users to sustainable modes of travel and include SMART targets and include an annual review mechanism where the development is failing to secure a modal shift of 30%, including measures to discuss with the Local Planning Authority additional measures to achieve the desired target, shall be submitted to and agreed in writing by the Local Planning Authority.

The approved Travel Plan shall thereafter be implemented in full.

Reason: To reduce the impact of the development upon the transport network, in accordance with Policy TA2 of the Torbay Local Plan 2012-2030.

14. Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable. Specifically, to 'ensure the gates to the rear private gardens are lockable from both sides by means of a key, for example.'

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy PNP1 of the Paignton Neighbourhood Plan.

15. Construction method statement

Prior to the commencement of development, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- J) The maintenance of access to Beechdown Park and Beechdown Court

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030.

This needs to be a pre-commencement condition to ensure impacts of development are mitigated from the very start of development.

16. Construction Environmental Management Plan (CEMP))

All reserved matters applications for layout shall include a Construction Environmental Management Plan (*CEMP: Biodiversity*), which shall have been prepared in accordance with specifications in BS42020; clause 10.2 and shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

17. Landscape and Ecological Management Plan (LEMP) or equivalent

All reserved matters applications for layout and/or landscaping shall include a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, which shall be submitted and shall include, but not be limited to, the following.

- a) Description and evaluation of features to be managed, which shall include all of the mitigation measures set out in the assessment documents.
- b) Ecological trends and constraints on site that might influence management.
- c) A habitat phasing plan to ensure habitat is established and functional in advance of impacts.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives. Noting the comments from Natural England with regards to preferred hedgerow management options.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

18. Bat Roost

The reserved matters for layout and external appearance shall include details of the compensatory roosting provision (bat roost building), as indicated within the submitted ecology reports and indicative masterplan.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

19. GHB Corridor Habitat Creation (HRA/AA)

Prior to the commencement of any other development a traditional Devon hedgebank (3m wide) will be created and planted to the south of the site with native species of broadleaved tree and shrubs. The bank itself will be 1.5m in height, and the native species of tree and shrub will be a minimum of 1m tall when planted, achieving an immediate 2.5m hedgebank which will be managed into the future at 3m in height and 3m in width. A temporary 3m high close bordered fence will be erected to the north of the proposed hedgebank, and this will be removed once the vegetation on the hedgebank has reached 3m. A 5m wide herb-rich field margin buffer will also be created along southern site boundary prior to development.

Full details of the specification of the means of construction of this bank and a detailed planting schedule shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction and development shall take place in accordance with the approved details. Any planting that becomes damaged, diseased or dies within 5 years of planting shall be replaced in accordance with the approved details.

This GHB corridor will be kept under 0.5lux and be a dark corridor to the south of the site. This belt of vegetation will be protected from over grazing by a stockproof fence to the south of the corridor.

The existing 120m species—poor hedgerow at the south of the site shall not be removed until this hedgebank and herb rich field margin associated with the proposed flight line have been planted.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan. This needs to be a pre-commencement condition to ensure impacts of development are mitigated from the very start of development.

20. Sensitive Lighting Strategy (HRA/AA)

The details for reserved matters of layout and external appearance will include the submission of a detailed Lighting Strategy for agreement with the LPA. The strategy will ensure the proposed dark corridor to the south of the site is kept under 0.5lux and will demonstrate how current national and local lighting guidance for bats has been implemented (e.g. using warm coloured lighting). This will include details such as the following: artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development and internal and external lighting associated with private residence.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

21. Control of External Light Spill to Maintain Dark Areas on Site and in Surrounding Areas

All reserved matters applications for layout and/or external appearance shall include a Lighting Assessment, including lux contour plan, for both public-realm and domestic lighting in combination with any existing light sources in the locality to demonstrate compliance with the 0.5lux design parameter set out in the Shadow HRA (The Ecology Company, Feb 2020).

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

22. No External Lighting

No external lighting shall be provided within the site unless it accords with the details agreed by conditions 20 and 21 or is otherwise previously agreed in writing by the Local Planning Authority.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

23. Management of replacement commuting habitat

All replacement commuting habitat will be annually managed to ensure adequate and effective establishment is taking place and to ensure that species and structural diversity is being maintained so the quality of the habitat is adequate. This work will be undertaken by a dedicated management company to ensure the new commuting habitat / flight line are managed appropriately in perpetuity (note that the management company will also manage the new bat roost required for planning). The future maintenance of the hedge will comprise traditional hedge laying / coppicing techniques, marking and retention of suitable trees to allow them to grow into standards, and suitable hedge trimming techniques to allow the hedgerow to mature and grow upwards to provide more shelter for bats, i.e. no hedge top flailing. This will allow the hedge to grow into a tall, robust hedgerow providing continuous cover and shelter from the development on the northern side. This will also allow the hedge to

become thick and bushy and comprise lots of mature hedge trees with overhanging branches. The 5m herb—rich field margin will be managed as a meadow habitat, in order to support a wide range of floristic species which in turn will support a high diversity of insects.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

