

From: Mike Harris [<mailto:MikeHarris@stridetreglown.com>]

Sent: 13 May 2015 09:14

To: Young, Robert

Cc: Steward, Pat; Turner, Steve; Mark Tyrrell [REDACTED]

Subject: Torbay Local Plan - Correspondence from Abacus/Deeley Freed Estates re White Rock

Dear Robert

On behalf of my client, Abacus/Deeley Freed Estates please find attached correspondence which I would appreciate you forwarding to the Inspector. The letter relates to the consultation on proposed modifications and the Council's subsequent advice to the Inspector.

Your confirmation of receipt and onward transmission would be much appreciated.

Kind regards

Mike

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Senior Town Planner

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By email only to robert.young@torbay.gov.uk

13th May 2015

Ref: 15230_B43

Re: Torbay Local Plan – response to Council’s analysis of Representations to Proposed Main/Additional Modifications

Dear Robert,

Stride Treglown submitted representations on the recently published proposed Main Modifications and Additional Modifications to the emerging Torbay Council Local Plan. Those representations largely centred on the Council’s proposal to include land South of White Rock within a Future Growth Area (FGA), capable of contributing up to 460 dwellings. In our response, an update was provided on the verbal evidence provided at the hearing sessions held in November 2014, together with a report providing details of ecology survey work undertaken on the site.

This letter is written in the context of the Council’s published response to the representations (TCMOD/12-18, various April 2015 dates, published 11 May 2015), provided to the Inspector following their analysis of those representations. The purpose of the letter is to provide further clarification of the previous work undertaken to secure development at White Rock, together with its delivery, and how this should be considered in the context of the proposed development within a FGA on land south of White Rock. Within this context, we set out our response to the Council’s view on the representations provided to the Inspector.

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Previous Development at White Rock

Abacus/Deeley Freed Estates secured outline planning permission in April 2013 (ref. P/2011/0197/MOA) for a mixed use development on a site of 39ha. This consent allows for the development of:

- 350 dwellings;
- up to 36,800m² gross employment floorspace;
- a local centre including retail floorspace (1,652m² gross) and 392m² A1/A3 use and student accommodation; and,
- open space, landscaping and associated infrastructure.

During the course of both the pre-application and determination stages, a programme of public consultation and stakeholder engagement was devised and executed in relation to the original White Rock scheme. This culminated in a joint arrangement with the Council to establish the “White Rock Neighbourhood Forum”.

This group, chaired by the Council and constituted of local Community Partnership leaders and representatives of local business and lobby groups, including the CPRE, was tasked with ensuring that the application proposal was well publicised. Indeed, the group helped to organise and man a public exhibition of proposals. The number of representations received by the Council was lower than expected, with empirical evidence suggesting that the justification for the scheme was clear and that issues had been addressed in the illustrative masterplan.

Our client welcomes the opportunity to re-engage with local interests in relation to the delivery of a well-conceived development scheme south of White Rock.

Natural England

The original White Rock scheme raised a late holding objection from Natural England. A series of meetings and design workshops with Natural England, Torbay Council and Torbay Coast and Countryside Trust led to a common agreement relating to revised woodland planting plans and improved field margins as part of a Landscape and Ecological Management Plan (LEMP): one relating to the application site, the other extending over land outside the application site and controlled by our client.

The LEMP process enabled synergies to be achieved between landscape architecture, arboriculture and ecology disciplines. The successful outcome, incorporating a more robust green infrastructure network to address the needs of Greater Horseshoe Bats and Cirl Bunting, and a financial bond to protect the long term management of the off-site areas, enabled the Natural England objection to be withdrawn, the LEMP embedded within the s106 and a decision notice to be issued.

Delivery Progress

Following the grant of outline planning permission, a series of reserved matters applications have been approved to move the project in to the development delivery stage. At the time of writing, Linden Homes have commenced development of homes on plots adjacent to Brixham Road, elements of employment space have been developed and occupied and work progresses to secure the delivery of the Local Centre.

The Emerging Local Plan

The chronology of events in the preparation of the new Local Plan and its examination to date are not repeated here, other than to say that Stride Treglown, on behalf of Abacus/Deeley Freed Estates, have taken an active part in both the preparation and examination stages. The following details are however considered to be pertinent to the current issue and our principal reason for writing.

