

Application Site Address	Land North Of Totnes Road, Collaton St Mary Paignton
Proposal	Outline application: Development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road.
Application Number	P/2019/0281
Applicant	Bloor Homes (South West) Ltd
Agent	Boyer Planning
Date Application Valid	08.04.2019
Decision Due date	08.07.2019
Extension of Time Date	20.02.2020
Recommendation	Approval: Subject to planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency and; the completion of a S106 Legal Agreement to secure Affordable Housing and other identified obligations, to include the provisions outlined within the report.
Reason for Referral to Planning Committee	Major Development
Planning Case Officer	Scott Jones

Location Plan



Site Details

Description

The application site sits to the north of the Totnes Road (A385) and encompasses approximately 18 hectares of what is largely fields, but includes an element of previously developed (brownfield) land of approximately 1 hectare that holds two existing buildings and areas of hardstand. The field system within the site boundary is broken down into 9 fields of varying size. The western part of the site sits behind residential properties along Totnes Road, where 5 fields rise to north towards a hedge and tree lined hilltop. Although largely contained behind the existing frontage development there is a section of the site that fronts directly onto the Totnes Road, comprises a hedge-lined frontage of approximately 64 metres forming a gap between existing residential plots. There is also an access to the existing developed area within the site further east, close to the brow of the hill and the junction with Borough Road. The eastern part of the site (comprising the remaining 4 fields) lies to the north of Borough Park Road, a residential cul-de-sac, culminating to the east where it borders Kings Ash Road. The topography within the eastern part of the site rises from east to west towards the aforementioned hilltop.

Local Character & Services

The existing field system is largely laid to pasture with hedge borders and the occasional small copse. The site is quite steep in places and there is an overall rise of approximately 55 metres from the low points adjacent to the Totnes Road and Kings Ash Road to the hilltop at the northern border of the site.

Across the Totnes Road, to the south there is a public house and to the west there is a parish church and a primary school. Within the wider area there is a secondary school, numerous food retail outlets and a trading estate within relatively close proximity, on the outskirts of Paignton. The general character is a transitional one from an edge of town, residential character to the east to a rural character with more intermittent development (largely residential ribbon development and holiday parks) to the west.

Heritage

There are a number of designated heritage assets nearby and immediately to the south of the site across the Totnes Road lies the Grade 2 listed Collaton Farm building and (converted) barns. To the west, off Blagdon Road there is the Grade 2* listed Church of St Mary, Grade 2 Old School House and Old Vicarage, and a further four Grade 2 listed properties, 391-397 Totnes Road.

Development Plan

In terms of the Local Plan the site is identified as part of the wider Collaton St Mary (Paignton North and West Area) Future Growth Area and 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). The Paignton Neighbourhood Plan does not allocate housing sites and hence is silent in terms of

designation, however Policy PNP24 does cite that within Collaton St Mary further development beyond the currently developed areas will be supported where the proposals are in accordance with the adopted masterplan for the area. In terms of other relevant context the valley floor to the south of the site is a linear area with an identified risk of flooding, and the site sits in the Sustainance and Landscape Connectivity zones associated with the South Hams Special Area of Conservation (SAC)(Greater Horseshoe Bat).

Description of Development

The application seeks outline planning permission for up to 100 dwellings with all matters reserved except for access.

Access Proposals

The current access proposal is for the creation of a single vehicular access off the Totnes Road, which is to be located to the east of the existing zebra crossing. The design provides a 6m wide carriageway into the site flanked either side with footways (2m footway one side and a 3m foot/cycleway to one side). Due to the land levels the proposed access would be cut into the land slightly with graded embankments to either side as it heads northwards into the site. The existing pedestrian zebra crossing is to be removed and replaced with a light controlled crossing east of the new junction, 30 metres from the current crossing location. The existing public highway will be treated with anti-skid surfacing to either side of the pedestrian crossing and the final section of the existing foot/cycle way on the southern side of the Totnes Road will be re-marked as for cycles only. In addition, revised plans propose to introduce a 'smart' sign on the brow of the hill to the east to act as a warning of potential queuing to outbound traffic heading from the Tweenaway junction, as there is no designated right hand turn lane proposed into the site. A pedestrian access into the site is proposed at the south-west corner of the site to provide a link to the area around the church and the primary school.

Indicative Detail

The indicative detail submitted to support the proposal seeks to demonstrate that the quantum of development proposed may be appropriately achieved on the site, and includes a masterplan layout, a landscape masterplan layout, sectional drawings and accompanying assessments. The masterplan shows a potential residential layout set around the lower slopes adjacent to the Totnes Road, with the upper slopes and the eastern portion of site proposed for public open space (including allotments) and retained for agriculture respectively. The proposed area for development is approximately 4 hectares of the 18 hectare site, with approximately 7 hectares proposed for open space (including allotments) and approximately 7 hectares retained for agriculture. This presents a proposed density of approximately 23 dwellings per hectare for the developed area. Indicative detail suggests a mixture of detached and semi-detached properties, principally one and two storey in height, with pitched roofs and an expected architectural design informed by the character assessment carried out of the surrounding context. This has highlighted the expected use of brick and render dwellings, with window styles being plain casement with a number of windows featuring horizontal bars, with a roof palette of reconstituted slate and red/brown

profiled tile. The indicative residential layout shows two principal east-west roads running across the contour of the hill, parallel to the Totnes Road, with three shorter north-south roads connecting. The upper extent of the development is defined by a road, which is broadly aligned with the rear boundary line of the residential plots to the east, off Borough Park Road. The indicative landscape masterplan suggests a new field boundary to define the edge of the developed area, with the suggested public open space and allotments to the adjacent upper slopes. The masterplan also suggests a local play area to the west, close to the church and school, along with a suggested pedestrian link at the south western corner of the site. The eastern part of the site, i.e. the 4 fields to the north of Borough Park Road, are to be maintained for agricultural use. The detail summarised above is all indicative and a future reserved matters will resolve all matters except for access.

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 (PNP)

Material Considerations

- The adopted Collaton St Mary Masterplan
- National Planning Policy Framework (NPPF)
- Planning Practice 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.

Relevant Planning History

None.

Summary of Representations

82 public representations received, 79 objections and 3 letters of support. The following provides a summary of the main planning 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:

- Highway safety

- Increased flood risk
- Loss of farmland
- No capacity at the school
- Impact on the health service
- Impact on the sewer system
- Overdevelopment
- Impact on wildlife
- Contrary to the Neighbourhood Plan
- No need for the housing
- Impact on occupiers of properties fronting Totnes Road
- Light pollution
- Noise pollution
- Impact upon bats
- Raises the same issues as previous schemes that have been rejected
- Inconsistent with the Local Plan
- Inconsistent with the Neighbourhood Plan
- Impact on the health service without financial mitigation (NHS Foundation Trust)
- Impact on private views (not a planning issue)
- Impact on house prices (not a planning issue)

Supporting comments include:

- Provides houses
- Provides facilities

Summary of Consultation Responses

Paignton Neighbourhood Forum:

The Forum objects to the application. The proposal should be refused for the following reasons:

- i. Unsatisfactory access: The site access and assumptions made about the impact it would have on additional turning movements and capacity of Totnes Road as a principal highway take insufficient account of the congestion and accident record that already affects the highway. The volume of turning movements into and out of the site at such a dangerous point will be to the detriment of traffic movement and safety to highway users along this important artery from Torbay to Totnes and beyond. The proposal to move the existing pedestrian crossing further away from the village centre is also totally against the longer term objective of encouraging sustainable growth at the heart of the village to the west. The impact of the application submitted conflicts directly with Local Plan Policy TA1/TA2 Transport, accessibility and development access), the adopted Collaton St Mary Masterplan SPD that shows no access onto Totnes Road and Policy PNP24 (Collaton St. Mary Village) of the Paignton Neighbourhood Plan that expressly requires proposals to be in accordance with the adopted Masterplan for the area having been tested at Independent Examination.
- ii. Overdevelopment: The scale of development proposed of up to 100 dwellings and conversion of farm land adjoining into a large area of public

open space conflicts directly with the adopted Collaton St Mary Masterplan and approved Paignton Neighbourhood Plan which indicate a capacity of 70 dwellings having regard to the importance of landscape, biodiversity and infrastructure constraints that apply. The resulting breach of the Development Plan boundary is unjustified and contrary to the adopted Collaton St Mary Masterplan and Policy PNP1 (Area wide), and Policy PNP19 (Rural Character Area) and Policy PNP24 (Collaton St Mary) of the approved Paignton Neighbourhood Plan.

