

neighbourhood plans

From: Chloe Jones [REDACTED]
Sent: 15 December 2017 08:57
To: neighbourhood plans
Cc: Elliot Jones; Michael Gooch; [REDACTED]
Subject: Paignton Neighbourhood Plan (PNP) - Representations
Attachments: 171208 Collaton St Mary Proposed Representations to Paignton Neighbourhood Plan.pdf

Dear Sir / Madam

Please find enclosed on behalf of our client, Bloor Homes (South West) Limited, formal representations to the Submission Draft of the Paignton Neighbourhood Plan (PNP).

We trust the enclosed provides sufficient information. However, should you require any further information, then please do not hesitate to contact us.

Kindest regards

Chloe Jones
Planner

Boyer

T [REDACTED]
W www.boyerplanning.co.uk
A Third Floor, Park House, Greyfriars Road, Cardiff, CF10 3AF

YMCA

Boyer's Cardiff office is proud
to support YMCA



Terms and Conditions

Registered Address: Crowthorne House, Nine Mile Ride, Wokingham, Berkshire, RG40 3GZ.
Registered in England 2529151.

To see full disclaimer that applies to this email please [click here](#).
To see our Standard Terms and Conditions of Contract please [click here](#).

Date: 15th December 2017
Our Ref: 17.8093/EJ/MG

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

Third Floor, Park House
Greyfriars Road
Cardiff
CF10 3AF

T 029 2073 6747

F 029 2073 6631

Dear Sir/Madam,

Submission of Paignton Neighbourhood Plan – Regulation 16 Public Consultation Representations on behalf of Bloor Homes (South West) Limited.

On behalf of our client, Bloor Homes (South West) Limited, please find enclosed formal representations to the Submission Draft of the Paignton Neighbourhood Plan (PNP).

Introduction

Bloor Homes currently has an interest in land to the north and south of Totnes Road, Paignton, which is indicated on the attached site plan. Within the adopted Torbay Local Plan (December 2015), land to the north and south of Totnes Road (Collaton St Mary) is identified as a Future Growth Area under Policy SS2. This policy identifies the area as being able to accommodate development during the latter part of the Plan, although there is provision to bring forward sites in advance of this timescale where there is sufficient justification.

Policy SDP3 - Paignton North and Western Area, and specifically, sub Policy 3.3, sets out the extent of development. It identifies scope for approximately 460 homes in and around Totnes Road. Development should be accompanied by upgraded infrastructure such as along the Western Corridor/A385 Totnes Road and improvements to sewage capacity

With regard to the site in which Bloor Homes has an interest, it is currently envisaged that development to the north of Totnes Road will wrap around Borough Park Road on the lower slopes of Blagdon Hills whilst land to the south will accommodate a water meadow and wildlife corridor.

General Housing Requirement

Policy SS1 of the adopted Local Plan sets out the Spatial Strategy for the District, which includes the need to identify sufficient land for the delivery of an overall average of around 496 homes per annum or 8,900 dwellings during the plan period of 2012-2030.

The policy adds that the Strategic Delivery Areas (SDAs) illustrated by the Local Plan Key Diagram will be foci for growth and change over the plan period and will provide strategic and sustainable locations for new employment space, homes and infrastructure. FGA SS2.2 is located within the Paignton North and Western Area SDA.



Representation Structure

Accordingly, these representations make general comment on the overall strategy and approach undertaken by the PNP, while further detailed comments are made regarding the following matters:

- Proposed Policy PNP1 – Area Wide (including Annex 1 and Annex 2);
- Proposed Policy PNP19 – Safeguarding Open Countryside;
- Proposed Policy PNP22 – Western Corridor; and
- Proposed Policy PNP24 – Collation St Mary Village.

General Conformity with Torbay Local Plan

Principle of Development at FGA SS2.2

The adopted Local Plan establishes the principle of development within the FGA SS2.2 allocation. This is supported by the Collaton St Mary masterplan, which has been adopted by the Council as Supplementary Planning Document.

