

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o

22 May 2018

By email to [REDACTED]
FAO Mrs Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD
Independent Examiner of Paignton Neighbourhood Plan
c/o Spatial Planning
Torbay Council
Tor Hill House – North
Castle Circus
Torquay, TQ1 3DR

Dear Mrs McCann

Paignton Neighbourhood Plan

We hope the information below provides you with sufficient clarification in response to the questions asked in your letter of 16 May 2018.

Policy PNP8 – Crossways, Hyde Road, and Torquay Road

The evidence base that informed the identification of the primary and secondary retail frontages in the above area was the result of three component stages applied to the whole of the Town Centre:

Stage 1 – made use of the map produced by local retailers through their former Business Improvement District (BID) organisation. This showed comprehensively the location, name and type of every shop. A scanned copy is attached (**Appendix 1**).

Stage 2 – agreement was reached with Council officer advice on an appropriate definition for the two frontage types (primary and secondary). The definition finalised is included in the Glossary of Terms at page 103 of the submitted Neighbourhood Plan;

Stage 3 – involved using local knowledge of footfall and observation to arrive at the defined frontages shown in Figure 6.9 on page 51 of the submitted Plan.

The primary and secondary retail frontages referred to in PNP8 a) are therefore those identified in PNP18 and Figure 6.9 on page 51 as indicated.

Policy PNP13 – Housing opportunities within the Town Centre

The evidence in support of element “c)” (the residential occupancy restriction) results from a combination of three key factors:

- The Devon Home Choice monitoring information held by the Council which shows there has been no improvement in the availability of affordable housing to meet local

needs in the 6 years since the start of the adopted Local Plan period in 2012 even though nearly 1,800 homes have been approved and built since then as confirmed in the Council's 5 year housing land supply statement already provided to you. A summary of the Devon Home Choice monitoring results is attached (**Appendix 2**).

- Job numbers have declined, not grown, contrary to strategic Policy SS1 of the adopted Local Plan and now stands at less than the adopted Local Plan start date of 2012, as accepted by the Council at the Exploratory meeting. Increase in the working age population and relatively low level of unemployment can only be occurring because local residents and inward migrants are having to find work outside Torbay contrary to NPPF37 and the strategic policies of the adopted Local Plan which seek to maintain the relative self containment of Torbay. Figures 2.3.1 and 2.4.3 on pages 7 and 16 of the Supporting Evidence document submitted with the Neighbourhood Plan show the Travel to Work Area and Housing Market Area for Torbay;
- As confirmed by the Town Centre Masterplan SPD adopted by the Council, additional development site opportunities in the Town Centre are few and need to be given added support to ensure they meet local needs in a sustainable way.

Element "c)" proposed by our community therefore seeks to give clear support to the adopted Local Plan policies aimed at increasing the provision of housing and maintaining the level of sustainable homes/jobs balance to meet local need which has so far been unsuccessful.

Our community feels quite strongly that by including the occupancy requirement in a clearly defined way in the Neighbourhood Plan will enable developers to take fully into account any viability considerations at the beginning of the development process and improve the certainty of delivery over the current Local Plan approach which has not been successful.

Policy PNP24 – Collaton St. May Village

The above policy does not promote "less growth" than the masterplan SPD and Local Plan policies SS2 and SDP3 for the following reasons:

- The dwelling numbers shown in the Neighbourhood Plan and supporting documents for the Future Growth Area (FGA) were expressly agreed beforehand with Council officers to ensure the total met the required 460 indicated in policy SDP3 Table 16 of the Local Plan (page 123). This step taken by the Forum was necessary because the masterplan does not give dwelling numbers for the various land parcels but does enable a number to be arrived at from the indicative layout. The number identified for each parcel is shown in Table 8.1 of the Neighbourhood Plan (page 96) under site reference heading "SDP3.3 Totnes Rd". The sub areas A-E shown for FGA SS2.2 total 460 and the map on page 89 shows their location fully in accordance with the masterplan and level of growth identified in the Local Plan.
- At the Council's request (Basic Conditions Statement page 16 paragraph A4.0.1 refers), full account was taken of the masterplan when preparing the Neighbourhood Plan. Page 63 of the Basic Conditions Statement provides a summary of this. The only difference drawn has been the timing of each phase (Area). It was found to be more dependent on timing of sewer capacity upgrade and biodiversity mitigation required by Local Plan Policy SS2 than assumed in the Local Plan "estimated delivery period" (shown on page 123 of the Local Plan). Hence the timing conclusions arrived at and shown in the Neighbourhood Plan (Table 8.1) provide a more up to date and more realistic assessment of timing.

Each element of PNP24 fully accords with supporting and securing gradual integration of the growth proposed so that the essential identity of the area is not lost and the mistakes of the fragmented approach in the past at Collaton St. Mary are not repeated.