24. Ecological monitoring to provide early warning of threats to bat commuting routes

All reserved matters applications shall include a monitoring strategy which shall be prepared with the purpose 'provide early warning of any change in site conditions (such as those brought about by loss of suitable habitat features or adverse light spill) that are likely to impair or disturb greater horseshoe bats being able to commute through the site adjacent to the site boundary'. The strategy will be prepared in accordance with the specifications in BS42020; clause 11.2.3 and shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose;
- b) Identification of adequate baseline conditions prior to the start of development (including light levels within the dark areas);
- c) Appropriate success criteria, thresholds, triggers and targets against which the continued effectiveness of the bats' commuting routes can be judged;
- d) Methods for data gathering and analysis (to include appropriate bat surveys and light monitoring);
- e) Location of monitoring/sampling points;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication;
- h) Contingencies and remedial measures that will be triggered should monitoring detect a change in site conditions;
- i) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals as identified in the Strategy. The report shall also set out where the results from monitoring show that site conditions are changing and consequently how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning bat commuting routes associated with the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and Policy PNP1 of the Paignton Neighbourhood Plan.

21. Highway Works

Prior to commencement of development, a S278 Agreement shall be entered into with the Highway Authority to secure the access works and ancillary works to the highway. The agreed works shall be delivered in accordance with the Agreement.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF.

This need to be a pre-commencement condition as it relates to works outside of the application site and engagement of third parties.

22. Highway Standards

Construction of the internal roads and footpaths within the development approved pursuant to any reserved matters for layout and appearance shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction. Roads serving each phase of development shall be completed to adoptable standards prior to the first use of each phase and made available for public use and always maintained as such thereafter.

Reason: To secure an acceptable residential environment and to ensure highway safety is not impaired, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

23. Adoptable Streets

No development relating to the creation of the roads approved pursuant to any reserved matters for layout and appearance shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

Informative: The applicant is advised to obtain a technical approval for all estate street details from the local highway authority prior to the submission of such approved details to the local planning authority.

24. Management and Maintenance of Estate Roads

No works shall be carried out for the formation or construction of any road approved pursuant to any reserved matters for layout unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management Scheme to secure the effective management and maintenance of the road and refuse collection throughout the lifetime of the development.

Where it is proposed that the estate roads shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for;

- (a) Setting up a company or other entity to be responsible for the on-going management and maintenance of the road and refuse collection (the “Management Body”).
- (b) How the company and the future management and maintenance of the road and refuse collection is to be financed including initial capital investment with subsequent funding.
- (c) The rights for and obligations on the Management Company to manage and maintain the road and collect refuse
- (d) Arrangements for the management and collection of refuse and waste from the dwellings.
- (e) A road management and maintenance and refuse collection schedule.
- (f) How refuse and waste will be managed on site including the location of individual and communal refuse and waste collection facilities and the locations where refuse and waste is to be transferred off-site.
- (g) Confirmation from the relevant waste collection company that they have agreed to collect the refuse and waste from the development in accordance with the approved details.

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

No dwelling shall be occupied unless it connects directly to a road (including a footway and carriageway) which is:

- (a) Adopted by the highway authority as a highway maintainable at the public expense or
- (b) Subject to an agreement with the highway authority under section 38 of the Highways Act 1980 for the adoption of the road; or
- (c) Subject to a Private Road Management Scheme where the Management Body has been established and is responsible for the management and maintenance of the road and the collection of waste and refuse from the date of occupation of the dwelling.

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense shall be permanently maintained to an adoptable standard and retained and made available for public use or the lifetime of the development.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

25. Badger surveys

Prior to the commencement of any vegetation clearance or site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the LPA.

The development shall proceed in accordance with any approved detail.

Reason: in the interests of biodiversity, in accordance with Policies SS8 and NC1 of the Torbay local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF.

26. Nesting birds / bats

The details of reserved matters for layout and external appearance shall include bird nesting/bat roosting boxes in the design of the buildings.

No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

The development shall proceed in accordance with any approved detail.

Reason: in the interests of biodiversity, in accordance with Policies SS8 and NC1 of the Torbay local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF.

