

## neighbourhood plans

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**From:** Gunther, Andrew  
**Sent:** 15 December 2017 19:08  
**To:** neighbourhood plans  
**Cc:** Future Planning; Luscombe, Adam  
**Subject:** Torquay Neighbourhood Plan Regulation 16 Response by Torbay Council as LPA  
**Attachments:** Reg 16 LPA response TNP.docx

Dear Sir/Madam,

Please see attached a representation from Torbay Council in its capacity as Local Planning Authority regarding the Submitted Torbay Neighbourhood Plan.

As LPA, we would welcome the opportunity to be present at any Hearings organised as part of the Examination and/or submit additional information to elaborate further, if it is deemed that this is required as part of the Examination process.

The LPA looks forward to the progression of the Torquay Neighbourhood Plan.

Best regards,

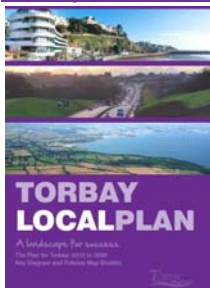
**Andrew Gunther**  
**Senior Planning and Public Health Officer**

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### [Torbay Local Plan 2012 to 2030 Published](#)



*Torbay Council has published its new Local Plan which forms part of the development plan for Torbay and provides the basis for decisions on spatial planning within Torbay up to 2030.*

*The **Torbay Local Plan 2012 to 2030 – A landscape for success** can be [viewed online](#) or purchased as a hard copy or USB memory card. Card payments will be accepted via 01803 207801 quoting the 'new Local Plan'.*



**Please reply to:** Adam Luscombe  
Team Leader – Strategy and Project Delivery  
Spatial Planning  
Electric House (2<sup>nd</sup> Floor)  
Torquay  
TQ1 3DR

The Independent Examiner appointed to examine  
the Torquay Neighbourhood Plan  
c/o Torbay Council  
(Sent by email –  
[neighbourhood.plans@torbay.gov.uk](mailto:neighbourhood.plans@torbay.gov.uk))

**Telephone:** 01803 208804  
**E-mail:** [future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk)  
**Date:** 18 December 2017

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Dear Sir/Madam,

### **Publication response to the Torquay Neighbourhood Plan (Regulation 16)**

Torbay Council welcomes the opportunity to provide comments on the Submitted Torquay Neighbourhood Plan at this Regulation 16 stage. We note that the community has undertaken significant time and effort over a number of years in creating a plan and the Torquay Neighbourhood Forum should be commended for their efforts.

The comments provided by the Local Planning Authority (LPA) at this stage (as contained within this letter and accompanied by Appendix 1) follow on from previous comments made on preceding versions of the Torquay Neighbourhood Plan, both formally at both Regulation 14 stages as well as informally at earlier stages of the plan's production. These earlier comments are detailed within the 'Consultation Statement' submitted by the Torquay Neighbourhood Forum as part of the plan proposal.

Attached to this letter is a table containing a schedule of responses, with a focus specifically on matters related to the planning policies contained within the plan. As stated within the plan proposal, these are the policies which are intended '*to manage development through the planning process.*' The plan proposal also contains a large number of community aspirations which are identified by the plan as being '*not Planning Policies but give stakeholders an insight into the wishes of the community.*' The Council supports the intention of the Torquay Neighbourhood Forum to recognise non-planning issues which have arisen during extensive community engagement over a number of years within their plan. These aspirations include aims which are not capable of being delivered through the planning system or the method of delivery is uncertain and cannot be guaranteed. The LPA broadly supports the intention in this regard and notes that during a 'Healthcheck' carried out externally through Locality on an earlier version of the plan, this approach was recommended. A similar approach was also supported during earlier engagement with the Prince's Foundation. However, the Council does feel that additional text could be added to the plan to make it clear to the reader of the plan, particularly bearing in mind that the plan will ultimately go to referendum, that community aspirations represent a list of wishes of the Neighbourhood Forum

and therefore cannot be relied upon for delivery in the same way that planning policies can be, which will be used to manage development proposals.

A Neighbourhood Plan can only be adopted ('made') if it is in general conformity with the strategic policies contained within the Local Plan. The LPA's view is that all Local Plan policies are capable of being strategic, but particular attention is drawn to the following within the Local Plan:

- All spatial strategy and policies for strategic direction (Part 4, Policies SS1-14)
- All strategic delivery area policies (Part 5, SD Policies)
- Policies in 'Part 6 Policies for managing change' which contain strategic elements, as assessed against NPPF (Para.156) and the PPG (Part 41-074-20140306). The degree to which these are strategic will depend also on the scale and nature of proposals/Neighbourhood Plan policies

The Council supports a number of aspects of the Torquay Neighbourhood Plan, in particular, the willingness to back the delivery of the Torbay Local Plan by allocating sites to deliver housing and employment growth. This is supported by an evidence base which underpins these allocations related to the Torbay Local Plan and additional supporting evidence prepared by the Torquay Neighbourhood Forum. In particular, the housing allocations will help Torbay Council to maintain a 5 year housing land supply. The Council has worked with each of the three Neighbourhood Forums in Torbay to try and achieve this aim. The Torbay Local Plan requires each Neighbourhood Plan to allocate sufficient sites to deliver growth, in combination with sites allocated in the Local Plan. The vast majority of housing sites allocated in the Torquay Neighbourhood Plan are drawn from a pool of 'identified' sites contained within the Local Plan. As part of the preparation of the Local Plan, these sites have been subject to assessment for deliverability and against a comprehensive Sustainability Appraisal Framework (including covering issues related to impact upon the Historic Environment and HRA/SEA related matters). The Torquay Neighbourhood Forum has selected a small number of new sites for housing allocations which have been subject to further Sustainability Appraisal as part of the neighbourhood plan's preparation. On the basis of the supporting evidence and its own assessment, the LPA supports the allocation of development on these new sites.

The Local Planning Authority (LPA) has a number of objections to various aspects of the plan which are detailed further in our schedule of responses. The LPA would like to underline that in its view, although numerous, these objections can be resolved through modifications to the plan. Taken together, these modifications may require public consultation prior to progressing the plan to Referendum.

In respect of Local Green Spaces allocated as part of the plan proposal, the LPA wishes to make clear that a separate response by the Torbay Development Agency on behalf of Torbay Council, in its capacity as landowner where relevant, has been made. Notwithstanding this response, the LPA believes that there are proposed Local Green Spaces contained within the plan proposal which may meet the criteria outlined in the National Planning Policy Framework (paragraph 76 and 77). This representation from the LPA does include objection to a limited proportion of Local Green Spaces where it is felt that they are not in general conformity with the Local Plan.

The LPA would welcome the opportunity to be present at any Hearings organised as part of the Examination and/or submit additional information to elaborate further, if it is deemed that this is required as part of the Examination process.

The LPA looks forward to the progression of the Torquay Neighbourhood Plan.

Yours sincerely,

A solid black rectangular box used to redact the signature of Adam Luscombe.

**Adam Luscombe**

Team Leader – Strategy & Project Delivery

**Appendix 1 - Schedule of responses on the Torquay Neighbourhood Plan – Regulation 16 Stage (on behalf of Torbay Council Local Planning Authority)**

Traffic lighting for general information (summary response column)	
Red	Objection, policy should be removed from plan
Amber	Some concerns but these can be overcome through modification
Green	Support (though some comments may have caveats listed)

Policy number/section and details	Page ref.	Summary response or issue (e.g. Support, Object, changes/ clarification required, etc.)	Reason/Explanation (e.g. with regard to national guidance, contribution to the achievement of sustainable development, general conformity with the Torbay Local Plan, compatibility with EU obligations or other practical material considerations)	Suggested amendments or action (if applicable) to resolve the issue (i.e. in order to make the plan and/or policy more effective, robust, deliverable, precise, etc.)
Torquay Neighbourhood Plan - whole document, non-specific, general comments	All pages	Editorial changes required throughout to enhance legibility	To enable the document to be more practically usable and legible would be very helpful to make a number of editorial changes throughout. The LPA is of the view that that these changes could be made as minor modifications to the plan.	For example: <ul style="list-style-type: none"> <li>- paragraphs to be numbered throughout (e.g. 1.1., 1.2., etc.)</li> <li>- planning policies to be referenced in a different style to that of the Local Plan e.g. adding a prefix to policy numbers e.g. 'TNP H2' rather than 'H2'</li> <li>- community aspirations to be numbered</li> </ul>
Foreword	2	No specific comments		
Introduction	3, 4	No specific comments		

