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Carly Perkins
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Date: 15th December 2017

Dear Carly,

Consultation response to planning application

Objection: The proposal has an unacceptable impact on the special landscape qualities of the nearby South Devon AONB, is contrary to the principal material protected landscape policies and fails to conserve and enhance the rural setting to the South Devon AONB.

The proposal relies heavily upon a range of mitigation measures but even with this there would be an unacceptable residual level of harm to the South Devon AONB. If the Council is minded to weigh against this objection in the planning balance we request that the parameters contained in the outline application are captured within appropriately worded conditions and robustly enforced in order to limit harm to the AONB.

Planning application number:	P/2017/1133
Case officer:	Carly Perkins
Site name:	Land to The South Of White Rock Adjacent To Brixham Road Aka Inglewood Paignton
Description of proposal:	Outline application for residential led development of up to 400 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. The proposal includes amendments to Brixham Road, Long Road junction and Windy Corner junction. Details of access to be determined with all other matters reserved.

Thank you for inviting our comment on this planning application on behalf of the South Devon AONB. This response is based on:

✓	An examination of the planning file and submitted plans
✓	A visit to the application sites
✓	A viewing of the site from the surrounding area

In summary, our response is:

	No comments to make
	Support the application
	No objection
✓	Objection
✓	Recommended conditions (if application is approved)

The outline proposals have been reviewed against policies contained in the adopted Torbay Local Plan, National Planning Policy Framework and the South Devon AONB Management Plan. The following sections of our response cover relevant AONB Management Plan policies, AONB special qualities, landscape, visual and cumulative impacts.

Torbay Local Plan and Policy SS8

The principle tests to be assessed and applied in relation to Local Plan policy SS8 are:

- Does the proposal conserve or enhance the distinctive landscape character and biodiversity of Torbay?
- Does the development have an unacceptable impact on the special landscape qualities of the nearby South Devon AONB?
- Are the objectives for the conservation (and enhancement) of the South Devon AONB as contained in the AONB Management Plan met by the proposal?

We note that the application site is allocated in the adopted Torbay Local Plan as a Country Park and that this application constitutes a substantive departure from policy. We understand that this position is reinforced in the emerging Brixham Neighbourhood Plan which has recently concluded its Regulation 16 consultation stage. The site's agricultural land merits protection as part of the best and most versatile land resource in the context of Torbay.

South Devon AONB Management Plan

Policies from the South Devon AONB Management plan that are particularly relevant to this proposal include:

Plan/P2 *Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the south Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB*

Lan/P1 Character *The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.*

Lan/P5 Skylines and visual intrusion *The character of skylines and open views...out of the AONB will be protected. Priorities include...external lighting that creates light time scenic intrusion, and visually dominating buildings that are inconsistent with landscape character.*

Lan/P7 Setting to the AONB *The deeply rural character of much of the land adjoining the AONB boundary forms an essential setting for the AONB and care will be taken to maintain its quality and character.*

South Devon AONB Special Qualities

The AONB special qualities most pertinent to this application are considered to be:

- Iconic wide unspoilt expansive panoramic views
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.

The application site makes an important contribution to the special qualities of the South Devon AONB and eases the transition from exceptionally high quality AONB landscape to the A379 Brixham Road and the defined urban edge to Paignton. This role and function is particularly relevant in views from the west, southwest, south, southeast and east.

South Devon AONB Planning guidance

The proposal is contrary to South Devon AONB Planning Guidance, particularly section 8.10 *Development in the setting of the AONB* as a proposal that has the potential to harm the AONB:

“Development that, by virtue of their nature, size, scale, siting, materials, or design have a negative impact on the special qualities of the AONB, for example tall, large or otherwise conspicuous developments that are discernible at considerable distances in all or particular weather conditions”

“Developments that block or interfere with views out of the AONB or affect land within those views out of the AONB, particularly from public viewpoints”

“Developments that result in the deterioration or loss of tranquillity through the introduction of lighting, noise, or additional traffic movement which is visible or audible from land or water in the AONB, or affects flora or fauna in the AONB.”

And it does not:

“Avoid prominent locations for development that would have significant impacts on important views out from or into the AONB”

Landscape and Visual Impact Assessment

We note that the LVIA assesses likely effects on the AONB as ‘not significant’. However, we consider that any noticeable erosion to the rural character of the AONB’s setting, quality of scenic views and the dark natural nightscapes enjoyed from within the AONB should be considered contrary to policy and given great weight in the planning balance.