27. Landscape Provision and Maintenance

All planting, seeding or turfing comprised in the approved details of landscaping reserved matters shall be carried out in the first planting and seeding season following the first occupation of the development unless otherwise agreed in writing with the Local Planning Authority within a phasing plan pursuant to Condition 12. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4 and DE1 of the adopted Torbay Local Plan 2012-2030 and PNP1(a), PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

28. Removal of PD – boundary treatments

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality, in accordance with Policies DE1 of the Torbay Local Plan and PNP1(a), PNP1(c) and PNP24 of the Paignton Neighbourhood Plan.

29. Removal of PD – roof extensions and hardstandings

Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C and F of the Order, including the construction of dormers, roof alterations and provision of hardstandings, shall be

carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

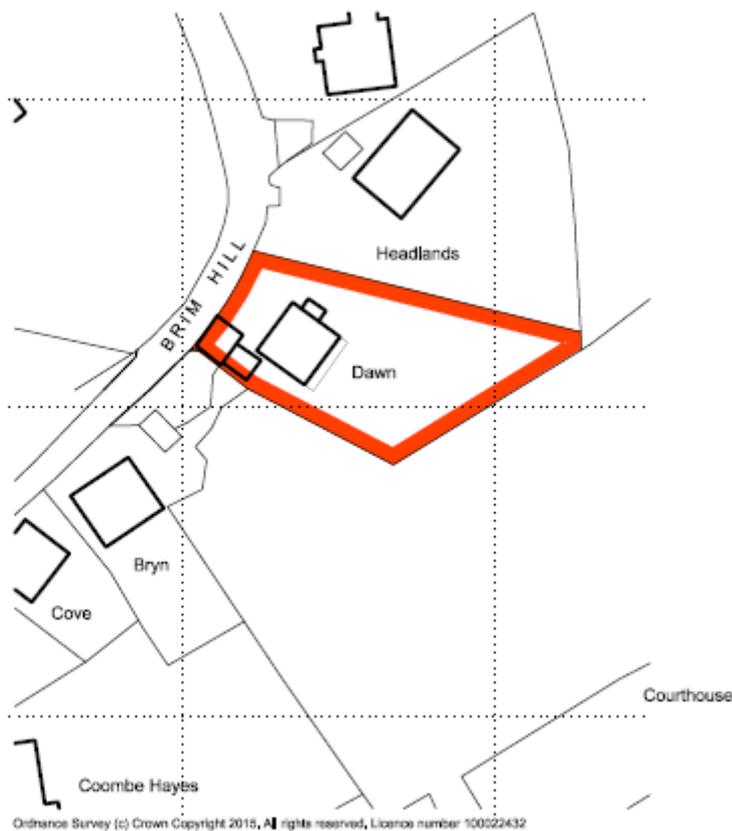
Reason: To protect the appearance of the area, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS2 – Future Growth Areas
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 – Green infrastructure
SS10 – Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
SDP3 – Paignton North and Western Area
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
H1LFS - Applications for new homes_
H2LFS - Affordable Housing_
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
W1 - Waste management facilities

PNP1 – Area Wide
PNP1(a) – Rural Character Area
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1(f) – Towards a sustainable low carbon energy efficient economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport
PNP1(i) – Surface Water
PNP24 – Collaton St Mary Village

Application Site Address	Dawn, Brim Hill, Torquay, TQ1 4TR
Proposal	Variation of Appeal Conditions relating to application P/2020/1044: Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration. Conditions: 02 - Approved Plans, 03 - Materials Schedule (Stone Walls). Variations sought: revised drawings and schedule document.
Application Number	P/2023/0418
Agent	Daniel Metcalfe
Applicant	Tony Payne
Date Application Valid	19/05/23
Decision Due date	17/07/23
Recommendation	<p>Approval - subject to the condition as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee following the SRM procedure.
Planning Case Officer	Sean Davies



Site Details

The site at Dawn, Brim Hill, Torquay is a detached dwelling and its curtilage. The site is within the Countryside Area and Undeveloped Coast as mapped in the Local Plan and falls within the Maidencombe Village Envelope. The site is just outside the Maidencombe Conservation Area. The boundary of the conservation area runs along the south and west boundary of the site and along the middle of Brim Hill outside the front of the site to the north. The site is within a Landscape Connectivity Zone within the South Hams Special Area of Conservation for Greater Horseshoe bats.