- iii. Biodiversity: The Ecology Assessment and Shadow HRA submitted with the application refers to baseline documents and that it is not appropriate to use to assess the impact of the proposal in this instance. Namely, the Torbay Local Plan Proposed Submission Plan HRA of 2014 and Draft South Hams SPD of 2018. The former was replaced by the post Examination in Public (EiP) Torbay Local Plan HRA of December 2015 and the latter draft SPD did not progress further due to challenge made during the consultation period involved. Paragraph 3.2.5 of the assessment submitted with the application notes the site falls within the protected Greater Horseshoe Bat 'Sustenance Zone' and two 'Strategic Flyways'. At paragraph 3.2.23 the submitted conclusions state the results of the Bat surveys indicate features present support a 'high' to 'high to moderate' level of Greater Horseshoe Bat activity. At paragraphs 3.4.1 and 3.5.1 the application concludes there will be a likely significant effect on the protected species from the development proposal alone or in combination with other proposals or projects. The assessment made of the 'in-combination' effect fails to include survey of the other 'project' sites in Collaton St Mary as required and therefore fails to meet the test of the 'in combination' effect that would result. As a consequence, the 'mitigation' proposals do not take properly into account the 'mitigation' requirement resulting from the 'in-combination' effect of the other 'project' sites contrary to the requirement of Local Plan Policy SS2 (Future Growth Areas - SDP3.3 Totnes Road/Collaton St Mary) which expressly requires a 'bespoke Greater Horseshoe Bat mitigation plan for all development within the area to be submitted and approved before planning permission will be granted. As the assessment is incomplete, it conflicts also with Local Plan Policy NC1 (Biodiversity and geodiversity), and Policy PNP1 (Area wide) of the approved Paignton Neighbourhood Plan which expressly states at (f) that development will not be supported that would result in an adverse impact on a European protected site.
- iv. Impact on drainage and flooding: The application fails to demonstrate sufficient regard has been given to flash flooding that occurs in the lower area south west of the site which results in ground water and surface water entering the water course breaching its banks and combining with foul water to the detriment of the area. This occurred even during the dry summer of 2018. As determined by the Supreme Court in December 2009, where such situations exist, they need to be examined and resolved at the planning application stage, not by the assumption that they can be deferred to the consideration of the relevant utility provider. Inadequate information has been provided that demonstrates the proposed SUDS soakaway solution and subsequent system management arrangement meet the requirement

of Local Plan Policy ER1/ER2 (Flood Risk and water management) and Policy W5 (Waste water disposal) of the adopted Local Plan and Policy PNP1 (Area wide – f) of the approved Paignton Neighbourhood Plan which expressly states the information is required when such applications are first submitted and will not be dealt with subsequently by conditions.

- v. Lack of job provision: Support for further housing provision in the adopted Local Plan between 2012 and 2030 is subject to the accompanying strategic policy of securing a net increase in the number of jobs in the Bay of at least 275-300 per annum. Since the adopted Local Plan commencement date of 2012, there has been no increase in the net number of jobs in Torbay from the base of 59,000 in 2012 as confirmed by the Job Density information published by the Office of National Statistics (ONS). Examination in Public of the Local Plan in 2014 by the Inspector appointed by the Secretary of State concluded that if the net growth in jobs failed to materialise it would be appropriate to reduce the number of additional dwellings proposed. The application submitted will not result in a net increase in the provision of permanent jobs and will add further to the need for jobs to be found outside of Torbay contrary to achieving sustainable development sought by the National Planning Policy Framework (NPPF), adopted Local Plan Policy SS1 (Growth Strategy for a prosperous Torbay) and Policy PNP1 (Area wide (i)) of the approved Neighbourhood Plan.
- vi. In conclusion: There are no benefits or other material considerations in the proposal that either alone or taken together would outweigh the harm that would result. On the contrary, the proposal fails to make provision for a balance of jobs and homes, and provision for sustainable development contrary to the National Planning Policy Framework and key purpose of the adopted Local Plan, Collaton St Mary Masterplan and Paignton Neighbourhood Plan.

Joint Neighbourhood Forums:

A joint response from all 3 Neighbourhood Plan Forums expresses their views as to why they consider there is already a supply of housing land in excess of the NPPF and adopted Local Plan requirement.

The Neighbourhood Forums find the draft land supply statement published by Council officers does not take sufficiently into account the following:

- The assessment finds a not less than 3 year supply to be identified against the 5 year requirement given the 100% coverage of Torbay by the Neighbourhood Plans recently approved.
- The supply of deliverable dwellings exceeds 3.28 years shown in the draft.
- Review of the Local Plan housing trajectory is about to formally commence.

In conclusion, the Forums' finding is that more than a sufficient supply exists until the required Local Plan Review has been completed. They conclude that continued use of the existing Local Plan housing trajectory is no longer justifiable. A supply of at least 3 years exists that meets the requirement of NPPF14 for the purpose of decision taking as allowed for by the NPPF pending the Local Plan Review that is about to commence.

Torbay Council Strategic Planning (Policy) - updated:

The Development Plan for the area comprises of the adopted Local Plan and the adopted Paignton Neighbourhood Plan. In addition the Collaton St Mary Masterplan was adopted as SPD in 2016 and is a material consideration, along with the explanatory and justification text in the Local Plan and Paignton Neighbourhood Plan policy documents.

The site is part of a wider strategic allocation within the Local Plan and Policy PNP24 of the Paignton Neighbourhood Plan sets out that development is “supported where the proposals are in accordance with the adopted Masterplan for the area”. There are additional caveats and requirements across the Development Plan policies to consider, particularly in relation to the detail.

The current proposal does appear to be fairly consistent with the adopted Masterplan proposal. It is however noted that the suggested housing layout extends northwards beyond the boundary of the development area indicated in the masterplan area (although still within the overall Future Growth Area). This brings it into conflict with Policies PNP1(a), PNP19, and PNP24(b) of the Neighbourhood Plan. The weight given to this requires a planning judgement about the significance of the additional landscape impact, and incursion into the Rural Character Area (in the PNP). However, in the context of the above the harm would need to be significant and demonstrable in order to justify a refusal.

In regard to objections on the grounds of need it is argued within representations that the Local Plan’s level of growth is not justified. Such matters would need to be considered through the upcoming review of the Local Plan and it is not appropriate to consider these through a planning application on a strategically allocated site such as this. The Neighbourhood Plan has been through independent examination and Council approval process very recently which confirmed that it met the Basic Conditions including not revising strategic growth figures or undermining strategic policies. As set out above, the Neighbourhood Plan supports the growth set out in the Local Plan. If the Local Plan was considered to be out of date (as argued in the representations), then the Presumption in Favour of Sustainable Development in paragraph 14 of the NPPF is triggered.

In regard to objections re phasing it is not considered that the phasing in part 8 (and Table 8.1) of the Paignton Neighbourhood Plan can be taken as a phasing policy as it is not upper case policy. It is therefore to be considered as a material consideration. Treating it as a “phasing lock” policy would be tantamount to promoting less development than the Local Plan, contrary to the basic conditions governing neighbourhood plans and the guidance on Neighbourhood Plans in the NPPF which, by virtue of being adopted, the Neighbourhood Plan has been agreed by the Council not to do.

With regards to housing supply, we recently published our initial assessment that showed there was currently less than 5 years’ housing supply in Torbay, which does trigger the presumption in favour of sustainable development, particularly against the Local Plan policies. A consultation has been undertaken and a range of responses received. It is not likely that the final outcome will increase the housing supply above

5 years. Officer advice is that the additional protection provided to Neighbourhood Plans by paragraph 14 of the NPPF is not triggered in relation to Paignton, since the PNP does not contain policies and allocations to meet its identified housing requirement.

Objectors have raised a number of concerns about details of the applications, but the level of conflict would need to be “significant and demonstrable” given the tilted balance in favour of granting planning permission. As discussed the site is allocated for development in the Development Plan, and can therefore be considered broadly in accordance with the Development Plan taken as a whole. As stated, Policies SS2 and SDP3 are strategic policies, and Policy PNP24 seeks to tie in development with the Masterplan principles.

Residents have reasonably been very concerned about surface water flooding and sewer overflows arising from storm water. The proposals will need to ensure that they do not worsen the situation either through surface water run off or placing additional pressure on the shared sewer but this will be for the drainage lead to comment on. Similarly there are a number of detailed design, access, ecology, heritage etc. issues that need to be considered. However, as set out above, both sites are allocated in the adopted Local Plan for residential development, and the presumption in favour of sustainable development applies to them.

In summary the presumption in favour of sustainable development applies to proposals in the Future Growth Area. This does not mean that poor quality developments or those that divert significantly from the Masterplan should be approved. However, the bar to resist proposals is much higher, because the principle of development has been established.

Torbay Council Strategic Planning (Transport) - Incorporating the views of the Highway Authority:

The Local Highway Authority do not object to this application. All issues previously raised, principally in relation to highway safety, have been acceptably addressed.

Concerns had previously been raised about the standards which were being met/applied in the case of this proposal. Discussions took place about the use of standards but it has been possible to find a solution which is considered to be acceptable and provide sufficient visibility at the junction to provide a safe access. The upgrade of the zebra crossing (with a history of safety concerns) to a signalised crossing also increases the safety for pedestrians and cyclists in that area.

The forward visibility of vehicles queuing at the signalised junction was the final concern to be overcome. The issue related to vehicles travelling from the east and with those drivers having insufficient visibility of what was estimated to be a maximum queue potential. In order to overcome this issue, given the topography of the area and likelihood of a maximum queue length specifically being met, automated signage has been proposed as a warning to drivers on the approach.

Visibility from the site access to the west is considered acceptable but it was agreed that parking restrictions would be included for the length of the visibility splay. These have not been shown on the submitted plan (Vectos 173135_G_12_B, received

26.11.2019) but it is not necessary to amend the plan, so long as the works are included within the highways agreement. It will be important that all the works on the plan are secured through a S278 Highway Agreement.

The following comments were raised previously but for completeness have been re-included. In terms of other access to the development, the applicant confirmed that;

- *“We can provide engineering details around the proposed pedestrian link to the west connecting to the village centre and school.*
- *We can widen the footway into the site, creating a footway/cycleway of 3m width on the eastern side of the access (indeed this could pass through the site and onwards to the new connection to the west)”.*

It is considered that these points achieve a sustainable access to the site which is in accordance with the national, local and neighbourhood policies, as well as the corporate objectives of the Council. However, this is not shown on current submitted plans and would be a matter to be included within the detailed application to follow.

Note, one additional access opportunity exists to the far eastern end of the site, to join the footpath network on the northern side of Totnes Road towards Paignton. Options for pedestrian access to this point should be considered going forward.