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Vision and Aspirations	5	No specific comments		
Objectives	6, 7	No specific comments		
Glossary	7	Support but minor clarifications may be required	Including a glossary within the plan is very helpful for the reader. The current glossary definitions would however benefit from some further work e.g. 'Gateway – the area as you enter Torquay' is open to interpretation. In addition, it is felt that the definition of certain terms e.g. 'community hub facilities' should be checked for consistency with the context of how they are applied within the rest of the plan.	A review of glossary definitions to ensure they are unambiguous and are consistent with how they may be referenced for their intended use and meaning elsewhere within the plan.
Policies and Aspirations	9, 10	Support but clarification required	The Plan does include some explanation of the difference between 'planning policies' and 'community aspirations' that are included within the document. We broadly support and recognise that the Neighbourhood Forum would like to provide recognition of ideas, proposals and wishes expressed by the community during the neighbourhood planning process which are not necessarily capable of being integrated into and delivered through a planning policy (e.g. delivery sits outside the planning	We would suggest that a sentence is added either on page 10 or to the glossary to say to the effect that: <i>"Community aspirations cover matters which cannot reasonably be required of or are unsuitable to be delivered through the development management process. For example, they may reflect issues which sit outside the town planning process e.g. changes to wider local authority or other organisation policies or</i>

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			system). We welcome the approach of distinguishing between planning policies and community aspirations. However, it is felt the status of community aspirations could be made clearer still, so that readers are fully aware that community aspirations are not intended to be used by the local planning authority (as policies) to manage decisions regarding development proposals.	<i>plans. These aspirations contained within this plan do not commit any action to take place to deliver them but do reflect the wishes expressed by the Torquay Neighbourhood Forum whom wish to see these aspirations delivered through other means and therefore it is important they are reflected within this Plan."</i>
<p><b>PLANNING POLICY S1 The Presumption in Favour of Development</b></p> <p><i>Development proposals which accord with the policies in the Torquay Neighbourhood Plan and the adopted Torbay Local Plan shall be approved unless material considerations indicate otherwise. Development proposals not in accordance with the policies in the Neighbourhood Plan shall be refused unless material considerations indicate otherwise.</i></p>	9	Support (with suggested minor change)	<p>This policy broadly reflects the NPPF presumption in favour of sustainable development.</p> <p>This ought to be reflected in the title of the policy through a minor change of wording. We note that the Forum’s consultation statement indicated agreement with earlier Regulation 14 comments made by Torbay Council, to this effect.</p>	Change title to “ <i>The Presumption in Favour of Sustainable Development</i> ”
<p><b>POLICY S2 Definitions of Greenfield and Brownfield land</b></p> <p><i>For policies within this Plan, Greenfield and Brownfield land are defined as follows: Greenfield – Land not previously developed</i></p>	10	Object	It is unclear why these definitions are not contained within the glossary rather than within policy. The NPPF provides a definition and meaning of brownfield (‘previously developed’) land so it is unclear why and on what basis the plan seeks to add to this	Delete policy and remove from plan. Potentially, definitions of brownfield and greenfield land could be incorporated into the glossary. If so they should fully reflect the NPPF.

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<p><i>or anything excluded from the Brownfield definition or not defined as. For the purposes of our Plan this will be additionally defined as: any site that is used for agriculture or landscape design or recreation; or the permanent structure or fixed surface structure have blended into the landscape; or any site that has been left to evolve naturally for more than 10 years and has more than 80% of the area covered in trees and shrubs and/or established grass.</i></p> <p><i><b>Brownfield</b> – Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it must not be assumed that the whole of the curtilage can be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction; land in or adjacent to built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have</i></p>			<p>existing definition as well as to the body of existing planning case law on this issue. Whilst effort has clearly been taken to write definitions which are consistent with the NPPF, it is the Council’s view that the TNP definitions may result in less clarity and more interpretation within the development management process. This is particularly the case with the last sentence of the brownfield definition which is considered unclear in both its wording and reasoning (re. 20% of the total area).</p>	



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<p><i>blended into the landscape in the process of time.</i></p> <p><i>For the purposes of this Plan the Brownfield definition shall exclude part or subdivision of a historically defined site or a site that can be defined as Greenfield or where the footprint of the developed area of a site is less than 20% of the total area.</i></p>				
<p><b>POLICY S3 Master Plans</b></p> <p><i>A Planning application for a site within a Master Plan SPD area must not be accepted or determined if the usage is significantly different to that identified within the adopted Master Plan SPD or significantly different to the identified use within the Neighbourhood Plan.</i></p>	11	Object	<p>The use of the words ‘accepted or determined’ is unreasonable. Applications must be determined by the local planning authority on their own merits and accepted if they have met validation requirements.</p> <p>The intention of this policy seeks to see policy visions and objectives for development with the town centre and Edginswell areas of Torquay (including as reflected within the Torbay Local Plan) transmitted into reality, which the Council supports. However, the operation of this policy for specific sites may provide a lack of flexibility, particularly with regards to town centre regeneration. With regards to identified uses within the Neighbourhood Plan, the Council also has concerns that</p>	<p>Reword policy:</p> <p><i>A Planning application for a site within a Master Plan SPD area <del>must not be accepted or determined if the usage is significantly different to that</del> will be supported where development clearly supports the outcomes identified within the adopted Master Plan SPD or <del>significantly different to the identified use within the</del> Neighbourhood Plan.</i></p>

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			some uses proposed (e.g. within the Town Centre CP statements) lack deliverability/feasibility and this policy may restrict the achievement of the Council's town centre regeneration programme, and the aspirations of the Torbay Local Plan, which has momentum.	
<p><b>POLICY S4 Community led planning</b></p> <p><i>Any planning decision for a major development site, or new homes development on a Greenfield site, or new business development on a Greenfield site; and that is not allocated as a development site within the Neighbourhood Plan; that decision must be subject to a consultation with the Community Partnership within whose boundary the site is located. Any decision must be in general compliance with any representation from that Community Partnership unless material planning considerations indicate otherwise.</i></p>	11	Support (with amendments)	<p>The Council welcomes the opportunity to consult with Community Partnerships, particularly upon significant planning applications. The extent of the consultation requirements are not prescriptive within this policy, which the Council welcomes as levels of consultation should be proportionate to the scale of the application.</p> <p>However, the last sentence should be reworded to take account of the views of the local community as a whole as well as specifically the Community Partnership.</p> <p>It would be helpful to see some reference within the supporting text to underline that decisions must be made in accordance with wider policies for managing development as applicable(part of 'material planning</p>	<p>Amend as follows:</p> <p><del>Any planning decision for a major planning application development site, or new homes development on a Greenfield site, or new business development on a Greenfield site; and that is not allocated as a development site within the Neighbourhood Plan; that decision must be subject to a consultation with the Community Partnership within whose boundary the site is located. Any decision must be in general compliance with any representation from that Community Partnership unless material planning considerations indicate otherwise. In making planning decisions, the</del></p>

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			considerations’).	<i>degree of support from the local community (including the relevant Community Partnership) will be reflected in the decision-making process when considered by the local planning authority.’</i>
<p><b>PLANNING POLICY H1 Allocation of housing sites and revisions to the Local Plan</b></p> <p><i>Housing sites are allocated by our Plan and are listed in Appendix 1 Table 3 which forms part of this Plan and are illustrated in the Maps 1-16.</i></p> <p><i>Numbers of units on sites are notional and may be varied subject to material planning considerations.</i></p> <p><i>Any significant revision to the requirements for housing numbers within the Neighbourhood Plan period that arise from changes to the current Torbay Local Plan and affect Torquay must be in parallel with a revised Torquay Neighbourhood Plan that shall allocate revised sites, subject only to the community agreeing to undertake this work. Any revised Plan shall be subject to statutory arrangements for consultation and</i></p>	13	Support allocation element of this policy. Object to revision element.	<p>We recognise that the first part of this policy relates to the allocation of sites by the Torquay Neighbourhood Plan and supports the growth strategy of the Torbay Local Plan. This is supported and welcomed.</p> <p>The neighbourhood plan is unable to account for and deliver future revised versions of a ‘Torquay Neighbourhood Plan’. Undertaking future revisions to a Torquay Neighbourhood Plan is a matter outside the control of this plan and is not a development management issue. It is felt that this policy should be referred to as a community aspiration, as the current wording sets out a procedure and is not deliverable/appropriate within a planning policy. As a policy, if taken seriously this could be interpreted as constraining and delaying the ability of the local authority to</p>	Remove the future/revised Torquay Neighbourhood Plan element of this policy. This element could become a community aspiration, consistent with how similar issues have been dealt with elsewhere within the plan.