Description of Development

The current proposals seek to regularise a number of departures that have been made to the plans approved under reference P/2020/1044 during the ongoing build at the site. These comprise (1) new obscure glazed window in lower ground floor of south west elevation; (2) omission of approved window in north east elevation and enlarged window in ground floor of south east elevation; (3) omission of approved chimney; (4) change to colour of approved stone cladding; (5) three rooflights in approved single storey extension in south west elevation; (6) approved gable features in north east elevation to be lowered in height.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Brixham Peninsula Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary Of Consultation Responses

Torquay Peninsula Neighbourhood Forum: The Neighbourhood Forum has re-submitted the policy checklist that was submitted for application P/2020/1044 which was approved on appeal. The Forum's response maintains that the various policy non-compliances identified in connection with P/2020/1044 also apply to the current proposals. In other words that the proposals are contrary to Torbay Local Plan policies SS1, SS3, SS8, SS9, SS10, C1, C2, C4, NC1, HE1, DE1, DE3, DE4, DE5, ER1, ER2 and ER4 as well as Torquay Neighbourhood Plan policies TS1, TH8, TH10, TH11, TH12 and TE5.

Specific points made in connection with the current proposals are that:

"Variations to the glazing will result in loss of privacy for neighbours.

The chimney stack has already been removed even though the NMA requesting this was Refused. If you allow this through a variation of condition 2 then you contradict the LPA's reasons for refusing the NMA. Legally, we believe the chimney stack should be reinstated.

The Application seeks to change the design and shape of the roof. The argument given is that the "builder" has decided not to rebuild the eaves taller after removing the old roof, which was shown in the plans. This implies that the roof is in effect higher than in the plans. Changing the height of the eaves and the shape and height of the roof are not trivial matters.

There is a lack of clarity regarding the south-east elevation and the terrace/decking. This is not the same as the original (as claimed). As the Inspector for the Certificate of Lawfulness (P/2021/0931) Appeal noted, the terrace/decking has a completely different design from that approved in the plans and is constructed of different materials. The whole area beneath the terrace/decking has been excavated so there is headroom of over 2 metres beneath the decking. The terrace is bigger than in the plans and extends further into the garden, thus increasing loss of privacy".

Summary Of Representations

Approximately 10 objections have been received:

Mr & Mrs A H Pinhey, Old Grooms Quarters, Rock House Lane

- General concern that water crossing Rockhouse Lane may be a result of ageing pipes or poor new infrastructure at site.

Dr R L & Mrs S L J Horder, Court House, Rock House Lane

- Concern that plans involve increase in roof height.
- Concern that chimney stack approved under P/2020/1044 should be retained.
- Concern that lower ground floor is larger than that approved under P/2020/1044.
- Concern that Condition 7 attached to P/2020/104 has been incorrectly discharged.
- Proposals are in breach of Torquay Neighbourhood Plan policies TH11 and TH12.

The Bryn, Brim Hill

- Plans inaccurate/incomplete.
- Loss of privacy.
- Concerns about lack of enforcement action.

Home Orchard, Brim Hill

- Concerns about drainage.
- Concerns that submitted plans are inaccurate.

Maidencombe Residents Association

- Various concerns about procedural irregularities relating to previous planning approvals at the site (now subject to a number of formal and ombudsman complaints)
- Concerns that approved lower ground floor extension has been built larger than was approved and now extends into a Conservation Area (P/2020/1044).

Mr David Woodward, The Cove, Brim Hill

- *“Significant increase in the visual impact of the development, at variance to Application P/2020/1044 which states “...visual impact no greater than the present day””*
- *“Significant non-compliance with Torbay Development Plan policies”.*
- *“Significant non-compliance with EA (and other) drainage regulations”*
- *“Significant and continued breach of the Appeal Conditions for Application P/2020/1044”*
- *“Significant negative impact on the adjacent Maidencombe Conservation Area”*
- *“Clearly, Application P/2023/0418 looks to overturn the Appeal Conditions of P/2020/1044 dated 21 July 2021 and an ongoing strategy to sidestep these and other conditions through continual application and appeal. Approval would set a dangerous precedent for other developers to exploit”.*

Mrs Margaret Mundy, Coombe Hayes, Brim Hill

- *“it has been noted by many residents of Maidencombe that the frequency and effect of exceptionally heavy and prolonged rainfall creates streams of water that last for many days. The incidence of this type of rainfall has increased substantially over the last few years and so the risk to the lower lying properties in the village in the Flood Risk 3 zone is much higher than the standard set out in a flood risk assessment. This requires demonstration that there is no risk of flooding to properties on the site or any increased risk of flooding to properties and land adjacent to the site. No guarantee of this been provided”.*
- *“The planning documents in this and previous applications give no detail about how foul waste will be dealt with for what is now becoming a five bedroomed property”.*
- Concerns that the roof ridge has been built higher than was permitted under P/2020/1044)
- Concerns that enforcement action should have been taken to prevent works from continuing in the absence of planning permission.