With regards to the Travel Plan, the TA sets out that it will be submitted to the Council for approval prior to occupation of the development and there is an expectation this will be controlled by condition. However, it will be necessary to be in a position to inform residents of their travel options much sooner and to have a ‘welcome pack’ or similar arrangement available in advance of occupation so that they can make informed decisions. As such I would expect this to be sooner and would recommend the Travel Plan it is submitted with any reserved matters application. The Travel Plan target should be to achieve the levels set out in the Local Plan policy. If agreed at an earlier stage this information can then be provided to prospective buyers to enable them to consider their accessibility options from the outset.

Local Plan Policy SS7 and the Planning Contributions and Affordable Housing SPD will also apply if the application is approved (to the non-affordable dwellings). In the case of Sustainable transport it is indicated as “trip rate x £171” per dwelling. In this case the trip rate (although questioned by the LHA it was not challenged) is equal to 3.998 (Transport Assessment TRCIS output) per dwelling, multiplied by £171 equals £684 per non affordable dwelling built following any reserved matters or full planning consent. Alternatively the SPD also makes an assumption on a trip rate specific to different sized dwellings. This method could be used but can only be calculated following the detail planning application. This funding would support strategic connectivity from Collaton St Mary to employment areas along the Western Corridor and into Paignton Town Centre.

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. As noted in the Planning Contributions and Affordable Housing SPD, this is estimated at £1m (para 4.2.7) and it is appropriate to divide that amongst the properties proposed, using the numbers as set out in the Adopted Masterplan. In total,

the Adopted Masterplan supports approximately 460 homes (£2,174 per dwelling). That same Adopted Masterplan estimates 70 dwellings on this site. Therefore £152,180 towards the development and implementation of the scheme.

Detailed comments in relation to the site layout will be reserved for any detail application that may arise once a solution to the highway safety has been found. In general though my advice would be for the applicant to consider the Design Guide. Policies in both the Local Plan and Neighbourhood Plan will also be relevant when considering sustainable access and movement around the site, as well as parking and other provisions.

South West Water:

No objection. The impact of the foul flows generated by the development upon the public sewer network have been hydraulically modelled and capacity confirmed to be available.

Supplementary comments regarding concerns on capacity and infrastructure:

"I am pleased to provide comments on the points raised to give reassurance to the LPA, Councillors and residents as to how we will manage our clean and waste water services for new developments.

Prior to 1 April 2018, each new development site would be reviewed on a case by case basis and should there be a need for off-site reinforcement to support the development, the activities would be funded by the individual developments if this was not recognised in the South West Water business plan.

This was formalised with the developer by either using a Section 106 contribution, or in more recent years, via a planning condition. However, the significant change in the Developer Services Charging Arrangements on 1 April 2018 which was brought forward by Ofwat, moved the off-site reinforcement to be funded by the infrastructure charge (authorised by Section 146(2) of the Water Industry Act 1991 which is applied to each new property (or commercial property based on loading) to recover the costs of network reinforcement involving new development.

The infrastructure charge will allow new development to progress without any adverse impact upon the levels of services experienced by our existing customers as a consequence of new development. Our Asset Management Team will be carrying out an evaluation of the waste water assets in Collaton St Mary and this information will allow us to review if there is a need to carry out off-site reinforcement to support the developments in the area. The review will be based on the overall master plan of this area to ensure we look at the holistic view of development in this area.

I trust this provides the clarity required from SWW as to how we will review the area and how this also is to be funded should there be a requirement to reinforce the network to support these developments."

Torbay Council Drainage Engineer:

No objection.

Further to the additional information relating in regard to the surface water drainage design for the above development, it is confirmed that the points raised within my consultation response dated 6th April 2020 have now been answered within the latest information.

As a result there is no objections on drainage grounds to outline planning permission being granted based on the latest submitted drawings and hydraulic modelling.

As this is an outline planning application with the final layout yet to be fixed, a final detailed drainage design that responds to any subsequent revised layout must be submitted as part of any reserved matters.

Historic England:

The application site is surrounded by a number of listed buildings. Historic England's remit is limited to the grade II* listed Parish Church of St Mary and the impact of the development on its setting. The church is located in a small group of buildings to the north of the A 385 and west of the current development site. Due to the location of the development and the retention of the green buffers within the proposed layout, we do not wish to comment on this aspect of the proposal in any specific detail.

As a note there are a number of other designated assets that do not fall within our remit and that will require assessment by the council in determining the application. As the decision maker, you should assess the potential impact of the development on the significance of the heritage asset including any significance derived from its setting. Advice from your conservation specialists and archaeological advisors should allow the potential level of impact to be established and whether this will result in harm. This harm will need to be considered within the planning balance.

Torbay Council Interim Heritage Advisor:

The site itself does not contain any designated heritage assets, nor in my opinion does it contain any obvious non-designated heritage assets. However, in the wider vicinity of the site there are a number of designated and potentially non-designated assets and as such consideration should be given to the setting of these assets, in so far as there is no evident impact upon the fabric of these assets. For the avoidance of doubt my observations do not address the archaeology (if any) of the site, but focuses on the legislative considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and policies HE1 and SS10 of the Torbay Local Plan, and associated Neighbourhood Plan heritage considerations.

The closest designated heritage asset is the listed buildings at Collation Farmhouse and associated farmyard, which are located to the south of the site, on the opposite side of the Totnes Road. The listing citation, the farmhouse is believed to have been built in the mid-19th century in a simplified Tudor style, and exhibits features such as mullioned windows and an original white marble chimney surround. The planned farmyard also dates to the mid-19th century and, as with the farmhouse, is built in local red Breccia rubble. In terms of the setting of these buildings this is now very much influenced by main road and what is largely now a semi urban character. Whilst the proposed scheme will involve a new access in reasonably close proximity to the farmhouse there is already a zebra crossing and street lighting and hence the general

settings character will not be harmed. It will be desirable to ensure that the application site frontage where it adjoins the main road retains a good degree of planting to help provide a softer setting to the listed building acknowledging that it would have once had a more rural setting than that which currently exists. The applicant's heritage report reasonably assesses the setting considerations and I do not dispute the conclusions of this report.

There are 6 listed buildings which form a cluster of buildings to the west of the site, including the Grade II* listed Parish Church of St. Mary, located to the west of the site. In my opinion these buildings are sufficiently divorced from the new development and I note that a good buffer area is proposed between the listed buildings and the proposed housing. Existing trees and hedgerow provide a good degree of visual containment. In conclusion the setting of these buildings will not be harmed. It will be important to ensure that any subsequent landscaping scheme considers the setting of these listed buildings and is designed to maintain the soft buffer between the listed buildings and new development. Care should also be taken to ensure that the design of the footpath links avoid a hard urban appearance. Again the applicant's heritage report reasonably assesses the setting considerations and I do not dispute the conclusions of this report.

The applicant's heritage report considers the setting on listed buildings further from the site and I consider that the conclusions are appropriate. No impacts are identified in terms of non-designated heritage impacts.

Archaeological Advisor:

Parts of the site are considered to have a higher archaeological potential than is suggested in the submitted documents. These areas are currently identified as public open space or retained for agricultural use. Should these areas come forward for expansion of the development area in the future then I would recommend pre-application assessment and evaluation through a staged programme of work commencing with archaeological geophysical survey.

Ecology Advisor:

The key ecological issues considered to be relevant to the determination of this application relate to the use of the site by foraging/commuting bats (including greater horseshoe), cirl bunting, badgers (with two main badger setts recorded within the application area), notable invertebrates (brown hairstreak and great green bush cricket) and an exceptional population of slow worm.

General ecology

The ecology report indicates potential effects during construction on the slow worm population, foraging and commuting bats including greater horseshoes, foraging badgers, nesting birds and habitats used by hedgehog, brown hare and common amphibians. The cirl bunting territories were recorded outside the construction area and will not be directly affected by loss of habitat. Any potential disturbance effects in the east of the construction area will be mitigated as set out in the ecology report. The main badger setts are not located within the proposed construction area and the ecology report details the mitigation measures proposed to ensure that these setts are retained and protected during construction. Pre-construction surveys are proposed to record any changes in outlier sett locations and inform a Natural England licence to

close any setts within the construction zone. Mitigation measures have been proposed to ensure legal compliance with regards to the risks relating to breeding birds, amphibians and reptiles.

The ecology report has identified the potential for positive effects on ecology during the operational phase of the development. This is broadly associated with the management of the retained habitat to increase the diversity and value to birds, bats, reptiles, badgers and hedgehogs. The key potential adverse effect associated with operation is associated with the increased light levels, however the measures to reduce light spill and maintain dark corridors is considered to be effective mitigation.

South Hams SAC / Habitat Regulations Assessment (HRA)

A HRA (Stages 1 and 2) has been completed on behalf of Torbay Council to fulfil the requirement of regulation 63 of the Conservation of Habitats and Species Regulations 2017. The HRA concluded that in view of the application, there is not likely to be any significant effect on the South Hams or Lyme Bay and Torbay Special Areas of Conservation (SAC) alone or in combination with other proposals or projects, subject to mitigation measures.

The mitigation measures included within the EcIA and Shadow HRA reports are to be secured through the implementation of the provided Construction Ecological Management Plan (CECoMP) and the Landscape Environmental Management Plan (LEMP). The following bat mitigation proposals for the development are stated in the Shadow HRA:

During construction

- Tree and retained hedgerow protection during construction. Contractor's compounds and associated parking and storage areas would be at least 10m away from hedgerows, trees and woodland edge.
- Lighting would be turned off overnight throughout the construction period. Any security lighting would be low-level and motion activated on short-timers.
- An Ecological Clerk of Works would be appointed to oversee all ecological mitigation and enhancement delivery during pre-construction and construction phases.

