

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road
Paignton
TQ4 5JZ

31 December 2018

By email to: planning@torbay.gov.uk
Torbay Council
Planning Department (FAO Mr Scott Jones)
Tor Hill House
Castle Circus
Torquay
TQ2 5QW

Dear Mr Jones

Objection to Planning Application P/2017/1304
Revised proposal: 94 dwellings, associated landscaping access and infrastructure
Location: Land North of Totnes Road, Collaton St Mary, Paignton

I refer to the request for consultation responses to be sent to you by 2 January 2019.

The revised proposal fails to resolve the fundamental problems with this application.

A reduction of 3 dwellings from the previous details, change of house types and provision of additional information have made no material difference to the reasons for objection in the Forum's previous letter of 14 February 2018 to be read in conjunction with this further objection letter.

The applicant's covering letter of 4 December 2018 confirms the proposals were first submitted in November 2016. After more than two years consideration the proposals remain speculative as they have not been submitted by the landowner. It is clear the revised proposal would still constitute overdevelopment of the site.

The deficiencies cumulatively also make the proposal a departure from the strategic policies of the adopted Torbay Local Plan notified to the Forum, the Collaton St Mary Masterplan and Paignton Neighbourhood Plan approved by the Council on 15 November 2018 to proceed to Referendum.

Further delay in determination of the application is not warranted and refusal of the application is justified for the following reasons:

i) Overdevelopment

The density of development proposed conflicts directly with the adopted Local Plan and Collaton St Mary Masterplan which shows the site for 40 dwellings having regard to the importance of the landscape, biodiversity and infrastructure constraints that apply. The resulting building layout, form of internal road space design and small garden areas would result in a dense urban development out of keeping with the setting of the village and

nearby listed building contrary to adopted Local Plan **Policy HE1** (Listed Buildings), **Policy DE1** (Design), adopted **Collaton St Mary Masterplan** and **Policy PNP1** (Area wide) and **Policy PNP1 (c)** (Design Principles) of the Paignton Neighbourhood Plan

ii) Impact on biodiversity

The revised proposals rely on an outdated biodiversity survey (of 2016), fail to present up to date survey information that shows the 'in-combination' effect with other plans and projects in the Collaton St Mary Area, and the 'mitigation' measures proposed are mostly 'compensation' measures with no evidence shown that the development is 'imperative for reasons of overriding public interest' (IROPI). The revised proposals therefore fail to meet the requirement of the **Habitats and Wild Birds Directives, Conservation of Habitats and Species Regulations 2017**, adopted Local Plan **Policy SS2** (Future Growth Areas), **Policy SS3** (Presumption in favour of sustainable development), **Policy SS8** (Natural environment), and **Policy NC1** (Biodiversity and geodiversity) and **Policy PNP1** (Area wide - f) of the Paignton Neighbourhood Plan. The Local Plan Habitat Regulation Assessment adopted by the Council in December 2015 states that no proposal will be approved unless it can be category proven there will be no likely significant effect on protected species, which the submitted proposals fail to meet.

iii) Impact on landscape

The level of replacement and additional planting is inadequate to compensate for the effect the proposal would have on the natural landscape views into and across the site and its contribution to biodiversity in direct conflict with adopted Local Plan **Policy C4** (Trees, hedgerows and natural landscape features) and would undermine **Policy PNP1 (a)** (Rural Character Area) of the Paignton Neighbourhood Plan.

iv) Impact on transport

The access proposed and assumptions made about the impact it would have of additional turning movements and capacity of Totnes Road as a principal highway take insufficient account of the congestion and accident record that already affect the adjacent highway network. The internal road layout will also create major conflict between cars, pedestrians and calling delivery vehicles made worse by the density of development proposed. The resulting impact would be contrary to Local Plan **Policy TA1/TA2** (Transport, accessibility and development access) and **Policy PNP24** (Collaton St. Mary Village) of the Paignton Neighbourhood Plan.

v) Impact on drainage and flooding

The revised proposals fail to demonstrate sufficient 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. This occurred even during the dry summer of this year. For surface water disposal the SUDS scheme proposed fails to demonstrate there will be no increase in risk to existing properties. For waste water disposal (sewage) inadequate information is presented that demonstrates there is capacity to accommodate the additional flow as 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. The proposals are contrary to **Policy ER1/ER2** (Flood Risk and water management) and **Policy W5** (Waste water disposal) of the adopted Local Plan and **Policy PNP1** (Area wide – iv) and **Policy PNP (i)** (Surface water) of the Paignton Neighbourhood Plan.

In conclusion

There are no benefits or other material considerations in the revised proposals that either alone or taken together would outweigh the harm that would result.

On the contrary, the proposals fail to make provision for a balance of jobs and homes, and provision for sustainable food production which conflicts directly with the key purpose of adopted Local Plan **Policy SDP3** (Paignton North and Western Area) and **Policy SC4** (Sustainable food production) and **Policy PNP1** (Area wide) of the Paignton Neighbourhood Plan.

A refusal is justified without further delay.

Yours sincerely

David Watts

Chairman, Paignton Neighbourhood Forum

cc. Mike Parkes, Forum Secretary