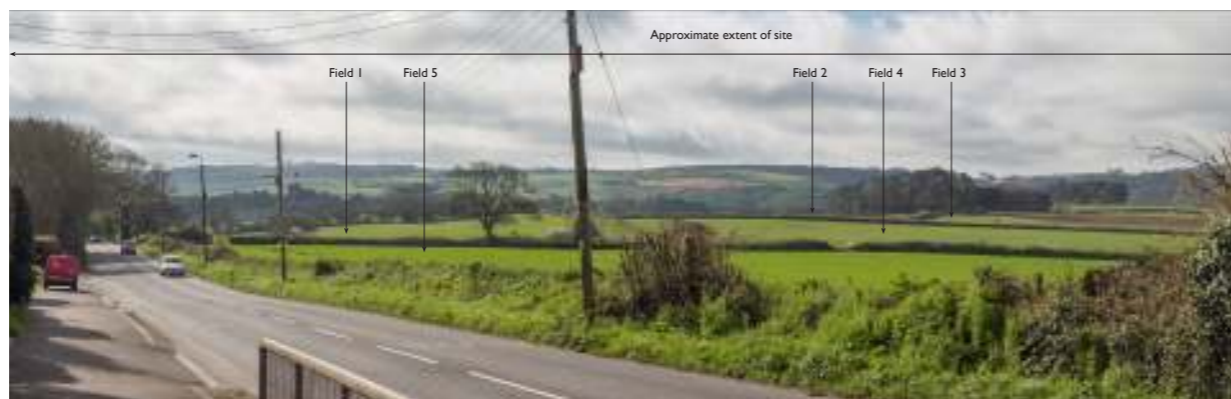




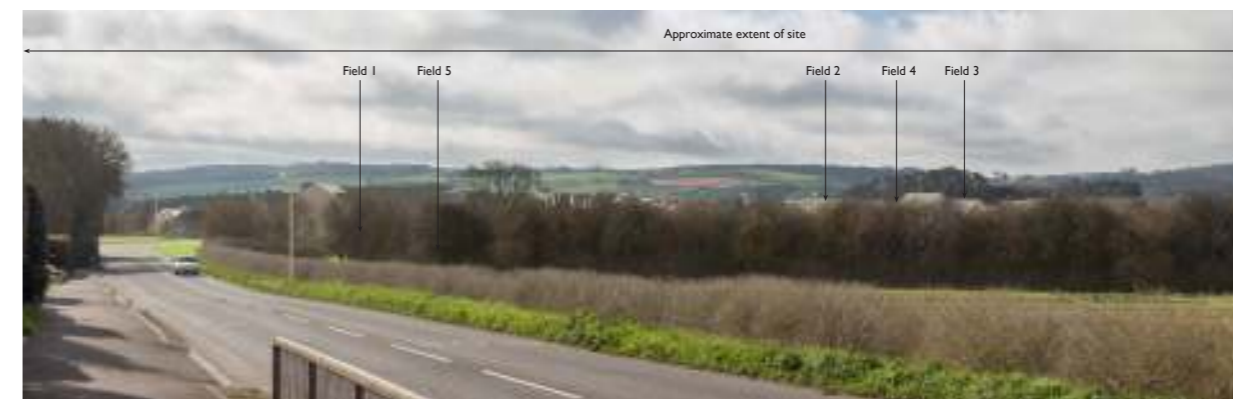
Existing Viewpoint 3 from South of River Dart



Proposed Verified Visual Montage 3 from South of River Dart at Year 10



Existing Viewpoint 14 from Brixham Road



Proposed Verified Visual Montage 14 from Brixham Road at Year 10



Existing Night Time Viewpoint 3 from South of River Dart



Proposed Night Time Viewpoint 3 from South of River Dart

Visual Effects On Viewers

For road users on the Brixham Road and residents on the urban edges of Goodrington and Galmpton, near views are afforded from the east over the site and the traditional South Devon countryside towards the AONB hills and the hills beyond to the south and south west. For road users, along a traditional high banked lane, Waddeton Road, near views are obtained.

At the end of the construction period, the visual effects are judged to be moderate to substantial

adverse and moderate adverse respectively. The receptors experience a greater change in these very near views than receptors in other locations, which are further away. Over time as the structural planting grows, the impact on these receptors will reduce. The effects are considered to be not significant.

Visual Effects on Viewers in the Conservation Areas

For viewers in the residences, road users and walkers on the north eastern part of Waddeton

CA, the change to the glimpsed views from limited locations will be low and further reduced by the site design and structure planting. (Viewers in the Galmpton CA are scoped out as the wider village Galmpton lies between the CA residences and the site.) The effects are judged not to be significant.

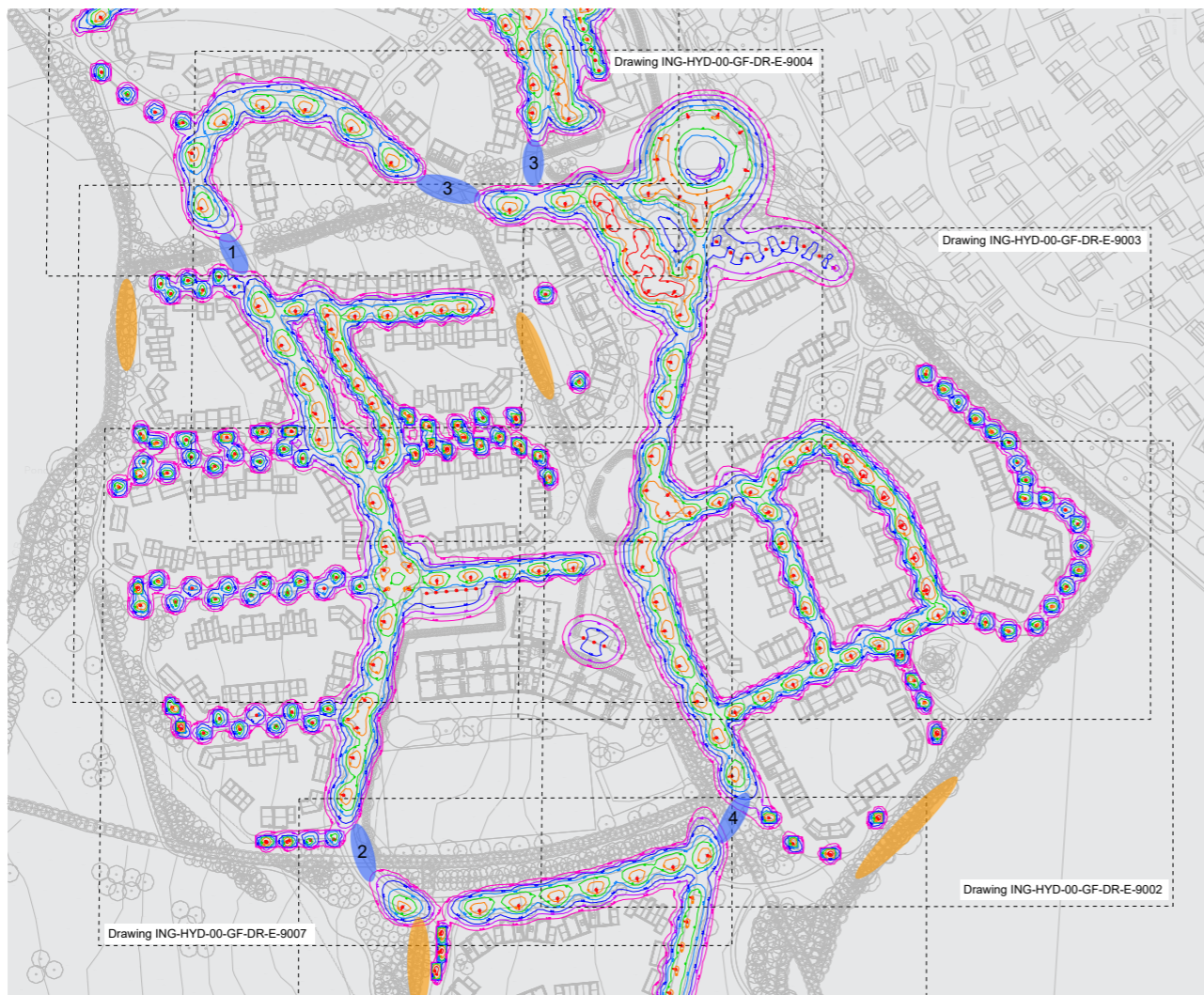
Visual Effects on the Local South Devon AONB within the Study Area

Views from the south west and south are mainly elevated distant and middle distance views respectively from within the AONB. For the receptors

in the AONB, whether users of the PRowS, road users or residents, in views from the south west, where available, the site lies below a local ridge with Torquay on the skyline, which is brightly lit by night.

From the south the views of the site are against a distant darker rural backdrop, broken by the lights on the local ridge at White Rock just north of the site.

The effect on these receptors, sensitive because within the AONB, is judged to be slight adverse. The impact on the local AONB within the study area is considered to be not significant.



Excerpt from Hydrock External Lighting Isoline Drawing

9.5 External Lighting Assessment

The external lighting scheme will be designed to create a safe external environment by providing artificial lighting in the hours of darkness, whilst ensuring the lighting does not affect the neighbouring buildings. Also of vital importance is the visual impact perspective upon the adjacent Area of Outstanding Natural Beauty. In addition, the proposed development falls within a Greater Horseshoe Bat sustenance zone and has been recognised as a Cirl Bunting breeding and potential wintering area. This statement focuses on the street lighting required for the development and satisfying the strict lighting parameters necessary for the area and ecology.