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<i>examination.</i>			update/review the Local Plan as and when required.	
<p><b>PLANNING POLICY H2 Designing out crime</b></p> <p><i>Any new residential development shall be of a design that minimises opportunities for crime, fear of crime and antisocial behaviour proportionate to the scale of the development.</i></p>	13	Support	This policy is consistent with the Torbay Local Plan, particularly DE1. It is noted that this policy, through worded differently tackles a very similar issue to that of J9 (Prevention of crime through design).	Consider amalgamating this with Policy J9. This would remove repetition and make the plan more concise.
<p><b>PLANNING POLICY H3 Future Growth Area viability exclusions</b></p> <p><i>Viability arguments shall not be a Planning consideration for the Edginswell Future Growth Area against obligations to build affordable housing and any community facilities identified in an adopted Master Plan for the area and any Highways works, if that viability is based on the cost to the developer of the land at a date after the end of the consultation following submission of this Plan.</i></p>	14	Object	It is unreasonable to pick out the Edginswell Future Growth Area and make a special case for the consideration of viability within neighbourhood plan policy. The approach of the Council to issues of viability is consistent with the NPPF (inc. para 173) and the approach is consistent across all development sites (further information is set out in this within Policy SS7 of the Torbay Local Plan and the Planning Contributions and Affordable Housing SPD). Whilst negotiation on development viability is not a 'carte-blanc' to unsustainable forms of	Delete policy

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			<p>development being approved (quite the opposite) the Council must be sensitive to viability on a case-by-case basis, particularly where planning contributions are requested. Whilst we recognise the Forum has its own reasons to believe there is significant development value within the site it is premature to prejudice future consideration of viability before all known 'asks' from the allocated development site are fully known. For instance, before a development proposal is approved for the Edginswell Future Growth Area there is further detail on detailed infrastructure provision, etc. to be investigated in order to inform the contributions ultimately sought through development. As this detail and potential scale of required infrastructure costs (together with other planning contributions/planning gain required) is not fully known at this stage, it would be unreasonable to make commitments within policy to the future consideration of development viability at this site.</p>	

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<p><b>PLANNING POLICY H4 Affordable homes from Greenfield developments</b></p> <p><i>Planning permission shall only be granted for Greenfield sites of more than 20 residential units when the developer provides not less than 30% affordable residential units on development of 30 or more units, or 25% affordable residential units on development of 20 to 29 units. These affordable units to be constructed on site or by providing equivalent numbers of homes by selling affordable sites for self-build construction or constructs the same number of affordable homes on a Brownfield site within Torquay or a mix thereof.</i></p>	14	Support (with amendments)	<p>The Council supports the delivery of affordable housing and welcomes the intention of the neighbourhood plan to maximise affordable housing delivery. The concept of off-site developer contributions (commuted payments or off-site provision) is supported in certain exceptional circumstances where it makes practical sense and better delivers affordable housing. To be consistent with Council policy, the Neighbourhood Plan should recognise that on-site delivery of affordable housing is prioritised as part of relevant planning proposals.</p>	<p>Reference could be made to Local Plan Policy H2 and the Planning Contributions and Affordable Housing SPD, within the supporting text, for clarity. Support for on-site provision should be made clear as follows:</p> <p><i>“...These affordable units to be constructed on site. <b>Where this cannot be achieved, by providing equivalent numbers of homes by selling affordable sites for self-build construction or constructs delivering the same number of affordable homes on an alternative Brownfield site within Torbay Torquay or a mix thereof.</b>”</i></p>
<p><b>PLANNING POLICY H5 Affordable housing occupancy restrictions</b></p> <p><i>All new affordable or social residential units shall have a habitation restriction within any Planning permission as follows: at least one occupant shall have lived in Torbay for not less than 5 years previous.</i></p>	15	Object to Policy as currently worded. Changes required.	<p>The Council views the allocation of affordable housing to persons as something which would not normally be relevant to the role of a neighbourhood plan policy (potentially this issue sits better as a community aspiration). If there is a desire to do this, the policy should reflect the Council’s current policy requirements regarding ‘Local Connection Criteria’ which</p>	<p>Either change emphasis of policy to a community aspiration or reflect Council housing allocation policy criteria for affordable housing (re. local connection) with reference to the role of the local authority in delivering future policy changes.</p>

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			includes a 5 year Torbay residency requirement in addition to other matters.	
<p><b>PLANNING POLICY H6 Sustainable later life homes</b></p> <p><i>Any new residential units designed for retirement or accommodation for assisted living shall be refused Planning permission unless they are in locations that are within an easy walk of community hub facilities and have a stop on a sustainable public transport route that serves those hub facilities and Torquay town centre.</i></p>	15	Support subject to minor amendments	<p>Local Plan Policy H6 provides guidance for 'Housing for People in need of care.' Criterion 2 and 3 '...within easy reach of community facilities, shops and public transport.' This policy would seem to be in general conformity with the Local Plan in this regard.</p> <p>With reference to public transport, the policy should read more flexibly.</p>	Change to "...be accessible to a <del>have a stop on a</del> sustainable public transport route that serves <del>those hub</del> local town or district centre facilities and Torquay town centre."
<p><b>PLANNING POLICY H7 Retirement and assisted living</b></p> <p><i>There shall be a presumption in favour of change of use from tourism accommodation to the provision of homes designed for retirement or assisted living in the area of Babbacombe for sites outside the designated CTIA in the Local Plan</i></p>	15, 16	Object	It would be helpful if this policy reflected the latest Market Position Statement prepared by the Council on the needs for various form of retirement, assisted living and care accommodation. The overall strategy of the Council is to see the right balance of care and retirement accommodation delivered within the Bay from buildings which are suitable for modern care needs. It is considered that the modern requirements of	Remove policy

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			<p>an ageing population will necessitate buildings which are modern and can deliver quality care environments – something which the Adult Social Care team at the Council is keen to secure through the planning process. It would be wrong to assume that the conversion of tourism accommodation should have a presumption in favour of change of use to accommodation for older persons as many of these types of older buildings may not be suitable for modern care needs (e.g. accessibility requirements, modern care needs, etc.). NPPF para 50 refers to a wide choice of quality homes and 159 refer to housing to address need.</p> <p>Local Plan Policy H6 ‘Housing for people in need of care’ refers to the local need for such and in ensuring mix and balanced communities. Wholesale change will not meet these Policy requirements. LP Policy SC1 Healthy Bay may also be relevant to major residential development for older people.</p>	



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			The Local Plan (TO2) supports the change of use of tourism accommodation outside CTIAs, based on significance of accommodation and impact upon local character. This policy would appear to aim to 'tip the balance' to a presumption in favour of change of use. It is not clear as to whether this policy would override the TO2 requirements.	
<p><b>PLANNING POLICY H8 Prioritisation of Town Centre redevelopment and Brownfield sites</b>  <i>There shall not be any development of residential units within the Edginswell Future Growth Area before 2025 representing the second half of the Neighbourhood Plan housing allocations period unless more than 924 (75% of homes designated on other sites (excluding windfall sites) have been granted permission and the net increase in jobs in Torbay or Torquay meets or exceeds the jobs growth trend ambitions within the Local Plan adopted in 2015.</i>  <i>Any permission for residential units shall have a restriction that no more than 100 units can be occupied unless any community infrastructure identified in the revised</i></p>	17	Object	<p>This policy seeks to restrict the supply of housing at the Edginswell Future Growth Area. This site is allocated for development within the Local Plan. A 'lock-gate' type approach to the supply of housing is not supported by national policy. Sites allocated for housing should come forward for development according to the phased delivery of infrastructure rather than housing supply in the wider area.</p> <p>Not in Conformity with Local Plan Policies: SS1 Growth strategy for a prosperous Torbay, SS2 FGAs; SS3 Five Year Housing Supply; SDT1 Strategic Delivery area - Torquay and SDT2 Torquay Gateway</p>	Remove policy

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<i>Master Plan in Policy H10 is complete.</i>				
<p><b>PLANNING POLICY H9 Homes for Torbay residents.</b>  <i>All homes sold within the Edginswell Future Growth Area shall be the purchaser's sole residency.</i></p>	17	Object	This policy lacks sufficient justification, e.g. the scale of rented and 2 <sup>nd</sup> home provision having a deleterious impact on providing local homes for the population and the need to take a restrictive approach at the Edginswell Future Growth Area.	Remove Policy
<p><b>PLANNING POLICY H10 Gateway sustainable community planning</b>  <i>Planning permission shall not be granted for new residential units within the Edginswell Future Growth Area or the existing area known as the Willows until there is a new and adopted Master Plan SPD covering the Edginswell expansion area and appropriate parts of the adjacent Shiphay, Willows and Barton areas that link the local neighbourhoods into an integrated sustainable community with appropriate community hub and primary school provision.</i></p>	17	Object	In current form, this is incapable of being delivered as a planning policy and would better be regarded as a community aspiration. The plan is unable to compel the Council to produce a wider Masterplan for the wider Gateway area. The plan could state that new developments should have their own design strategy/masterplan which looks at wider site access and relationship to adjoining area issues. This would potentially help wider placemaking and holistic planning.	Remove as policy and consider incorporating as a Community Aspiration.