During operation

- The development design is such that landscape connectivity important for greater horseshoe bats has been maintained.
- A maximum lux level of 0.5lux at 10m from the face of the key western, northern and eastern commuting and foraging corridors would be achieved as shown in shadow HRA Figure 4. A 0.5 lux level of lighting is generally accepted as providing a 'dark' environment, which would not deter light-sensitive bat species, and is based on studies investigating the effects of lighting on the lesser horseshoe bat (Stone *et al.*, 2009).
- The positioning of residential units and roads, along with the locations of proposed hedgerow, woodland and scrub planting would ensure that lighting from internal sources and car headlights would not significantly increase light spill onto the key GHS habitat.
- A bespoke greater horseshoe bat roost will be created within the mitigation area. The detailed design of the bat roost would be confirmed in conjunction with the first Reserved Matters Application for the site and would be delivered

in the first phase of construction.

- The eastern half of the site (approximately 6.55ha) would be retained as cattle-grazed pasture with habitat enhancement targeted at greater horseshoe bats under a specific agricultural management regime. The management prescriptions to enhance the foraging habitat within the greater horseshoe bat mitigation area has already been agreed between the landowner, tenant farmer and Bloor Homes. This would be funded via a management fee from homeowners, and its implementation could be secured through the Section 106 Agreement.
- Approximately 7.53ha of the site would be Green Infrastructure, consisting of Public Open Space with meadow, tree (including orchard) and scrub planting; allotments; amenity areas and drainage features. This area is also likely to provide foraging opportunities for greater horseshoe bat.

Monitoring (detailed within section 4.5 of the shadow HRA (EAD Ecology 2019))

- Post-construction monitoring would be undertaken on key habitat features of importance to GHS bats. Measurements of pre-construction light levels would be collected at points on the edge of these habitats to provide a baseline for post-construction monitoring.
- Lux level measurements would be undertaken in Years 1, 3, 5 and 10 following completion of the development to ensure that 0.5lux levels and below are still being achieved.
- Automated bat activity monitoring to be undertaken in Years 1, 2, 5 and 10, would be undertaken at the same static detector positions as the baseline surveys in May, July and September. A GHS bat monitoring strategy would be included in the LEMP, and all results of all monitoring would be submitted to Torbay Council.
- The proposed bespoke GHS roost would be monitored by a licensed bat ecologist in Years 2, 4 and 10 following its construction. Monitoring would consist of internal inspections of the roof void to search for evidence of use by GHS i.e. presence of GHS and/or droppings/feeding remains.

Additional measures to secure the proposed mitigation in light of comment from Natural England shall be required and take the form of the proposed planning conditions. These shall include a CEcoMP and LEMP which shall include relevant sections with regard to habitat phasing, hedgerow management, detailed roost design and clear illustration of how the measures shall be managed “in perpetuity”.

Recommended conditions (HRA)

- Control of External Light Spill to Maintain Dark Areas on Site and in Surrounding Areas
- Detail of bespoke greater horseshoe bat roost
- Construction Environmental Management Plan – Biodiversity
- Landscape and Ecological Management Plan (LEMP) or equivalent
- Ecological monitoring to provide early warning of threats to bat commuting routes

Conclusions

There is no reason for refusal of this planning application on ecological grounds provided the proposals within the ecology report are implemented and maintained.

This includes provision of a biodiversity metric calculation, CEcoMP, LEMP, greater horseshoe bat mitigation area management plan, the appointment of an Ecological Clerk of Works, a detailed lighting strategy and appropriate post-construction monitoring. It is recommended that these measures are secured via appropriately worded planning conditions when this application is determined.

Natural England:

No Objection.

Comment regarding protected species/sites

Having reviewed the Council's HRA/AA Natural England has no objection, subject to appropriate mitigation as identified being secured to ensure no adverse effect on the integrity of South Hams Special Area of Conservation (SAC). In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- All mitigation and enhancement measures to address potential impacts upon greater horseshoe bats associated with the South Hams SAC.
- In addition, the delivery of further mitigation measures to ensure that the proposals are sufficiently robust.

It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out as follows:

Comment regarding biodiversity net gain

In the Chancellor's 2019 Spring Statement, the government announced that it "will Mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity". Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. It would be useful to demonstrate the delivery of biodiversity net gain, with the use of a recognised biodiversity metric mechanism. To assist, we suggest further opportunities to deliver biodiversity enhancements for consideration:

- Extend the native scrub, tree planting, and species rich grassland seed to the Greater Horseshoe Mitigation Area.
- Creation of further hedgebanks in Greater Horseshoe Mitigation Area to create smaller fields, utilising soil from construction excavation.

RSPB:

The RSPB are not convinced that the proposals will deliver a net gain for ciril buntings. While supportive of proposals that will enhance the GHS (and other retained and created habitats) for greater horseshoe bats, some aspects of this, eg, extent and density of tree planting (yet to be clarified), will not benefit ciril buntings and could result in a net loss of habitat suitable for them. The RSPB remain of the view that compensation for one (a 3rd) ciril bunting territory is appropriate and that is the recommendation. However, if your authority decides to grant permission without this provision, we recommend that post construction monitoring should include a timetable

of cirl bunting survey with the proviso that if such monitoring determined a reduction in cirl bunting territories on site (and we consider there are 3 likely present and using habitat on the site), compensation is provided.

Update comments following points raised by the agent:

RSPB site-specific survey for cirl buntings are to establish the presence of breeding (or wintering) birds. They are not sufficiently detailed to determine exactly what areas of habitat cirl buntings are or are not using, so it cannot be concluded from the surveys that cirl buntings do not use any of the potentially suitable habitat that will be lost to built development. Interpretation of survey findings is subjective, but in our view the number and location of registrations suggests it is more likely that 3 not 2 territories were identified during survey.

In our view, the degree of uncertainty over the degree of proposed new tree planting, in the POS and in the GHS mitigation area, and absence of a detailed LEMP to know how the retained and created habitats outside the proposed GHS will be managed, together with the lack of certainty over long term funding for management of the GHS, support our view that, to be certain that the proposed development will not have an adverse impact on cirl buntings, compensation provision should be provided for one territory. Such compensation would be need to be secured via a s106 agreement, needs to be agreed at outline stage. Currently we do not have the benefit of the details of planting, management and management responsibility that we understand are to be confirmed via conditions on any permission (i.e. after grant of this application) and are not then likely to come forward until a reserved matters application is submitted.

Torbay Development Agency Affordable Housing Team:

The affordable housing policy requirement on this site is that 30% of the homes developed should be affordable and as a result we will expect to see 30 of the 100 homes as affordable housing including 2 wheelchair adapted units. As with all new developments we would anticipate that the mix on bedroom numbers is proportionate to the mix as a whole and rather than the affordable housing being designed in one location for them to be pepper potted throughout the scheme.

With over 1000 households on the waiting list for affordable housing in Torbay the above site will have a positive impact on providing much needed accommodation and providing the above points are taken into consideration and subject to a satisfactory S106 going forward housing services would be supportive of the application.

Torbay Development Agency Schools Capital and Planning Officer:

The latest published position statements reiterate that the need and demand for school places in Paignton remains high and particularly now in the secondary sector.

S106 contributions should be sought in-line with the Adopted SPD for education particularly to address the shortfall in the older year groups in primary and across the whole of the secondary sector.

Torbay Council Community Safety Team:

No objection to this application being approved. Would suggest the inclusion of a condition requiring the submission of a construction management plan for the approval of the local planning authority prior to development commencing. This should have

particular reference to the control of dust and noise. A contaminated land report is not necessary.

Police Designing Out Crime Officer:

It is appreciated that the application is for outline planning permission with all matters reserved except for access, as such detail is too limited to enable a full response at this time but please find the following initial advice and recommendations from a designing out crime, fear of crime and disorder perspective to be considered for any future reserved matters.

Torbay Council Natural Environment Services Team:

Due to the vicinity of the development site to a new Country Park at Westerland Valley and the access opportunities that the Country Park will offer to the new residents it would be good if the development could open up and manage a new footpath and access point to the Country Park (as shown in the Collaton St Mary Masterplan) and put in associated footpath signage. If a financial contribution could be sought to support access improvement within the Country Park and an ongoing contribution sought from the development to support maintenance/upkeep within the Country Park this would help ensure the long term management of this new greenspace. It is important to flag up connectivity between this development and the proposed new developments to the south and facilitating access from these developments to the new Country Park.

There is currently limited play provision within the area and we would like to create new play facilities at Westerland Valley, whether this is through more informal play structures (natural play) or creating opportunities for children on scooters/balance bikes. Could a financial contribution could be sought for some new play facilities at Westerland and an allowance for maintenance.

We support that the development is providing Green Infrastructure onsite but I would like to see further enhancement of the wider GI network. We would like to establish opportunities within the Greenspace contribution/CIL for this development to support wider enhancement of the Country Park through mechanisms such as Interpretation onsite, signage and engagement with the community through the contribution towards a new Park Ranger.

There are allotments shown on the landscape plan – who will be responsible for the ongoing management of them? We are looking to create a new community orchard within Westerland Valley so it would be good to establish whether there are opportunities to further enhance the local food provision through this development.

I have seen in the comments from the RSPB that there is the need to deliver offsite compensation for one cirl bunting territory and that this contribution will come to Torbay Council to pool with other contributions. There is potential to look strategically within Westerland Valley at opportunities to deliver an offsite cirl bunting reserve, which is better connected to other cirl bunting sites within Collaton St Mary. This reserve if secured and managed in perpetuity will greatly support the local cirl bunting population, which are under increasing threat from loss of suitable habitat through development and fragmentation of farmland.