Mr Mike Badcock, Bowden Cleeve, Steep Hill

- *“We would like to object to this appeal on the grounds of size and precedent. We do not wish to repeat the specifics of this planning application, which have been adequately addressed in the other comments. However, we would like to record our serious concerns that the appeal is even being entertained at this time. The building work is now approaching completion, and yet numerous applications have been refused by the Council. In our opinion allowing the construction to remain would set a dangerous precedent and make a mockery of planning law”.*

Mr & Mrs P Rainbird, Wekiva Teignmouth Road

- General frustration with planning history at the site.

Maidencombe Community Group (Chairman Doug Palmer)

- Concerns that the ongoing build at the site does not comply with some aspects of the previously approved plans (P/2020/1044).
- Concerns that the submitted plans are inaccurate.

INACCURATE & INCOMPLETE PLANS

Objections have been made that the submitted plans are inaccurate and incomplete and actually involve changes to the footprint of the building approved on appeal under reference P/2020/1044 and to the height of the ridge approved under P/2020/1044.

Officers do not agree that the submitted plans are inaccurate or incomplete. The changes that the applicant is now seeking planning permission for are clearly shown on the submitted plans.

The submitted plans do not involve increasing the footprint of the building or changing the height of the ridge.

As such these concerns are not considered further below.

ONGOING COMPLAINTS

A number of objections refer to the Council's decision not to take enforcement action. The current application under consideration here seeks to regularise these breaches. The issue of whether or not enforcement action might have been taken in the past is not relevant.

Objections relate to arrangements for managing surface water drainage (i.e. rain).

Officers are satisfied that the current proposals under consideration here do not involve any increase in the impermeable area of the site as already approved under P/2020/1044. Officers do not therefore consider that the ongoing concerns over surface water drainage are relevant here.

PROCEDURAL ISSUES

Objections have been made that the current application should be refused as a previous Non-Material Amendment application P/2023/0117 that showed the same proposed changes was refused.

P/2023/0117 was refused solely on the basis that officers did not consider that the proposed changes in that application were trivial. The reason for refusal was:

"The proposed changes are not trivial, the current proposals involve significant changes to the visual appearance of the building, including the removal of a chimney stack and the replacement of stone cladding included as a condition attached to P/2020/1044 with alternative stonework of a different colour".

A Non-Material Amendment application cannot be used to seek changes that are not trivial in nature. This is the only reason why P/2023/0117 was refused. Officers did not come to a view at that time whether any of the proposed changes included in P/2023/0117 and now in P/2023/0418 were acceptable or not.

As such, officers do not agree that the decision to refuse P/2023/0117 means that the current application (P/2023/0418) should also be refused. The current application is a Variation of Condition application This is an appropriate application type to seek permission for the changes (to approved application P/2020/1044) that are proposed.

Relevant Planning History

P/2023/0117: Non-Material Amendment to P/2020/1044. Alterations to windows, chimney, stone facing, roof lights. REFUSED

CN/2022/0109: Discharge of Conditions relating to P/2020/1044. Condition 7. APPROVED

CN/2021/0106: Discharge of Conditions in relation to P/2020/1044: Condition 7 - FRA/Soakaway design. REFUSED

P/2021/0931: Certificate of Lawfulness for proposed formation of porch, side extensions, rear extension, dormer loft conversion & outbuilding. REFUSED / SPLIT DECISION AT APPEAL

P/2020/1044: Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration (part retrospective). REFUSED AT COMMITTEE / APPEAL UPHELD

CN/2018/0068: Discharge of conditions 1,3 & 8 (of approval P/2016/0471/HA - Varied by P/2018/0311 - Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height. Re-Submission of P/2015/1025) - Cond 1: Stone sample. Cond 3: Lighting. Cond 8: Bat licence. APPROVED

P/2018/0311: Variation of condition P1 (approved documents) of application P/2016/0471 (Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height) Alterations sought: Raise in ridge height, alterations to fenestration including glazing on south east and north east elevation and relocation of roof window in sedum roof. APPROVED

P/2017/1290: Non Material amendment re P/2016/0471 (Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height) - Change of roof material WITHDRAWN

P/2017/1292: Non Material Amendment on application P/2016/0471: Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (Re-Submission of P/2015/1025) (Revised description). Amendment sought: Alterations to glazing on south east and north east elevation. Roof window in sedum roof moved. WITHDRAWN

P/2016/0471: Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (Re-Submission of P/2015/1025) (Revised description) APPROVED

P/2015/1025: Extensions and alterations including side & roof extensions & extended terrace & balcony REFUSED

DE/2015/0017: Joining of utility room to main dwelling house to include small extension. SPLIT DECISION

P/2014/0913: Proposed extension to Southwest facing elevation and alteration to existing roof REFUSED

P/2007/0574: Conversion of Outbuildings to Ancillary Accommodation APPROVED

SUMMARY

As can be seen, a number of applications have been made at this site over the years. Officers consider that the salient points relating to this site are as follows.