Local Green Space

We found your preamble comments below most helpful and wish to clarify the following before providing the clarification requested on the specific sites:

- *“The listis long and includes areas which already have protection under various existing policies”* (page 3);
- *“The wording of the policy extract... does not conform with the protection of Local Green Spaces set out in the NPPF.”* (page 3);
- *“The protection of existing open space, sports and recreational buildings and land, including playing fields is covered by paragraph 74 of the NPPF.”* (page 3);
- *“Some areas that have been put forward for designation clearly fall into the category covered by paragraph 74.”* (page 4)
- *“The designation of Local Green Spaces falls under paragraphs 76 and 77 of the Framework.”* (page 4).

Because the Tattenhall Neighbourhood Plan is held to be an exemplary frontrunner, we did compare our number of 62 sites in Paignton for 24,000 households with 15 sites approved for 1,100 households in Tattenhall. Whilst recognising this is a very crude comparison, it did make us feel we were not out of kilter in terms of the number of sites identified.

We also noted PPG ID 37-011-20140306 confirmed that land already protected by another designation was not a bar to inclusion.

We did find a degree of legitimate confusion here because both NPPF74 and NPPF77 refer to the ability to include land of recreational value (including as a playing field) and PPG ID 37-013-20140306 makes clear this can include sports pavilions.

We also realised that any “protection” provided by NPPF74 was only a material consideration when considering applications and does not have the weight of a statutory development plan as it is guidance only as confirmed by the Supreme Court Judgement in the Suffolk Coastal case [2017] UKSC 37 (paragraph 74).

As evidenced in Schedule A5.1 (page 109 onwards) in our Supporting Evidence document we found from examination that all of our sites transcended both NPPF74 and NPPF77. Hence we have sought to devise an integrated policy as proposed in the Plan.

We hope this further clarification is helpful.

The clarification requested on the specific sites listed is provided below:

The public ownership details referred to can be found on “Find my nearest” under “Council Land and Premises” on the Council’s website at:
<http://www.torbay.gov.uk/Gis/FindMyNearest/>?

PLGS.08: Whitstone Corner, Whitstone Road

The element considered to be public covers the whole site which it can be seen on site is in use as one parcel with no demarcation in evidence.

The element in public ownership (Torbay Council) is at the northern end and covers approximately two thirds of the proposed site. Further details of the Council ownership boundary are shown on the Council's website under Title DN544408. The Council was unable to identify for the Forum from the Land Register an owner of the land at the southern end.

No objection to the use or proposed designation has been received from a private owner.

PLGS.17: Hollicombe Park (part of), Torquay Road

We confirm the 'part area' falls within the Paignton NDP designated Area, as further confirmed on Policies Map Sheet 16 of the adopted Torbay Local Plan.

PLGS.21: Shorton Valley Woods, Shorton Valley Road

The elements considered to be public and private are shown on the attached plan (**Appendix 3**).

Details of the public ownership boundary (Torbay Council) are shown on the Council's website under Title DN532206. The network between is all adopted highway. Of the remaining area, the Council identified 1 private owner from the Land Register.

The private owner was notified of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

No comment was received from the private owner on the use of the private area.

No objection has been received from the private owner to the proposed designation.

PLGS.24: Occombe Valley Woods, off Preston Down Road

The proposal at 37ha is not considered to be an 'extensive tract of land' because the boundary of the proposal is determined entirely by the physical characteristics of the site involved, which is predominantly treescape in a valley setting that acts also as a separator of adjoining residential areas.

The elements considered to be public and private are shown on the attached plan (**Appendix 3**).

Details of the public ownership boundary (Torbay Council) are shown on the Council's website under Titles DN520325, DN521239 and DN542009 which together extend beyond the proposed designation area. The Council identified private owners on the northern boundary from the Land Register but not for two very small areas on the southern boundary shown.

The identified private owners were notified individually of the proposal at pre-submission Regulation 14 stage by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

At post-submission Regulation 16 stage the owners made contact with the Forum by email to raise concern that the pre-submission notification letters had not been received and seeking to remove the area in private ownership from the proposal.

The representation has been treated as a formal objection to the submitted Neighbourhood Plan for your consideration as the Independent Examiner.

The area the objectors wish to see excluded consists of trees and grass on land that slopes steeply away from Preston Down Road and which it is considered forms part of the natural landscaped edge of the valley proposed for designation (**Appendix 3**).

PLGS.30: Primley Woods & Meadow, Totnes Road

The elements considered to be public and private are shown on the attached plan (**Appendix 3**). Access to the meadow is from Totnes Road.

Details of the public ownership boundary (Torbay Council) are shown on the Council's website under Title DN543769. The Council identified private ownership from the Land Register.

The identified private owners were notified of the proposal at pre-submission Regulation 14 stage by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

No comment was received from the private owners on the continued use proposed.

The private owners notified have not objected to the proposed designation.

PLGS.32: Clennon Valley, Penwill Way for main entrance

The proposal at 67ha is not considered to be an 'extensive tract of land' because the boundary of the proposal is determined entirely by the physical characteristics of the site involved, which is predominantly an open valley floor at the lower end and treescape at the upper end in a setting that acts also as a separator of adjoining residential areas.

The elements considered to be public and private are shown on the attached plan (**Appendix 3**).

