

# PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



c/o 34 Totnes Road  
Paignton  
TQ4 5JZ

14 February 2018

By email to: [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk)  
Torbay Council  
Planning Department (FAO Mr Scott Jones)  
2<sup>nd</sup> Floor, Electric House  
Castle Circus  
Torquay  
TQ1 3DR

Dear Mr Jones

## **Planning Application P/2017/1304**

**Proposal: Up to 97 dwellings, associated landscaping access and infrastructure**

**Location: Land North of Totnes Road, Collaton St Mary, Paignton**

I write to confirm that the Forum has considered the application submitted and objects to the proposal for the following reasons:

### **i) The Description**

As with previous schemes relating to the site, we note that this is a speculative proposal as it has not been submitted by the landowner. Our concern is that the proposal has been submitted as a "Full Application" for detailed approval yet has been given a fluid description in the application form and covering letter which state it to be for "Up to 97 dwellings".

It would appear the applicant has recognised that the proposal may be over development and has the intention of amending the scheme at some point during its consideration.

This is of concern as the application must be assessed as submitted. If changes are made they should be via a fresh application and consultation.

We therefore consider it important that there is the opportunity to be consulted further if the application is amended.

### **ii) Conflict with the Local Plan**

The application as submitted conflicts fundamentally with the following policies of the adopted Torbay Local Plan to the extent that justifies that the proposal is refused.

**Policy SS2** (Future Growth Areas) – the application fails to include the required bespoke Greater Horseshoe Bat Mitigation Plan for the whole of the Totnes Road / Collaton St. Mary area (SDP3.3) which the policy clearly states must be in place before any development in the area will be granted planning permission. Nor is there a formal 'Appropriate

Assessment' submitted with the application that satisfies the required Habitat Regulation Assessment (HRA) of the site proposals and the 'in-combination' effect with other sites.

**Policy SS3** (Presumption in favour of sustainable development) – the absence of the required 'Appropriate Assessment' means that paragraph 119 of the National Planning Policy Framework applies, which prohibits the presumption in favour of granting a consent as it has not been shown with certainty that there will not be "likely significant effect" on the legally protected species recognised to be in the area.

**Policy SS8** (Natural environment) – the proposals conflict directly and overwhelmingly with the stated purpose of this policy of safeguarding, conserving and enhancing the valued qualities, features and attributes of the natural landscape and biodiversity of the area.

**Policy SDP3** (Paignton North and Western Area) – the proposals make no provision for a balance of jobs and homes, which conflicts directly with a key purpose of this policy.

**Policy TA1/TA2** (Transport, accessibility and development access) – the access proposed and assumptions made about the impact it will have, take insufficient account of the congestion that already affects the adjacent highway network. The internal road layout will also create major conflict between cars and pedestrians during the 'school run' periods in particular.

**Policy C4** (Trees, hedgerows and natural landscape features) – the level of replacement and additional planting is inadequate to compensate for the effect that the scheme will have on the natural landscape views into and across the site and its contribution to biodiversity

**Policy NC1** (Biodiversity and geodiversity) – the application fails to demonstrate that there will be a net gain in biodiversity as required by this policy.

**Policy DE1** (Design) – the regimented layout of frontages, style of buildings and arrangement of intervening spaces and landscaping fails to reflect and integrate with the character of the existing settlement pattern and will lead to net loss in biodiversity contrary to the stated purpose of the policy.

**Policy SC4** (Sustainable food production) – the scale of development proposed fails to include the required provision for sustainable food production contrary to the policy.

**Policy ER1/ER2** (Flood Risk and water management) – insufficient regard has been given to flash flooding that occurs immediately to the south east of the site which results in the water course breaching its banks and combining with foul water to the detriment of the area. The SUDS scheme proposed has the potential to increase this risk which conflicts directly with the policy

**Policy W5** (Waste water disposal) – vague and insufficient details are given in the application of the foul water connection point proposed in Totnes Road where existing problems of foul water flooding occur. As determined by the Supreme Court in December 2009, where such situations exist, they need to be examined and resolved at the planning application stage, not by the assumption that they can be deferred to the consideration of the relevant utility provider.

## **In conclusion**

There are no benefits or other material considerations that either alone or if taken together would outweigh the harm that will result from the proposal submitted.

At this point in time the Paignton Neighbourhood Plan has been submitted for Independent Examination and an objection to the Plan has been made for the Examiner to consider that relates to the application site. Accordingly, the Forum has not included reference to the Neighbourhood Plan at this stage but may add to the above objection if the outcome of the Independent Examination is available before the application has been determined.

Yours sincerely

*David Watts*

Chairman, Paignton Neighbourhood Forum

cc. Mike Parkes, Forum Secretary