The EIA Scope of Opinion has been produced by Torbay Council and provides guidance on the lighting design for the IngleWood development:

- Lighting assessments and subsequent sensitive

lighting design will be required in situations where Greater Horseshoe Bats are known to be present on site (or on adjacent land where they could be affected) and using specific features to roost, commute or forage and existing ambient light levels will increase as a result of new artificial lighting being introduced as a part of the proposed development. Lighting design should also look to avoid further light pollution in to the night sky especially when viewed from the AONB.

- The site is located within the sustenance zone for Greater Horseshoe Bats and previous surveys have identified the use of the site by foraging Greater Horseshoe Bats. Adequate information must be submitted to demonstrate that all land proposed for mitigation for Greater Horseshoe Bats will be subject to minimal artificial light spill no greater than 0.5 lux.
- The site is within an area where cirl bunting breeding activity has been recorded and is a potential wintering area.

All bats are currently protected under UK law and special measures must be undertaken to ensure the bat roosts, and the bats themselves, are not disturbed, obstructed or directly illuminated. Landscape and Urban Design for Bats & Biodiversity make the following recommendations when designing a lighting scheme nearby roosting bats:

- No bat roost should be directly illuminated;
- The type of lamp specified does not have an adverse impact on bats foraging and commuting patterns;
- The height of the lighting columns should be as low as possible;
- The light should be as low as guidelines permit;
- The lighting operational times should provide switch off intervals;
- Road and trackways in areas important for bat foraging and commuting areas should provide stretches left unlit to avoid isolations of bat colonies.

The site has been modelled with a mixture of low height, directional column luminaires and 1 metre tall bollards to provide sufficient illuminance on roads whilst also being sensitive to the roosting bats and adjacent Area of Outstanding Natural Beauty. To integrate the site into the nearby residential areas, warm white LEDs which have a colour temperature of 3000K have been chosen for the site. Where possible, luminaires will be positioned to face away from the Area of Outstanding Natural Beauty. Certain stretches of the road have been left unlit to provide corridors for the existing bats to migrate through the site. These stretches follow the original hedge lines, providing areas of <0.5 lux for bats to travel through. Additionally, two home zones lie adjacent to hedges which may contain roosting bats. Extensive modelling has been undertaken in these areas to provide illuminance on the roadway whilst making sure that the hedges are not illuminated to more than 0.5 lux at any height. As Greater Horseshoe Bats fly at an approximate height of 1 metre, it is important that vertical testing has been

undertaken as well as recording the horizontal lux levels. Some of these roads stretches do not reach the recommended illuminance levels in CEN/TR 13201-1: Road Lighting – Part 1: Selection of Lighting Classes due to this. The external lighting controls as a minimum will consist of photocell and time clock arrangements but Passive Infrared Sensors (PIR) and a dimming profile would also be recommended for this site to reduce overall light pollution.

The above methods of lighting and control are proven methods for reducing light spill over the site boundary onto neighbouring areas and also to reduce sky glow from upward light distribution. The purpose of the lighting scheme is ultimately to provide a safe and secure environment for the residents and also to minimise or eliminate any negative impact on the existing environment and ensure that the new development blends into the surrounding area. The proposed scheme will be developed in conjunction with Stride Treglown, Nicholas Pearson Associates and any recommendations from the planning committee.



Plan showing areas of bat mitigation

9.6 Cultural Heritage

A desk-based archaeological assessment and heritage impact assessment of the proposed development (the Site) has been undertaken. This included a walkover survey of the Site and visits to key designated assets within 3km. The study was supported by a geophysical survey of the Site, undertaken by Substrata Ltd.

No.	Asset Type	Asset Value
1	Parish Boundary	Medium
2	Existing Field Boundaries	Unknown but suspected low to medium
2a	Enclosed Plot	Unknown but suspected low
2b	Stone Walling	Low
3	Former field boundaries	Unknown but suspected low to medium
3a	Possible trackway	Low
4	Possible trackway	Low
5	Farmstead?	Medium
6 (a-e)	Quarries	Low
6f	Quarry debris	Low
6g	Possible quarry debris	Unknown
6h	Possible quarry debris	Low
7	Ponds or sheepwash	Unknown but suspected low to medium
8	Pond	Low
8a	Pond	Low
9	Lynchet?	Unknown
10	Flints	Medium
11	White Rock Cottages	Low
12	Ring ditches	Unknown, but suspected medium
13	Ring ditch	Unknown, but suspected medium
14	Possible Enclosure	Unknown, but suspected medium
15	Enclosures	Unknown, but suspected medium
16	Road	Unknown, but suspected medium

As a result, sixteen heritage assets, or groups of assets, have been identified within the Site:

There is considerable evidence for Prehistoric and Roman activity in the vicinity of the Site. Flint scatters of Neolithic and Bronze Age date have been collected within only a couple of hundred metres of the boundary. Further flints found during two walkover surveys (asset 10) indicate that Prehistoric activity extended into the Site itself.

Four incidents of prehistoric, Roman or early medieval burial have been recorded with 500m of the Site, two within prehistoric built monuments. The Roman burial was situated no more than 300m to the east. At least three ring ditches (12 and 13) identified by geophysical survey within the Site have the potential to represent the remains of prehistoric burial monuments.

Two prehistoric enclosures are situated not more than 350m to the south, with evidence of Iron Age and/or Roman settlement activity identified less than 1.5km to the west (a Scheduled Monument), and further significant evidence of activity of a similar date identified close to Waddeton. Geophysical survey has identified a possible enclosure (14) at the centre of the Site, and an area further south, displaying signs of continued enclosure use and development (15). Both enclosures sites have the potential to be Prehistoric or Roman in date.

Although Churston Ferrers may not have become a parish until the 15th century, the parish boundaries (1) surrounding much of the Site, are likely to follow the boundaries of the manor, making them early medieval (pre-Norman Conquest) in date. The fields within the southern part of the Site may be of late medieval or post-medieval date, although some curving boundaries may hint at an earlier origin (2). 'Week' fieldnames (5), concentrated within the Site, suggest the site of an early farmstead associated with Churston manor. It is not impossible that the

southern enclosures within the Site (15) may be associated, either as the site of this farmstead, or a precursor.

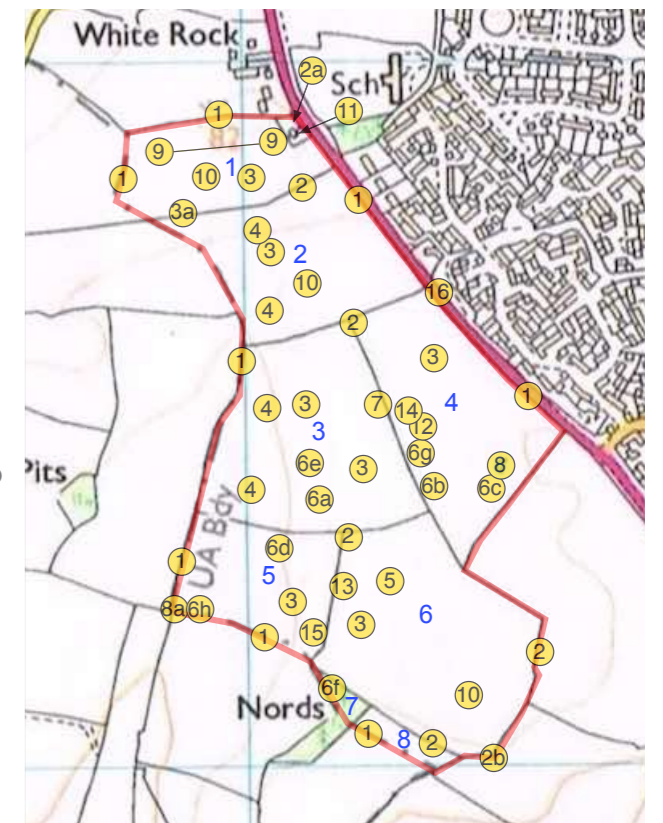
Although at least an element of the existing field boundaries within the Site may have been created in the early medieval period, some of the suspected sub-surface land division remains (3) identified by the geophysical survey have the potential to be earlier still. Laid out on a different alignment, these may date to the Roman occupation or prehistory.

Two ponds are located within the Site, the southernmost (8) possibly originating as a quarry. The more northerly pond (7), a double structure, presumably had a specific function, possibly a sheep wash.

It is considered likely that a number of features shown on historic mapping (6) were stone quarries, for building/and or lime. This quarrying may be of post-medieval or relatively modern date, but there is documented quarrying for limestone in the medieval period in the vicinity.

Potential direct impacts on these assets are considered to be moderate to major, or major, in the case of six assets: former field boundaries (3); possible quarrying debris (6g); ring ditches (12); ring ditch (13); possible enclosure (14) and enclosures (15). Mitigation in the form of evaluative trenching, and/or watching brief is proposed. Depending on the results of this evaluation trenching, the potential need for further archaeological study is recognised.

Potential indirect impacts on the settings of designated heritage assets are limited to the settlement of Waddeton, where an impact on Wayside Cottage (Listed Grade II) to the north of the village is considered at worst minor, while a potential impact on Waddeton Court, Waddeton Manor (both Listed Grade II), and the Waddeton Conservation Area may be moderate to severe.



Location of heritage assets within the site

9.7 Agriculture & Soils

The Proposed Development will result in the phased loss of some 31 hectares of agricultural land, 13.5 hectares assessed as Grade 2 and 11 hectares assessed as Grade 3a. This land is classed as “best and most versatile” (grades 1 to 3a).