The element considered to be private to the northwest includes Paignton Zoo where public access is restricted to opening times entirely unaffected by the proposal.

Private owners identified by the Council from the Land Register were notified by the Forum of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

No replies were received to the use of the private areas of the proposed designation.

No private owner has objected to the proposed designation.

The further check made when producing this clarification letter has revealed that a minor amendment to the proposed boundary would be justified to exclude from the proposed area a small number of frontage dwellings inadvertently included (**Appendix 3**).

LGS.34: Quay West Corner, Dartmouth Road

The elements considered to be public and private are shown on the attached plan (**Appendix 3**).

Details of the public ownership boundary (Torbay Council) are shown on the Council's website under Title DN538187. The Council was unable to identify any other owner from the Land Register.

No comment on use of the private area has been received from a private owner.

No private owner has objected to the proposed designation.

PLGS.38: Goodrington Village Green, Grange Road

The elements considered to be public include the whole site.

Details of the public ownership boundary (Torbay Council) are shown on the Council's website under Titles DN512573, DN547145. The Council was unable to identify any other owner from the Land Register.

No comment on use of the private area has been received from a private owner.

No private owner has objected to the proposed designation.

PLGS.54: Great Parks, off Great Parks Lane

The proposal at 27ha is not considered to be an 'extensive tract of land' because the boundary of the proposal is determined entirely by the physical characteristics of the site involved, which is predominantly the side of an escarpment that provides a visual foil to the adjoining residential area and takes fully into account the space required for further development to accord with the Local Plan and masterplan adopted for the area.

The element considered to be public extends to the whole site proposed for designation.

Details of the public ownership boundary (Torbay Council) are shown on the Council's website under Titles DN37250, DN434050, DN511442, DN542730. The Council identified a further owner from the Land Register.

The private owner identified by the Council from the Land Register was notified of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

No comment on use of the private area has been received from the private owner.

No private owner has objected to the proposed designation.

PLGS.55: Snowdonia Close, Collaton St. Mary

The elements considered to be public and private are shown on the attached plan (**Appendix 3**).

None of the proposed area is Council owned. The Council identified one private owner from the Land Register for the public element. Following a further check made it has been found

home owners in the private area were not notified by direct letter and the Forum would have no objection to this part of the proposed area being deleted.

The private owner of the element considered to be public was notified of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

No comment on use of the private area has been received from the owner.

No private owner has objected to the proposed designation.

PLGS.56: Pennine Drive Amenity Area, Collaton St. Mary

The element considered to be public covers the whole site which functions as a single land use area.

None of the proposed area is Council owned. The Council identified one private owner from the Land Register who was notified of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan

No comment on use of the private area has been received from the owner.

No private owner has objected to the proposed designation.

PLGS.57: Westerland Valley

The proposal at 33ha is not considered to be an 'extensive tract of land' because the boundary is determined entirely by the physical characteristics of the site when seen from the upper end of Kings Ash Road. The elevated viewpoint from the ring road provides the justification for the boundary which is entirely derived from the local characteristics of valley floor and wooded end stop on the western side.

A total of 8 private owners were identified by the Council from the Land Register under 6 property Titles.

Every owner was notified individually by the Forum of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

None of the owners notified have objected to the proposed designation.

PLGS.58: Yalberton Valley

The proposal at 36ha is not considered to be an 'extensive tract of land' because the boundary is determined entirely by the physical characteristics of the site. It is a very special place to residents and tourists for all the reasons set on pages 59 to 61 of the Neighbourhood Plan and in the photograph on page 92.

A total of 42 private owners were identified by the Council from the Land Register under 23 property Titles.

Every owner was notified individually by the Forum of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

None of the owners notified have objected to the proposed designation.

PLGS.59: Collaton St. Mary Water Meadow, Stoke Road

The element considered to be private covers the whole site because of the special role it plays in times of flood. For this reason, direct public access is not encouraged but does not detract from the location's other value to the local community.

The area in public ownership (Torbay Council) is at the southern end of the site as shown on the Council's website under Title DN179483. Of the remainder, the Council identified 2 private owners from the Land Register.

Both were notified individually of the proposal by 1st class letter on 16 April 2017 as shown at paragraph i) page 17 and Appendix 3 pages 44/45 of the Community Involvement & Consultation document submitted with the Neighbourhood Plan.

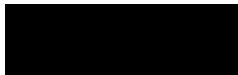
No comment has been received from the private owners on the continued use proposed.

The private owners notified have not objected to the proposed designation.

Yours sincerely

David Watts

Chairman, Paignton Neighbourhood Plan Forum



Web: www.paigntonneighbourhoodplan.org.uk

Email dwdw@paigntonneighbourhoodplan.org.uk

c.c. Mike Parkes, Forum Secretary

Attachments:

- Appendix 1 - Town Centre Shops
- Appendix 2 - Devon Home Choice
- Appendix 3 - Local Green Space

Appendix 1

Town Centre Shops

you'll find it all ...
... in **Paignton**

Paignton offers shops and local residents a unique shopping experience, including an exciting range of specialty shops, specialist specialist services, florists and specialist services and more besides.