As such, reference should be made to Planning Practice Guidance (PPG) when considering the need for general conformity between adopted Local Plans and Neighbourhood Plans. It requires neighbourhood plans to “*support the strategic development needs set out in the (adopted) Local Plan*” and to “*plan positively to support local development*” (Ref. ID: 41/004/20170728).

In this regard, it is considered that the current iteration of the PNP has not taken a positive approach to planning for the Neighbourhood Plan Area and is not in ‘general conformity’ with the adopted Torbay Local Plan. In particular, it does not demonstrate the ‘golden thread’ of the presumption in favour of sustainable development set out by NPPF Paragraph 14, which should run throughout development plan document preparation.

There also appears to be over-reliance on several assumptions regarding the next review of the Local Plan, for which the Council’s adopted Local Development Scheme (2017) has not set a date. As PPG states that this will most likely be required every five years (Ref. ID: 12-008-20140306), it is currently uncertain how soon this will take place. In order to ensure that the PNP is robust and capable of meeting local requirements for the Local Plan period, it is therefore critical that it reflects *current evidence* and does not rely on assumptions regarding the next Local Plan review.

In addition, there are several references throughout the PNP and its supporting evidence base to suggesting that housing delivery should be continually monitored and revised in step with the delivery of employment land. We would note that this would also not be in compliance with the adopted Local Plan, which does not include any similar mechanism, nor would it help achieve the aim of NPPF Paragraph 47 of significantly boosting the supply of housing nationally. In any case, the revision of housing targets is beyond the remit of neighbourhood planning, which should only take place as part of robust and critically assessed Local Plan reviews.

Further, the PNP does not have sufficient regard for the allocation of FGA SS2.2 and does not provide sufficient clarity concerning what form of development would be permitted. Consequently, it would not assist with the delivery of the district’s Spatial Strategy and could represent a barrier to meeting Torbay’s Objectively Assessed Need (OAN) for housing.

There is also no reference is made in the submitted PNP to the strategic levels of development required at FGA SS2.2 and within SDP3, and how they would be supported. This is contrary to the principles that were laid down by the adopted Local Plan and found sound at Examination. Conversely, the proposed policies within the PNP introduce a significant degree of uncertainty and lack of clarity in terms of what kind of development at the FGA would be considered acceptable. It is therefore felt that the PNP could potentially hinder the delivery of the FGA.

Accordingly, Planning Practice Guidance (PPG) states that neighbourhood plan policies “*should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications...*” (Ref. ID: 41-041-20140306). PPG also adds that draft neighbourhood plans “*should [not] be used to constrain the delivery of a strategic site allocated for development in the Local Plan*” (Ref. ID: 41-044-20160519).

Therefore, we consider that proposed Policies PNP1 (and associated annexes), PNP 19 and PNP24 be amended to include specific reference to the allocation of development at FGA SS2.2 by the adopted Local Plan. The PNP should more closely reflect the policy commitments set out in the adopted Local Plan and be clear on how the Neighbourhood Plan will support these rather than add in constraining factors. It should also recognise that change is both acceptable and expected within Collaton St Mary and will form part of its future.

Timescale and Delivery of FGA SS2.2

In terms of the timescale and delivery of FGA SS2.2, the adopted Local Plan (LP) states that while development at the FGAs is “*anticipated to arise towards the latter part of the Plan period, it is noted that there is active developer interest in some sites such as Collaton St Mary... The Plan will support early delivery where infrastructure, environmental and other relevant planning matters are satisfactorily addressed.*” (Paragraph 4.1.28).

Similarly, the adopted Collaton St Mary Masterplan SPD confirms that development shown as indicatively occurring towards the end of the Plan period is “*not necessarily most suited for delivery towards the end of the life of the masterplan. Instead, they are standalone projects that can be delivered earlier without negatively impacting upon the other phases (of the FGA)...*” (Page 36).