The remaining 6.9 hectares of agricultural land within the Site is assessed as Grade 3b.

This extent of loss of “best and most versatile” agricultural land is assessed as a minor adverse effect.

Effects on tenant farm businesses are assessed as minor adverse and will require some adjustment to farming practises. 6-7 hectares of the final development will be returned for grazing and conservation use.

The re-use of topsoil within the Proposed Development and the application of standard measures to protect soil within landscaped and public open space would limit effects on the Site's soil resources to no greater than minor adverse levels.

9.8 Noise Assessment

The air quality impacts associated with the construction and operation of the proposed residential-led development on land south of White Rock, Torbay, have been assessed.

Existing conditions within the study area show good air quality, with concentrations of all pollutants below the relevant air quality objectives.

The construction works will give rise to a Medium Risk of dust impacts. It will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With the recommended mitigation measures in place, the overall impacts during construction will be ‘not significant’.

The emissions from the additional traffic generated by the proposed development will have negligible

impacts for nitrogen dioxide, PM10 and PM2.5 concentrations. Concentrations at these receptors will remain below the air quality objectives.

Air quality conditions for new residents within the proposed development have also been considered. Pollutant concentrations are predicted to be well below/below the air quality objectives at the worst-case locations assessed, and air quality conditions for new residents will be acceptable.

Overall, the construction and operational air quality effects of the proposed development are judged to be ‘not significant’.

9.9 Air Quality Assessment

Acoustic Consultants Limited have been appointed by Deeley Freed Estates Limited to assess the impact of noise from, and associated, with the proposed development on existing noise sensitive receptors.

The assessment:

- addresses noise from existing and proposed noise sources as they potentially affect the noise sensitive residential elements of the proposed development;
- considers the impact of noise generated by the proposed development on existing noise sensitive receptors, specifically due to increases in road traffic noise and construction; and
- determines noise limiting criteria for fixed plant associated with the school.

The development site is located on farmland to the west of the A3022. The proposal is for a maximum of 400 dwelling houses a Public House and a two form entry primary school with access via Brixham Road.

The main source of noise affecting the site is road traffic along Brixham Road. The noise sensitive receptors that could potentially be affected by the development are the existing residential dwellings to the east of Brixham Road.

Road traffic noise increases due to the development along Brixham Road have been assessed. The increase is considered to be negligible. In terms of National Planning Policy Guidance the road traffic changes are expected to have no observed effect. The proposals will not have a significant adverse impact on nearby noise sensitive properties and thus is considered acceptable in planning terms.

There is potential for construction noise to adversely affect the existing residential properties around the site however at this stage in the design and planning

process a detailed construction schedule is not available. A method of noise control is proposed which includes design and management measures to minimise any adverse impact and where an adverse impact does occur mitigation measures have been proposed to minimise the impact.

Noise limits have been proposed for noise from fixed plant associated with the School and Public House. With the proposed limits being achieved, it is expected that fixed plant noise will have no observed adverse effect on existing or proposed residential development. The proposals will not have a significant adverse impact on nearby noise sensitive properties and thus is considered acceptable in planning terms.

The impact of road traffic noise on the proposed residential development has been considered. To achieve acceptable noise levels within the proposed properties sited closest to Brixham Road, minor noise mitigation measures will be required in the form of acoustic trickle vents to habitable rooms. This would apply to all habitable rooms of dwellings within 50 metres of Brixham Road and which have a direct line of site to the road. All other dwellings will require no noise mitigation measures to achieve acceptable internal noise levels.

The impact of environmental noise on the school building has been considered. Environmental noise imposes no restrictions on the design of the school building. The assessment demonstrates that the site is suitable for a school development in terms of environmental noise.

The proposals of the development do not have a significant impact on existing sensitive locations in terms of noise. The development will provide suitable noise conditions for habitable dwellings and the educational use of the school.



Hydrological Setting

9.10 Flood Risk Drainage

Planning Policy Context

The National Planning Policy Framework (NPPF) and Environment Agency (EA) guidance specify that properties should be flood free during the 1 in 100 year (1%) fluvial flood and the 1 in 200 year (0.5%) tidal/coastal flood over the lifetime of the development (taking into account the effect of climate change on levels). A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

A Flood Risk Assessment (FRA) and Drainage Strategy report was produced to support this planning application. The main objectives of this report are as follows:

- To assess the site suitability in terms of the Sequential Test and, if required, the Exception Test.
- To identify the probability of flooding at the development site.
- To assess the compatibility of the development with the flood risk zone.
- To identify the consequence of flooding at the site and suitable mitigation measures if required.
- To demonstrate that the development will not increase flood risk elsewhere, and where possible, will reduce flood risk.
- To outline the drainage strategy for the site and discuss the potential to adopt Sustainable Drainage Systems (SuDS).

The Proposal is for up to 400 residential dwellings, a 2 form entry primary school and public house with associated landscaping and access infrastructure. The residential development, school and public

house are classified as 'More Vulnerable' to flooding in accordance with paragraph 066 of NPPG.

The site is located approximately 1km south-west of Tor Bay and 1.2km north-east of the River Dart estuary. The nearest watercourse is the Galmpton Watercourse, a tributary of the Dart which is classified as Main River.

Flood Risk

The Flood Map for Planning shows the entire site is in Flood Zone 1 and is a considerable distance from the floodplain, which means there is a low risk (less than 0.1% chance) of flooding from Main Rivers and the sea, both in present day and when accounting for climate change. Sites in Flood Zone 1 are suitable for all types of development (including 'More Vulnerable') and pass the Sequential Test. The flood risk to the site from all other sources was considered to be low for the following reasons:

- Ordinary Watercourse – No ordinary watercourses close to the site
- Sewer – No record of historic flooding at the site in SFRA and no pumping stations upslope of site
- Groundwater – SFRA states that only coastal areas are at risk and the site is at a higher elevation than surrounding areas
- Surface water – Geology is indicative of permeable ground and site is well sloped so ponding of surface water is unlikely. There is also no scope for runoff to enter site from elsewhere due to elevation of site
- Artificial infrastructure failure – No artificial infrastructure near site

Due to the low flood risk at the site, no mitigation measures are required to protect the development from flooding. However, measures are required during the construction and completed development



Flood Map

which was identified in the SFRA as an 'Area Sensitive to Flooding'.

During the construction phase, temporary measures must be provided to ensure runoff and construction debris is safely managed on site. These measures are to be drawn up by the Contractor in method statements which will be agreed with the Council and the EA. This will minimise the risk of excess runoff, debris and contaminants from the proposal entering natural drainage network and causing pollution and risk of blockage. The surface water flood risk from the completed development will be mitigated by the drainage strategy discussed in the following section.

Proposed Drainage Strategy

An appraisal was undertaken of the most suitable and sustainable method for managing surface water runoff from the development in accordance with the following hierarchy as discussed in Part H of Building Regulations and Paragraph 080 (Reference ID: 7-080-20150323) of NPPG:

- Infiltration to the ground using a sustainable drainage system.
- If this is not feasible, discharge to a watercourse or river; generally at a controlled rate unless it does not affect flood risk e.g. if to the sea or an estuary.
- Discharge at a controlled rate to a surface water sewer or drain.
- Only if the above have all been investigated and it has been proved that none of these options are suitable will discharge at a controlled rate to a combined sewer system be considered and the approval for this can only be given by the Water Authority.

The drainage strategy has been developed in accordance with the surface water drainage hierarchy and includes various SuDS measures to sustainably manage runoff on site. The majority of the site had favourable infiltration rates and so the runoff will largely be managed by the preferred method of on-plot infiltration up to the 1 in 100 year plus climate change event. In the east of the site, infiltration

rates were less favourable and so this area will connect to the public sewer in the field to the south of the site. Runoff into the sewer will be restricted to Greenfield rates with attenuation storage provided on site. This strategy presents a significant improvement on the existing runoff regime, with minimal offsite discharge even in extreme rainfall events. This will benefit downstream areas including development off the southern extent of Brixham Road and development west of Galmpton.

It is proposed that foul flows from the development will discharge into the 300mm public foul sewer in the field to the south of the site. Due to topography, part of the site requires pumping to reach the point of connection. The development will also lead to an increase in foul flows into the drainage network, which will be managed to ensure there is no increase in foul water flood risk. A detailed capacity assessment was undertaken by Pell Frischmann on behalf of South West Water and they have identified that network improvements are required to accommodate the

development. A contribution will be made by the developer in order for these upgrades to take place.

The proposed surface water drainage strategy presents a significant improvement on the existing surface water runoff regime, with minimal offsite discharge even in extreme rainfall events. This will benefit downstream areas including development off the southern extent of Brixham Road and development west of Galmpton.

9.11 Utilities & Infrastructure Delivery

Initial consultation has been held with the principal utility providers: drainage, water, electricity and gas. Telecoms have no issues with capacity or supply to the site but will not offer any meaningful information until the development plans have matured however the surrounding area is Broadband enabled with services available from: BT Wholesale ADSL, BT Wholesale ADSL Max, BT Wholesale WBC (21CN), BT FTTC, BT FTTP, TalkTalk (CPW) LLU and Sky Broadband. All of the Utility companies have indicated that supply is available from existing apparatus although WPD as the electricity supplier note that timing of connections may result in off-site reinforcement depending on other developments in the locality.

On site distribution of utilities will follow conventional methods in footways using the NJUG standard spacings and depths. LV electricity will be distributed from on site sub-stations and low pressure gas mains will be supplied from higher pressure mains on the periphery of the site with governor units stepping the pressure down to domestic levels.