The town centre is connected through to Torquay on foot with generous car parking facilities.

And when you're full you'll find all the cafes, pubs and restaurants to enjoy your meal.

HEALTH CARE & PHARMACISTS

HOME FURNISHING & INT. DESIGN

HAIR, HEALTH, FITNESS, BEAUTY

ESTATE AGENTS & LETTINGS

CLUBS & SOCIETIES

BANKS, FINANCIAL & LEGAL

JEWELLERS

MECHANICALS, TOOLS, COMP. ELECTRONICS

ENTERTAINMENT, SPORTS & LEISURE

FRUIT & PRODUCE, SPECIALTY FOODS

PHOTOGRAPHY, PHOTOGRAPHY

TRAVEL & TOURISM

RESTAURANTS, CAFES, TAKEAWAYS

STATIONERS

FLORISTS

HOME, GARDEN, DIY, ELECTRICAL

CARS, TOYS, PARTY, FANCY DRESS

HOBBIES, INTERESTS & CRAFTS

AUTO SERVICES

VETERINARY & PETS

STATIONERS

FLORISTS

HOME, GARDEN, DIY, ELECTRICAL

CARS, TOYS, PARTY, FANCY DRESS

HOBBIES, INTERESTS & CRAFTS

AUTO SERVICES

VETERINARY & PETS

TRAVEL & TOURISM

24 Bath Travel 47 Hyde Road 552755
37 Thomas Cook Travel 77 Hyde Road 9489

126 Tillybay Taxi 3 Denny Road 211611
376 Dartmouth Steam Railway Torbay Road 555972
377 Visitor Information Eastern Esplanade 211211
166 Thomson Travel 28 Victoria Street 665000
378 Paignton Library Great Western Rd 208321

HOME, GARDEN, DIY, ELECTRICAL

5 Clifton Heating 11 Hyde Road 551290
8 Tool Hire 19 Hyde Road 665050
29 RSCB Builders 55 Hyde Road 550305
35 Saivages 75 Hyde Road 555900
52a W L Stone Ltd 52a Hyde Rd 699297
352 Paignton Washateria 23 & 27 Winner St 607894

275b Auto Metals 52 Winner Street 524685
344 Gadgets & Things 26 Winner Street 559569
114 Argilan Windows 112 Tynes Road 552910
97 Terry Dart Ltd 8 Torquay Road 558429
73 AR & E Walls 37-39 Torquay Rd 559368

STATIONERS

264 Acworth 4 Palace Avenue 669402
280 Boss 55-57 Palace Ave 664281

FLORISTS

49 Susan's Florist 14 Hyde Road 559595
77 Les Fleurs 25 Torquay Road 411963

VETERINARY & PETS

127 The Ark Pet Centre 40-42 Hyde Road 66899
46 Animal Magic 24-26 Hyde Road 557108
340 Pats Parlor 51 Winner Street 55555
327 The Fish Room 87 Winner Street 55301

CARDS, TOYS, PARTY, FANCY DRESS

163 Baskets 22 Victoria Street 52619
158a Card Factory 32 Victoria Street 55489
228 Taylor Made Beans 55 Torbay Road 55880
190 Maritime 4 Torbay Road 55801
53 in Party Time 10 Hyde Road 52083
54 Toy Town 8 Hyde Road 40872

HOBBIES, INTERESTS & CRAFTS

47 Knights Gallery 22 Hyde Road 52090
137 Paignton Model Shop 60 Hyde Road 55598
290 The Craft Centre 31 Palace Avenue 66300
323 Optimat 64 Palace Avenue 55986
154 Affordable Art 12 Torbay Road
201 Craft Delight 24 Torbay Road 55384
76 Best World 27-29 Torquay Rd 43141

AUTO SERVICES

345 Mileage Motors 20 & 24 Winner St 66900
119 Dean Car Specialist 20 Denny Road 55564
289 Wesco 35 Palace Avenue 55567
6668 Torquay Car 6668 Torquay Rd 52477
63 RN Motor Cycles Garage Lower Church St. 66606