We support the provision of the Greater Horseshoe Bat Mitigation area and the enhancement to hedgerows through the development but would like to highlight the requirement for that land to be managed for conservation in perpetuity and the viability of that mitigation not to be compromised by further development. This mitigation area will support the creation of a connected wildlife rich network at Westerland Valley and if there are opportunities through s106 to strengthen the Greater Horseshoe Bat strategic flyway and commuting route that is identified in the Collaton St Mary Masterplan through tree planting and double hedgerows that would be great. There is also potential to create further bat roosts up through the Westerland Valley.

Environment Agency: No comment supplied.

Devon Wildlife Trust: No comment supplied.

Key Issues/Material Considerations

Planning Officer Assessment

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

1. Principle of Residential Development

The application site is located within a Strategic Delivery Area (SDA), as designated in the Local Plan under Policy SS1, which identifies areas for the delivery of growth and change in Torbay for the period of the Local Plan, where the site forms part of the Paignton North and Western Area SDA. In addition the site is also part of a wider Future Growth Area as identified within Policy SS2 of the Local Plan, where it sits in the identified *Paignton North and West Area, including Collaton St Mary* (Policy SS2.2). Strategic policy SDP3 of the Local Plan for the Paignton and North and Western Area 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. These strategic policies all support the principle of residential development on the site.

The site is also subject to an adopted masterplan for the wider Future Growth Area (adopted February 2016) for the Collaton St Mary area. The adopted Masterplan identifies the lower slopes adjacent to the Totnes Road (and to the west of Borough Park Road) as a potential site for housing that is expected (through the illustrative detail and text) to bring forward approximately 70 dwellings across an area of 3.7

hectares, at around 20 dwellings per hectare. The proposed development is broadly aligned with these principles of the Masterplan in terms of location, i.e. infilling across the site from Borough Park Road, and also in terms of the potential density of development. There is however a variance in that it presents an expectation to provide development over a slightly larger site area of 4.4 hectares, which spreads approximately 25-30 metres further northwards into the site than identified within the Masterplan. The impact of this variance will be discussed within subsequent sections of this report however it does not alter the broad conformity with the general principles of the Masterplan, of housing on the lower slopes of the site at a low density.

In regard to other matters of principle the Paignton Neighbourhood Plan does not identify housing sites. However, Policy PNP24 (*Collaton St Mary Village*) does outline 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. It should be noted that aside from the aforementioned slight divergence from the Masterplan in terms of the spread northwards there is a deviation from the Masterplans illustrative text in that the access point is proposed off Totnes Road rather than Borough Park Road. In regard to the principle of utilising a different access point to that shown within the adopted Masterplan, such an access should be considered on its own merits in terms of highway safety and its broader strategic merit. It should not be discounted solely on the notion that it doesn't accord with the Masterplan unless, as just detailed, there are sound functional planning reasons to do so.

In relation to the proposed housing number it is important to note that the layout and number shown on the Masterplan should be considered as being indicative only, as the adopted Masterplan layouts are all somewhat schematic. Hence the Masterplans number should not be taken as a ceiling on the number of dwellings that can be achieved, certainly in light of the government's clear agenda to boost housing supply and guidance on support for development that makes efficient use of land.

As a final point of principle, it is clear that there is the potential for some form of conflict with Policy PNP19 (*Rural Character Areas*) of the Paignton Neighbourhood Plan should a future reserved matters application present dwellings within the designated rural area, as currently shown within the submitted indicative masterplan. However, it is important to note that Policy PNP19 does not expressly preclude development, but seeks development that does not damage its quality and the relationship between urban and rural areas. There is hence clearly an expectation for some development to be delivered within the designated Rural Character Area generally. In this instance it is considered, if a future reserved matters application presents development within the Rural Character Area to a level loosely aligned with the indicative layout and section detail currently submitted, that any impact upon the character of the wider area is unlikely to be demonstrably adverse, as a substantial rural backdrop would still be visibly present from key public views. The likely impact of development character is touched on in Section 5 below but would ultimately be considered more robustly considered at reserved matters stage.

For the reasons stated above the principle of residential development on this site is accepted, when considering the Development Plan as a whole, subject to other material considerations which are further discussed in more detail below.

2. Access and Highway Safety

Para. 108 of the NPPF (the Framework) guides that when assessing developments 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. 109 of the Framework confirms 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 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, sustainable modes should be encouraged, and; suitable parking and cycle facilities should be provided within all residential development.

The Paignton Neighbourhood Forum objects to the access on the basis that the adopted Collaton St Mary Masterplan shows no access onto Totnes Road and Policy PNP24 (Collaton St Mary Village) of the Paignton Neighbourhood Plan expressly requires proposals to be in accordance with the adopted Masterplan for the area. It is noted that the masterplan cites "*vehicular access is proposed via Borough Park Road. Direct access onto the Totnes Road is not deemed to be appropriate due to the unsuitability of the junctions with the Totnes Road*". The Forum's view is that this suggests that an access onto Totnes Road was considered but discounted through the master-planning process. Notwithstanding the position of the Forum it is advised that if a safe and suitable access can be shown to be achievable it should not be discounted solely on the grounds of discordance with the expectations of the Masterplan, unless there are sound highway safety or strategic planning reasons to support such a rejection. The merit of the proposed Totnes Road access is considered in detail below.

Following the receipt of revised plans the proposal is to provide a junction with a 6m wide carriageway into the site just east of the existing zebra crossing on the Totnes Road. There is no dedicated right hand turn lane into the site, which is informed by the supporting data that suggested that there is no capacity requirement for one. The Highway Authority agree with this position. There are proposed works to the highway in support of the junction which include the removal of the existing zebra crossing and

its replacement to the east of the new access with a light controlled pedestrian crossing. There are also plans for anti-skid surfacing either side of the crossing, which is extended in length on the outbound approach towards the brow of the hill. The applicant has also, through revised plans, included the provision of an automated warning sign at the brow of the hill to the east, which would be linked to the light-controlled crossing, in order to warn outward bound traffic of potential queuing traffic over the hill.

The proposed junction design is considered to secure adequate visibility for the class of road and the light controlled junction is considered suitably designed in light that it replaces a zebra crossing with impaired visibility. The forward visibility for outbound traffic approaching from the east over the brow of the hill is slightly below Torbay's design standard but exceeds a national standard in terms of Design for Streets. In the circumstance the use of a 'smart' sign to warn approaching vehicles of potential queuing traffic is considered to present a satisfactory solution considering the locality constrains further improvement, and there being a small difference between the forward visibility achieved and Torbay's standard, suggesting it is unlikely to significantly increase the risk of collisions. All matters considered the proposed access is considered suitable and safe and hence in accordance with local and national policy guidance.

In terms of broader movement objectives, the indicative proposals suggest the introduction of pedestrian/cycle connections to the east and west. Pedestrian and cycle permeability is welcomed and a future reserved matters application should include these aspirations. Public access to the public open space and publically available connections further to the north towards the identified country park (Westerland) should also be duly considered and secured by planning conditions and obligations as necessary.

In terms of future considerations, should the proposal be granted planning permission, it is recommended that internal roads are built to the standards outlined within the Torbay Highway Design Guide to ensure that they have the potential to be adopted by the Local Highway Authority. Ultimately further scrutiny will be given to the internal layout at reserved matters stage.

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. As noted in the Planning Contributions and Affordable Housing SPD, this is estimated at £1m (para 4.2.7) and hence a proportionate obligation of £152,180 towards the development and implementation of the scheme should be secured via a legal agreement. In addition Local Plan Policy SS7 and the Planning Contributions and Affordable Housing SPD also suggests a sustainable transport obligation should be secured (indicated as an obligation of £684 per non affordable dwelling built). The precise amount would be established at reserved matters stage however the current detail suggests this is likely to secure funding of circa £47,880 for sustainable transport improvements in the area, towards the strategic connectivity from Collaton St Mary to employment areas along the Western Corridor and into Paignton Town Centre.

Finally in regard to the principle of providing the access off the Totnes Road rather than off Borough Park Road (as indicated within the adopted Masterplan) it is considered that there is no strategic merit for one route of access over the other. Hence in the absence of a strategic reason to seek to utilise Borough Park Road as the access point the proposed access should be determined on its own merit in terms of the layout and the safety of the junction and, as concluded above, the proposed junction is considered acceptable by the Highway Authority.

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 109), the proposal is (subject to securing the identified matters) considered acceptable on highway and movements grounds, and in accordance with the Policies TA1 and TA2 of the Local Plan, and in broad accordance with the Paignton Neighbourhood Plan and the NPPF.

3. Drainage and Flood Risk

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 163). It also guides that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Para 165).

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.

In terms of context the site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within the Critical Drainage Area that covers most of Torbay, as designated by the Environment Agency. It should also be noted that, although not

within the site, there is a linear area of heightened flood risk to the south that follows the valley floor from west to east.

The Paignton Neighbourhood Forum have raised an objection on the grounds of flooding and there is also a notable degree of local concern on the matter raised through numerous representations. The Forum is concerned that the application fails to demonstrate sufficient regard has been given to flash flooding that occurs south of the site that they link to ground water and surface water entering the water course and combining with foul water to the detriment of the area. The Forum's concern includes that they believe inadequate information has been provided to demonstrate that the proposed SUDS soakaway solution and subsequent system management arrangement meet the requirement of the Local Plan and the Paignton Neighbourhood Plan, where the latter expressly states the information is required when such applications are first submitted and will not be dealt with subsequently by conditions. The Forum also cite a Supreme Court decision in 2009 that determined that where such situations exist they need to be examined and resolved at the planning application stage, not by the assumption that they can be deferred to the consideration of the relevant utility provider.