Some existing utility plant will need to be diverted as a result of the creation of the site entrance and where the external road network is being modified. All affected undertakers have been contacted to assess the impacts on their plant and their requirements will be incorporated into the final scheme.

9.12 Socio-Economic & Health Impact Assessment

Socio-Economic

Whilst submitted in outline form only, there are a number of socio-economic impacts that can be identified at this early stage.

First and foremost there will be a positive impact on local housing supply and specifically the availability of affordable housing. The delivery of housing also supports the Council's tandem jobs/housing growth strategy and therefore presents a positive opportunity to attract families to the local area which in turn supports the potential to attract businesses (existing or new start-ups) due to the increased confidence that there will be a suitable workforce available. There will also be positive benefits in respect of securing long term school places in the Paignton area. Finally, there will be a positive contribution in economic terms arising firstly from the construction phase, via the potential for local employment, expenditure in local business and from potential suppliers.

Health Impact Assessment

The application is supported by a Rapid Health Impact Assessment (HIA), informed by an initial screening report which Officers have provided comment on. The HIA considers a range of determinants, including but not limited to the potential for the development to have an impact on social cohesion and health outcomes.

The overall outcome of the HIA demonstrates that the development has the potential for a significant positive impact. It is noted that there is a potentially negative impact arising in respect of the provision of access to health and medical services and the delivery of adult/social care services. However, whilst this is presented as a negative impact, the reality is that the development itself is not of a scale to support onsite provision. Additionally, the application will make a financial contribution in respect of healthcare, as set out in the Council's adopted Planning Contributions and Affordable Housing SPD and secured through the s.106 agreement.

9.13 Arboricultural Summary

The Site

The site comprises agricultural fields to the south-west of Brixham Road and extend from the recently developed land to the north.

Statutory Protection

The trees on site were not protected by a tree preservation order (TPO) at the time of survey. The site is not in a Conservation Area (CA).

The Trees

The trees comprise a typical species mix for the local area. All species surveyed are native or naturalised excepting the cherry laurel and this is only a minor component. The hedges themselves contain a significant number of young trees that are excluded from the BS survey methodology but are included in the groupings. These include the natural regeneration within the hedges.

The trees are typical specimens for the local landscape. Those along the road boundary form the most significant arboricultural feature despite that very few trees within this group are of any particular individual merit.

Some of the larger trees, the ash trees in G5 for example, appear to be lapsed coppice trees with extended boles and extensive decay within these areas. This is a typical and common occurrence for this species. These trees may have an enhanced nature conservation value due to the increased habitat provision commonly associated with veteran trees. However, the retention of these trees adjacent to residential dwellings needs careful consideration.

There is a small presence of bacterial canker (*Pseudomonas savastanoi* pv. *fraxini*) on some of the ash trees. This is not a particular issue in most cases but can result in limb loss, and very

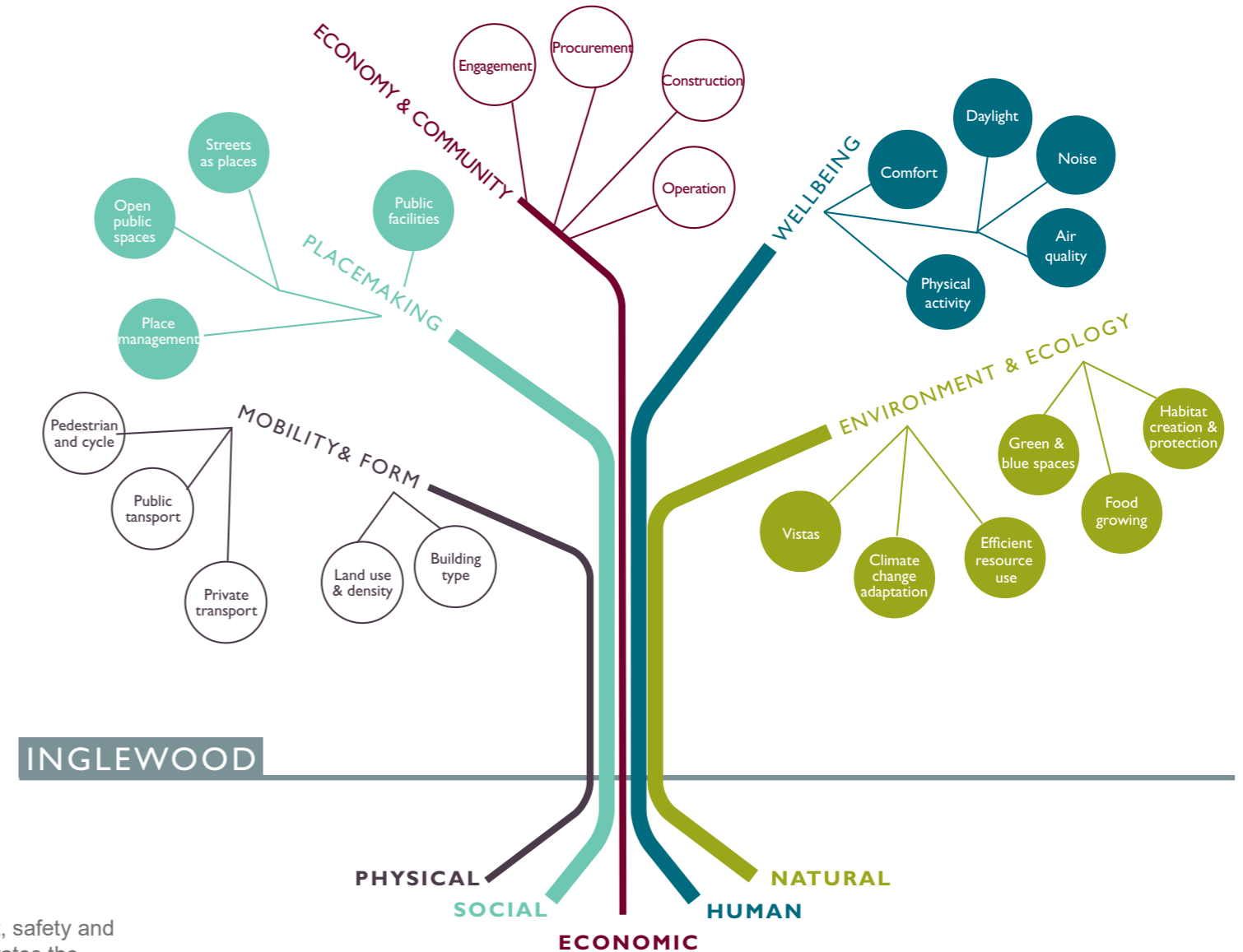
occasionally whole tree loss but this is only in advanced cases. This should be monitored. The groups categorised as A grade (G9, T12 and G13) are those larger trees with a long life expectancy that have the potential to make a significant local contribution to the local area for many years. Their condition is good though there is a presence of ivy. Though this has some nature conservation benefits as a habitat this is not in short supply. Where appropriate, e.g. where the trees are next to roads or new dwellings, this ivy should be severed to allow a condition assessment of the trees.

Feasibility of Development

In arboricultural terms there is little in the proposals that give cause for concern. Where some trees may be lost they are of limited amenity value (in all measures of amenity) and the proposals for new planting more than mitigate for these minor losses.

The new woodland and other landscaping proposals provide for many more trees than are likely to be lost to this development.

Further to the new planting the organisation of this planting will offer significant benefits in terms of its grouping and the associated value provided.



9.14 Energy & Carbon Management

Approach to Sustainability

The design of Inglewood would be based on high sustainability aspirations and includes the aim to create a new and vibrant community. It is on this basis that the Five Capitals Model is being applied to capture the multi-faceted sustainability benefits that the proposed development potentially brings to the: application site, local community, surrounding businesses, and future building users. The delivery of Inglewood is envisaged to create long-term values in terms of:

- Natural Capital – Inglewood is within an Area of Great Landscape Value and this has been well considered by the design proposals. As a minimum, the Proposed Development would seek to minimise impact on the site's ecological value and explore opportunities to protect and enhance site biodiversity.
- Human Capital – The proposed development would aim to improve the health and wellbeing of future residents, staff and visitors alike by seeking to achieve good levels of daylighting,

indoor air quality, thermal comfort, safety and security. The masterplan incorporates the Ten Principles of Active Design championed by Sports England. A new Primary School is proposed which would help boost intellectual and human capital.

- Social Capital – Inglewood would create a distinctive sense of place and a vibrant public realm which promotes interaction, supports social cohesion and community development. The project includes provision of a Public House as well as shared community facilities within the new Primary School.
- Physical Capital – In addition to implementing high quality, sustainable design and construction, Inglewood would significantly improve the existing transport infrastructure and promote sustainable transportation modes including walking, cycling and keeping single occupancy private car trips to a minimum. Renewable energy technologies would be considered and incorporated as appropriate with an aim to reduce the overall carbon emissions

beyond national building regulations target.

- Economic Capital – In order to boost local economy, local business and suppliers would be used where viable. Based on research for English Partnerships, the Proposed Development could generate over a thousand full time equivalent jobs.

The Masterplan Vision, Charter and Governance
Ultimately, the aim of the proposed energy and sustainability strategy for Inglewood is to achieve high standards of sustainability. It is envisaged that this goal could be underpinned by a set of objectives (strategies and targets) which should drive the Masterplan towards a sustainable pathway and deliver sustainability outcomes over the Masterplan phases. The agreed objectives which would be set to govern the design and delivery of the Masterplan

is informed by a review of relevant national and local policy documents including a number of sustainable design standards including One Planet Living, the 10 Active Design Principles from Sports England, etc.

