



The South Devon AONB Unit,  
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David Pickhaver  
Torbay Council  
Electric House  
Castle Circus  
Torquay  
TQ1 3DR

Date: 10<sup>th</sup> May 2018

Dear David,

**Consultation response to planning application P/2017/1133**

**Objection: The proposal does not conserve and enhance the natural beauty of the South Devon Area of Outstanding Natural Beauty (AONB), would result in unacceptable harm to the natural beauty and 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.**

Following the March 2018 submission of updated information in respect of this application with particular reference to Landscape and Visual Impacts, ecology, external lighting, green infrastructure, framework Landscape and Ecology Management Plan and proposed masterplan, we conclude that any positive effects arising from the changes will be localised in nature and will not materially alter the much more substantive impacts arising from the scheme taken as a whole.

The proposal fails the relevant principal policy tests relating to protected landscapes contained in the NPPF, Torbay Local Plan policies SS8 Natural Environment, C1 Countryside and the Rural Economy, the Torbay Landscape Character Assessment landscape strategy, the South Devon AONB Management Plan and AONB Planning Guidance.

The proposal represents a large scale housing development, school, public house and open space on an unallocated site, in an environmentally sensitive location that makes an important and substantial contribution to the natural beauty of the South Devon AONB. The material submitted by the applicant clearly demonstrates that the proposal site is inappropriate for a development of this scale and nature and that the proposal is neither appropriate nor proportionate to the South Devon AONB setting.

Whilst we appreciate that the applicant has developed a range of mitigation measures in an attempt to reduce the substantive impacts upon the sensitive landscape of the South Devon AONB, the residual impacts continue to result in an unacceptable level of harm to the South Devon AONB.

Planning application number:	P/2017/1133 (re-consultation)
Case officer:	David Pickhaver
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.
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Thank you re-consulting the South Devon AONB Unit on this planning application. This response should be read in conjunction with our earlier submissions and 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 revised outline proposals have been reviewed against policies contained in the adopted Torbay Local Plan, National Planning Policy Framework, the South Devon AONB Management Plan and Torbay Landscape Character Assessment Management Strategy.

### **Landscape and Visual Impact Assessment**

We recognise the positive steps taken by the applicant in reducing localised impacts to the area in the vicinity of viewpoint 16 and restricting building heights in some locations. However, in overall terms this has limited effect on reducing the total level of harm to the South Devon AONB and its setting. As a consequence we still feel that the assessment's conclusions substantially underplay the landscape scale effects and harm to the South Devon AONB.

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 A3022 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.

We note that the applicant's LVIA undertaken by Nicholas Pearson Associates assesses likely effects on the AONB as 'not significant'. This finding contrasts markedly with that for Area of Local Character (AOLC) 10 *North Galmpton* contained within the Torbay Landscape Character Assessment. The latter is a key document in the Torbay Local Plan evidence base and underpins local plan policies C1 and SS8. The extent of AOLC 10 broadly aligns with the boundaries of the application site with the note that "... *Much of the area is relatively open farmland. The northern part*

[field 5 of the proposal in its entirety and the northern parts of fields 1 and 4] *is more open and allows long distance views to the south west to hills beyond the Dart within the AONB.*"

In the Torbay Landscape Character Assessment, Enderby Associates reached an overall sensitivity assessment conclusion of 'high sensitivity' for AOLC 10 and in assessing the AOLC's 'capacity to accommodate change and mitigation' noted that *"the existing urban edge is well integrated and any new development would extend the edge into this open landscape. There is therefore only limited potential to accommodate change without substantial wider impact"*.

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.

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 will be noticeable in the view as dense urban sprawl and affects the relative tranquillity experienced within the AONB and its setting.

We consider that any noticeable erosion to the rural character of the South Devon AONB's setting, quality of scenic views, tranquillity and the dark natural nightscapes enjoyed from within the AONB should be considered contrary to policy and consistent with NPPF paragraph 115, given great weight in the planning balance as matters of landscape and scenic beauty.

## **Torbay Local Plan**

### **Policy SS8 Natural Environment**

The principle tests relating to protected landscape matters 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?

The applicant's submitted material goes beyond the minimum requirement for outline stage detail and as a consequence is sufficient to comprehensively demonstrate that the proposal will not conserve or enhance the distinctive landscape character of Torbay. The proposal is contrary to the Landscape Character Assessment management strategy of 'enhance'.

- Does the development have an unacceptable impact on the special landscape qualities of the nearby South Devon AONB?

It is particularly important to ensure that development outside the aonb does not have an unacceptable impact on the special qualities of an adjoining or nearby aonb, however the scale and nature of the proposal even with the extensive and varied mitigation proposed results in an unacceptable impact on the South Devon AONB.

- Are the objectives for the conservation [and enhancement] of the South Devon AONB, as contained in the South Devon AONB Management Plan, met by the proposal?

The Torbay Landscape Character Assessment (LCA) management strategy and South Devon AONB Management Plan are to be used to help ensure the respective objectives for the conservation and enhancement of these valued landscapes are met. However, the proposal is contrary to the landscape LCA management strategy and does not conserve and enhance the South Devon AONB, nor its setting.

## **Policy C1 Countryside and Rural Economy**

*“In the open countryside away from existing settlements, and in rural areas surrounding the three towns of Torbay development will be resisted where:*

- *this would lead to a loss of open countryside, or*
- *creation of urban sprawl, or*
- *where it would encourage the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting.”*

The last paragraph of the policy goes on to say:

*“Where new development proposals come forward, the Council will also have regard to the need to protect, conserve and enhance the distinctive landscape characteristics and visual quality of a particular location as identified in the Torbay Landscape Character Assessment, the suitability of the development and the capacity of the countryside to accommodate change.”*

The proposal would lead to a loss of open countryside, create urban sprawl and would erode rural character.

## **Other development plan policy matters**

This application constitutes a substantive departure from adopted policy. The application site is not allocated for development in the adopted Torbay Local Plan, instead it is proposed as part of a Country Park under Policy SS9. This position is reinforced in the emerging Brixham Peninsula Neighbourhood Plan which is currently undergoing examination and makes no housing or employment allocations at the site.

The site's agricultural land merits protection as part of the best and most versatile land resource in the context of Torbay and we are concerned at the prospect of further loss of good quality agricultural land within 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, north east toward

the A3022 Brixham Road that forms a well 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”***

### **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 recently consented development in the vicinity (including Industrial units at Woodview Road, Sport pitch and MUGA floodlighting at White Rock), the proposal would result in a diminution of natural beauty and an unacceptable level of harm to AONB special qualities. There is clear risk to rural character inherent in development reaching over the skyline and creeping downslope toward the AONB boundary.

### **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.

### **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 despite the weight of evidence against the proposal 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 to minimise harm to the AONB as far as possible. 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

### **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.*