The application is accompanied by a detailed flood risk assessment and outline drainage strategy which identifies that surface water run-off from the development will be drained via infiltration drainage in the form of soakaways. There is also a utilities plan that illustrates that foul waters will be connected to the Public Sewer that runs along the Totnes Road, connected at a point adjacent to the proposed access.

In regard to surface water management additional design work has been undertaken by the applicant and recently supplementary detail to support the applications design strategy of utilising soakaways to sustainably manage surface water runoff has been submitted. The Council's drainage engineer has considered this additional detail and no longer objects to the application as it is considered that the proposal now demonstrably evidences that the development would not increase the risk of flooding to land or buildings adjacent.

In regard to foul water the application details a connection to the public sewer system on the Totnes Road at the point of the proposed access. South West Water (SWW), who are the statutory undertakers that manage the public sewer system, have considered the proposal and confirmed that they do not object to planning permission being granted. It is noted that SWW also confirmed that the impact of the foul flows generated by the development upon the public sewer network have been hydraulically modelled and capacity confirmed to be available.

Based on the above comments there is no objection to outline planning permission being granted for the development subject to a condition requiring the developer to submit their final drainage design for approval once the reserved matters sets the detailed design parameters. The proposal is, for the reasons above, considered to be in accordance with Policies ER1, ER2, SS2 and SS7 of the Local Plan, and in accordance with the Paignton Neighbourhood Plan, and advice contained within the NPPF.

Notwithstanding the clarity of the conclusions above due to the level of current and

previous concern by local residents and Members, additional information has been sought from SWW as the statutory undertaker who manage the public sewer system, in terms of how they seek to manage capacity and deal with growth. Following this request for further information SWW has outlined that there has been a 'model shift' in how they operate following significant change in 2018 brought forward by Ofwat (The Water Services Regulation Authority), and they now no longer rely on the planning system to secure funding for changing needs in capacity. They confirmed that where they previously engaged with the planning process on a case-by-case assessment and sought necessary funding via conditions or S106 legal agreements, they now operate a model that is detached from and does not rely on the planning system. The 'new' system now secures infrastructure funding through developer connections charges (and strategic delivery plans), which they cite should allow new development to progress without any adverse impact upon the levels of service experienced by existing customers as a consequence of new development. The 'new' model of management outlined by SWW and summarised above clearly outlines that SWW no longer rely on the planning system to deliver necessary infrastructure and hence there would appear no sound planning reason not to support the proposal on flood risk and drainage grounds, where there is support from the Lead Local Flood Authority in terms of surface water and the statutory undertaker in terms of foul water.

As an anecdotal note SWW have confirmed that their Asset Management Team will be carrying out an evaluation of the waste water assets in Collaton St Mary and this information will allow them to review if there is a need to carry out off-site reinforcement to support the developments in the area. They confirmed that this review will be based on the overall master plan of this area to ensure we look at the holistic view of development in this area.

4. Ecology & Biodiversity

Policy NC1 of the 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 ecology, the key ecological issues relevant to the determination of this application relate to the use of the site by foraging/commuting bats (including the Greater Horseshoe Bat), cirl buntings, badgers (with two main badger setts recorded within the application area), notable invertebrates (brown hairstreak and great green bush cricket) and slow worms.

The Paignton Neighbourhood Forum have within their objection advised the submitted mitigation proposals do not take properly into account the mitigation requirement resulting from the in-combination effect of other sites, contrary to the requirement within the Local Plan, which expressly requires a bespoke Greater Horseshoe Bat mitigation plan for all development within the area to be submitted and approved before planning permission will be granted. The Forum cite the proposal therefore conflicts also with Policy PNP1 of the Paignton Neighbourhood Plan which makes clear development will not be supported that would result in an adverse impact on a European protected site.

The application is supported by an ecological impact assessment and a shadow Habitat Regulations Assessment (HRA) which seeks to address the European protected site. These documents have been reviewed by the Council's ecological advisor and Natural England and the RSPB have also provided detailed comments on the development proposals and its associated ecological issues. Natural England have also provided secondary comments on the Council's own HRA. The summary conclusions on the ecological merit of the development proposals are detailed below.

Firstly in regard to the considerations associated with the South Hams Special Area of Conservation (Greater Horseshoe Bat) the Council's ecological advisor has considered the 'shadow' HRA submitted by the applicant and has undertaken a formal HRA and Appropriate Assessment (AA). The Council's HRA/AA concluded that with mitigation there would be no '*likely significant effect*' alone or in combination with other proposals or projects on the South Hams SAC. Natural England have been re-consulted and have provided detailed comment on the Council's HRA/AA, including its conclusions and proposed mitigation measures (conditions). Natural England have advised that they concur with the Council's conclusions of there being no '*likely significant effect*', providing that all mitigation measures are appropriately secured in any permission given. Notwithstanding the Forums concerns the matter is therefore considered to be positively concluded in terms of ensuring no adverse impact on a European protected site. As a note the HRA/AA also concluded on the Lyme Bay and Torbay SAC and found there to be no likely significant effect.

In regard to broader ecology matters the cirl bunting territories were recorded outside the construction area and it was concluded that they would not be directly affected by loss of habitat, with any potential disturbance effects in the east of the construction area will be mitigated as set out in the submitted ecology report. Notwithstanding the conclusions of the submitted ecology report and the Council's own advice the RSPB recommend that financial compensation is provided for a 3rd pair of cirl buntings, to secure off-site mitigation land. The applicant has indicated that they are happy to defer to this request, notwithstanding the conclusions of their own ecologists and provide a financial mitigation for off-site cirl bunting habitat as requested.

In regard to badgers the main badger setts are not located within the proposed construction area and the submitted ecology report details the mitigation measures proposed to ensure that these setts are retained and protected during construction.

Pre-construction surveys are proposed to record any changes in outlier sett locations and inform a Natural England licence to close any setts within the construction zone.

Mitigation measures have also been proposed to ensure legal compliance with regards to the risks relating to breeding birds, amphibians and reptiles, which can be secured by appropriate planning conditions.

Submitted detail further identifies the potential for positive effects on ecology during the operational phase of the development. This is broadly associated with the management of the retained habitat to increase the diversity and value to birds, bats, reptiles, badgers and hedgehogs, which is supported.

In-line with advice from Natural England, the RSPB and the Council's ecology advisor, the proposal is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of policies within the Local Plan and Paignton Neighbourhood Plan, and advice contained within the NPPF. There is considered to be no reason for refusal of this planning application on ecological grounds provided the proposals within the submitted ecology report are implemented and maintained. This includes provision of a biodiversity metric calculation, Construction Ecological Management Plan, Landscape and Ecological Management Plan, greater horseshoe bat mitigation area management plan, the appointment of an Ecological Clerk of Works, a detailed lighting strategy and appropriate post-construction monitoring. It is recommended that these measures are secured via appropriately worded planning conditions should the application be positively determined.

5. 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 indication of a proposed site layout and detail on the likely character and appearance of the development, offering indicative layout and section drawings together with accompanying written commentary. In regard to this outline application it is necessary to consider whether the submitted detail indicates and ultimately provides sufficient comfort that the amount of development (up to 100 dwellings) could be appropriately achieved in terms of its layout, design and character, without undue visual impact.

Achieving good design is a central thread within government guidance and Part 12 of the NPPF "Achieving well-designed places" offers key guidance. Paras 124, 127, 129 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 130 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. Thus, if on receipt of an application for approval of reserved matters the Local Planning Authority does not consider the detailed proposals to be of sufficiently high quality they may, at their own

discretion and based on the then submitted detail, decide to issue a refusal on that basis without prejudice to the principle of any outline permission already granted.

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). Local Plan 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. Local Plan 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 Local Plan Policy DE1 outlines a number of factors towards securing development that is well-designed and that respects Torbay's special qualities. In addition to the above 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.

Consultee comments received from the Paignton Neighbourhood Forum cite a concern that the proposal is an overdevelopment of the site that conflicts with the indicated capacity of 70 dwellings within the adopted Masterplan that was established having regard to the importance of landscape, biodiversity and infrastructure. The Forum cite a concern on the detailed breach of the Development Plan boundary which they state is unjustified and contrary to the adopted Collaton St Mary Masterplan and Policy PNP1 (Area wide), and Policy PNP19 (Rural Character Area) and Policy PNP24 (Collaton St Mary) of the Paignton Neighbourhood Plan. A number of public objections raise similar concerns in terms of the landscape and character impacts, generally citing the scheme as an overdevelopment of the site that would harm the character of the village and wider area. As previously discussed within Section 1 (principle) the policies are not considered to preclude development *per se* and hence proposals should be judged on their broader merit where they sit within the Rural Character Area.

In terms of context the site is identified within the Torbay Landscape Character Assessment as Rolling Farmland (1J The Blagdons) with a broad commentary of there being a distinct unified landscape due to a prevailing agricultural pattern with few detracting elements, but with reference that the landscape value reduces towards the southern end towards the A385 (Totnes Road). The Collaton St Mary Masterplan considers the potential for development and it cites that there is the potential for development on the southern lower slopes of the hill just above the existing Village, as this area is fairly hidden behind existing urban development. The Masterplan furthers that the boundary of development would need to be curtailed and aligned with the adjacent existing development (taken as reference to Borough Park Road to the east) as the upper slopes of the hilltop are more visible and sensitive to change. This commentary aligns with an 'area of reduced landscape and visual sensitivity' being illustrated and a masterplan layout that suggested development maintained below a linear field hedge boundary that runs east-west across from Borough Park Road to the Church approximately 110-140m north of the Totnes Road. Finally in terms of policy context the Paignton Neighbourhood Plan identifies the open countryside (PNP19) with a central aspiration that as it is a finite resource it is important to ensure that any further development does not damage its quality and the relationship with urban and

rural areas. The bulk of the proposed 'developed area' sits to the south of the aforementioned field boundary which shows around 85 of the 100 dwellings delivered within the area not designated as open countryside. This results in the indicative layout showing around 15 dwellings within land identified as open countryside within the Paignton Neighbourhood Plan, within an area loosely 180m wide by 20m-30m deep.