The five fields of the application site lie within: the ‘Rolling farmland’ and ‘Secluded valley’ (Torbay Areas of Local Character); and the ‘Lower rolling farmed and settled valley slopes’ (Landscape Character Type) of the ‘Torbay Hinterland’ (Devon Character Area).

The countryside here contributes to the rural setting of the South Devon AONB and provides both a buffer and transition zone between the urban areas of Torbay to the north and the Dart Estuary within the AONB to the south. This rural buffer helps maintain the tranquillity of the AONB and forms a countryside backdrop to many iconic views across the

Dart Estuary. In such views, the quality of the rural landscape does not abruptly change at the AONB boundary. It is noted that at its closest point, the application site lies 600m to the north of the AONB boundary, and that the site is visible in more distant elevated views from parts of the AONB including regional recreation routes.

Proposed development of the application site would change its intrinsic character from rural agricultural to urban and would also result in visual changes apparent in a range of views, particularly from the southwest and southeast.

The LVIA examines the likely effects of the outline proposals on the landscape and visual resource. This includes photomontages predicting the visual changes likely to arise within representative viewpoints from within the AONB both in daylight, and because of lighting impacts, at night. The locations of these viewpoints were previously agreed at scoping stage. I consider that the LVIA is sufficiently accurate, detailed and professionally executed according to best practice guidelines to be reliable.

In our opinion, the greatest impacts could arise where the proposed development would encroach onto rural skylines currently unaffected by urban development, for example viewpoint 16 on the edge of the AONB to the east of Waddeton conservation area. This could erode the sense of rural tranquillity away from modern development. To avoid such effects, the proposals include new woodland planting that could soften and potentially screen the proposed urban edge in such views the medium to long term. However, such planting will take at least 10 years to fulfil its screening function, and therefore decision-makers should also take account of the short to medium term adverse effects on the AONB's rural setting whilst trees grow to at least the height of a house. Such adverse short to medium term adverse effects on the AONB should be given great weight in the planning balance.

We have also considered the effects of the proposals on the quality of more distant views from the AONB. The LVIA identifies that the proposed residential development would be clearly visible from numerous locations within elevated parts of the AONB to the south, south-west and south-east. Such views are of high scenic quality, with many including the Dart Estuary in the foreground. To mitigate significant adverse effects, the proposals would keep most of field 3 and parts of field 2 and 4 'green', acknowledging these are the most visibly prominent fields in more elevated views from the AONB. This is welcome. As a consequence, visual change would be noticeable but limited to changes in parts of views.

We welcome the proposed structural tree and woodland planting that would help soften views of the new urban edge from the AONB. Nevertheless, changes here would be adverse, however slight, and this again should be given great weight in the planning balance.

Visits to viewpoints are strongly encouraged as despite the LVIA being carried out to a particularly high standard, in real term views versus the submitted photographs, the middle distance ridge of land and ribbon of properties to the north-east of the A379 is clearly discernible as the edge of settlement and quite distinct from the land and development in the far distance that forms Torquay. The proposal effectively extends the developed edge of Paignton toward the AONB boundary, reducing the rural setting to the AONB in this area. This is in contrast with current views from within the AONB in a generally northeasterly direction toward the site, where development is currently just visible on the middle distance

skyline and set against the more distant backdrop of urban Torquay. We consider that the proposal introduces a marked change that harms AONB special qualities.

Fundamentally, the proposal would result in the built form of Paignton being perceived as spilling down from the current defined urban edge, substantially narrowing the farmland band that separates exceptionally high quality AONB landscape from urban fringe. From a range of viewpoints within the AONB as assessed within the Landscape and Visual Impact Assessment work, the proposal is noticeable in the view as dense urban sprawl.

Lighting and impacts on natural nightscapes

We agree that given the existing adverse effects on the AONB of light pollution from the edge of Torbay, the proposals would not result in any significant overall change. We note that mention is made of siting luminaires to face away from the AONB where possible, however we also recognise that given highways requirements this is unlikely to be achieved across much of the site. Given that the proposal would introduce lighting across what are currently five agricultural fields there will be an increase in sources of conspicuous light sources, glare and skyglow arising from the proposal with localised impacts being greatest.

We are also concerned about cumulative lighting impacts on the AONB when considered in combination with other adjacent development and the spill of lit areas. If the Council is minded to weigh against AONB matters in the planning balance it is appropriate to secure conditions that would allow detailed proposals to avoid lighting impacts as far as practically possible.