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<p><b>PLANNING POLICY H11 Minimum bedrooms</b>  <i>There shall be a presumption against development of an existing residential property that does not provide accommodation with a separate bedroom.</i></p>	18	Object	<p>The current wording of this policy is unclear. It is assumed that this policy aims to prohibit the formation of ‘bed sits’. If that assumption is correct, this should be made clearer, justified and potentially incorporated as part of an overall policy concerning HMOs. Local Plan Policy H4 seeks to assess the provision of HMOs. In its current form the policy lacks precision to be delivered effectively.</p> <p>The policy as it reads currently could result in the refusal of any household extension (e.g. kitchen).</p>	Delete this policy or significantly revise.
<p><b>PLANNING POLICY H12 HMO’s</b>  <i>Planning permission for HMO’s shall be refused unless there is an assessed need for this type of housing to support the growth of the economy of Torquay and the scheme has accommodation for a resident manager to live on site.</i></p>	18	Object	<p>This policy requires an assessment of need to justify the provision of an HMO. However it is unclear whose responsibility it is to provide information on that need (i.e. local authority or applicant) and what information would be sufficient. The Neighbourhood Plan lacks evidence to support the asserted stance that HMO provision does not contribute to local housing/employment needs.</p> <p>The requirement for supervisory housing management replicates the requirements of</p>	<p>Remove requirement for an assessment of need:</p> <p><i>“Planning permission for HMO’s shall be refused unless <del>there is an assessed need for this type of housing to support the growth of the economy of Torquay and the scheme has</del> accommodation for a resident manager to live on site.</i></p>

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			Local Plan policy in addition to licensing requirements. Local Plan Policy H4 seeks to assess the provision and suitability of HMOs.	
<p><b>PLANNING POLICY H13 Established architecture</b>  <i>Any development shall be in a character, scale, bulk and design sympathetic to the established surrounding architecture and must not have an adverse impact on the local area and must not significantly increase the density of properties in the immediate area.</i></p>	18	Object	<p>It is felt that this policy could have unintended consequences such as stifling potential positive changes to the built environment where the existing established architecture is of low value and creates a low quality environment, therefore inhibiting positive neighbourhood renewal and regeneration. Additionally, national design guidance acknowledges that there can be circumstances where modern design, contrasting with existing is appropriate.</p> <p>Further detail on ‘significantly increase’ should be provided so that the policy can be implemented effectively.</p>	<p>Add within text: “...sympathetic to the established surrounding architecture (where the existing architecture makes a positive design contribution to the environment), must not have....”</p> <p>Add threshold for significance.</p>

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<p><b>PLANNING POLICY H14 Parking facilities</b>  <i>All housing developments must meet the minimum parking standards contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from development or the development is within an easy walk of a sustainable public car park. Any application for new residential units or additional bedrooms to existing units must be assessed for parking requirements that must identify suitable and appropriate parking arrangements that may be in excess of the minimum required so that parking will not add to the potential for antisocial behaviour or conflict within the community. New major developments should contribute to better pedestrian and cycle links where possible.</i></p>	19	Object	<p>Note that ‘guideline requirements’ for parking are listed in the Local Plan which refer to both minimum and maximum standards.</p> <p>Local Plan Policy TA3 allows for Consideration of Sustainable Locations and Transport Measures (though Travel Plans etc)</p> <p>The policy is felt to be broadly acceptable if some clarifying words are added to the policy, particularly so that the provision of at least sufficient car parking does not lead to an over provision of parking which may impact upon efforts to support active and sustainable travel.</p>	<p>Amend as follows:</p> <p>“All housing developments must meet the <b>guideline parking requirements</b> <del>minimum parking standards</del> contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from development or the development is within an easy walk of a sustainable public car park. Any application for new residential units or additional bedrooms to existing units must be assessed for parking requirements that must identify suitable and appropriate parking arrangements that may be in excess of the minimum required so that parking will not add to the potential for antisocial behaviour or conflict within the community. New major developments should contribute to better pedestrian and cycle links where possible. <b>The provision of car parking should not be excessive so as</b></p>

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				to conflict unacceptably with efforts to encourage modal shift to active and sustainable travel modes.”
<p><b>PLANNING POLICY H15 Sites excluded from development</b>  <i>Planning permission shall be refused for any development on the field off Broadley Drive (identified as TNPH48 in the Local Plan) and to the rear of Lichfield Avenue (identified as TNPH6 in the Local Plan).</i></p>	19	Object	<p>The Council recognises that the Forum does not wish to allocate housing at Broadley Drive and to the rear of Lichfield Avenue (which feature as a identified neighbourhood plan sites within the Local Plan). The Council supports the Forum in this matter because alternatives for housing allocations in order to provide growth are made within this Plan.</p> <p>However, it is not appropriate or required to have a specific policy ruling out all development on this site (or other non-allocated sites) in the manner proposed. Other tools are available for the Forum to afford high levels of protection from development to valued sites such as Local Green Space (we note these site are not proposed to be such)  An unallocated Broadley Drive site (TNPH48)</p>	Remove policy

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			remains part of the countryside in which Policy C1 of the Local Plan applies, which provides a certain level of protection from development.	
<p><b>PLANNING POLICY H16 Protection of the historic built environment</b></p> <p><i>Any alteration to a Listed Grade 2 property that is subject to a Listed Building Consent application must protect those historically significant elements identified within the Listing while allowing those changes that support a sustainable future for the building. The external appearance of the property will be a priority in any negotiations on financial viability.</i></p> <p><i>Any development that affects the setting of a Listed Building must have a scale, bulk and design sympathetic to the Listed Building and any surrounding or adjacent Conservation Area.</i></p>	19	Object	<p>This policy in its current form is not practically helpful to managing development for the protection of the historic environment. The reference to the listing of the property is not always appropriate as it can be outdated and do not often reference all features of merit, particularly those internally related. It is also not always appropriate to prioritise the external features as internal features may be very important to the building/listing. It is better to leave this to professional judgement on a case-by-case basis. The Council would prefer a more flexible approach.</p> <p>Local Plan Policy SS10 'Conservation of the historic environment' conserves heritage assets proportionate to their importance including Scheduled Ancient Monuments, registered Historic Parks and Gardens, Conservation Areas etc.</p> <p>Policy HE1 'Listed Buildings' protects listed</p>	<p>Amend as follows:</p> <p><i>"Any alteration to a Listed Grade 2 property that is subject to a Listed Building Consent application must protect those historically significant elements identified within the Listing while allowing those changes that support a sustainable future for the building. The external appearance of the property will be a priority in any negotiations on financial viability. Any development that affects the setting of a Listed Building must have a scale, bulk and design sympathetic to the Listed Building and any surrounding or adjacent Conservation Area."</i></p>

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			buildings and their setting.	
<p><b>PLANNING POLICY H17 Rural village buffer zones</b>  <i>Planning permission shall be refused for new stand-alone residential or commercial development on any Greenfield site or undeveloped areas within a buffer zone around Maidencombe and Cockington villages unless it is allocated as a housing site within this Plan.</i>  <i>The Cockington Village buffer zone is defined as the area known as Cockington Country Park and the buffer zone around Maidencombe is defined as within 500m of the defined Village Envelope</i></p>	19	Object	<p>This policy does not account for windfall developments which may be expected to come forward within the ‘rural village buffer zone’. Referring to all residential development could capture small extensions to existing buildings (e.g. within gardens)</p> <p>Need clarity on definition of undeveloped areas.</p> <p>Not in Conformity with Local Plan Policies: SS1 Growth strategy for a prosperous Torbay, SS2 FGAs; SS3 Five Year Housing Supply; SDT1 Strategic Delivery area - Torquay</p> <p>Land within the countryside and undeveloped coast are subject to Policy C1 of the Local Plan and C2 The Coastal Landscape applies</p>	Remove policy



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<p><b>PLANNING POLICY H18 Rural Village Conservation areas</b>  <i>Within the Maidencombe and Cockington Village Conservation Areas: Planning permission shall be refused for new stand-alone dwellings or commercial properties that might constitute infill development or extensions to the established village boundaries. Sensitive conversion, alteration and extension of existing buildings shall be permitted where this complies with the appropriate Conservation Area Appraisal or Conservation Area Management Plan; and Policies H19 and H20 in this Plan.</i></p>	20	Support (with some changes)	<p>This is broadly supported due to the particular nature of the conservation areas identified but the wording should be more flexible and reflect that there may be some situations where infill can be supported.</p> <p>Note: Land within the countryside and undeveloped coast are subject to Policy C1 of the Local Plan and C2 The Coastal Landscape applies</p>	<p><i>Revise as follows:</i></p> <p><i>“Within the Maidencombe and Cockington Village Conservation Areas: Planning permission shall be refused for new stand-alone dwellings or commercial properties that might constitute <b>harmful</b> infill development or extensions to the established village boundaries. Sensitive conversion, alteration and extension of existing buildings shall be permitted where this complies with the appropriate Conservation Area Appraisal or Conservation Area Management Plan; and Policies H19 and H20 in this Plan.”</i></p>
<p><b>PLANNING POLICY H19 Maidencombe area</b>  <i>1. Within the established Maidencombe Village envelope and outside the Conservation Area, limited infill development and refurbishment of existing buildings shall be permitted providing that all of the following development design criteria are satisfied:</i>  <i>a) Development is of a scale, height,</i></p>	20, 21	Support (Subject to a number of changes)	<p>The Council supports the approach to managing development within the Maidencombe Village Envelope. Some changes are suggested.</p> <p>Criterion 2 and 3 are counter to NPPF presumption and TNP S1 and should be removed. Development in Maidencombe can be managed through the other Criterion</p>	<p><i>Revise as follows:</i></p> <p><i>“1. Within the established Maidencombe Village envelope and outside the Conservation Area, limited infill development and refurbishment of existing buildings shall be permitted providing that all of the following development design</i></p>