In terms of assessing the design and visual impact as the proposal is in outline the design will principally be scrutinised at reserved matters stage should outline permission be granted. Notwithstanding this basic principles can be considered to determine whether the amount of development is likely to be adequately achieved.

In terms of design the indicative masterplan appears to present sufficient confidence that a suitable residential environment could be achieved. The basic layout suggest perimeter blocks will be achieved which will present properties facing and framing the streets, which is a supported layout proposition. The indicative layout suggests that garden space could be adequately resolved to meet the standard expected within the Development Plan of 55sqm, whilst also reflecting the more spacious character of the rural edge development. In addition the suggested distances between properties are largely in excess of the 20-21m guide for back-to-back relationships plus an allowance for likely level changes, which indicates that the guide distance should be increased to secure suitable levels of privacy. The suggestion of planting within the developed area has the potential to remove or at least soften the few direct sight-lines, which is welcomed in principle. In terms of other matters the indicative masterplan appears to suggest adequate parking could be provided to meet the expected level of 2 spaces per dwelling. Further details will be required as part of a reserved matters submission to enable the precise parking arrangement to be properly scrutinised, but it appears, based on the space available, that an adequate parking arrangement could be provided for the proposed number of units without compromise on other important aspects of the scheme, such as dwelling sizes, the availability of landscaping and amenity space etc.

It is noted that the accompanying Design and Access Statement presents images that suggest a largely open plan design typology to plots, which would appear counter to the prevailing local form and counter to the prevailing rural vernacular within other villages and hamlets within the broader area. Plots appear generally presented with a far more defined sense of enclosure with walls, hedges and occasionally railings prevalent. Boundary treatments are an important contributor to character and it is advised that a future reserved matters should duly consider the local vernacular notwithstanding the currently presented 'indicative detail' in order to deliver development that accords with the adopted masterplan and Policy PNP24 of the Paignton Neighbourhood Plan

All matters considered there appears to be scope to resolve an adequate design outcome for the amount of development sought to present an acceptable residential environment for future occupiers and occupiers of existing properties. Ultimately a detailed layout and residential environment would be considered at the reserved matters stage.

In regard to visual impact although the application seeks outline consent the suggested layout and scale should be duly interrogated to determine the likely visual impact resulting from the amount of development being proposed. Having considered the proposal and the context there is considered to be broad alignment between what is being proposed and the informative landscape assessment, the Torbay Landscape Character Assessment, the adopted Masterplan for the area and the Neighbourhood Plan guidance. In terms of alignment the proposal concentrates development in the southern 'bowl' close to the Totnes Road with land above maintained as a landscape setting for the village, with open space, allotments and agriculture uses, which is a principle that is supported. The key area of divergence, and one touched on by the Forum within their objection and within Section 1 (Principle) above, is that the proposal suggests development may be presented beyond the existing field boundary line that is delineating feature for where development is expected to cease within the Masterplan, which is consistent with the Neighbourhood Plan *open countryside* designation of fields to the north whilst excluding fields to the south of this feature. The policy position around this and the likely visual impact is hence central within the consideration of the scheme, which is summarised in some detail below.

The application is supported by landscape and visual impact assessment and this concludes that the landscape character of the site as being medium to medium/high quality, which is consistent with the Torbay Landscape Character Assessment. Both assessments principally conclude that the elevated area of the hill is considered to have little capacity to accommodate built development due to its elevated and open character and contribution to the setting of Paignton. The submitted assessment furthers that the lower slopes adjoining existing built up areas are identified as having medium susceptibility to change, as they have some ability to absorb development without a significant change in character, as the land is more enclosed and is currently influenced by the proximity the built-up area of Paignton, which is considered to be a reasonable assumption. The lower slopes is where development is proposed and hence there is broad agreement alignment with the landscape character assessments for the area.

In terms of character the indicative proposal is somewhat suburban in layout and scale but this is not at odds with the adopted Masterplan for the area, which presents a single linear extension somewhat akin to suburban street that is Borough Park Road to the east. The proposal covers a slightly larger area than that indicated within the adopted Masterplan however the layout appears to present certain features that would possibly counter any potential wider impact caused by there being a larger developed area. For example the illustrative layout has the potential to offer a softer and slightly more organic form of development than that illustrated within the adopted Masterplan. For example the perimeter blocks (the groupings of houses) are relatively small and could have the potential to present a more intimate, somewhat semi-rural feel, compared to the single linear arrangement envisaged within the adopted Masterplan. In addition tree planting within the built envelope appears prevalent which, if adequately resolved in a future reserved matters detail, could help break up and soften the development when experience within and from afar. There are also more substantial pockets of tree planting envisaged along the southern border that could well screen the development from the few public views of the lower slopes. Finally it is noted that revised section plans submitted by the applicant have responded to some initial concern from Officers in terms of a potential impact on the wider landscape

character. The section now shows reduced height dwellings at the highest part of the site, in the area which is identified as open countryside within the Paignton Neighbourhood Plan. This treatment of scale would help limit the visual prominence of the 'additional' development that sits beyond the line illustrated within the adopted Masterplan. The section suggests that reduced storey dwellings within the designated open countryside are likely to have a ridge height only 1m higher than dwellings immediately below, which sit within the area of development envisaged by the adopted Masterplan. As public views from the south are principally on lower land these 'additional' dwellings are likely to have a limited visual impact in the wider context of the areas character. Having considered the context the likely visual impact of the development, including importantly the 'additional' proposed development that sits within the designated *open countryside*, it is considered that although it may present a slightly more visible development when viewed from the few public views to the south, the expected impact upon the character of the area is to be considered unlikely to be significant.

Separately in regard to the design and visual impact of the detailed access the junction point sits at the eastern boundary of Collaton St Mary where it transitions to the western outskirts of Paignton. The Character within the area of the proposed junction is quite urban compared to other parts of Collaton St Mary and the access point is unlikely to have detrimental impact upon local character when considering the current street character.

All matters considered based on the indicative information provided the proposed development is for the reasons above considered to demonstrate the potential to provide a satisfactory form of development in terms of layout, in accordance with Policies SS2, SS3, H1 and DE1 of the Local Plan, Policies PNP1, PNP1(a), PNP19 and PNP24 of the Paignton Neighbourhood Plan, the adopted Collaton St Mary Masterplan, and the NPPF. The outline detail has also been scrutinised in regard to the recently published National Design Guide and the illustrative scheme does not appear to present any obvious conflict with the advice offered within the document.

Members are advised that in the absence of a 5-year housing supply the presumption in favour of sustainable development, the tilted balance, should be applied and hence should Members consider the limited spread into the open countryside to present harm it would need to be significant and demonstrable in order to justify a refusal. As concluded above any likely impact is not considered to be significant and demonstrable.

6. 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, informed by the submitted supporting information.

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 193). The NPPF

further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 194). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 196).

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 Local Plan). 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.

In terms of the heritage context for this proposal the site does not contain any designated heritage assets however in the wider vicinity of the site there are a number of designated assets and as such consideration should be given to the setting of these assets.

The closest designated heritage asset is the listed buildings at Collation Farmhouse and associated farmyard, which are located to the south of the site, on the opposite side of the Totnes Road. In terms of the setting of these buildings the surrounds are influenced by the main road and what is largely now a semi urban character. Whilst the proposed scheme will involve a new access in reasonably close proximity to the farmhouse there is already a zebra crossing and street lighting and hence the general settings character will not be harmed. It is considered desirable to ensure that the application site frontage where it adjoins the main road retains a good degree of planting to help provide a softer setting to the listed building acknowledging that it would have once had a more rural setting than that which currently exists. This could reasonably be achieved by due consideration of a future landscaping as part of the reserved matters.

Further afield there are listed buildings which form a cluster of buildings to the west of the site, including the Grade II* listed Parish Church of St. Mary. These buildings are considered to be sufficiently divorced from the development with a substantial buffer of distance, existing development, or existing landscaping between the listed buildings and the proposed development. In terms of the nearby church especially existing trees and hedging is considered to provide a good degree of visual containment. This conclusion is aligned with comments received from Historic England regarding the grade II* church where they stated that due to the location of the development and the retention of the green buffers within the proposed layout, they do not wish to comment on this aspect of the proposal in any specific detail.

All matters considered the setting of these buildings will not be harmed, although it is appreciated that it will be important to ensure that any subsequent landscaping scheme considers the setting of these listed buildings and is designed to maintain the soft buffer between the listed buildings and new development. Care should also be taken to ensure that the design of the footpath links avoid a hard urban appearance, which would be secured through the consideration of the reserved matters.

On balance, with no substantive harm expected by the detailed access or the future development subject to a reserved matters application, when considering the Development Plan and the NPPF, the proposed access arrangements and indicative development in terms of heritage impacts and thus suitable for approval, in accordance with Policy HE1 of the Local Plan and Paragraphs 193, 194 and 196 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.

7. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Paignton Neighbourhood Plan is largely silent on the matter of amenity but expectations aligned with elements of DE3 are stipulated within Policy PNP1. The NPPF guides that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve (Para 124) and that planning policies and decisions should ensure that developments, amongst a number of things, should create places that promote health and well-being, with a high standard of amenity for existing and future users.