Cumulative effects

We acknowledge the landscape led approach to the scheme and mitigation strategy that has been applied, however despite this, alone and in combination with a range of other development in the vicinity, the proposal would result in a diminution of natural beauty and an unacceptable level of harm to AONB special qualities.

National Planning Policy Framework

Given that the site's location is in the setting of the South Devon AONB, paragraph 115 of the NPPF requires great weight to be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application. NPPF para 109 reinforces this approach "*The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...*".

We consider that there are alternative sites available within Torbay for this quantum of development that could be pursued without the associated harm to the South Devon AONB landscape, character and special qualities.

Recent appeal decisions have reinforced the position that the 'public interest' in meeting housing targets and objectively assessed need does not simply outweigh the great weight to be applied to the conservation and interests of a nationally protected landscape. The harm to the AONB in this case is therefore a matter that should be weighed very significantly against the development.

Duty of regard for the AONB purpose

In considering these planning applications, the Planning Authority is also reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB which is a material consideration in determining this application.

Recommended conditions (in the event of approval)

If the Council is minded to weigh against this objection in the planning balance, given the considerable reliance upon establishment of new trees and woodland as structural planting to help reduce the visual impact of the proposed development over time and integrate built development into the landscape, it is *strongly recommended* that suitably worded conditions are imposed. The following topics are suggested for inclusion:

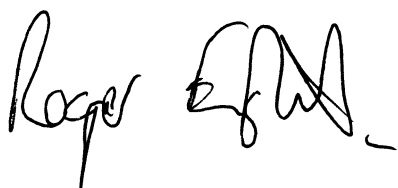
- Ensure a high standard of soft landscape implementation, ongoing maintenance and long term management together with proposed advance planting in the planting season following grant of planning permission. This should include at least 5 years tree establishment maintenance period by the end of which new structural tree and woodland planting should be 100% established and growing healthily, to the satisfaction of Torbay Council. Establishment maintenance should include replacement of any failed trees on an annual basis in the following planting season, and effective weed control. The protection and ongoing management in perpetuity of visually important trees and woodland should also be secured so that the function of this green infrastructure for visual screening and integration is sustained into the future. The setting up of a management company to take care of long term management should also be secured prior to implementation. Such a condition should therefore require detailed proposals to be wholly consistent with the submitted Green Infrastructure Parameter Plan and Framework LEMP. Any deviation from this, however small, could result in residual effects on the AONB becoming significant and unacceptable.
- Given that proposed landscape mitigation planting will take at least 10 years to achieve their objectives, it is vital that existing mature trees to be retained are adequately protected and maintained in a healthy state prior to, during and following construction. We also strongly recommend a condition requiring the advance planting of structural woodland belts in the planting season following granting of outline consent. Therefore, a suitable condition should be imposed requiring implementation of the Tree Protection Measures and AMS identified in the Tree Report.
- Given the likely effects of light pollution on the AONB, even with mitigation proposed, we would encourage Torbay Council to impose a condition ensuring all external lighting is shrouded to prevent upward light pollution and points towards the north and east away from the AONB. If enforceable within current limitations, we would also recommend a restriction being imposed on additional external lighting following completion of the development, including private security lights fixed by homeowners to buildings.

Conclusion

The proposal has an unacceptable impact on the special landscape qualities of the nearby South Devon AONB, is contrary to the principal material protected landscape policies and fails to conserve and enhance the rural setting to the South Devon AONB.

If the Council is minded to weigh against this objection in the planning balance we request that the parameters contained in the outline application are captured within appropriately worded conditions and robustly enforced. The proposal relies heavily upon a range of mitigation measures but even with this there would be an unacceptable residual level of harm to the South Devon AONB.

Yours sincerely,



Roger English
South Devon AONB Manager
With advice from Melanie Croll, CMLI

General notes.

1. *This response presents the views of the South Devon AONB Unit following an assessment of the proposals. It does not necessarily represent the views of member organisations of the wider AONB Partnership Committee, some of which may be involved in making their own separate representations.*
2. *Although Torbay Council is a member of and funding contributor to the South Devon AONB Partnership, this response should be treated by the planning authority as a representation from an outside body, rather than an internal officer comment.*
3. *This response is based on adopted development plan policies, the NPPF, the policies and objectives of the statutory South Devon AONB Management Plan and South Devon AONB Planning Guidance.*