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<p><i>footprint and massing in keeping with the existing properties,</i></p> <p><i>b) Construction materials and the overall appearance of development are consistent with the predominant physical characteristics of the village,</i></p> <p><i>c) The amenity of neighbouring properties is not harmed</i></p> <p><i>d) Development proposals must take full opportunity to reinforce the landscape quality of the area and the character of the existing rural setting</i></p> <p><i>e) The cumulative impact of new development on the landscape and historic character of this area will be taken into account in determining development proposals in order to protect this sensitive area from the potential adverse impacts of urban creep and overdevelopment.</i></p> <p><i>2. Development proposals on sites A&amp;B within Area 1 of the Maidencombe Village Envelope (Ref. St Marychurch and Maidencombe CP submission) which consist of a single dwelling, consistent with the existing urban grain and positively relating to the established pattern of arrangement of</i></p>			<p>in H19.</p> <p>If Area 1 is retained, as it introduces a proposal and Development Management criterion, this should be depicted on the TNP Policies Map (sheet 1), not just the Community Partnership section.</p> <p>Note: Land within the countryside and undeveloped coast are already subject to Local Plan Policy C1 and C2 The Coastal Landscape.</p> <p>The reference to Sladnor Park and restricting development to the existing building footprints should be based on evidence of impact upon the landscape (consistent with C1) or other reasoning. The justification is unclear.</p> <p>Reference to ecological assessments at Sladnor Park is unclear and not precise. It is unclear what ‘independent of an interested party’ means in practice and is not considered to represent reasonableness or best practice.</p>	<p><i>criteria are satisfied:</i></p> <p><i>a) Development is of a scale, height, footprint and massing in keeping with the existing properties,</i></p> <p><i>b) Construction materials and the overall appearance of development are consistent with the predominant physical characteristics of the village,</i></p> <p><i>c) The amenity of neighbouring properties is not harmed</i></p> <p><i>d) Development proposals must take full opportunity to reinforce the landscape quality of the area and the character of the existing rural setting</i></p> <p><i>e) The cumulative impact of new development on the landscape and historic character of this area will be taken into account in determining development proposals in order to protect this sensitive area from the potential adverse impacts of urban creep and overdevelopment.</i></p> <p><i>2. Development proposals on sites A&amp;B within Area 1 of the Maidencombe Village Envelope (Ref. St Marychurch and Maidencombe CP</i></p>

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<p><i>existing buildings and plots in this area shall be presumed permissible subject to material Planning considerations. Development proposals for new dwellings and/or buildings outside of these two sites, within Area 1, shall be refused.</i></p> <p><i>3. Replacement dwellings and extensions to existing dwellings shall be deemed permissible but must be in accordance with the same development design criteria stated in H19/1 above, subject to material planning considerations.</i></p> <p><i>4. Planning permission shall be refused for new stand-alone dwellings which might constitute infill development.</i></p> <p><i>5. Any proposed development within Sladnor Park shall be constrained to the actual footprints of existing and former buildings post 1968 and shall be in conformity with the design criteria within Policy H19/1 and Environment Policy E8 and E9.</i></p> <p><i>6. Before any Planning application is accepted or determined for Sladnor Park full, independent and up to date assessments must be published of the protected species on that site including but not limited to the</i></p>				<p><i>submission) which consist of a single dwelling, consistent with the existing urban grain and positively relating to the established pattern of arrangement of existing buildings and plots in this area shall be presumed permissible subject to material Planning considerations. Development proposals for new dwellings and/or buildings outside of these two sites, within Area 1, shall be refused. are unlikely to be acceptable.</i></p> <p><i>3. Replacement dwellings and extensions to existing dwellings shall be deemed permissible but must be in accordance with the same development design criteria stated in H19/1 above, subject to material planning considerations.</i></p> <p><i>4. Planning permission shall be refused for new stand-alone dwellings which might constitute infill development.</i></p> <p><i>5. Any proposed development within Sladnor Park shall be constrained to</i></p>

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<p>roosts, flight and sustenance zones for Greater Horseshoe bats and the sustenance and nesting zones for Cirl Buntings. Any assessment must be independent of any interested party to the site and must cover a 12 month period.</p>				<p><del>the actual footprints of existing and former buildings post 1968 and shall be in conformity with the design criteria within Policy H19/1 and Environment Policy E8 and E9.</del></p> <p>6. Before any Planning application is accepted or determined for Sladnor Park full, <del>independent</del> and up to date assessments must be published of the protected species on that site including but not limited to the roosts, flight and sustenance zones for Greater Horseshoe bats and the sustenance and nesting zones for Cirl Buntings <b>as necessary</b>. <del>Any assessment must be independent of any interested party to the site and must cover a 12 month period.</del></p>
<p><b>PLANNING POLICY H20 Cockington Village and Country Park</b></p> <p>1. Planning permission shall be refused for change of use to A3-A5 uses within Cockington Village and Cockington Country Park unless conditions are imposed restricting operation to close at 18.00 and</p>	21	Object	<p>The Council objects to the blanket presumption in favour of change of use of commercial to residential development. This is not consistent with policies in the Local Plan concerning employment and tourism.</p> <p>The reference to no greenfield development</p>	<p>Remove reference to change of use and revise wording of policy to manage appropriate development that respects the special characteristics of Cockington Village and Country Park.</p>

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<p><i>not open before 08.00</i></p> <p><i>2. There shall be no Greenfield homes or Greenfield business developments within Cockington Village or Cockington Country Park</i></p> <p><i>3. There shall be a presumption in favour of change of use from commercial to residential within the Village provided not less than the external appearance is retained or restored to its historic origins.</i></p>			<p>would also capture small scale developments such as extensions to existing properties. The Council notes that Cockington is a proposed Local Greenspace which would manage development in accordance with 'greenbelt' restrictions, which would potentially allow smaller forms of development.</p> <p>Constraining hours of operation needs justification and explanation. It may be appropriate in some circumstances but not necessarily all.</p>	
<p><b>PLANNING POLICY J1 Designated Employment Sites and minimum employment space</b></p> <p><i>The following sites are designated Employment Sites within this Plan:</i></p> <p><i>TNPE01 Torbay Hospital</i></p> <p><i>TNPE02 Woodlands Industrial Estate/Lawes Bridge Retail Area</i></p> <p><i>TNPE03 Moles Lane/Reservoir Site (new employment space)</i></p> <p><i>TNPE04 Edginswell</i></p> <p><i>TNPE05 Kerswell Gardens</i></p> <p><i>TNPE06 Lymington Road Area and Chatto Road Industrial Estate</i></p>	23	Support principle of designation of employment sites. Some changes required.	<p>Employment sites within the Future Growth Area (TNPE03, 4, 5) reflect the Edginswell Masterplan SPD and the Torbay Local Plan. However, this area is already allocated as FGA and whilst the masterplan sets out broad principles, the allocation firms this up. Greater flexibility to deliver employment space within the FGA is required and should be referenced within the Policy.</p> <p>It is noted that the sites represent a mixture of proposed new space, the protection or redevelopment of existing space. This is not made clear within the policy.</p>	

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<p>TNPE07 Lummaton Quarry  TNPE08 Torquay town centre street level (Fleet Walk)  TNPE09 Broomhill Industrial Estate/Riviera Way Retail Area (extension in to Nightingale Park – new)  TNPE10 Barton Hill/Barton Way/Hele Road commercial and industrial area  TNPE11 Newton Road commercial area  TNPE12 Browns Bridge/Willows/Wren Park Retail Area</p> <p>When deciding Planning applications for mixed use, the total provision of employment space within the Future Growth Area or other designated employment sites must exceed 37200 square metres of employment space during the Plan period unless changed in an adopted Development Plan.</p>				
<p><b>PLANNING POLICY J2 Gateway Employment Sites</b>  The new Employment Sites numbered TNPE03,4 and 5 at Kerswell Gardens, Edginswell Business Park and at the Moles Lane/Reservoir site designated in Policy J1 shall only be used for purpose built permanent employment space or ancillary</p>	23	Object	This policy identifies sites/areas within the Future Growth Area SS2.1 to be ringfenced for employment uses. Whilst the Council recognises that the Masterplan for this site indicates employment uses should be forthcoming in these areas, the policy should recognise that the emphasis should be on securing sufficient employment space across	Suggest introducing flexibility to this policy and setting out a Quantum (sqm) of B class uses (i.e. reflecting LP requirement) if this is what the Forum seek as an outcome.

