



Sean Davies (by email)
Spatial Planning
Torbay Council
2nd Floor, Electric House
Castle Circus
Torquay
TQ1 3DR

Your Ref: P/2023/0172

DATE

Dear Mr Davies

Brends Orchard Land Adjacent Edginswell Farm House Edginswell Lane Torquay TQ2 7JF

This Consultee Response has been reviewed and agreed by the Steering Group of the Torquay Neighbourhood Plan Forum.

The Forum Objected to the previous Application, P/2021/0809. We have reviewed this new Application against Development Policies, and find a similar level of non-compliance, as shown in the attached Policy Checklist.

The Forum is deeply concerned that while the parcel of land lays at the edge of the Future Growth Area the land, which was a historic orchard, has been cleared without any known permissions. This premature clearance has meant that proper and full assessment of the area is no longer possible so any environmental impact cannot be fully addressed. Nevertheless, the site is associated with Lesser Horseshoe Bats, is in a Flood Risk Zone 1, appears to include a subterranean water course which has not been identified, and may be susceptible to subsidence into sink holes. In addition, the location in a small hamlet with narrow lanes raises concerns with regards to accessibility and highway safety. The existing hamlet comprises a number of historic agricultural buildings, some of which are Grade II Listed. No account of the impact has been addressed in the Application.

On the basis of non-compliance with 19 Local Plan Policies and 9 Neighbourhood Plan Policies, the Forum requests that you Refuse this Application for variation.

Yours sincerely

Rodney Horder

Chair
Torquay Neighbourhood Plan Forum
chair@torquaynp.org

Attachment: Policy Checklist



Brends Orchard, Edginswell, P/2021/0809 Development Policy Checklist

Torbay Local Plan 2012 – 2030

Policy	Title	Compliance	Comments
SS1	Growth Strategy for a prosperous Torbay	NO	
SS2	Future Growth Areas	N/A	
SS3	Presumption in favour of sustainable development	NO	Impact on flooding and habitat
SS4	The economy and employment	N/A	
SS5	Employment space	N/A	
SS6	Strategic transport improvements	N/A	
SS7	Infrastructure, delivery, and phasing of development	N/A	
SS8	Natural environment	NO	Impact on Lesser Horseshoe bats, destruction of orchard
SS9	Green infrastructure	NO	Loss of foraging habitat
SS10	Conservation and historic environment	NO	Impact on Listed Buildings, Historic Orchard removed
SS11	Sustainable communities	NO	Does not protect natural environment
SS12	Housing	YES	
SS13	Five year housing land supply	YES	Minimal contribution
SS14	Low carbon development and adaptation to climate change	NO	
SDT1	Strategic Policy Area - Torquay	N/A	
SDT2	Torquay Town Centre and Harbour	N/A	
SDT3	Torquay Gateway	N/A	Not in Gateway Area
SDT4	Babbacombe & St Marychurch	N/A	
TC1	Town centres	N/A	
TC2	Torbay retail hierarchy	N/A	
TC3	Retail development	N/A	
TC4	Change of retail use	N/A	
TC5	Evening and night time economy	N/A	
TO1	Tourism, events and culture	N/A	
TO2	Change of use of tourism accommodation and facilities	N/A	
TO3	Marine economy	N/A	
TA1	Transport and accessibility	NO	Cars necessary
TA2	Development access	NO	Narrow highway , proposed access at narrowest part of highway
TA3	Parking requirements	YES	
IF1	Information and communications technology	N/A	
C1	Countryside and the rural economy	YES	Not in countryside zone
C2	The coastal landscape	N/A	



Policy	Title	Compliance	Comments
C3	Coastal change management	N/A	
C4	Trees, hedgerows and natural landscape features	NO	Trees already uprooted and destroyed
C5	Urban Landscape Protection Areas	N/A	
NC1	Biodiversity and geodiversity	NO	Old woodland already removed, destroying natural habitats. Impact on horseshoe bats
HE1	Listed buildings	NO	Impact on setting of Listed buildings at Edginswell Farm
H1	Applications for new homes	NO	Does not meet criteria 7 & 8
H2	Affordable housing	N/A	
H3	Self-build affordable housing and exception sites	N/A	No self-build
H4	Houses in Multiple Occupation (HMOs)	N/A	
H5	Sites for travellers	N/A	
H6	Housing for people in need of care	N/A	
DE1	Design and development	NO	Fails to meet a number of criteria
DE2	Building for life	NO	Fails to meet a number of BFL12 criteria
DE3	Development amenity	NO	Fails to meet a number of criteria
DE4	Building heights	NO	Excessive heights overwhelms neighbouring properties
DE5	Domestic extensions	N/A	
DE6	Advertisements	N/A	
SC1	Healthy Bay	N/A	
SC2	Sport, leisure and recreation	N/A	
SC3	Education, skills and local labour	N/A	
SC4	Sustainable food provision	N/A	
SC5	Child poverty	N/A	
ES1	Energy	NO	Not apparent from Application
ES2	Renewable and low-carbon infrastructure	N/A	
ER1	Flood risk	NO	Flood risk Zone 1, not addressed in application
ER2	Water management	NO	Impact on water course
ER3	Contamination	N/A	
ER4	Ground stability	NO	Existing sink holes not addressed in Application
W1	Waste hierarchy	N/A	
W2	Waste audit for significant waste generating developments	N/A	
W3	Existing waste management facilities in Torbay	N/A	
W4	Proposals for new waste management facilities	N/A	
M1	Minerals extraction	N/A	