The Delivery Framework

The overall energy and sustainability objectives for the proposed Masterplan have been encapsulated within the Five Capitals Model for Sustainability. More specifically to the energy aspect, the Energy Strategy is delivered in line with the Energy Hierarchy.

10 PLANNING JUSTIFICATION

10.1 Overview

Having established the general planning context within which the project sits, the technical and design work which has been undertaken to inform the concept masterplan, together with an overview of the technical justification, this section of the Planning Design and Access Statement presents the overall planning justification for why planning permission should be granted.

The structure of the justification of case seeks to present what the development proposal offers and how it is acceptable in technical terms. Where relevant it considers the planning policy context at both the national and local level. In effect, the justification tells the 'story' of the project.

10.2 The Strategic Case

Chapter 3 sets out the Planning Context, in particular National and Local planning policy, within which this application is made. This is not repeated here other than to highlight that it is this context which has informed the work to develop a technical and design response to the site.

The strategic case for pursuing development is critical. It is recognised that the application site has been considered for development previously. In particular, development was proposed in the 1990's and refused by the then Secretary of State due to the potential impacts that were considered might arise if development occurred; this was principally in relation to the impact on the AONB. It is however important to note that the refusal related to a larger site with a different site boundary.

More recently, the site was promoted through the Local Plan making process, commentary on which is provided in Chapter 3. Despite a lengthy process, during which the Council proposed to identify the site within the Local Plan as a Future Growth Area (FGA) suitable for strategic development, the site was not included within the final adopted Plan as at the time the necessary work had not been undertaken to conclusively prove that we could mitigate the effects of development.

Nevertheless, the work undertaken during the Local Plan preparation and examination process is pertinent to the application which has now been submitted. As noted, the Council recognised the potential for the site to make a significant and sustainable contribution towards achieving the ambitious growth strategy which is a central tenet

of the Local Plan. In addition to the contribution to housing supply, the Council acknowledged that development on this scale and in this location - in effect as part of a linked extension to the urban edge of Paignton (i.e. from the Fusion/Elberry Gardens development to Devonshire Park, White Rock and then this site) - is more able to make a positive and integrated contribution to meeting the housing needs of future generations whilst contributing to the delivery of essential infrastructure than a larger number of smaller sites would.

As such, the Council's proposed Main Modifications to the emerging Local Plan, published in February 2015 (consulted upon 9th February to 23rd March) in response to the Inspector's Emerging Findings (11th December 2014, highlighting the need to try and identify land for 10,000 homes (para 19), up



from 9,300 in the submitted Local Plan), recognised the positive attributes of allocating the site. The modifications noted that the site represents a natural extension to previously delivered/consented urban extensions to the west of Paignton (as set out above). Reference was made to the previous refusals albeit it was recognised that if the sensitivities of the site could be overcome it is recognised to be the best opportunity to deliver sustainable development.

Following a round of statutory consultation, concerns were raised regarding the ability to mitigate the potential impacts of development, primarily in respect of ecology and landscape impacts. As such, the Council took the decision to revise the draft Plan further and reversed the proposed identification of the site as a FGA. The effect of this was a reduction in the proposed housing target in the Plan from that sought by the Inspector.

In reporting on the soundness of the Plan, the Inspector spent considerable time considering the issue of the proposed strategic approach to employment and housing growth. The Inspector's Report (IR) considered three particular points:

- the timing of likely job growth;
- the role of Neighbourhood Plans in delivering the strategy in the medium term; and,
- the suitability of development of the Inglewood site (referred to in the report by its legacy name of 'land south of White Rock').

Timing of Jobs Growth

Paragraph 21 of the IR recognises that a key theme of the Plan is to facilitate "a step change in the development of Torbay". Paragraph 22 of the report acknowledges that

this is a tandem approach (towards jobs and housing delivery) but one which is recognised by the Council as meaning "that job growth is unlikely to pick up substantially until after 2016" and that "the Council's short term Economic Strategy is optimistic and that its ambitions are unlikely to be fulfilled over the 2013-2018 period".

Paragraph 25 makes reference to those objecting to the plan, particularly the Neighbourhood Plan Groups. The IR notes that there is a preference here for "what they describe as a "jobs led" strategy in which housing will follow job creation". Paragraph 26 recognises that it would be a simplistic line to directly coordinate jobs and housing delivery but that this is not realistic, noting that "with a plan based on a strong growth agenda it would be illogical to have a strategy that did not support increases in both housing and employment". Finally, paragraph 27 reiterates the timing of jobs growth point, "that the strategy in the Plan assumes that net job growth will not pick up until 2016" and that, coupled with the recognition that the housing building industry often requires a longer lead time to gear up for delivery, the strategy adopted in the Plan, and found sound, is a sensible one.

On this basis, it is considered that simply because there has been a delay in jobs growth would not constitute a reason to refuse to allow delivery of housing supply.

Neighbourhood Plans

The adopted Local Plan places a significant reliance on the delivery of the three Neighbourhood Plans across the Torbay area. In considering this, the IR recognises that the approach is broadly acceptable and consistent with the NPPF.

However, in considering the delivery of the strategy, the IR highlights concerns in respect of the degree to which the NP agree with the level of housing to be delivered together with the pace of delivery. The Inspector highlights within paragraph 48 that the position beyond the first 5 years of the plan period "is much less clear and is very much dependent on the neighbourhood planning process". The IR continues, noting a broad commitment to submitting Neighbourhood Plans by March 2016 and where this is not met, for the Council to undertake work on allocating sites in a subsequent Development Plan Document.

The risk of missing such deadlines is highlighted in paragraph 56, namely that "if the NP are not in place soon the Council is likely to find itself in a position where it no longer has a five year supply of housing land". Whilst this application is not predicated on a specific argument in respect of 5 year housing land supply, opting instead to demonstrate that the site is a sustainable location for development to support the Council's growth ambitions, the failure to meet the March 2016 deadline is critical. This point, coupled with what in our opinion are fatal flaws in the submitted Neighbourhood Plans for Brixham and Paignton (the subject of Regulation 14 consultation in February/March and May 2017 respectively and submitted under Regulation 15 in August), demonstrates that the Neighbourhood Plans cannot be considered, at this time, to be a sufficiently robust tool to deliver the Council's strategy.

Suitability to develop at Inglewood (Land south of White Rock)

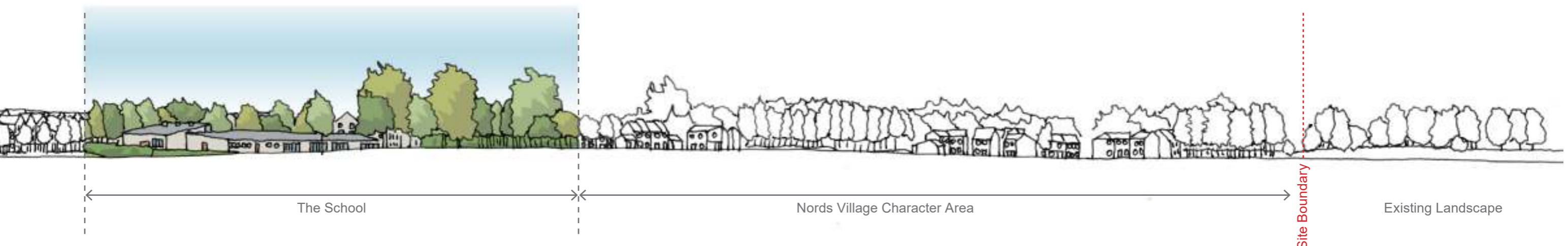
The Council have previously recognised the potential suitability of development of the Inglewood/land south of White Rock site, in part to provide longer term certainty on

housing delivery but also relating to the Inspector's wish to see an increase in the housing target in the Plan. As noted, work was undertaken to amend the emerging Plan via Main Modifications. The effect of this was to allocate the Inglewood site for housing development.

The IR offers considerable coverage of the merits of both the approach and the site itself. Paragraph 60 of the IR notes that with "very limited options for strategic housing growth sites in Torbay...it is considered that the Council has good reasons to regard the site as potentially offering an opportunity for strategic development." Paragraph 62 makes reference to the reasons why the proposed allocation was not taken forward at the time of the Local Plan examination. Leading into this, the IR notes that reconsidering the site at a later plan review has "several disadvantages", principally relating to the lack of certainty that it brings.

Nevertheless, within the context of this planning application, paragraph 62 is considered to be a critical point which must be borne in the wider consideration of the application. It notes that, "if the necessary work is undertaken and shows that from an environmental point of view the site development, there is nothing to stop the Council from carrying out a partial review of the Plan as soon as it has the necessary evidence."

Whilst it is recognised that this explicitly notes that the Council should consider a review of the Plan, the logic can be equally applied to the Council considering an application, the key point being the availability of "the necessary evidence" to underpin the case for allocation/ granting consent rather than the procedural method for making a decision.



10.3 The Offer

Details of the proposed development mix have been set out elsewhere in this report as a general overview of what the project proposes. This section of the Planning Justification restates these, outlining how they support policy aspirations at both the local and national level.

Housing

Details

383 dwellings are shown on the concept masterplan, although the application is for up to 400 units, these being the level that has been assessed through the EIA/ Technical Assessment process. Any increase from 383 would be subject to layout testing through the reserved matters determination process.

Affordable Housing provided at 30% and at a tenure split/ mix as set out in policy/to be determined by the Council's Housing Team.