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<i>uses directly supporting that employment space as appropriate for an employment site and shall exclude retail uses.</i>			the whole Future Growth Area and therefore have an element of flexibility should new opportunities arise and as the development proposals within the area are worked up in more detail. Could merge Policies J2 and J4 to apply to Sites in J1 and other existing (B use) employment sites.	
<b>PLANNING POLICY J3 Retention of existing purpose built B class employment sites</b> <i>There shall be no change of use or redevelopment to another use from B classes to other classes on any of the existing trading estates or significant purpose built permanent employment sites other than those sites identified for other uses within this Plan or those permitted development rights that may exist. Any new employment B class sites shall have a Planning condition restriction on them that there can be no change of use outside that class.</i>	23	Suggest Re-wording	Sites /trading estates should be identified /defined. Given that Change of Use is already permitted and cannot be amended except though Article 4 direction, the Forum could amend Policy text so that where new B space employment provision is permitted, it will be conditioned to restrict further changes of use in order to protect employment space provision.  Could merge Policies J2 and J4 to apply to Sites in J1 and other existing (B uses) Employment sites.	Amend Policy Text to Support B class uses:  "There will be a presumption in favour of Class B in existing and new employment sites/trading estates. B Class uses will be conditioned to restrict future changes of use to 'non-B' uses without express planning consent."



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<p><b>PLANNING POLICY J4 Home based enterprises</b>  <i>All new residential and employment units must have fibre optic superfast broadband connected or provision made for retrospective fitting where this is not possible at the time of development.</i></p>	23	Support	<p>Key LP Policy context: IF1, Information and communications technology and DE1 Design (SS7 Infrastructure, Phasing and Delivery) and LP Aspiration 2 Achieve A better Connected, Accessible Torbay and Critical Infrastructure)  NPPF Key Paragraphs: 42, to 46 and 162</p>	<p><i>Revise as follows: "All new residential and employment units must have fibre optic superfast broadband connected or provision made for retrospective fitting where this is not possible at the time of development, unless not practicable."</i></p>
<p><b>PLANNING POLICY J5 Change of use for unsustainable businesses</b>  <i>There shall be a presumption in favour of change of use for business premises where the current use is judged to be unviable provided</i></p> <ol style="list-style-type: none"> <li><i>1. It's viability is measured by reasonable marketing for 1 year and</i></li> <li><i>2. It has a history of unsustainable profitability and</i></li> <li><i>3. It is compliant with other policies within 'Jobs and the Economy' and</i></li> <li><i>4. It is compliant with the policies contained within 'Tourism' and</i></li> <li><i>5. It is not within a designated Employment Site and</i></li> <li><i>6. It does not undermine the overall viability as a Town Centre or District Centre or Local</i></li> </ol>	24	Object	<p>Cross refer to J4. Suggest Policy applies the NPPF 22 'Reasonable Prospects test' for Loss of B space.</p> <p>The approach set out in this policy should be less prescriptive and more flexible.</p>	



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<i>Centre or Neighbourhood Centre as defined in T2 of the Local Plan.</i>				
<p><b>PLANNING POLICY J6 Support for certain existing Employment Sites</b>  <i>There shall be a presumption in favour of Planning permission for the expansion of the Broomhill Way Industrial Estate onto the area of the former refuse tip known as Nightingale Park subject to Local Green Space designation policy for that site. Planning permission shall be refused for the change of use of existing car dealership businesses and other employment space on Newton Road to residential use.</i></p>	24	Object	<p>The Nightingale Park area has been allocated as an area of search for employment, sports and transport hub uses. This site requires planning policy flexibility in order to deliver a sustainable solution for the site. This policy is too restrictive and not in general conformity with the Local Plan.</p> <p>The statement suggests that a change of use of existing car dealership businesses and other employment spaces on Newton Road should be refused. This is not backed up by any reasoning and there may be some employment space in converted residential buildings or buildings which could be suitable for residential use</p>	Remove policy
<p><b>PLANNING POLICY J7 Commercial street scenes</b>  <i>Redevelopment of retail or office units or residential units derived from those units and located in Conservation Areas must maintain at least: retain historic facades and restore</i></p>	24	Support		

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<i>original features if converted to other uses and be sympathetic to the existing street scene.</i>				
<p><b>PLANNING POLICY J9: Prevention of crime through design</b>  <i>Any new development of commercial, business or public space shall be of a design that minimises opportunities for crime, fear of crime and antisocial behaviour proportionate to the scale of the development.</i></p>	24	Support with minor suggested changes	This policy is consistent with the Torbay Local Plan, particularly DE1. It is noted that this policy, through worded differently tackles a very similar issue to that of H2 (Designing out crime).	Amalgamate with H2
<p><b>PLANNING POLICY T1 Limited period for Change of Use of Tourism Properties within a CTIA</b>  <i>If it can be demonstrated that the current business has been marketed for its current use on realistic terms for 12 months then change of use to a mixed development of residential units and either tourism related accommodation or retail or café/restaurant units within a CTIA will have a presumption in favour for a limited period to the end of 2023.</i></p>	26	Object	The introduction of an artificial incentive for change of use within a specified time period of the plan is not based on evidence or justified.	Remove policy

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<p><b>PLANNING POLICY T2 Change of Use constraints within an established tourism area or CTIA</b></p> <p><i>Change of use from tourism accommodation within a CTIA or other established tourism area to HMO or student halls of residence or hostel type accommodation shall not be permitted.</i></p>	26	Support, with changes		<p><i>Revise as follows:</i></p> <p><i>“Change of use from tourism accommodation within a CTIA or other established tourism area to HMO or student halls of residence or hostel type accommodation shall not be permitted, where it would undermine the character or amenity of the area.”</i></p>
<p><b>PLANNING POLICY T3 Permitted Change of Use of Tourism Properties outside CTIA's</b></p> <p><i>The change of use to residential units for tourism properties outside the CTIA's will have a presumption in favour provided:</i></p> <p><i>3.1 The current use consists 10 rooms or less of serviced holiday accommodation or it can be demonstrated that the current business has been marketed for its current use on realistic terms for 12 months without sale or 50% or more of the units within a holiday accommodation property are already of residential status or</i></p> <p><i>3.2 The change of use from serviced accommodation of more than 10 rooms or any unserviced accommodation provides: not less than 50% residential units of two or</i></p>	26	Object. Suggest Revision Changes required	<p>Para 3.1 and 3.2 together are too restrictive to apply as a development management policy, which must account for individual site circumstances.</p> <p>Change of use is supported under Local Plan Policy T02 Change of use of tourism accommodation and facilities that are less onerous than the Criterion set out in T3.</p>	Remove policy in current form

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<i>more bedrooms and is within easy walking distance of a green space or the beach, or when 50% or more of the units are already of residential status, each additional unit will have self-contained accommodation with not less than one separate bedroom.</i>				
<p><b>PLANNING POLICY T4 Change of Use in Conservation Areas and Listed Buildings</b></p> <p><i>Change of use from tourism accommodation to residential units within a conservation area will be able to retain previous extensions that would not comply with current policies if that property is upgraded or modified to provide an external appearance including but not limited to windows, wall treatment and roof design sympathetic to the original building, the surrounding area and complies with the appropriate Conservation Area Assessment. There will be a presumption in favour of change of use of a Listed building that currently provides Tourism accommodation outside a CTIA if it provides residential units and the assets of historic importance are protected and it complies with the other policies within this Plan.</i></p>	26, 27	Object, changes required	This policy should be more flexible so that rather than specifying the features that should be retained/improved, it should be a judgement of professional opinion of the Council and Historic England as to the features that should be retained on a case-by-case basis. This policy is not in conformity with the Local Plan’s aim to secure aesthetic historical environment benefits through redevelopment, where there are realistic and practicable opportunities to do so.	<p>Revise as follows:</p> <p><i>“Change of use from tourism accommodation to residential units within a conservation area will be able to retain previous extensions that would not comply with current <b>historic environment policies if overall benefits to the historic environment are achieved</b> that property is <del>upgraded or modified to provide an external appearance including but not limited to windows, wall treatment and roof design sympathetic to the original building, the surrounding area and complies with the appropriate Conservation Area Assessment. There will be a presumption in favour of change of use of a Listed building that currently provides Tourism accommodation</del></i></p>

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				<i>outside a CTIA if it provides residential units and the assets of historic importance are protected and it complies with the other policies within this Plan.</i>
<p><b>PLANNING POLICY T5: Change of use constraints on Babbacombe Downs CTIA</b>  <i>There shall be a presumption in favour of change of use from tourism accommodation on Babbacombe Downs to residential units if that change provides a mix of quality retail and/or cafes/restaurants at street level and complies with Policy T1. Any new development must be of a design and bulk sensitive to the heritage characteristics of the area.</i></p>	28	Object	It should be noted that the consequence of this policy is likely to be that Babbacombe Downs will become a substantially residential area and there are likely to be applications for the redevelopment of buildings for residential use. While the council acknowledges that neighbourhood plans are entitled to make such decisions, if they increase the supply of housing; the forum should be aware of the likely consequences of the policy.	
<p><b>PLANNING POLICY T6 Oddicombe Beach</b>  <i>Any development of new facilities on the Oddicombe Beach area must be tourism related and fall within the footprint of existing buildings or car parks and be of a design to complement the historic nature and natural environment of the area.</i></p>	28	Support	Clarity possibly required	The Oddicombe Beach area could be more clearly defined, e.g. on the Policies Map