Following the initial round of hearings it was clear that there was some variance in the views between parties on what the most appropriate level of housing provision should be in the new Local Plan. Setting aside the arguments of those proposing a significantly lower level of housing provision, the Inspector's initial findings, provided towards the end of December 2014 (Examination Library documents PH2 and PH4) identified the need to reach a housing level of **at least 10,000** homes over the plan period. It was clear that the proposed use of a range (identified in policy at 8,000 – 10,000 homes) would be unacceptable in policy terms and that a specific figure should be identified, as a minimum, towards the upper end of the range, in order to be closer to the Councils own Objectively Assessed Need figure of 12,300 homes.

In order to be able to provide a higher housing figure, the Council undertook further work on those sites previously identified as 'Excluded Sites' (Examination Library document TC4). Of the 34 sites considered, the land South of White Rock was identified as the most suitable site, should further housing provision be required. On this basis, further SA and HRA work was undertaken by the Council to consider the potential impacts and suitability of the site for inclusion within the Local Plan.

This work was informed, in part, by the details contained within Stride Treglown's Land Promotion Study for the site which included details of extensive survey work (undertaken by Ecosulis since 2010 in relation to the previous application) in order to consider the impacts of potential development on Greater Horseshoe Bats and Cirl Bunting. This work is included within Stride Treglown's own representations to the consultation on proposed modifications and is not repeated here, other than to say that the survey methodology followed the principles previously agreed with Natural England when considering the potential for development at White Rock, development which was subsequently consented.

The Way Forward

A detailed review of the representations of others is not included here as the position of all parties has now been set out. Instead, we have chosen to provide details of how the Inspector can take comfort from the delivery record of Abacus/Deeley Freed Estates, and their appointed consultant team. The delivery record supports and emphasises why the Council would be acting appropriately in including the land South of White Rock as a FGA, subject to appropriate policy control.

In their response to the representations on the Main and Additional Modifications, the Council have provided two options in relation to the proposed FGA on land South of White Rock.

The first of these is to remove the proposed allocation and not replace the numbers lost with a further site; the Council have not chosen to provide a significant further site to make up for the new shortfall. The Council are of the view that such an approach would respond to the concerns raised in representations, particularly Natural England. However, in proposing this course of action, it is important to note that the housing figure, if adopted as policy, would fail to meet the previously set need to provide policy support for the provision of 10,000 homes. The final number (9,430) would only provide for 77% of the OAN figure of 12,300.

The second option proposed is to retain the proposed FGA south of White Rock, albeit on a more restricted site, namely the Abacus/Deeley Freed Estates land only. In retaining the FGA, there would be a requirement to “test the scale and nature of growth within Phase 1 through masterplanning based on provision of further evidence” (TCMOD/12, 2nd para/page 5). This option appears to not include a specific number of houses and therefore there remains some risk to the Council in not having established sufficiently detailed policy within their Local Plan to ensure the delivery of housing to meet both their OAN (12,300) and the previously identified housing level set by the Inspector (10,000) as an aim.

However, the option does provide the Council with a clear opportunity to explore delivery of housing in a location which has been previously identified, through the proposed Main Modifications, as an appropriate location for a FGA. Critically, the option does so through the provision of important protections (for ecology and landscape) through the requirement for masterplanning together with compliance with the wider suite of Local Plan policies.

Furthermore, a minor amendment to policy wording to indicate that a masterplan for the FGA would ultimately be adopted as a Supplementary Planning Document, subject to agreement on the content and statutory consultation, would provide the Council with a robust framework for future housing delivery. The Council note (TCMOD/12 3rd para/page 5) that this accords within the Council’s existing approach to the Torquay Gateway and Collaton St Mary sites.

We are supportive of this second option and view it as a sensible and pragmatic response to meeting the future housing needs of Paignton and the wider the Torbay area, whilst providing

sufficient safeguards for the protection of ecology and the local landscape. As noted earlier, Abacus/Deeley Freed Estates have a proven, successful and positive track record in the delivery of development within sensitive areas and can be seen to have the willingness to work with partners, including Natural England, to assess the impacts of development prior to designing and securing the means of delivery of appropriate mitigation.