Local Policy

- Supports the vision and aspirations of the Local Plan, namely to facilitate growth to improve the Bay area's prospects in the long term, together with Policy SS1 (housing and jobs delivery)
- Accords with Policy SS1 having been the subject of environmental assessment
- Accords with Policy SS3 in presenting a project which accords with the principles of sustainable development
- Support to Policies SS12/13, specifically the ongoing maintenance of a 5 year rolling land supply, and

according with the opportunity to exceed this where proposals bring benefits, including infrastructure, social and employment. The aims set out in Policy H1, insofar as it relates to unallocated sites, are similarly addressed.

- Policy C1 expects development to be focused on allocated/identified areas however it notes that where alternatives come forward, these need to have regard to protecting, conserving and enhancing landscape assets and avoid an adverse effect on the integrity of the South Hams SAC; details within the application submission confirm that this is the case and therefore the proposals are in accordance with policy.
- Affordable housing is provided in compliance with Policy H2 and will be secured as being adapted/ adaptable in accordance with Policy H3
- Whilst covering a range of matters, Policy DE1 Design is met in full. Work throughout the pre-application process, including direct engagement with the Council's Urban Design consultant and the Design Review Panel. Amenity (despite this being outline stage) is considered in accordance with Policy DE3
- Aspects of Policy SC5 are addressed

National Policy

- Addresses the social aspect of the NPPF's three dimensions of sustainable development by supporting housing supply and delivering a scheme that supports strong and vibrant communities
- Supports the key position in paragraph 47, namely to support the maintenance of a rolling 5 year housing land supply. The principle of meeting local needs, including in respect of mix and affordable housing provision (paragraph 50) are met.

Primary School (including nursery)

Details

Provision of land within the site for the delivery of a 2 form entry primary school (with nursery) and associated play space, including 4G pitch.

Local Policy

- Provision of land for a school directly supports Policy SC3 and wider Council/TDA programmes to increase school place capacity in the Bay, and specifically, Paignton West area.
- Policy SC5's aim for school access is supported

National Policy

- Section 8 (healthy communities) paragraph 72 sets out the Government's support to ensure that there are sufficient school places available, noting the need for local authorities to act proactively to support provision.

Public House

Details

Provision of site on the entrance to the development/edge of Brixham Road for a new public house. This will have the ability to serve both future residents and the existing community. The proposal would provide employment opportunities directly and have the potential to support existing, and possibly new, businesses in the local supply chain.

Local Policy

- Supports the aims of Policy SS11 to create sustainable communities by providing land for a public house/restaurant offering local employment opportunities, revenue generation and a space for

social interaction.

National Policy

- Supports the core principle (para 17) to drive economic growth and provide opportunities to develop and sustain thriving local places
- Accords with the aims of paragraph 19 in respect of planning supporting economic growth
- Directly meets the detail in paragraph 70 in respect of providing the facilities/services to support communities.

Highways and Active Travel Improvements

Details

The safe means of access to the site (Brixham Road roundabout and pedestrian/cycle crossings/access) together with wider improvement works (widening/ lowering on Brixham Road and improvements at the Windy Corner and Long Road junctions). Travel Plan proposals also set out.

Local Policy

- Policy SS6, including: online improvements to the Western Corridor, Paignton; supporting/enhancing the walking and cycling network; and, supporting local bus services via onsite bus stops and service changes to strengthen local routes.
- Policy SS7 requires infrastructure needs to be addressed where impacts arise; the provision of highway improvements mitigates the impacts of development and, in some instances, improves the wider baseline situation.
- Policy TA1 is addressed through the provision of cycle/pedestrian links, facilitating improvements to public transport, promotes a layout which is



connected and facilitates active travel and provides appropriate parking levels (Policy TA3)

- Access – by car and active modes – is in accordance with Policy TA2; a Travel Plan is also provided to support modal shift.

National Policy

- Support to core principle (para 17) in respect of actively managing growth to facilitate greater uptake of active travel
- All elements of paragraph 32 are addressed, including providing opportunities for sustainable travel (active via new linkages and public transport), the provision of safe means of access to the site and wider offsite improvements to the Western Corridor. This package is demonstrated to address the impacts arising from the proposals together with offering improvements to the existing baseline (i.e the position without Inglewood).

Ecology Mitigation

Details
Extensive on and offsite mitigation, as detailed in the accompanying ES, LEMP and Farm Management Plan.

Local Policy

- Supports the aims of Policy SS8 in respect of protected sites/species/habitats and changes to management practices to ensure longevity of protection
- The requirements of Policy SS9 to mitigate for any loss of foraging habitat and linear features is provided for via onsite mitigation and changes to farming practices on land in the wider area which falls within the control of the applicant. Details are secured

through the Farm Management Plan, bound within the s.106 agreement.

- Hedgerows/trees/landscape features are protected in accordance with Policy C4 (this also impacts upon LVIA)
- The requirements of Policy NC1 are met in respect of conservation/enhancement – further detail should be reviewed in the relevant Ecology Chapter of the ES, LEMP and FMP

National Policy

- Addresses the environmental element of the Framework’s definition of sustainable development, specifically the need to protect and enhance the natural environment and support biodiversity
- Paragraph 118 provides biodiversity protections, establishing the requirements in respect of protected species.

Landscape and Visual Impact Mitigation

Details
Embedded mitigation within the proposed layout, including influencing the layout together with proposed mitigation planting.

Local Policy

- Supports the aims of Policy SS8 in respect of the impact on the South Devon Area of Outstanding Natural Beauty via imbedded design mitigation and specific planting proposals. Further support via changes to management practices to ensure longevity of protection
- Consideration of listed buildings and conservation areas in the wider area (as required by Policy SS10) has been addressed through LVIA work and protection

secured through embedded design and specific mitigation measures (strategic tree planting)

- Policy DE4 in respect of building heights has been considered throughout the design evolution and assessment process to ensure that they remain appropriate and/or are suitably screened/mitigated

National Policy

- Addresses the environmental element of the Framework’s definition of sustainable development, specifically the need to protect and enhance the natural environment
- Paragraph 115 affords significant protection to Areas of Outstanding Natural Beauty although the site falls outside of the South Devon AONB. However, given the proximity, assessment work has considered the potential impact and mitigation embedded within the scheme design.

Public Open Space/Access/Food

Details
Provision of NEAP and 2 x LEAP together with trim trails, informal kickabout space, allotments and orchard.

Local Policy

- Green Infrastructure is protected/required via Policy SS9; proposals to provide green corridors, connected spaces, public open space, onsite mitigation, landscape planting provide for this.
- Countryside Access is provided for through an embedded access route within/around the perimeter of the site. This links to the new routes secured at White Rock together with connecting to existing routes on the eastern side of Brixham Road via two new crossing points.

- Aspirations within Policy SS11, including, but not limited to, in relation to developing a sense of place, promoting social interaction, allowing for food production and the provision of a primary school and pub which have the potential to provide community support.
- Food production opportunities onsite are provided for in accordance with Policy SC4. Matters relating to the loss of agricultural land are addressed later.

National Policy

- A range of POS provision supports the principles in Section 8 (paragraph 69 onwards), in particular the opportunity for social interaction and healthy, active lifestyles.
- Paragraph 73 establishes the need to provide access to high quality open spaces.
- Public rights of way/access are protected in paragraph 75 which also supports provision of better facilities; these are proposed by way of the permissive footpath/cycleway routes.

Section 106 Contributions

In addition to securing details of elements of the above, the proposed Section 106 agreement also provides for a potential financial contribution to support the delivery of employment land at Claylands, subject to the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. A contribution, if made, would accord with policies SS4 and SS5 of the Local Plan.



10.4 The Technical Case

It is clear from the strategic background set out above that there is significant potential for development of this site but that its suitability is predicated on ensuring that the project addresses a number of key policy areas. Ultimately, these seek to ensure that Torbay has the best prospects of successfully delivering against the ambitious strategy for growth which has been established through the Local Plan.

Chapter 9 provides an overview of the technical assessment work which has been undertaken to understand whether, and how, the site can be developed. This draws on the Environmental Impact Assessment/ Environmental Statement and standalone technical reports.

The Planning Case presented here draws on the justification and presents the basis for why planning permission should be granted, structured around specific technical issues and drawing on the planning policy context. This section should be considered as the basis for the planning balance that needs to be considered in justifying why permission should be granted. As is noted throughout this PDAS, the starting point for the project team in considering whether the site has potential for development is the Inspector's Report on the adopted Local Plan. Specifically, the project team have considered the baseline position and sought, firstly, to establish the baseline and then, secondly, understand whether the potential impacts arising from development can be mitigated, whether through imbedded mitigation in the basic design or through specific features, for instance highway improvements, landscape planting or changes to farming practices.

The IR's view on the planning position in respect of Inglewood/Land south of White Rock has been set out earlier in this Chapter and is not repeated here other than to note that the key matters which were highlighted in the IR as needing to be addressed are the impact on Greater Horseshoe Bats and the effect of development on the AONB which sits in close proximity to the site. In addition, there is also a need to consider the impact of development on Cirl Bunting, the need to secure safe and efficient highway access to the site and the impact (or otherwise) on the wider highways network together with a range of other matters which are considered in the normal course of preparing a planning application.

Therefore, whilst there are a range of matters to be considered, in summary, the following are considered critical to understand the base position:

- ecology;
- landscape; and,
- highways.

Ecology

The most critical matter in respect of ecology is to ensure that there is no significant detrimental impact on the integrity of the SAC. This site is recognised as contributing to the sustenance zone of Greater Horseshoe Bats together with providing suitable habitat to support a number of pairs of Cirl Bunting.