Proposals were approved in 2016 (P/2016/0471) for various extensions to the property. These proposals were then granted planning permission to be varied in 2018 (P/2018/0131). The applicant allowed the original planning permission to lapse (i.e. the applicant did not start works within the three year period that planning permission allows for). This meant that there was no planning permission for the proposals approved under P/2016/0471 or P/2018/0131 anymore.

As a consequence, the applicant had to re-apply for planning permission to extend their house in a similar way as had originally been approved (P/2016/0471 varied by P/2018/0131) in 2020 (P/2020/1044).

This application did involve some changes to the proposals approved under P/2016/0471 and P/2018/0131 but in the course of assessing the application, officers considered that the proposals made under P/2020/1044 were substantially similar to these previously approved proposals. Officers therefore recommended approval for the proposals (P/2020/1044). The application was decided at Committee and refused against officer advice. The proposals (P/2020/1044) were then appealed by the applicant successfully and now have planning permission. The date of the appeal decision confirming planning permission for P/2020/1044 is 15/10/21.

The applicant then made application P/2021/0931. This application type was a "Certificate of Lawfulness – Proposed" application seeking to establish that the applicant had permitted development rights (i.e. where planning permission is not needed) to construct works exceeding those already approved under P/2020/1044. The Council refused this application (at officer level). The applicant again appealed the refusal. The Inspector in considering the appeal made a split decision, meaning that some elements of the application were deemed to be acceptable under permitted development rules and some were not.

Condition 7 attached to the permission (upheld at appeal) for P/2020/1044 required the use of soakaways or alternative means of drainage, to be approved by the Council, to be used to deal with surface water run off (i.e. rain) from the increased impermeable areas created by the proposals approved under P/2020/1044. The Council received application CN/2021/0106 aimed at discharging Condition 7 but refused it on advice from the Council's Drainage Engineer. The Council later approved later application CN/2022/0109 to discharge Condition 7, again on advice from the Council's Drainage Engineer.

The applicant then made Non-Material Amendment application P/2023/0117 to cover the changes to approved application P/2020/1044 that are included in this current application.

This Non-Material Amendment application was refused as officers considered that the criteria for the approval of a Non-Material Amendment had not been met. What this means is that officers did not consider the proposed changes to be "trivial" (which is all that a Non-Material Amendment application can be used for). For the complete avoidance of doubt, officers did not come to any view as to whether the proposed changes covered by refused P/2023/0117, which are duplicated in the application under consideration here (P/2023/0418) were acceptable or not in planning terms. Officers refused application P/2023/0177 solely on the basis that it did not meet the technical rules that need to be met for Non-Material Amendments. These reasons were:

“The proposed changes are not trivial, the current proposals involve significant changes to the visual appearance of the building, including the removal of a chimney stack and the replacement of stone cladding included as a condition attached to P/2020/1044 with alternative stonework of a different colour”.

Planning Officer Assessment

The key issues to consider in relation to this application are:

1. Principle of development
2. Visual Amenity
3. Heritage
4. Countryside and coast
5. Maidencombe
6. Amenity
7. Flood risk and drainage
8. Other policies

1. Principle of development

The proposal seeks permission for Variation of Appeal Conditions relating to application P/2020/1044: Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration. Conditions: 02 - Approved Plans, 03 - Materials Schedule (Stone Walls). Variations sought: revised drawings and schedule document. There are no Local Plan policies indicating that the proposal is not acceptable in principle.

2. Visual amenity

Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE5 of the Local Plan states that extensions to domestic dwellings should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the street scene in general. TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The current proposals seek to regularise a number of departures that have been made to the plans approved under reference P/2020/1044 during the ongoing build at the site. These elements are considered individually below in the order in which they are introduced in the applicant's letter of 15/05/23:

1) Lower ground floor window in bathroom at rear.

This window is in the south west side elevation. It would be obscure glazed. It would not be visible from the public realm. Officers consider that this element of the proposals is acceptable in visual terms.

2) Window alterations to the existing porch (approved dressing area and bathroom).

This element of the proposals involves (i) omitting a previously approved window in the side north east elevation at ground floor level; and (ii) enlarging a previously approved ground floor bathroom window in the rear south east elevation so that it is wider and becomes a floor to ceiling window.

Officers consider that both of these elements are acceptable in visual terms.