Appendix 2

Devon Home Choice

Band A – Emergency Housing Need

Band D – High Housing Need

Band C – Medium Housing Need

Band D – Low Housing Need

Band E – No Housing Need

Note: Torbay Council only includes those in Band A – D

Number of households in housing need 2012 – 2017 - Torbay

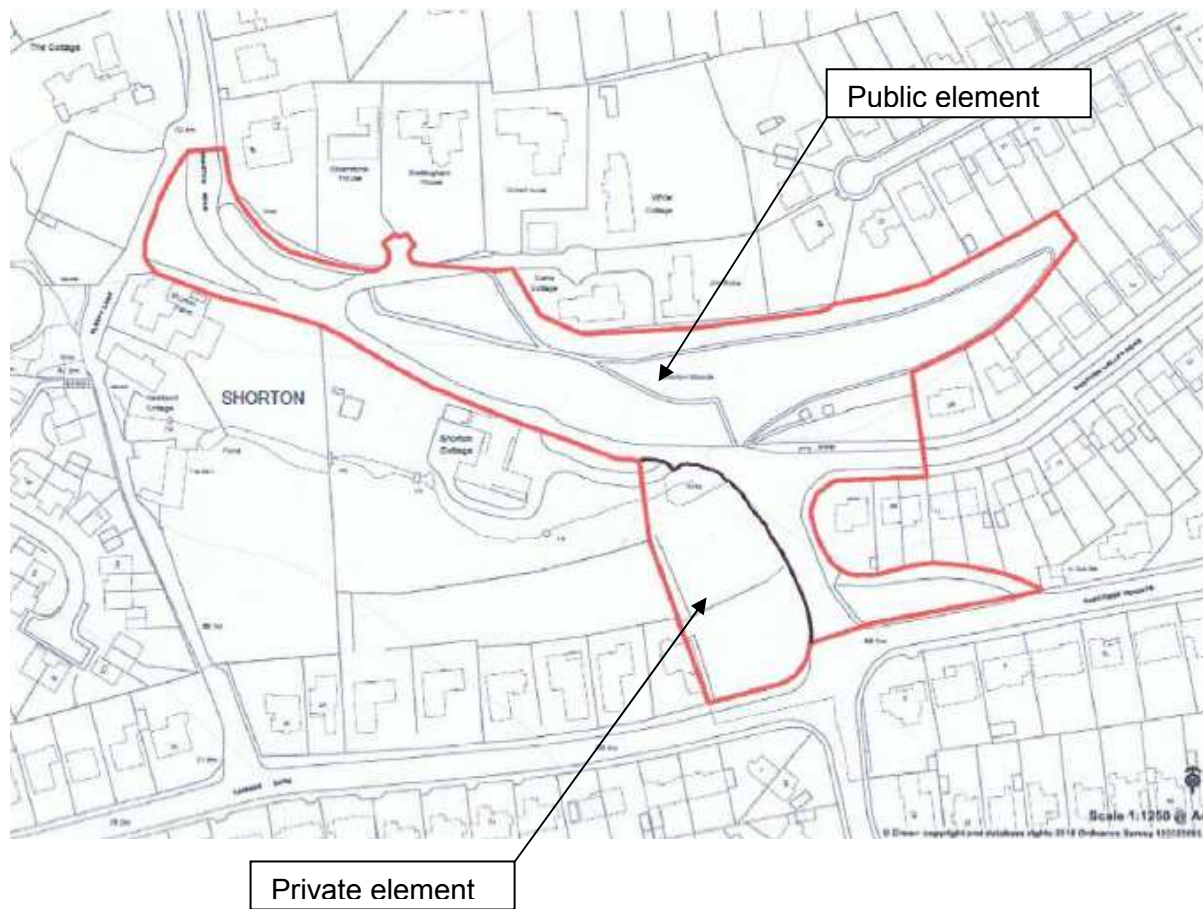
| Torbay | Band A | Band B | Band C | Band D | Total A-D |
|------------|--------|--------|--------|--------|-----------|
| April 2012 | 3 | 337 | 780 | 1,011 | 2,131 |
| June 2013 | 2 | 390 | 455 | 795 | 1,642 |
| April 2014 | 4 | 298 | 431 | 639 | 1,372 |
| April 2015 | 1 | 340 | 485 | 1,031 | 1,857 |
| April 2016 | 2 | 334 | 507 | 1,174 | 2,017 |
| April 2017 | 5 | 323 | 487 | 1,033 | 1,848 |
| | | | | | |
| Average | | | | | |
| 2012-16 | 2.4 | 339.8 | 531.6 | 930.0 | 1,803.8 |
| 2012-17 | 2.8 | 337.0 | 524.2 | 947.2 | 1,811.2 |