Within the context of retaining the option for a FGA on land South of White Rock, the following are considered to be critical points which can provide comfort that any development would be subject to necessary pre-determination work and suitable post-consent protection and mitigation. Specifically, they accord with the views set out by Mike Oxford of Greenbridge Ltd (for the Council), as provided in TCMOD/16, namely those which would provide certainty:

- identifying sufficient land for bat mitigation purposes as set out in para 3.2.15 TCMOD/16; and
- site masterplanning to locate development and mitigation in the most appropriate, as advocated within para 3.2.16 TCMOD/16.

Reduction in size of the FGA to the land controlled by Abacus/Deeley Freed Estates – this is an important matter in the context of ensuring certainty for any necessary mitigation required as reliance on third parties would not be appropriate. In limiting the size of the FGA to the area controlled by our client, the Inspector and subsequently the Council and partner organisations, such as Natural England, can take comfort that the responsibility and means for delivering mitigation are clearly identified.

Onsite mitigation – the proposal to identify the development capacity of the site through a process of masterplanning and assessment allows for detailed consideration of how any potential mitigation of impact can be provided for within the site boundary. As experienced masterplanners, this is a process which we, and our client, have significant positive experience of. Furthermore, Abacus/Deeley Freed Estates welcome the opportunity to follow this approach on the site.

Offsite mitigation – recognising that, following further assessment of impacts and site masterplanning, there may be a need for offsite mitigation, Abacus/Deeley Freed Estates are able to provide assurances that there is scope to consider this further. Specifically, whilst it is the land South of White Rock which has been promoted through the Local Plan process, and proposed as a FGA by the Council, Abacus/Deeley Freed Estates have further land holdings within the immediate vicinity of the site which could be made available, if required, to provide offsite mitigation. The need for use of this additional land would be explored through the assessment process however its availability is considered to be sufficient to provide the reassurance to all parties, but specifically Natural England, that mitigation land can be provided and its effectiveness maintained. This should be viewed as providing the comfort sought in

paragraph 3.2.11 of TCMOD/16 (addressing delivery risk) whilst avoiding the risk of reduced housing numbers raised in paragraph 3.2.13 (TCMOD/16).

Masterplanning – finally, as noted in the points above, the proposal to explore the development capacity of the site and the proposed future development mix and layout through a masterplanning process, alongside partners including the Council and Natural England, is positively welcomed. We are of the clear opinion that this is a sensible and pragmatic response to exploring the delivery potential of the site and is an approach which we would follow in any eventuality.

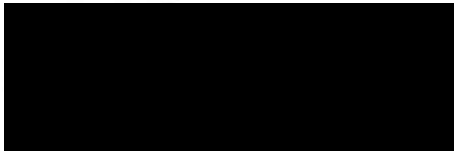
Summary

To summarise, we recognise the concerns raised by the Council (and the representations of a number of parties) and their desire to ensure that a robust and deliverable Local Plan can be adopted at the earliest opportunity. However, as demonstrated above, we are of the view that the protections in place in the wider policy framework in the draft Local Plan, namely to require masterplanning of the FGA, are such that the Plan can proceed with the FGA included in the Plan as published for consultation, thus providing the Council with the ability to ensure housing delivery takes place at a level closer to the identified OAN. It is our firm view that it would be counterproductive to the broader aims of the Plan – to deliver sustainable growth and housing to meet OAN for the future of Paignton and the wider Torbay area – if the FGA were removed on the basis that, at this stage in a projects development, further survey work is required. The concerns of parties, including Natural England, are understood however, as presented by the work of Mike Oxford of Greenbridge Ltd, there are appropriate mechanisms and safeguards available.

Finally, the approach taken by Abacus/Deeley Freed Estates, and ourselves as their consultant, on land at White Rock demonstrates a strong, proactive and positive track record of working with stakeholders and the local community to deliver sustainable development within environmental constraints. A decision to maintain the FGA through to the adoption of the Local Plan would facilitate a continuation of this positive working relationship and provide for the future, long term needs of the local population and the future prosperity of Paignton and the wider Torbay area.

We would appreciate you providing the Inspector with a copy of this letter together with acknowledging receipt. A copy has also been provided to the Council.

Yours sincerely



Mike Harris, MRTPI
Senior Town Planner
For
STRIDE TREGLOWN LTD

Cc:

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