3) Chimney

The approved plans for P/2020/1044 show a new chimney to be built on the south west side elevation. There was no pre-existing chimney at the property. The applicant has explained that the chimney was included in the previous design *“...to create a hearth to heat the new room formed. However, in recent times the importance of creating low-carbon, energy efficient homes has ramped up and my client has opted to install and air source heat pump to heat the whole house”*. The chimney is therefore no longer needed.

The proposals now seek to remove the previously approved chimney from the proposals. Officers consider that this omission is acceptable in visual amenity terms.

4) Sourcing of the stone facing

The approved plans for P/2020/1044 include stone cladding to areas of the house as extended using a beige/pinkish stone. The current proposals involve changing the colour of this stone cladding to stone that is more grey in appearance. The application includes an email from Aggregate Industries confirming that Stoneycombe Quarry, the approved source of the cladding, is no longer supplying stone cladding. The applicant has therefore necessarily had to source the stone from an alternative source.

Officers have seen some of this grey colour stone in situ in the south west side elevation and consider that it is acceptable in visual terms.

5) Rooflights

The proposals include three new roof lights in the approved single storey extension on the south west elevation to the site.

These rooflights are not visible from the road outside the site. Officers consider that the proposed rooflights are acceptable in visual terms.

6) North east gable features

The approved plans for P/2020/1044 showed two pre-existing small gable extensions in the front north west elevation being raised in height slightly. The current proposals show these gables being reduced in height from their approved positions. The applicant has explained the reason for the change in the following terms:

“It was a simple error by the builder, who constructed the gables off the existing window heads, instead of raising the gable roof to match the eaves line of the main roof shown on the approved drawings. The builder started the rafters at the original window head height (approx. 200mm lower than that approved). The approved drawings would have meant creating new wall plates and raising the window head up to meet the approved eaves line”.

Officers consider that the lower gables that have been constructed are acceptable in visual terms.

Given the siting, scale, and design of the proposal it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality.

The proposal is therefore considered to be in accordance with Policies DE1, DE5 and TH8.

3. Heritage

Policy SS10 of the Local Plan states that development proposals will be assessed against the need to conserve and enhance conservation areas while allowing sympathetic development within them. Also, that proposal that may affect heritage assets will be assessed in view of their impact on listed and historic buildings and their settings. Policy HE1 also states that development proposals should have special regard to the desirability of preserving any listed building and its setting.

The site is just outside the Maidencombe Conservation Area. The boundary of the Conservation Area runs along the middle of the road outside the property and along its south west boundary. Officers have nevertheless considered the impact of the proposals on the setting of the Conservation Area, Grade II listed buildings and Key Buildings within it. Officers consider that the proposals have a neutral impact on the setting of heritage assets.

The proposal is therefore considered to be in accordance with Policies SS10 and HE1 of the Local Plan, Policy TH10 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

4. Countryside and coast

Policy C1 (Countryside and the rural economy) of the Local Plan states that “...*development in the open countryside away from existing settlements will be resisted where this would lead to the loss of open countryside or creation of urban sprawl ... development outside the main urban areas and Strategic Delivery Areas will normally only be permitted within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation. Suitable in-fill development, refurbishments and conversions will be permitted within these settlements in order to meet the day-to-day needs of local communities ...*” Policy C2 (The coastal landscape) states that the Council will preserve the character of the undeveloped coast and that development in this area will only be permitted where it maintains the unspoilt character of the coastline and coastal landscape.

Objections have been made that the proposals are contrary to these policies.

The Committee report for approved application P/2020/1044 stated that:

“... Officers have considered the proposals in relation to these policies and consider that they are of an appropriate modest scale relative to the Maidencombe village boundary”.

Officers consider that the current proposals would not change the assessment made before as above and that the current proposals would remain of an appropriate modest scale relative to the Maidencombe village boundary and are unlikely to detract from the character of the coastline or coastal landscape such that a refusal is warranted.

The proposal is therefore considered to be in accordance with Policies C1 and C2.

5. Maidencombe

Policy TH11 (Rural village conservation areas) of the Torquay Neighbourhood Plan states that: *“Within the Maidencombe and Cockington Village designated Conservation Areas, subject to other policies in this Plan, development proposals consisting of sensitive conversions, extensions and alterations will be supported where this would protect or enhance the character and setting of the designated Conservation Area and also have regard to the significance of existing open spaces in*

terms of their contribution to the Conservation Area". Policy TH12 (Maidencombe area) of the Torquay Neighbourhood Plan states that: "Any proposal for development within Maidencombe Village Envelope must demonstrate that it respects local character and it conserves or enhances heritage and landscape assets where it might impact on those assets. To achieve this, any development must be of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope; and to protect the amenity of existing homes. Designs and construction materials must draw from and be in keeping with local features and design characteristics and be appropriate in relation to its landscape sensitivity. Development must take into account the value of the rural landscape and comply with the Local Plan policies in the designated Countryside Area (C1) and Undeveloped Coast (C2). Major developments in C1 countryside, outside the Village Envelope, will not be supported and any green-field development will be resisted unless it is compatible with the rural character and setting and it fits within the constraints of the existing landscape and visual character of the area".