Policy	Title	Compliance	Comments
M2	Maximising the use of secondary and recycled aggregates	N/A	
M3	Preserving and safeguarding of limestone resources and key local building stone	N/A	

Torquay Neighbourhood Plan – Adopted June 2019

Policy	Title	Compliance	Comments
TS1	Sustainable development	NO	The proposal fails to comply with the adopted Neighbourhood Plan as it does not accord with several policies of the plan.
TS2	Master Plans	N/A	
TS3	Community led planning	NO	There has been no engagement with the Shiphay Community Partnership. While this is not considered as a major development, the site has been the subject of previous applications and there has been no effort to engage with the community.
TS4	Support for Brownfield and Greenfield development	N/A	
TH1	Housing Allocations Development on housing sites must be in a manner which is compatible with Habitats Regulations requirements as relevant - see Policy TE6. The <i>Torbay Neighbourhood Plan Habitats Regulations Assessment</i> identifies relevant considerations.	NO	The development conflicts with policy TE6.
TH2	Designing out crime	NO	The development fails to indicate how this policy is being met.
TH3	Future Growth Area priorities	N/A	
TH4	Affordable homes from greenfield developments	N/A	
TH5	Sustainable later life homes	N/A	
TH6	Gateway sustainable community planning	NO	The development fails to meet this policy as the design does not consider the immediate surroundings and is unsympathetic
TH7	HMO's	N/A	
TH8	Established architecture	NO	The proposed development fails to respect the local character or identity of the local surroundings.
TH9	Parking facilities	YES	



Policy	Title	Compliance	Comments
TH10	Protection of the historic built environment	N/A	
TH11	Rural village conservation areas	NO	While these proposal do not lay within the named Village areas, the principles of this policy still apply in terms of their impact upon the setting of the area.
TH12	Maidencombe area	N/A	•
TH13	Cockington Village and Country Park	N/A	
TJ1	Employment	N/A	
TJ2	Home-based enterprises	N/A	
TJ3	Commercial street scenes	N/A	
TT1	Change of use constraints within and outside a CTIA	N/A	
TT2	Change of Use in Conservation Areas and Listed Buildings	N/A	
TT3	Change of use constraints on Babbacombe Downs CTIA	N/A	
TE1	Tourism accommodation on brownfield sites	N/A	
TE2	Local Green Spaces	N/A	
TE3	Development on Established Woodland	NO	The site was previously as a former orchard. No permissions were sought or granted for the clearance of this orchard, but this policy should still be considered. Indeed it is the opinion of the Forum that clearance works should be a matter for investigation.
TE4	Green Corridors	NO	The proposed development fails to facilitate the natural movement of wildlife and as stated in TE3 - it is not possible for an assessment of wildlife due to the clearance of the site.
TE5	Protected species habitats and biodiversity	NO	The application has failed to deliver a Habitat Survey due to the clearance so any impact upon wildlife and habitats cannot be evidence, therefore mitigation cannot be identified.
TE6	European Protected species on specified sites Considering all stages of the construction process, all development within the Edginswell Future Growth Area or the Maidencombe area (including Sladnor Park) must have a Habitats Regulations Assessment as appropriate and be	NO	Policy TE6 clearly states that all developments within the Edginswell Growth Area MUST have a Habitats Regulations Assessment and to be compatible with the requirements as set out in the Habitat Regulations. This application, due to the clearance, has not complied in any manner with this policy.



Policy	Title	Compliance	Comments
	compatible with ecological requirements set out in the Habitats Regulations.		
TE7	Marine Management Planning	N/A	
THW1	Travel Plans	N/A	
THW2	Change of use of allotments and retention of food production areas	N/A	
THW3	Community Facilities	N/A	
THW4	Outside space provision	N./A	
THW5	Access to sustainable transport	N/A	
THW6	Cycle storage and changing facilities	N/A	
TSL1	Alpine Ski Facility	N/A	
TSL2	Sport and Leisure – Nightingale Park	N/A	
TSL3	Sport and Leisure – Sports Grounds and Facilities		
TTR1	Access to primary schools		
TTR2	Sustainable Communities		