



Application Number: P/2019/0478

PLACE and ENVIRONMENT

Spatial Planning, Torbay Council
2nd Floor, Electric House, Castle Circus
Torquay TQ1 3DR
Phone 01803 207801

GRANT OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(ENGLAND)ORDER 2015**

Applicant:

Torbay Council
Mrs Anne-Marie Bond
Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

Agent:

TDA
Mr David Stewart
Tor Hill House
Union Street
Torquay
TQ2 5QW

In pursuance of its powers under the above-mentioned Act and Orders, Torbay Council as Local Planning Authority hereby PERMIT:

Demolition of nine disused farm buildings and construction of new vehicular access.

at Little Blagdon Farm Totnes Road Paignton TQ4 7PW

to accord with the application received 10 May 2019 and the plans and particulars submitted.

This permission is subject to the following standard condition:

The development to which this application relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

Additional Condition(s)

- P1. The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:

8-21-10-10 - (Version - A) - Date on plan: 01/05/2019 - OS Map/Site Location received 10.05.2019

8-21-10-12 - Date on plan: 10/05/2019 - Proposed Layout received 10.05.2019

TE0271-MIT-B - (Version - (Habitat regulations)) - Date on plan: 20/08/2019 - Ecological Assessment received 21.08.2019

P2019-0478-1 - Date on plan: 02/05/2019 - Flood Risk Assessment received 02.05.2019

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

01. Prior to commencement of the development hereby permitted, a detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The approved soft landscaping shall be planted in the first planting season following the first use of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species. Any hard landscaping or boundary treatment shall be installed in accordance with the approved details.

Reason: In the interests of amenity and design in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

Justification: These details are required pre-commencement as specified to ensure that an adequate landscaping scheme will be provided to mitigate any potential biodiversity loss.

02. No development, including ground works or vegetation clearance, shall take place until an Arboricultural Impact Assessment and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 (or any superseding British Standard) and include details of tree protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Impact Assessments and Tree Protection Plans shall be adhered to throughout the construction of the development.

Reason: To protect the trees to be retained in the interests of the amenities of the area and biodiversity, in accordance with Policies C4 and NC1 of the Adopted Torbay Local Plan 2012-2030.

Justification: These details are required pre-commencement as specified to ensure that trees to be retained are not damaged by building operations or

vegetation removal, including their biodiversity interests.

03. The development hereby approved shall not be brought into use until all relevant highways agreements, concerning works within the public highway and along the proposed roadway have been entered into and the associated works have been carried out to the satisfaction of the Local Highway Authority. These shall include a shared pedestrian/cycle way link on to Totnes Road from the proposed development; clearway markings on the adjacent Bus Stop on Totnes Road; double yellow lines on the proposed junction and other areas of Totnes Road; as well as other works shown on the approved plans, or otherwise deemed necessary to achieve an adoptable road layout.

Reason: To provide safe and sustainable access to, and around, the site for all users in accordance with Policies TA1, TA2 and DE1 of the Adopted Torbay Local Plan 2012-2030.

04. No development (including demolition and ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, and paragraphs 109 and 118 of the NPPF.

Justification: These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

05. The Western Site boundary will be maintained as a dark corridor and protected from any artificial light intrusion during the construction phase of the development, with a lighting level of no more than 0.5 LUX within 2 metres of the

Western site boundary.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

06. No development shall take place until details of Heras fencing (or similar) to be erected along the northern portion of the western boundary of the Site, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be to a height of at least 2 metres from the ground and at least 2 metres distance from the top of the existing bank. A high strength extruded plastic fencing mesh shall be fixed to one side of this fencing to provide a physical structure for bats to follow. The approved fencing shall be installed prior to the commencement of development and shall be inspected on a weekly basis during the construction process, and any defects repaired immediately.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Justification: These details are required pre-commencement as specified to ensure acceptable effects in relation to bats during the construction phase of the development.