Objections have been made that the proposals are contrary to these policies.

Officers do not consider that Policy TH11 is relevant since this policy only applies to areas within conservation areas. As noted above, the site is not in the Maidencombe conservation area.

The Committee report for approved application P/2020/1044 stated that:

"... In this case officers do not consider that the proposals impact on heritage/landscape assets and nevertheless consider that the proposals are "of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope; and to protect the amenity of existing homes ... Officers consider that the proposals accord with policies C1 and C2".

Officers consider that the current proposals do not impact negatively on heritage or landscape assets. The proposals do not affect the footprint or height of the building as approved under P/2020/1044. As noted above, officers consider that the proposals as altered would remain in accordance with policies C1 and C2.

The proposal is therefore considered to be in accordance with Policy TH12 (as above, officers do not consider that Policy TH11 is relevant).

6. Amenity

Policy DE3 states that development should provide a good level of amenity for future residents or occupiers and should not impact upon the amenity of neighbouring uses with reference to criteria including, noise, nuisance, visual intrusion, overlooking, and privacy, light and air pollution and the scale and nature of the proposed use where this would be overbearing.

Objections have been made that the proposed changes to fenestration would result in a loss of privacy for neighbours.

Proposed changes to fenestration would be limited to (i) the omission of a previously approved window in the side north east elevation at ground floor level; (ii) adding a new obscure glazed window in the south west side elevation at lower ground floor level; (iii) adding three new rooflights in the approved extension on the south west elevation of the site; and (iv) enlarging a previously approved bathroom window in the south east rear elevation to make it a wider floor to ceiling window.

Clearly, the omission of the window in the north east elevation does not give rise to any privacy concerns. Officers do not consider that the proposed obscure glazed window in the south west elevation gives rise to any privacy concerns either. Officers have been inside the extension on the south west elevation and confirm that it is not possible to see any neighbouring property from the new rooflights that have been built. Officers have also looked out of the enlarged bathroom window in the south east elevation and can confirm that it does not result in overlooking to any neighbouring property. Very little of neighbouring properties can be seen from this window. Those that can be seen are a very substantial distance away.

With the above in mind, officers do not consider that the proposals under consideration here would result in any loss of privacy to neighbours, or other amenity impacts.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

7. Flood risk and drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment.

Objections have been made about the potential for surface water run off (i.e., rain) from the site to lead to flooding further down the hill that the property is built into the side of sited along Rockhouse Lane. It appears that some of these objections relate to the extensions that have already been approved under P/2020/1044 and the Council's decision to discharge condition 7 attached to that permission, concerning drainage but that some may also be directed towards the current proposals.

As noted above, officers are satisfied that the current proposals under consideration here do not involve any increase in the impermeable area of the site as already approved under P/2020/1044.

As such, there is no drainage implication associated with the current proposals.

The proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

8. Other policies

As noted above, the Torquay Neighbourhood Forum has resubmitted the policy checklist provided in support of its objection to approved application P/2020/1044. Some of these policies have been considered above. Those that have not are:

Torbay Local Plan policies SS1 (Growth Strategy for a prosperous Torbay), SS3 (Presumption in favour of sustainable development), SS8 (Natural environment), SS9 (Green infrastructure), C4 (Trees, hedgerows and natural landscape features), NC1 (Biodiversity and geodiversity), DE4 (Building heights), ER2 (Water Management) and ER4 (Ground stability) as well as Torquay Neighbourhood Plan policies TS1 (sustainable development), TH10 (Protection of the historic built environment), and TE5 (Protected species, habitats and biodiversity).

These policies were all considered in the context of the Committee report relating to application P/2020/1044 which recommended approval for the proposals under consideration at that time.

Officers do not consider that any of these policies are strictly relevant to the current proposals under consideration here. It is noted that a number of policies identified are strategic in their aims i.e., SS1 whilst others do not apply in this instance i.e. policy TH10, which applies to changes to listed buildings.

Officers are satisfied that the proposals under consideration here do not conflict with any of these policies, such that the proposals should be refused.

Human Rights and Equalities Issues

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106/CIL

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development. As such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal is considered acceptable, having regard to the Local Plan, the Torquay Neighbourhood Plan and all other material considerations.

Officer Recommendation

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

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

Obscure glazing

The window to be created in the lower ground floor in the south west elevation shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In the interest of neighbour amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.