Source: Devon Home Choice Table 1 Monitoring results Torbay

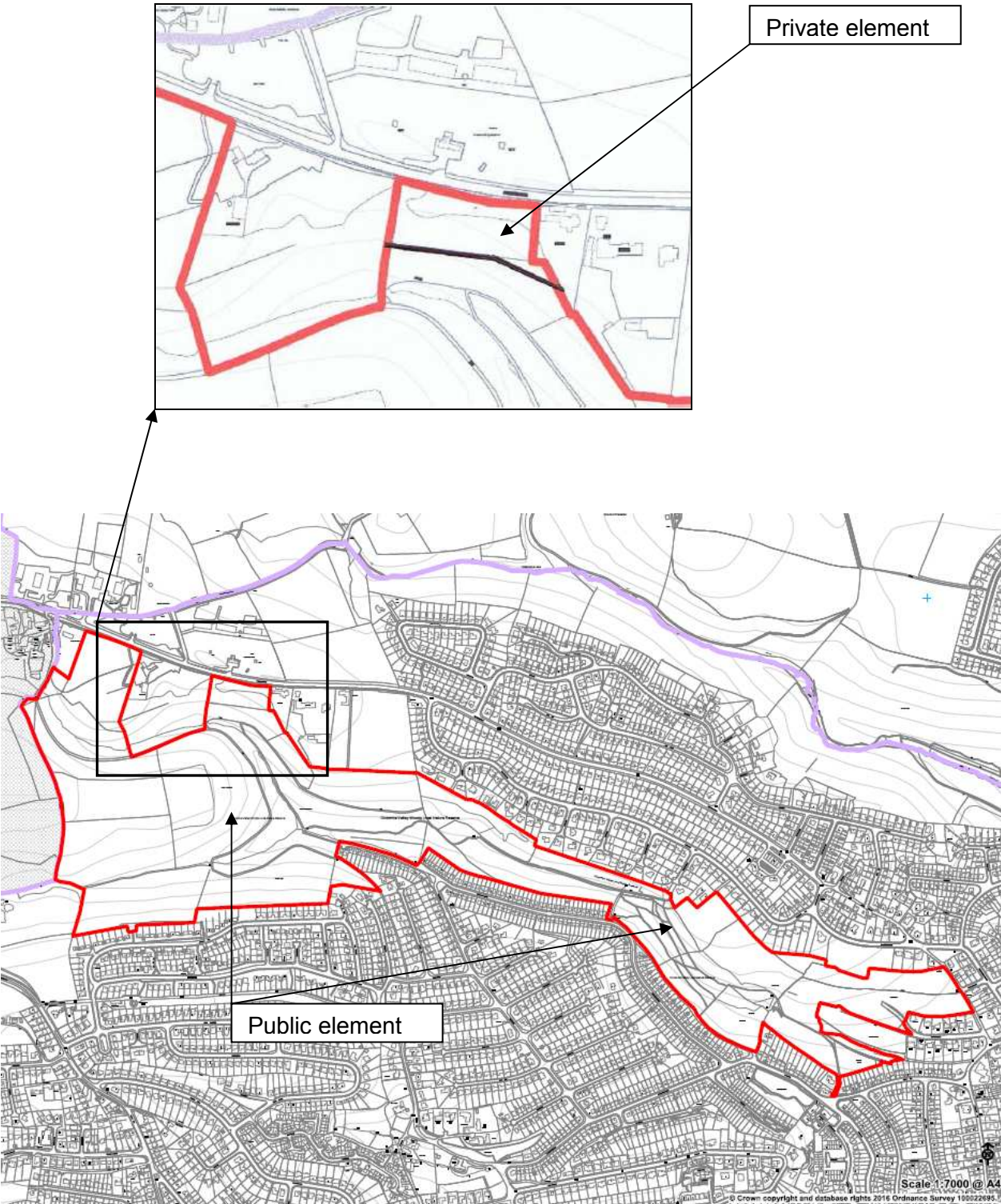
Appendix 3

Local Green Space

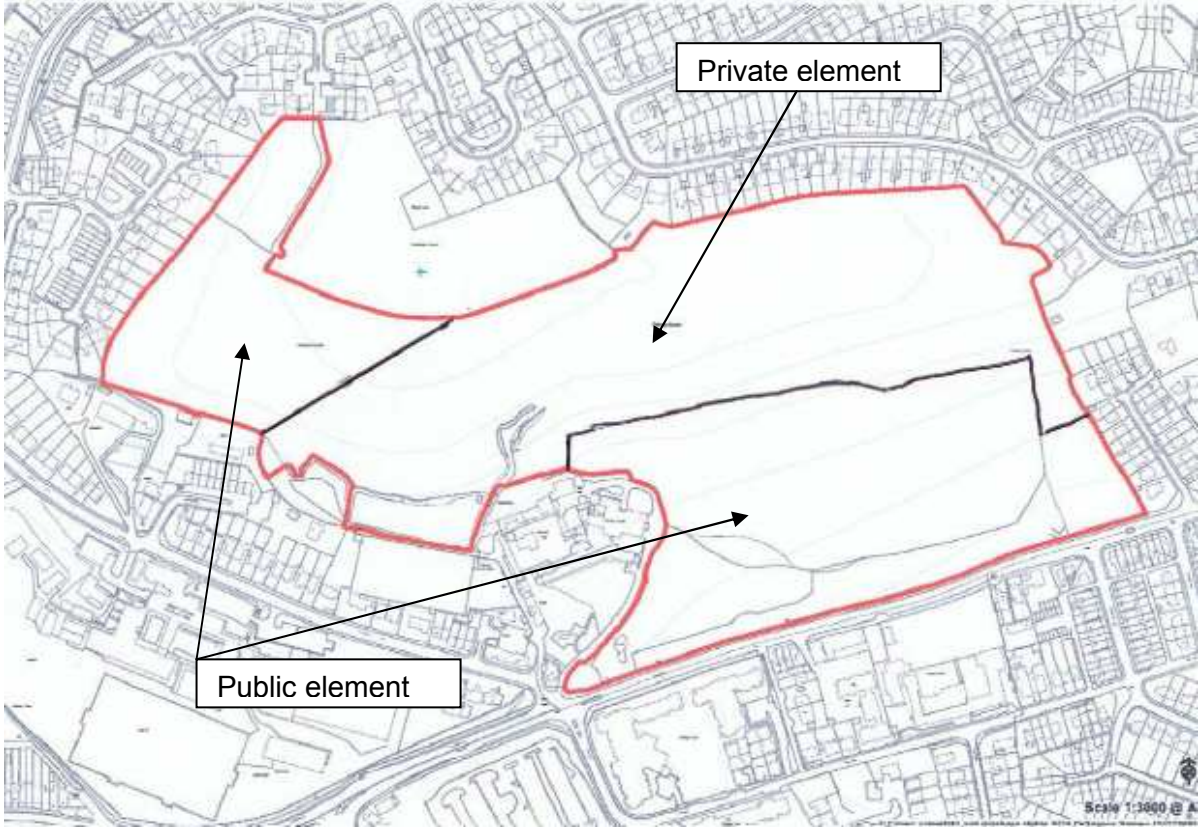
PLGS.21: Shorton Valley Woods, Shorton Valley Road