Baseline condition work has established the detail of how the site is used, addressing the concerns of Natural England and directly responding to the Local Plan Inspector's direction to ensure this is evidence base is established prior to any further consideration of the potential development of the site. Having established the baseline, work has been undertaken to understand the level of mitigation that is required. The proposals themselves have been designed to ensure that a proportion of the site itself is retained for direct mitigation. In addition, and distinct from some other local development sites, the applicant is in a position to be able to provide further offsite land for the purposes of mitigation, principally via a change in farming practices to encourage habitat formation.

It is recognised that there is a need to ensure that the delivery of mitigation is genuine in order to be able to approve any development on this site. Therefore, in order to demonstrate this, a Farm Management Plan is provided with the submission package which provides practical details of how farming practices will change in specific fields. This work has been informed by detailed discussions with farmers familiar with the potential practices. In addition, the FMP has been considered within the legal context of needing to ensure that tenancies can be amended to reflect the necessary changes; this work is in hand. The FMP is supported by the Landscape and Ecological Management Plan, incorporating a Green Infrastructure plan, which in combination ensure that the necessary protections are in place such that permission can be granted in confidence of delivery.

Landscape

A full LVIA has been carried out to establish the potential impacts that might arise from development. This has, via the EIA scoping process, established a zone within which potential visual receptors were identified.

Consideration of the potential landscape character impacts has led to embedded mitigation being considered throughout the design evolution process. This has

included setting the development back from the wider site boundary and including structural planting within the site. The proposed planting reflects similar tree groups in the wider landscape, for example the Nords group, ensuring that the proposals are consistent with the wider character.

The potential for visual effects on viewers has been considered from a range of key viewpoints. The full LVIA together with the Environmental Statement sets this out in detail. The conclusion however is that, with the embedded design based mitigation and planting, the impacts are considered to be acceptable.

Highways

The highways assessment work has established the baseline conditions and these have been modelled with the proposed level of development. The results of this assessment work have informed the form of site access and scale of mitigation. As noted earlier, these take the form of a new roundabout on Brixham Road, localised widening, speed limit reduction on Brixham Road (40mph to 30mph along site frontage), works to Long Road and Windy Corner junctions together with sustainable transport measures to support public transport and active travel use.

Full details of the assessment work outcomes are set out in the Environmental Statement and supporting Transport Assessment. However, in summary, the results can be seen to both mitigate, and in some instances, improve the existing baseline position as a result of the mitigation measures which are able to be delivered via this development. On this basis, it is considered that the requirements of local policy are met together with it being demonstrated that there is no detrimental impact as defined by paragraph 32 of the NPPF.

Further Matters

Whilst the above are key areas, they are not the only matters requiring consideration. The following are those which have been given consideration in the process of developing the application:

Lighting

Given the interrelationships between the potential lighting impact of development on ecology and the landscape, work on this area has been collaborative throughout. The lighting scheme proposed for the concept masterplan ensures that there are no negative impacts on the potential for continued use of the site by Greater Horseshoe Bats. The specific design ensures that on bat corridors (principally the current hedgerows) light levels are below 0.5lux.

To further reduce any potential negative impact, including on views of the site from the South Devon AONB, the

following are proposed: no flood lighting of school pitches (agreed by TDA and future operators as feasible); school orientation to reduce the potential impact of light spill from the building; no/low level lighting of the proposed pedestrian/cycle access to White Rock to the north; and, the use of appropriately designed light fittings to ensure both limited light spill/directed away from sensitive receptors and a colour temperature matched to existing development areas.

Agricultural Land

It is recognised that development of the site would result in the loss of agricultural land classified by the NPPF as best and most versatile together with an impact on farm businesses. In respect of the latter, the land does not represent the total landholding of any one specific farm tenancy and there are proposals in place, via the FMP and tenancy renegotiations, to offset to some extent the loss of land.

With regard, the accompanying chapter of the Environmental Statement assess the impact as a minor adverse effect. However, it is recognised by the Council (largely through the Local Plan process, including the Sustainability Appraisal produced at that time), that this site represents the best available option for future major sustainable development. Therefore, on the basis that much of the remaining land in Torbay that is suitable for such development is of a similar quality, and recognising that large scale development is better able to deliver wider sustainable benefits (ie highways improvements, school provision, affordable housing etc), it is considered that the loss of BMV land in this instance should be considered in the wider context as acceptable given the benefits to be gained

Community Infrastructure Provision

The inclusion of land for a primary school and public house, together with a broad range of public open space (play, countryside access, allotments, orchards etc) make a significant contribution to the delivery of community infrastructure, both for the site itself and future residents but also the wider existing community.

The Rapid Health Impact Assessment which accompanies the submission demonstrates the positive outcomes which result from the development proposals.

Flooding and Drainage

As noted in Chapter 9, the site lies entirely within Flood Zone 1 and as such is considered to be at a low risk of flooding. Consideration of potential sources is set out, drawing upon the wider SFRA and site specific FRA that has been carried out in support of the application. As a result, no mitigation measures are proposed.

The drainage strategy accords with the principles of ensuring that there is no increase on the existing greenfield runoff rates. This is managed via a strategy which accords with the surface water drainage strategy, largely involving on plot filtration and, where not possible, on site attenuation storage in order to control release rates. The strategy results in an improvement over the existing runoff regime.

Foul discharge has been considered in conjunction with South West Water. It is recognised that there are opportunities to provide suitable connections to the network, albeit with localised improvements provided via developer contribution.

Any potential for surface water flooding impacts during construction will be managed and mitigated via method statements produced by the contractor and agreed by the local authority.

Air Quality and Noise Impacts

The technical summaries presented earlier, together with the standalone technical reports, demonstrate that there would be no negative impact upon, or arising from, the proposed development.

Cultural Heritage

Chapter 9, together with the standalone report, outlines the desktop and geophysical survey which has been undertaken in order to understand the cultural heritage potential of the site. The results identify a range of features, largely considered to relate to historical field boundaries and use of the land.

Pre-application discussions have acknowledged the potential need for localised, focused field evaluation in the form of trial trenching. It is agreed that this can be secured via an appropriately worded pre-commencement condition which secures the principle and detail of the evaluation

via a Written Scheme of Investigation and subsequent recording of the results.

Arboriculture

The tree survey work undertaken confirms that there are limited trees on site. Where they are located, the majority are retained within the design proposals, in recognition of the strong role which mature trees can perform in the place making process. Some trees situated in short sections of hedgerow along the Brixham Road frontage will need to be removed to facilitate access to the site.

As can be noted throughout this report, a significant amount of tree planting is proposed in a number of forms and in locations throughout the site. These include areas of structural planting to provide strategic mitigation of potential landscape and visual impacts together with more formal planting within the public realm/streets in order to ensure that the site is attractive and provides the potential to support a strong ecological base.

Minerals

The adopted Local Plan policies map denotes that a small area of the site is washed over by a Mineral Safeguarding Area (MSA) designation. This relates to a larger safeguarding area to the south and west which is identified by the Devon Minerals Plan as an area of aggregates.

Torbay Local Plan policy seeks to protect the sterilisation of mineral assets, in line with the NPPF. However, paragraph 6.5.4.10 of the Local Plan acknowledges that the identified "MSA does not state the quality of the resource of presume that the resource will be worked".

A review of the Torbay MSA alongside the Devon Minerals Plan identifies that the portion of MSA washing over the application site is minimal in the wider context. On the basis that there are no current facilities in the area to extract this resource, it is considered that there is likely

to be minimal interest in extraction in the future. This is position is likely also to be impacted by the constraints which exist, including in relation to this application site the proximity of residential properties on Brixham Road (circa 100m from the edge of the MSA) and, in the wider area, the presence of the South Devon AONB and conservation areas.

Finally, a March 2017 appeal decision (ref 3146968) notes that there are occasions when sterilisation is acceptable. The decision notes that where there are likely challenges to feasible extraction, sterilisation can be acceptable (para 96). It is submitted that similar conditions exist here, particularly in relation to the small portion of the wider Devon Minerals Plan MSA which washes over the application site.

On this basis, and in consideration of the wider sustainable development aims which the proposals support, coupled with the need for the Council to ensure a minimum 5 year housing land supply, the sterilisation of a small portion of the MSA is considered to be acceptable.

Neighbourhood Plans

In addition to the above, it is important to recognise the position and role of Neighbourhood Plans in the planning process, particularly in Torbay.

At the point of submission Neighbourhood Plans for the three areas in Torbay have been published for consultation by the Council (Regulation 16) to seek views on the extent to which the Plan do, or do not, meet the Basic Conditions tests set out in relevant legislation. At the point of submission, each plan is considered by a number of consultees, including the Council, to have varying degrees of problems which have the potential to represent fundamental flaws to their progress.

It is not for this Statement to present detailed comments on the appropriateness or otherwise of the strategies

being pursued by each of the Forum. It is however appropriate to note that, whilst the site falls within the Brixham Peninsula plan area, and noting that it is not proposed for allocation within the draft Neighbourhood Plan, the Council as Local Planning Authority responsible for the long term strategic approach to development in Torbay have previously recognised the potential of this site.

Furthermore, as noted within the Planning Context section, the Inspector reporting on the Local Plan explicitly recognised the potential, indicating to the Council that it would be appropriate, in the interests of long term strategic planning, to give serious consideration to the development potential of this land once all of the necessary technical evidence is available.