07. In accordance with the submitted 'Information to support Habitat Regulations Assessment' (plan reference 'TE0271-MIT-B (Habitat Regulations) received 21st August 2019) details of a hedgerow of 70 metres on the western site boundary will be planted and managed to promote a denser growth of at least 2 metres in height shall be submitted and approved in writing to the Local Planning Authority.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

08. Prior to the installation of any external lighting within the site, full details including their design, siting and levels/type of illumination shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed in full accordance with the approved details.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

09. No building related machinery or materials, including materials from demolished buildings, are to be stored within the fields to the south of the application site at any time.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

10. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests

immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

11. The development hereby approved shall be carried out in strict accordance with the mitigation measures outlined on Pages 7-8 of the submitted 'Information to support Habitat Regulations Assessment' (plan reference 'TE0271-MIT-B (Habitat Regulations)' received 21st August 2019).

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - e) Wheel washing facilities.
 - f) Measures to control the emission of dust and dirt during construction.
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
 - h) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Justification: The details are required prior to the commencement of works at the site.

13. In accordance with the submitted flood risk assessment received 2nd May 2019, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 40% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan

2012-2030 and paragraph 103 of the NPPF.

Informative(s)

01. 01. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

02. Responsibilities of the applicant/developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and/or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

03. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

The proposed development has been tested against the following policies of the Development Plan and other relevant material considerations and in the opinion of the Local Planning Authority the proposed development is not in conflict with these policies:

- C4 - Trees, hedgerows and natural landscape features
- DE1 - Design
- DE3 - Development Amenity
- ER1 - Flood Risk
- ER2 - Water Management
- NC1 - Biodiversity and Geodiversity
- SDP1 - Paignton
- SDP3 - Paignton North and Western area
- SS2 - Future Growth Areas
- SS3 - Presumption in favour of sustainable development
- SS6 - Strategic transport improvements
- TA1 - Transport and accessibility
- TA2 - Development access
- PNP1 - Area Wide
- PNP24 - Collaton St. Mary Village

The applicant is advised that the granting of planning permission is a separate matter to that relating to the issue of restrictive covenants that may exist on the land. Such covenants protect private rights and benefits. They have not been a material consideration in the determination of this application. You should make your own enquiries relative to such covenants before proceeding to implement the approved development.

THIS IS NOT AN APPROVAL UNDER BUILDING REGULATIONS

Our Building Control Team will be happy to discuss your proposals to help you establish if Building Regulation Approval is required. Please contact Building Control on 01803 208095 or building.control@torbay.gov.uk.

A handwritten signature in black ink, appearing to read 'Steve Parrock', with a stylized, cursive script.

STEVE PARROCK
Executive Director
On behalf of Torbay Council
12 September 2019

NOTES FOR GUIDANCE

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND)ORDER 2015

Your application for Planning permission has been granted. You must adhere to the details of the approved plans and comply with the conditions attached to the decision notice.

This decision is not a decision under the Building Regulations. It may be necessary to apply for Building Regulation approval. If you need further information about this you may telephone the Building Control Team on 01803 208095.

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:

- 28 days of the date of service of the enforcement notice or
- 6 months (12 weeks in the case of a householder appeal) of the date of this notice

whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at

Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

or online at www.gov.uk/government/organisations/planning-inspectorate

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Section 76 of the Town and Country Planning Act 1990 requires that your attention is drawn to the provisions of the Chronically Sick and Disabled Persons Act 1970, the Code of Practice for Access for the Disabled to Buildings (BS 5810:1979) and Design Note 18 "Access for the Disabled to Educational buildings" in relation to buildings which the public will be admitted. Further information about this may be obtained from the Building Control Team on 01803 208095.

This permission does NOT include authority to execute any works within the boundary of the public highway, or in any way affecting the public highway, or the sewers system in the highway without the permission of the Highway Engineer. You may contact the Highways Team on 01803 207671 or the Drainage Team on 01803 207821.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.