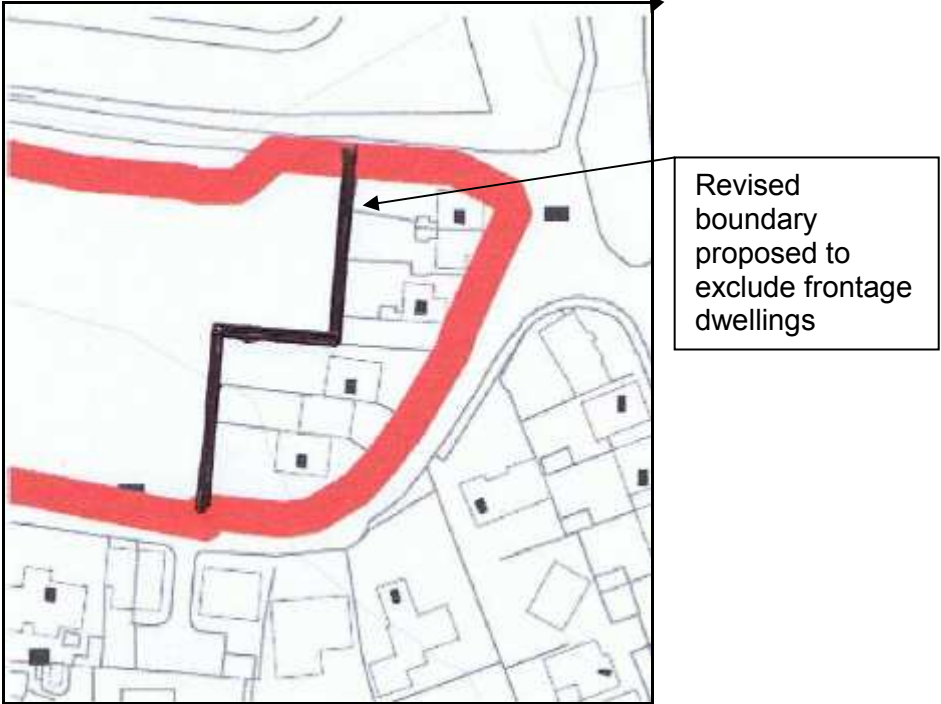
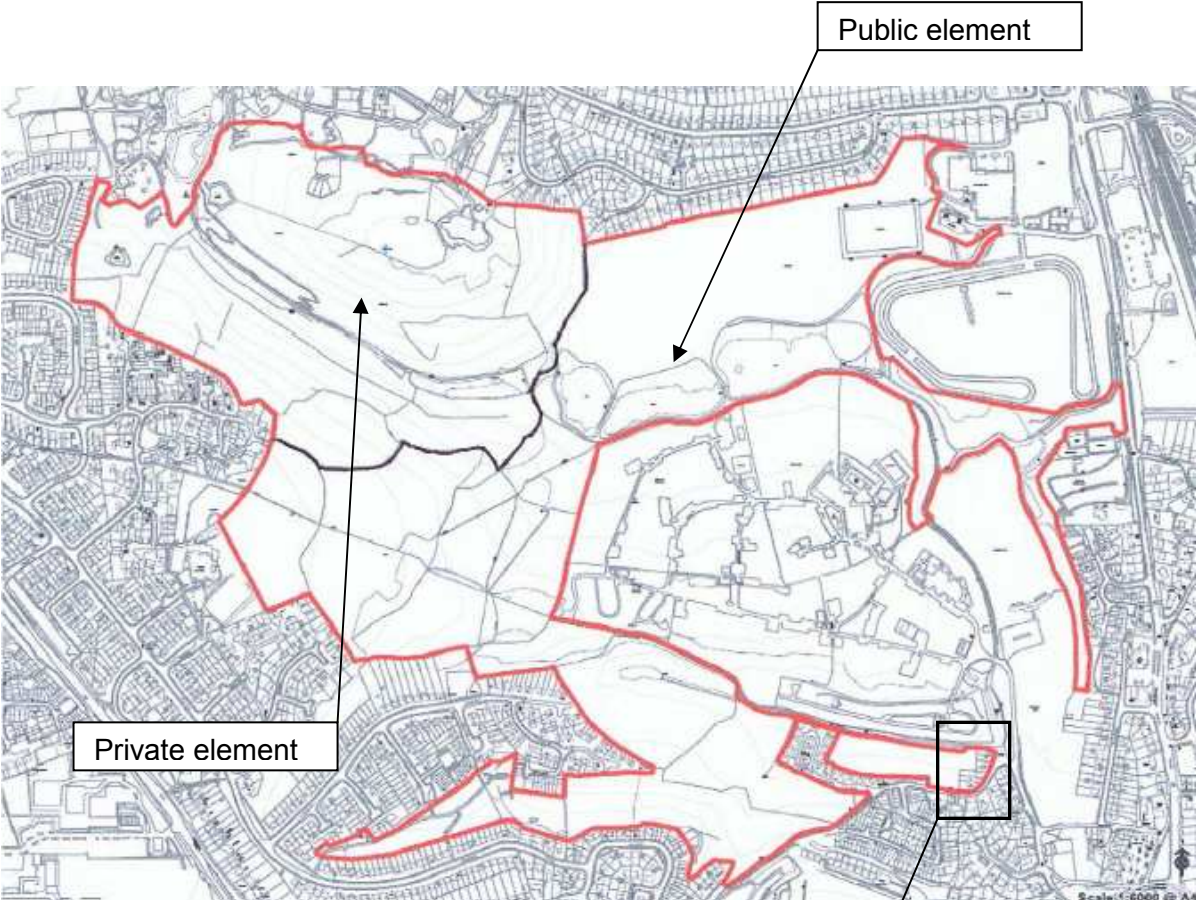
PLGS.24: Occombe Valley Woods, off Preston Down Road