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<p><b>PLANNING POLICY E1 Protection of SSSI</b>  <i>Any SSSI within Torquay shall be protected from any new development other than the improvement of and within the footprint of any existing buildings or surface structures and must also comply with the Local Plan policy NC1 (section ‘Nationally important sites and species’).</i></p>	30	Support (with comments)	Minor change for clarity and to make clear that the reasoning of the policy relates to development that has an impact on the features of a SSSI. The policy should protect from rather than preclude all development.	<p><i>Revise as follows:</i></p> <p><i>“Any SSSI within Torquay shall be protected from <del>any</del> new development which could impact upon it other than the improvement of and within the footprint of any existing buildings or surface structures and must also comply with the Local Plan policy NC1 (section ‘Nationally important sites and species’).</i></p>
<p><b>PLANNING POLICY E2 Protection of the Countryside and Undeveloped Coastal Areas</b>  <i>Any Greenfield site within Torquay designated within the Torbay Local Plan as Countryside or Undeveloped Coastal Area shall have a presumption against planning approval for the following categories unless other policies in the Plan allow such development:</i></p> <ol style="list-style-type: none"> <li><i>1. Self-build housing</i></li> <li><i>2. Touring tents, motorhomes and caravans</i></li> <li><i>3. Other tourism accommodation or attractions</i></li> <li><i>4. New dwellings or new business premises</i></li> </ol>	30	Object	This policy is not in general conformity with Policy C1 of the Local Plan.	Remove policy

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<i>Any proposed development on a site in the above designated areas must have no greater impact on the openness of the area than the existing development.</i>				
<p><b>PLANNING POLICY E3: Tourism Accommodation on Greenfield sites</b>  <i>There shall be a presumption against new tourism based developments on Greenfield sites. All new tourism based development must be on Brownfield site unless it forms part of an allocated development site within the Neighbourhood Plan</i></p>	32	Object	There is not sufficient justification or reasoning as to why the principle of all types of tourism accommodation specifically is not acceptable on a greenfield site.	Remove policy
<p><b>PLANNING POLICY E4: Local Green Spaces</b>  <i>The designated Local Green Spaces are listed in Appendix 2 and shall not be developed other than: improvements to community access, or facilities that support their use for public recreation or sports, or development of any existing structures allowing reasonable small extensions in a style that reflects the setting and the local area. There shall be no development of Local Green Spaces for new car parking. The following development is deemed an</i></p>	32	Support principle of policy. LPA objection to Nightingale Park LGS (TLGSS11) and Riviera Way Woodland (TLGSS13)	The LPA supports the Forum’s desire to allocate Local Green Spaces but sufficient justification should be provided in each instance to ensure they meet the criteria for designation within the NPPF and that they do not harm the delivery of growth in Torquay. The Council notes that supporting evidence has been submitted. It would appear that there are spaces contained within the plan which may meet the criteria for designation.	Remove Nightingale Park (TLGSS11) and Riviera Way Woodland (TLGSS13) as Local Green Spaces.

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<p><i>'exceptional' development under this policy: TLGSC8 Hollicombe Park – a new structure consisting café, beach facilities &amp; toilets may be developed but must be of a design that does not disturb the underlying contaminated land, unless the site is properly remediated.</i></p>			<p>Nightingale Park has been allocated as a Local Green Space but this allocation conflicts with Local Plan designations for development. The neighbourhood plan policy (including the allocation of employment space on a portion of the same site) is unjustified and based on no evidence. This does not represent a flexible policy approach and is likely to severely constrain the delivery of development.</p> <p>Riviera Way Woodland has been allocated as a Local Green Space. This site is near the proposed Edginswell Station. It is considered by the LPA that allocating this area as a Local Green Space would potentially constrain the flexibility of possible future development to deliver a proposed Edginswell Station (if required).</p>	



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<p><b>PLANNING POLICY E5: Green Infrastructure Delivery Plan</b>  <i>Any new development of 4 or more residential units or any employment space must be in compliance with the Torbay Green Infrastructure Delivery Plan (2010) where appropriate to the scale of the development and the location of the site.</i></p>	32	Support (with change)	Requirement for 4 dwellings should be removed. Proportionality should be reflected.	Revise as follows: <i>“<del>Any new development of 4 or more residential units or any employment space</del> must be in compliance with the Torbay Green Infrastructure Delivery Plan (2010) where appropriate, <b>proportionate</b> to the scale of the development and the location of the site.”</i>
<p><b>PLANNING POLICY E6: Development on Established Woodland</b>  <i>There will be a presumption against any development on established woodland unless it is related to the sustainable management of that woodland or improved public access.</i></p>	33	Support		
<p><b>PLANNING POLICY E7: Green Corridors</b>  <i>All Greenfield developments must provide suitable and appropriate green corridors and green links to watercourses within that development if there is existing on land bordering the site: agricultural land or woodland or hedgerows or watercourses; these green assets must be appropriately linked to facilitate the natural movement of wildlife, proportionate to the scale of the</i></p>	34	Support		

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<i>development.</i>				
<p><b>PLANNING POLICY E8: Protected species habitats and biodiversity - general</b>  <i>Any Planning application for a development of new homes, or a new commercial property or business premises of any class, on an unallocated site that could have an impact on a protected species or habitat must provide an appropriate habitats appraisal that demonstrates no negative impact on any protected species or habitat at all stages of the development; and mitigating arrangements to protect and enhance those species and habitats. All such developments must incorporate features to benefit biodiversity for that site.</i></p>	34, 35	Support with some changes		
<p><b>PLANNING POLICY E9 European Protected Species</b>  <i>Any proposal for development within the Future Growth Area or the Maidencombe area (including Sladnor Park where a Greater</i></p>	35	Object, some changes required	<p>There is no GHB Sustainance Zone in Torquay.</p> <p>NPPF, Local Plan Policy SS8 and NC1 protect the internationally protected SH SAC at Berry</p>	<p>Revise as follows:</p> <p><i>“Any proposal for development within the Future Growth Area or the Maidencombe area (including Sladnor</i></p>

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<p><i>Horseshoe bat roost is located) must have a full Habitats Regulations Assessment. Any assessment must include an independent bat assessment and provide mitigating arrangements so that their flight paths, sustenance zones and roosts are protected and enhanced and light levels are below 0.5 lux. Those arrangements must be conditioned as part of any Planning permission and must also cover the construction phases of any development. Measures for the Future Growth Area must include a protected landscape buffer zone along the western edge of the A380. Measures for the Maidencombe area must protect existing roosts, flyways and sustenance zones; and enhance the opportunities for the bat population to become a viable maternity and hibernation roost. Any proposal for development at Maidencombe that could affect Cirl Buntings nesting or sustenance zones must have an independent assessment of the potential impact on the Cirl Bunting population and shall protect and enhance any nesting and sustenance zones.</i></p>			<p>Head and Marine SAC.</p>	<p><i>Park where a Greater Horseshoe bat roost is located) must have a <del>full</del> Habitats Regulations Assessment <b>as appropriate</b>. Any assessment must include an independent bat assessment and provide mitigating arrangements so that their flight paths, sustenance zones and roosts are protected and enhanced and light levels are below 0.5 lux. Those arrangements must be conditioned as part of any Planning permission and must also cover the construction phases of any development. Measures for the Future Growth Area must include a protected landscape buffer zone along the western edge of the A380. Measures for the Maidencombe area must protect existing roosts, flyways and sustenance zones; and enhance the opportunities for the bat population to become a viable maternity and hibernation roost. Any proposal for development at Maidencombe that could affect Cirl</i></p>

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				<i>Buntings nesting or sustenance zones must have an <b>independent</b> assessment of the potential impact on the Cirl Bunting population and shall protect and enhance any nesting and sustenance zones. <b>Natural England guidance should be adhered to.</b></i>
<p><b>PLANNING POLICY E10 Marine Management Planning</b>  <i>A Planning application affecting a coastal location must make reference to the MMO’s licensing requirements and must account for any relevant Marine Plans or the Marine Policy Statement to ensure that necessary regulations are adhered to.</i></p>	35	Support with changes	The meaning of ‘coastal location’ is unclear. Would be better to talk about impact on the coastal environment.	<p>Revise wording as follows:  <i>“A Planning application affecting the <b>immediate coastal environment</b> &amp; <del>coastal location</del> must make reference to the MMO’s licensing requirements and must account for any relevant Marine Plans or the Marine Policy Statement <b>as appropriate</b> to ensure that necessary regulations are adhered to.”</i></p>
<p><b>PLANNING POLICY HW1: Travel Plans</b>  <i>The development of new or expanded schools must be conditioned to include a Travel Plan for staff, parents and children to demonstrate and facilitate safe and effective road usage for all users; and must be agreed</i></p>	36	Support with changes	This policy is broadly in conformity with the Local Plan. Reference to Ward Councillors should be removed.	<p><i>Change to:</i>  <i>“The development of new or expanded schools must be conditioned to include a Travel Plan for staff, parents and children to</i></p>