This planning application represents that point and, together with the positive pre-application advice received from a range of consultees, it is considered wholly appropriate to give serious consideration to the potential for this site to deliver strategic sustainable development and support the pro-active growth agenda being pursued by the Council.

In light of this, it is submitted that the lack of support for this site in the Brixham Peninsula Neighbourhood Plan should not be considered as a significant material issue weighing against permission being granted, rather that the site should be recognised to support the wider aspirations and supports the Council in securing a 5 year housing land supply position (recognising the delay in Neighbourhood Plans and the jeopardy this has placed the Council in) together with providing support to the long term capital receipts which flow from new housing and the support to the tandem jobs/housing growth strategy.



10.5 Summary

This Planning Justification has set out the strategic position from which the site is being promoted, the offer that development would make and the planning case for why, on balance, the development proposals should be considered to be acceptable.

In summary:

- The application proposes up to 400 dwellings (383 are shown on the concept masterplan, the impacts of 400 having been assessed) across a range of unit sizes, 30% of which will be affordable;
- Local education delivery is supported through the provision of land for a 2 form entry primary school;
- Community facilities are proposed through the inclusion of a site for a new public house/restaurant;
- Highways improvements to Brixham Road and at its junction with Long Road (north) and at Windy Corner

(south) are proposed together with the safe means of access to the site. The impact of development is considered to be acceptable in the context of Local and National planning policy;

- Significant areas of public open space and community food growing land are provided for with their long term management secured in perpetuity via a not-for-profit management company (secured via section 106 agreement);
- Countryside access is provided for existing and future residents, providing links to the wider network;
- Solutions are proposed to mitigate impacts on Greater Horseshoe Bats and Cirl Buntings. In total over 3km of hedgerow is provided (a net increase when accounting for the 450m lost in relation to White Rock mitigation) together with 22ha of cattle grazed pasture. The strategy for providing and maintaining the mitigation land is secured via a Landscape and Ecological Management Plan and Farm Management Practices Report.
- Landscape and Visual Impacts are mitigated via embedded design solutions including design evolution during the course of the pre-application stage having

the effect of removing an impact along with structural and internal planting. As with Ecology mitigation, the principles are included within the LEMP;

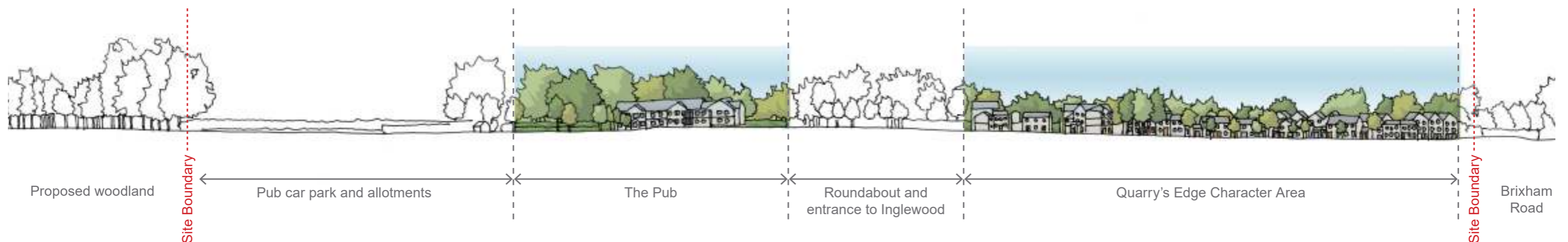
- Flooding is not considered to be a critical issue in this location (albeit it is noted to fall within a Critical Drainage Area) but in any event the surface water drainage strategy provides an appropriate solution which will avoid any risk of surface water flooding. Foul drainage capacity can be delivered via connections (and if necessary, upgrades) to the existing foul drainage network;
- The loss of agricultural land is not considered to be critical in the wider context and is in part mitigated for through the proposed revised farming practices;
- The loss of a relatively small area of land identified for minerals extraction is not considered critical as the likely ability to successfully extract on this small scale, in this location, would be limited.

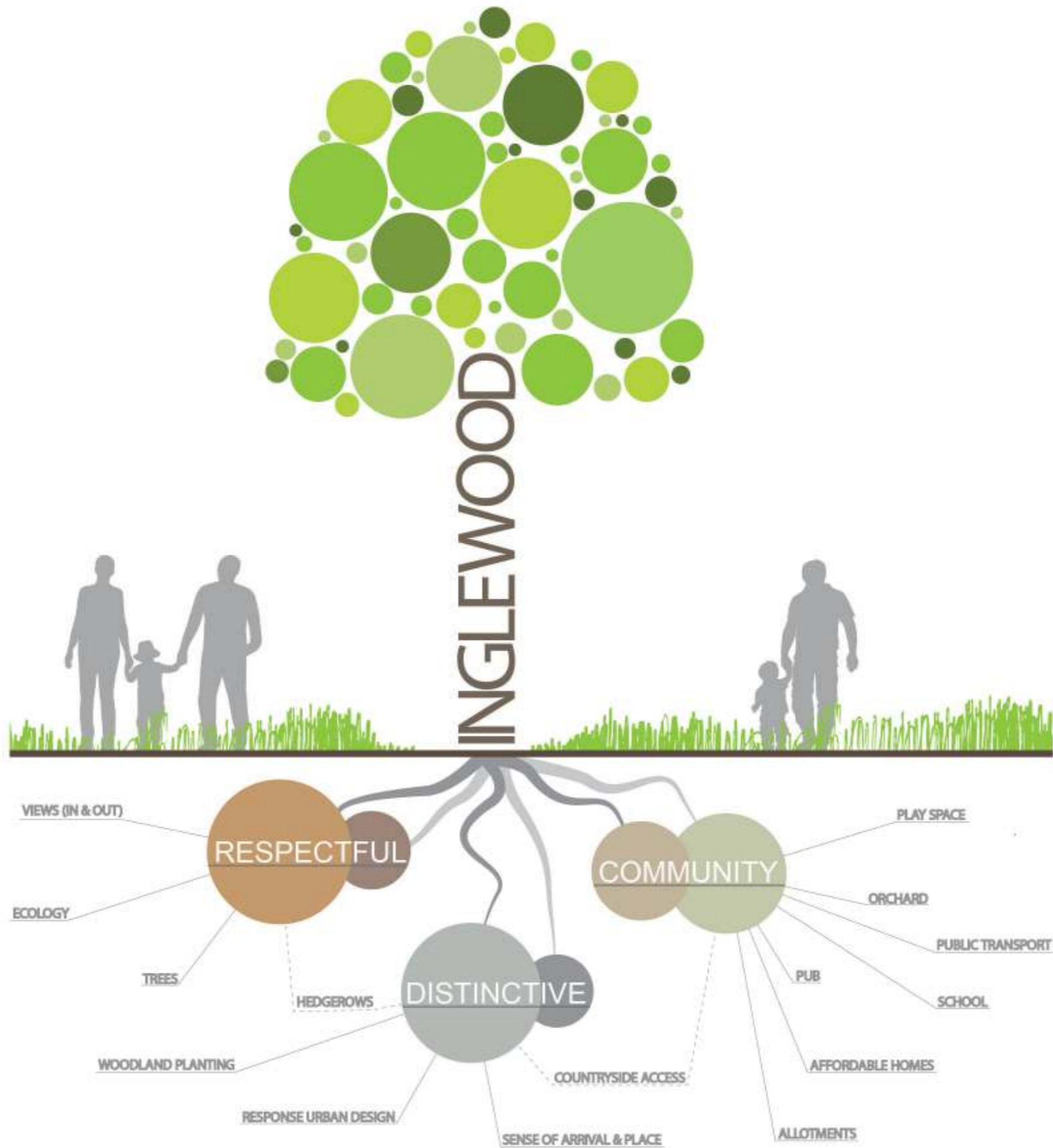
On this basis, it is considered that outline planning permission should be granted to secure the principle of development of the site to provide for future housing needs of the Bay area.

Approval of the application would have the benefit of securing significant wider benefits to the existing local community (i.e. highways improvements and school provision) whilst supporting the Council's growth strategy as outlined in the adopted Local Plan.

The decision to grant permission would also secure the delivery of new housing which would in turn provide wider benefits through new homes bonus and council tax receipts, thereby providing a further income stream to deliver essential Council services and infrastructure.

Finally, granting planning permission would assist in securing the Council's housing land supply position on a site which has previously been recognised as a sustainable solution, thus strengthening the ability for the Council to resist proposals in locations which are considered to be less preferable and which otherwise might be approved via planning appeal.





11 CONCLUSION

This integrated Planning Design and Access Statement, in combination with the wider application package, has established the potential for developing the Inglewood site.

Together with the technical package, including the Environmental Statement, it is demonstrated that there is appropriate environmental capacity to justify development and that, where required, the necessary mitigation is proposed, and crucially is deliverable, to support permission being granted.

The application proposes sustainable development with key features which will support the future growth prospects of the Bay area. The community facilities to be provided ensure the creation of a positive place for future generations to live, work and socialise.

The accompanying Rapid Health Impact Assessment highlights the positive impact that development will have. The development proposals, together with the accompanying section 106 agreement, put in place the necessary

safeguards to ensure that this development can be genuinely viewed as a positive proposal which makes a contribution to the existing area.

The application has been developed with detailed and extensive engagement with stakeholders, including Council Officers from across the full range of technical areas and statutory consultees including Natural England.

Changes following the submission of the application, as set out in this updated Planning Design and Access Statement have responded to issues raised by consultees.

The mitigation proposals are deliverable, in perpetuity, and are protected via legal agreements to ensure that delivery is maintained.



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