

Torbay Council
Spatial Planning Team
Electric House
Castle Circus
Torquay
TQ1 3DR

TORBAY COUNCIL PLANNING	
REC'D	18 DEC 2017
TO	

By E Mail

13th December 2017

Dear Sir,

**Torbay and Paignton Neighbourhood Plan Submitted Plan – Representations by
Persimmon Homes (South West)**

We have read with interest the submitted plans and wish to make the following comments.

Our comments relate to specific parts of the Paignton Neighbourhood Plan and the Torquay Neighbourhood Plan and we would like to thank the Council for the opportunity to comment. We would be grateful for confirmation of receipt of our submission and request that we be notified of the dates of any Examination in Public. Persimmon Homes would wish to be given the opportunity to attend the Hearing.

We have specific comments in relation to the Paignton Neighbourhood Plan and in particular some of the policies in relation to design and further comments in relation to the Policies concerning Edginswell in the Torbay Neighbourhood Plan

Previously the company made representations in to the draft plan .The comments set out below are in addition to those representations.

Paignton Neighbourhood Plan Policies PNP1 Area Wide Policy Annexe 2

Annexe 2 provides more details on Design Guidance. Annexe two presents an " all or nothing approach" in that it is stated at the end of the Policy Annexe that *"Proposals that meet 1) to 38) above will be supported and those that fail to do so can expect not to be approved"* .

The Annexe fails to allow for the flexibility that some of the more detailed aspects will be the subject of detailed discussions on the merits of an individual scheme and a balance needs to be struck between what can be feasibly delivered on site and what alternative remedies might be available to achieve the policy intention. For example items 6), 7) relating to hedgerow habitat and the provision of features for birds and bats, items 13) and 14) relating to treescape may be better covered by a contribution by the developer to provide substantive replacement elsewhere to achieve the policy directive. Cycle and storage space can be achieved by a number of different alternatives – Item 20).

Annexe 3 relates to Surface Water considerations. Persimmon Homes object to the Area wide requirement that

b) residential and other use schemes will be required to achieve more than sustainable drainage improvements with:

i) water sensitive scheme-wide redistribution of surface water runoff for non-potable uses including garden irrigation and, except in the case of d), toilet flushing; and

ii) strong architectural design in water management including permeable surfaces, raingardens, raingarden planters, micro-ponds, micro-wetlands, green roofs and walls, and rainwater harvesting and reuse;

The policy should be amended and made wider to show that alternative remedies will be considered to achieve the policy intention.

We submit that planning applications should comply with the adopted local plan policies having regard to the type of development proposed, its design and what is feasible and viable in the NPPF and Para 173 which states that

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Torbay Neighbourhood Plan

The plan states that *" the large Greenfield development within the Local Plan Future Growth Area and most is on long held, low cost agricultural land. Our Plan acknowledges the value of land to developers is variable and directly related to profitability or potential viability within the known Planning policies for that site. Our Plan does not want the provision of affordable housing and community facilities to be compromised by any land transaction arrangements at a price that substantially affects viability. "*

The Plan goes on to state *"By making the following policy for the Future Growth Area, it does not restrict the supply of land but only constrains its potential value. In consequence the land value cannot reasonably be a material consideration once our Plan is submitted and consulted as land owners and developers will have knowledge of our Plan's policies. "*

PLANNING POLICY H3 Future Growth Area viability exclusions

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 consultation following submission of this Plan.

We can find nothing in the Plan or the Local Plan policy that specifically tests the viability of Edginswell Policy H3. The PBA development viability model was used to test Local Plan delivery based on viability and to test the draft Torbay CIL charge. This involved high level testing of a number of hypothetical schemes that represent the future allocation of development land in Torbay.



PERSIMMON

We would be grateful if the council could identify at what point in the adoption of Policy SDT3-Torquay Gateway - the viability of the project was tested at such a level as to justify Policy H3

Paragraph 173 of the National Planning Policy Framework is relevant here. What the policy is trying to do is place a burden on development by saying that no viability argument is acceptable. It is for the Plan to demonstrate it is viable on all matters, not defer this to the Development Management process. This Neighbourhood Plan policy is in conflict with the Local Plan because the plan contains policies that permit viability assessments. This policy should be struck out.

PLANNING POLICY H5 Affordable housing occupancy restrictions

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

In respect of H5 the policy is in our opinion forming a tension with the wider aspirations to regenerate Torbay. New employers may need to bring young or skilled people who have not previous been employed in the area. As drafted the policy is too restrictive to achieve the growth ambitions of the Plan. Based on future demographic trends and to widen the opportunities to create sustainable communities the policy should be amended to allow flexibility to give priority to existing residents but opportunities for key worker housing to attract inward investment,

NPPF Paragraph 50 points to the approach that should be adopted and NPPF Paragraph 159 and the SHMA evidence. The NHP policies need to be aligned to strategic needs (reference paragraph 184 of the NHP) and not undermine strategic priorities.

Evidence – The PBA Housing Requirement report states at para 2.6.2

" The key information to note (in this table) is that births and deaths have been fairly constant over the period, although there is an indication that birth rates might be increasing slightly. This means that there is a natural decline in the population as deaths exceed births. Without in migration the population of Torbay would decline. This has been well documented by the Council as a key feature of the area and one that the Council are seeking to address."

For these reasons in the Torbay Neighbourhood Plan ,Policy H3 should be removed and Policy H5 completely amended reflecting the above points to align it with the Local Plan.

Yours Sincerely



Robert Taylor
Strategic Planner

Persimmon Homes South West and Cornwall