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<i>with Torbay Council and the local ward Councillors; and must be shown to be regularly monitored and amended to maximise the safety of all road users.</i>				<i>demonstrate and facilitate safe and effective road usage for all users; and must be agreed with Torbay Council and the <del>local ward Councillors</del> Development Management Committee; and must be shown to be regularly monitored and amended to maximise the safety of all road users.</i>
<p><b>PLANNING POLICY HW2: Community Food Production and high quality agricultural land</b></p> <p><i>All existing allotments or community food production areas shall have a presumption against development.</i></p> <p><i>The ‘Old Piggeries’ site Local Green Space Ref. TLGSC12 adjacent to Cockington Country Park shall only be used for agriculture or as a community food production area.</i></p> <p><i>High quality agricultural land must not be developed for non-agricultural use.</i></p>	37	Support with some change	This policy is broadly in conformity with the Local Plan.	<p>Reword as follows:</p> <p><i>“All existing allotments or community food production areas shall have a presumption against development. The ‘Old Piggeries’ site Local Green Space Ref. TLGSC12 adjacent to Cockington Country Park shall only be used for agriculture or as a community food production area. High quality agricultural land <del>must not be</del> will have a presumption against the development for non-agricultural use.”</i></p>

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<p><b>PLANNING POLICY HW3: Community Hub Facilities</b>  <i>All developments of more than 20 residential units must provide community hub facilities, or there must be existing community hub facilities within an easy walk from 50% of the units.</i></p>	37	Changes required	Reference to specific community hub facilities is not helpful. The definition is not consistent with other definitions with the Local Plan such as neighbourhood centres.	<p>Revise as follows:  <i>"All developments of more than 20 residential units must <del>provide community hub facilities, or there must be</del> accessible to existing community hub facilities within an easy walking distance from 50% of the units.</i></p>
<p><b>PLANNING POLICY HW4: Outside Space Provision</b>  <i>All new houses shall have not less than 20 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk</i>  <i>Flats or apartments must have either a balcony of not less than 10sqm and as appropriate to the size of the home or a communal green area of not less than 10sqm per unit within the curtilage of the property unless it is within an easy walk of a public access green space or the coastline.</i></p>	38	Support	<p>Local Plan Policies DE1 and DE3 refer to the issue of outside space provision. Para 6.4.2.14 details a minimum 55sqm for houses and 10sqm for apartments.</p> <p>Suggest reference to DE3 of the Local Plan and amendment with option of providing or enhancing nearby communal facilities where a shortfall is identified.</p>	<p>Revise as follows:  <i>"All proposals for new houses shall aim to achieve a minimum of <del>have</del> not less than 55 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk.</i>  <i>Flats or apartments must have either a balcony of not less than 10sqm and as appropriate to the size of the home or a communal green area of not less than 10sqm per unit within the curtilage of the property unless it is</i></p>

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				<i>within an easy walk of a public access green space or the coastline. Where there are compelling opportunities to enhance nearby spaces that can be served by the new development, in lieu of providing sufficient open space within the development site, this will be considered on its individual merits on a case-by-case basis.”</i>
<b>PLANNING POLICY HW5: Access to sustainable transport</b> <i>All new employment space or new residential developments of more than 20 units must have a sustainable public transport route within an easy walk of the site.</i>	38	Support		
<b>PLANNING POLICY HW6: Cycle Storage and Changing Facilities</b> <i>All new employment space shall have secure cycle storage and shower facilities for staff where reasonably possible.</i>	38	Support		

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<p><b>PLANNING POLICY SL1: Alpine Ski Facility</b>  Any Planning permission to redevelop the surrounding site must retain the Alpine Ski Facility or provide an alternative and appropriate site within Torbay or the surrounding local area.</p>	39	Support		
<p><b>PLANNING POLICY SL2: Sport and Leisure - Nightingale Park</b>  Not less than 50% of Nightingale Park shall be for new sports, leisure and recreational hub to provide quality pitches, facilities or athletics tracks for amateur sport as well as recreational activity. Any development at this site must take in to account the environmental value of parts of the Park and any must only be for the provision of public access, changing facilities, landscaping and ancillary uses.</p>	40	Object	<p>Support of sporting facilities is provided in Local Plan Policy SC2 which contains a presumption against the loss of recreation and leisure facilities. Suggest noting importance of this particular facility but allow flexibility for new/enhanced/alternative facilities and /or mitigation.</p> <p>This policy overly constrains (by using a 50% metric) the delivery of development options on this site. Flexibility is required.</p>	Remove policy
<p><b>PLANNING POLICY SL3: Sport and Leisure</b>  The following key areas shall be preserved for sport. Planning permission shall only be granted for the improvement and enhancement of facilities, pitches, courts and grounds but subject to Policy SL4.  Torquay Valley of Sport</p>	41	Support with amendments	Need to clarify site areas on Policies Map.	Include reference on Policies Maps to the locations of these facilities.



Policy number/section and details	Page ref.	Summary response or issue (e.g. Support, Object, changes/ clarification required, etc.)	Reason/Explanation (e.g. with regard to national guidance, contribution to the achievement of sustainable development, general conformity with the Torbay Local Plan, compatibility with EU obligations or other practical material considerations)	Suggested amendments or action (if applicable) to resolve the issue (i.e. in order to make the plan and/or policy more effective, robust, deliverable, precise, etc.)
<i>Torquay Sports Cluster Upton Park to Lymington Road Coach Station</i>				
<b>PLANNING POLICY SL4: Sport and Leisure - sports grounds and facilities</b> <i>Planning permission shall not be granted for a development that would result in the loss of any playing or recreation field unless replacement facilities were provided of equal or improved quality and location. Planning permission shall only be granted for improved facilities on these types of sites.</i>	41	Support	Support of Sporting facilities is provided in Local Plan Policy SC2. Presumption against loss of recreation and Leisure Facilities. Suggest Noting importance of this particular facility but allow flexibility for new/enhanced/alternative facilities and/or mitigation	Suggest amalgamating policies SL3, SL4, SL5 and SL6.
<b>PLANNING POLICY TR1: Access to primary schools</b> <i>Planning permission shall be refused for residential developments of more than 20 units unless it can be shown that there are sufficient Primary School places, or a new Primary School will be built as part of the conditions to that development, to meet reasonable predicted demand from the types of homes built within an easy walk of 80% of that development once completed.</i>	42	Object	This policy could be tantamount to unreasonably restricting growth. School provision (not just primary) must be planned for across Torbay but this policy will not help to achieve that.  If the purpose of this policy is to promote walking and cycling, this is supported, however the travel plan policy can cater for that.	Remove policy

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<p><b>PLANNING POLICY TR2: Sustainable Communities</b>  <i>Planning permission shall not be granted for residential development over 20 units on a Greenfield site if 80% of the development is more than an easy walk from a purpose built employment site or community hub facilities.</i></p>	42	Object, changes required	The wording of this policy is awkward and difficult to implement. Through a substantial revision, the principle of the policy could be retained in the plan.	Revise as follows: <i>“New residential development will be particularly supported where it is in easy walking distance of employment space.”</i>
<p><b>PLANNING POLICY TR3: Potential Park and Ride or Helipad facility</b>  <i>Planning permission for the use of land for car parking or a helipad at the Gallows Gate area must be conditioned that it is landscaped so that vehicles or other structures are not visible from the adjacent Countryside areas or adjacent the dual carriageway and the site must have cycle and pedestrian access to Cockington Country Park and Ocombe Farm visitor areas.</i></p>	44	Support with amendment	This policy supports Local Plan policy (TA2) identification of this area as a possible transport hub. The policy does not allocate or commit development here but does indicate some requirements of design which are felt to be reasonable.	Add comment to supporting text to make it clear that this is not a site allocation.
<p><b>Appendix 1</b>  <b>Table 2: Large housing sites broken down by CP area</b>  <b>Table 3: List of housing sites in Local Plan and Torquay Neighbourhood Plan</b></p>	47, 48, 49	Support but editorial modifications required	The site references require editing as they include older and newer references (version control issue). This should be corrected.	The site references should be corrected, e.g. ‘TNPH2’ not ‘T738TNPH2’.

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<b>Appendix 2 Designated Local Greenspaces</b>	76, 77, 78	Objection to Nightingale Park (TLGSS11) and Riviera Way Woodland (TLGSS13)	See comments on Policy E4 (Local Green Spaces).	Remove TLGSS11 and TLGSS13 from the Appendix and the Policies Maps.