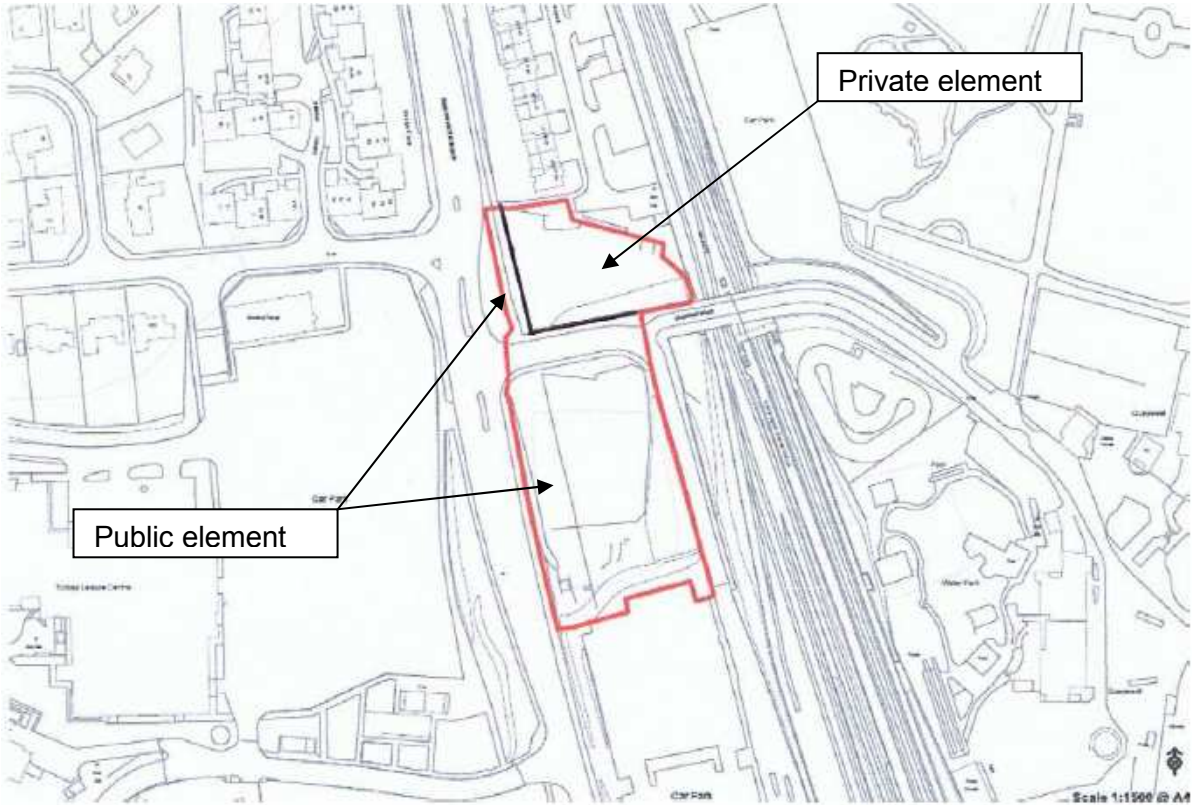
PLGS.30: Primley Woods & Meadow, Totnes Road



PLGS.32: Clennon Valley, Penwill Way for main entrance



LGS.34: Quay West Corner, Dartmouth Road



PLGS.55: Snowdonia Close, Collaton St. Mary