The site borders existing residential properties along the southern border and along part of the eastern border. The impact during and after construction on the amenity afforded these occupiers hence needs to be duly considered. The construction phase 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 through the use of a planning condition. In terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance for existing occupiers in the area. In terms of scale and form this will be established within a future reserved matters application however officers are satisfied that it will be possible to develop the site without having an unacceptable impact on the residential amenity of existing dwellings.

In summary the proposed access arrangements, indicative layout and supporting information are considered to demonstrate the potential to provide a satisfactory form of development in terms of protecting the amenities of adjacent occupiers, in accordance with Policies DE1 and DE3 of the Local Plan, Policy PNP1 of the Paignton Neighbourhood Plan, the adopted Masterplan for Collaton St Mary, and the NPPF.

8. 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. 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 between a 2.5 - 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. 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 allocated 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 site is identified for housing within the Development Plan and is hence broadly considered a sustainable site for future residential development.

The proposal is supported by an energy statement that presents proposed measures by the developer to reduced CO2 emissions, delivered through a combination of utilising passive design measures, well insulated and air tight building fabric and space and water heating provided by high efficiency gas fired boilers with flue gas heat recovery.

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.

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 £152,180 towards the development and implementation of this scheme should be secured.

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 greenfield sites for schemes of 30+ dwellings that 30% should be affordable housing. At 30% the scheme should secure 30 affordable units.

Elements of the provision, such as location and mix, to be agreed through the reserved matters stage when the form and layout is progressed beyond the current indicative stage.

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 at a rate of £684 per eligible dwelling (or other alternative method as agreed). This funding would support strategic connectivity from Collaton St Mary to employment and retail areas along the Western Corridor and into Paignton Town Centre.

Greenspace and Recreation

No detailed obligation request or expected level of play provision raised by Natural Environment Services. It is noted that the indicative masterplan includes a play area to provide public play space, together with more informal open space. The Planning Contributions and Affordable Housing SPD indicates a development of this scale should secure a LAP and a LEAP. Parameters for the provision and retention of future public play space, which secures appropriate play space for different ages of children, should be secured, including funding mechanisms or public adoption, and dispute mechanisms, along with the provision and maintenance of the public open space, public access routes and allotments.

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.

Cirl Bunting Mitigation

Financial mitigation to secure compensatory habitat is secured elsewhere for one curlew territory via a financial contribution to Torbay Council, as set out in the Wildlife and development guidance note: curlew (Devon County Council, Teignbridge District Council and Torbay Council, October 2017).

GHB Mitigation

Delivery and in perpetuity management of the Greater Horseshoe Mitigation Area.

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.

HRA:

The application site is within a sustenance zone and 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. Natural England have been consulted and concur with the Council's conclusions, subject to securing the proposed mitigation measures. Proposed conditions are detailed at the end of this report.

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.

It is acknowledged that there are concerns about the potential impact upon setting of the listed church and broader landscape impact. This is an outline application and therefore details of layout, scale, appearance and landscaping for the development will be the subject of future reserved matters applications. Nevertheless sufficient information has been submitted as part of this outline application to demonstrate that the proposed development can take place without significant harm to matters such as heritage, landscape or residential amenity.

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 broadly identified for housing within the Development Plan and the proposal does appear to be fairly consistent with the associated adopted Masterplan for the area and would deliver much needed housing. The proposal is ultimately considered a good use of an identified site that would provide much needed housing to help meet local need.

Key public concerns regarding the impact upon the Greater Horseshoe Bats and flooding are resolved to the satisfaction of the statutory consultees on these matters, and the highway authority does not object to the access or impact upon the road network.

There is a degree of discordance with the Development Plan in terms of likely encroachment into the open countryside, as designated within the Paignton Neighbourhood Plan. However the visual impact of this likely encroachment is not expected to be significant in terms of the wider landscape setting of Collaton St Mary. Therefore notwithstanding this discordance there is, for the reasons stated within this report, a much broader accordance with the Development Plan that Members should consider as part of the balancing exercise. Officers consider the impact of some development within the open countryside does not warrant refusal of the application, due to the much broader accordance with the Development Plan and the material benefit of providing housing where the Council is currently advising of there being a significant shortfall below the 5 year supply expected by government, and where the government has clearly stated it wishes to significantly boost housing delivery.

In-line with the above conclusions and the detail contained within this report the proposals are considered to be in general accordance with the provisions of the Development Plan. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. In the absence of material considerations that weigh sufficiently against the proposal the Officer recommendation is one of approval, subject to suitable conditions and S106 Legal Agreement.

Officer Recommendation

Approval: Subject to;

1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning;
2. The completion of a S106 Legal Agreement to secure the heads of terms above, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director responsible for Planning, including the addition of any necessary further planning conditions or obligations.

Conditions

Standard time condition:

That in the case of any reserved matter, an application for approval must be made not later than the expiration of three 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.

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. Control of External Light Spill to Maintain Dark Areas on Site and in Surrounding Areas (HRA)

All reserved matters applications 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 (EAD Ecology, 2019).

The development shall proceed in accordance with the Lighting Assessment and no additional external lighting shall be provided at any time unless 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.

3. Detail of bespoke greater horseshoe bat roost (HRA)

The reserved matters shall include a detailed design of the proposed bat roost. The approved roost shall be delivered in the first phase of construction or in accordance with a timetable agreed in writing with the Local Planning Authority and shall be retained and maintained at all times thereafter.

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

4. Construction Environmental Management Plan – Biodiversity (HRA)

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.

5. Landscape and Ecological Management Plan (LEMP) or equivalent (HRA)

All reserved matters applications for layout and 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 development and 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.

6. Ecological monitoring to provide early warning of threats to bat commuting routes (HRA)

All reserved matters applications for layout and landscaping 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.

7. Highway 1

No dwelling shall be occupied until all estate roads required for access to that dwelling have been constructed to adoptable standards in accordance with the Torbay Highway Design Guide for New Developments in force at the time of commencement of the development and an agreement has been entered into between the developer and the Council as Highway Authority under Section 38 of the Highways Act 1980 for the adoption of the estate roads.

Reason: To ensure that the estate roads serving the development are completed to an acceptable standard and are available for use by the occupants and other users of the development, in the interests of amenity and highway safety, in accordance with Policies DE1, DE3 and TA2 of the Torbay Local Plan 2012-2030.

8. Highway 2

Prior to commencement of development a S278 Agreement shall be entered into with the Highway Authority to secure works to the highway to deliver the approved junction and all necessary pedestrian crossing, surface and signage works. The works to the highway shall be delivered in accordance with the Agreement prior to the occupation of any dwelling.

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.

9. Flood risk

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, 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 any part of the development unless a phasing plan has been submitted to and approved by the Local Planning Authority, and shall be subsequently maintained thereafter.

Reason: To ensure that there are 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.

10. Affordable Housing

As part of any application for reserved matters relating to the proposal's layout and scale, a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority. The submitted details shall include information about the siting, size, and tenure type of the affordable units. The development shall be undertaken in accordance with the approved details.

Reason: In accordance with Policy H2 of the Torbay Local Plan 2012-2030.

11. Biodiversity enhancement measures

The reserved matters for layout and landscaping shall include details to ensure that there is no net biodiversity loss as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric 2.0 as applied in the area in which the site is situated at the relevant time and the scheme shall include:

1. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition 4 [CEMP] of these conditions) and/or for off-site offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

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. Construction method statement

No development shall take place, 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.

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 appropriate mitigation at all stages of development.

13. Travel plan

The reserved matters for layout and scale shall include a Travel Plan that seeks to achieve sustainable modes of travel in-line with targets set out in the Local Plan policy. The approved Travel Plan shall be implemented as approved.

Should the annual reviews show that the development is failing to secure a modal shift of 30% of potential users to sustainable modes of travel, additional measures, in discussion with the Local Planning Authority, shall be agreed and implemented.

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. Energy

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

Reason: In the interests of sustainable development and in accordance with Policy PNP1 of the Paignton Neighbourhood Plan and Policy SS14 of the adopted Torbay Local Plan 2012-2030 and Policies PNP1(d) and PNP1(f) of the Paignton Neighbourhood Plan.

15. 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, and shall include the provision of play space, open space, and allotments, landscaping and ecological enhancement, amenity footpaths, highway works and other ancillary infrastructure. 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,

SS10, NC1 and DE1 of the adopted Torbay Local Plan 2012-2030 and Policies PNP1(a), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

16. Pedestrian access routes

The reserved matters for layout and landscaping shall include details of pedestrian links to the Totnes Road to the south, which shall include plan and section drawings at scale 1:20 or larger, together with pedestrian access routes within the Public Open Space and land identified for agriculture to the north of the housing, which shall seek to broadly accord with the public access aspirations outlined within the adopted Collaton St Mary Masterplan. The details shall include plans and sections as necessary and details of any gates or stiles to be provided. The approved details shall be implemented in accordance with the approved detail and phasing pursuant to Condition 15 and maintained for public use at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide appropriate pedestrian connections to Collaton St Mary and to the public open space and countryside to the north, to encourage green infrastructure links and active lifestyles in accordance with Policies SS9 and DE1 of the adopted Torbay Local Plan 2012-2030, PNP24 of the Paignton Neighbourhood Plan, and the NPPF.

17. Play Areas

The reserved matters for layout and landscaping shall include details of local play commensurate to a LAP and a LEAP as detailed 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. The approved play areas shall be provided prior to the first occupation of the 50th dwelling or in accordance with the phasing plan submitted to and approved in writing by the Local Planning Authority pursuant to Condition 15 and maintained for public use at all times thereafter.

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.

18. Parking Provision

The reserved matters shall include details for the parking of 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.

19. 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 15. 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.

20. 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.

21. 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 economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport
PNP1(i) – Surface water
PNP19 – Safeguarding the open countryside
PNP24 – Collaton St Mary Village