However, the PNP ignores these conclusions, despite the fact that they both form part of the Council’s own adopted guidance. It states, at Paragraph A4.2.45 that

“...the review does not draw on sites beyond year 15 (2027/28) that the approved Local Plan has recognised are constrained or have significant issues not yet resolved; in particular, land at Collaton St. Mary identified as a Future Growth Area by the Local Plan.”

However, it is clearly the case that this approach is not consistent with the policy in the adopted Local Plan or wider guidance contained with the NPPF (Paragraph 47), as it would not make allowances for additional growth to make up for any shortfall, should delivery within the Torquay or Brixham Neighbourhood Plan Areas be lower than that predicted. We would also note that adopted Local Plan Policy SS13 clearly states that new housing “*leading to the 5 year supply figure being exceeded will be permitted where... the proposal would bring social, regeneration or employment benefits [and] is consistent with other Policies in the Local Plan.*”

Consequently, it is considered that the phased trajectory utilised by the PNP would not conform with the adopted Local Plan and is thus contrary to the PPG (and NPPF), which require LPAs to meet the full, objectively assessed needs in the Housing Market Area (HMA), as it could potentially prejudice the delivery of housing towards the middle and latter part of the Local Plan period. Moreover, as Policy SS13 of the adopted Local Plan already sets out phased delivery targets, it is considered that Table 8.1 of the PNP, which could potentially impose an unsound phasing trajectory on housing delivery, is redundant and should be removed.

It is therefore suggested that the proposed approach of the PNP to not consider the sites around Collaton St Mary on the grounds that they are to come forward during the latter part of the adopted Local Plan period is incorrect and should be revised. The adopted Local Plan clearly includes provision for addressing these sites earlier in the plan period and, as such, by not making an allowance for the PNP is in conflict with the Local Plan and should be revised accordingly.

Policy PNP1 – Area Wide Policy

In draft Policy PNP1, the Neighbourhood Plan states that the provision of net additional homes will be achieved by a variety of supply sources, *however*, it does not refer to the FGAs identified within the adopted Torbay Local Plan or the acknowledgement of the Local Plan that greenfield development will be required to meet housing needs.

This is clearly a factual omission that needs to be rectified in the subsequent drafting of the PNP. The adopted Local Plan is predicated on these sites providing for residential development within the plan period to simply ignore this source of housing means that the PNP could be accused of not wishing to help meet the overarching housing need requirements of the Local Plan and thereby artificially constraining the level of development. This would be contrary to the adopted Local Plan and the independent Examination, which considered this matter in detail.

To support this view, it is noted that the policy adds that proposals that conflict with its various criteria “*can expect to be refused*.” These criteria are expanded upon within Annex 1, which states that within the Rural Character Area (RCA) identified by Policy PNP19, development will not be supported unless it will “*demonstrably conserve and enhance...*” inter alia, the value of the existing landscape, vistas and biodiversity. Additionally, Annex 2 sets out a number of design principles that all development will be expected to accord with.

We have a number of concerns regarding this policy and its associated annexes. First, although development at Collaton St Mary (FGA SS2.2) has already been accepted in principle, the proposed wording of Policy PNP19 and Annex 1 could be used to constrain development. At present, it is too imprecise and could be interpreted in a number of ways. Given the wider approach of the PNP, we would be concerned that they would be used to prevent development coming forward on sites that are allocated for development around Collaton St Mary.

Secondly, in terms of Annex 2, it is noted that over 38 No. separate criteria are provided in relation to design criteria, many of which would be overly burdensome and would replicate the provisions of several, existing policies within the adopted Local Plan. Many of the requirements are also considered to be onerous with inadequate justification provided for their inclusion. In particular, we would highlight the following criteria as overly prescriptive and unjustified, which could render development unviable:

- 13) *Replace trees that are unavoidably lost... with at least three replacements that will reach the same stature, or larger...;*
- 14) *Include three new trees for each new dwelling proposed...;*
- 19) *Provide space for solid waste storage within each curtilage, in seagull proof structures sufficient to accommodate two wheelie bins of 240 litre size;*
- 20) *Provide for each new dwelling [a] purpose design cycle parking space that is covered, safe and convenient...;*
- 25) *Use reclaimed materials and natural finishes wherever possible;*
- 27) *Include on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible...;*
- 36) *Wherever possible locate all car access at the periphery of the development with electric vehicle charging points; and*
- 38) *Where on-site roads are planned, utilised or provided, scheme must include:*
 - i) *car free areas within the development;*
 - ii) *shared space streets and squares;*
 - iii) *on-street secure cycle storage; and*
 - iv) *dedicated space for car club transport.*

These requirements are onerous and do not reflect the requirements of commercial house building. Accordingly, we object to the current wording of the above policy and the associated annexes, which we consider should be rewritten to avoid the repetition of existing Local Plan policy and to remove overly restrictive policy requirements, which should be consolidated to provide clearer and more specific policy guidance.

Policy PNP19 – Safeguarding Open Countryside

Proposed Policy PNP19, in conjunction with Figure 6.10, show the site as part of ‘The Blagdons’ (1J) and Blagdon Valley (3H) RCAs, both of which are described within Table 6.2 of the PNP as being ‘Highly Sensitive’ in terms of landscape character. In this regard, the policy states that development should not, *inter alia*, damage the relationship between urban and rural areas while the existing rural and landscape character should be retained during the Plan period.

This policy raises several concerns regarding the deliverability of FGA SS2.2 as the wording of this policy could potentially preclude any development at the FGA, which would fundamentally conflict with its allocation in the adopted Local Plan. This does not accord with PPG, which requires neighbourhood plans to be in general conformity with an adopted Local Plan. This is of particular concern given the lack of clarity within the rest of the PNP regarding delivery of the FGA.

In any case, potential landscape and visual impacts would be assessed as part of any development proposals via the regular development management process.

We therefore object to the inclusion of this proposed policy, which conflicts with the adopted Local Plan allocation and could potentially be used to constrain delivery of the identified FGA. In addition, it replicates many of the requirements already provided in the Development Plan by adopted LP Policy C1 and therefore is unnecessary.

Policy PNP22 – Western Corridor

Proposed Policy PNP22 sets out a requirement for developers to provide financial contributions to fund ‘in full’ active travel measures, as well as several other requirements as part of future development. Although we agree that active travel should be encouraged, there are concerns that this would introduce considerable confusion regarding the utilisation of Section 106 Contributions or Community Infrastructure Levy (CIL) payments, which was formally adopted by Torbay District Council in June 2017.

In this regard, Section 1.2 of the Council’s Regulation 123 List states that, where a development is liable for both CIL and Section 106 contributions, then Section 106 requirements will generally be relaxed in favour of CIL.

Consequently, we object to the requirements of this policy, which would conflict with the Council’s adopted approach to CIL and lead to a lack of clarity in terms of likely infrastructure provision required by proposed development. Specifically, it is considered that the following requirement should be deleted from the policy:

- a) *The provision of safe, continuous, separated cycling and pedestrian pathways to all schools and employment sites in the area;*
- b) *The delivery of a Western Area park-and-ride facility connecting with central Paignton...;*
- c) *The establishment of a strategic, continuous, separate cycling and pedestrian pathway across open countryside to Totnes...; and*
- e) *Space for the secure parking of at least two community car club cars in all major development and one in each residential local centre.*

Policy PNP24 – Collaton St Mary Village

Proposed Policy PNP24 states with specific reference to future development at Collaton St Mary that:

“...any further development beyond the present area will only be supported where the proposals:

- a) *Are of a low organic level of growth over the total period of the Plan and only give [sic] effective development that grows the village gradually;*
- e) *Utilise minimal and sustainable existing brownfield development;*
- f) *Include supporting employment...;*
- g) *Restrict future growth or development... until there is a properly costed, financed and achievable infrastructure in place; (and)*
- i) *Prevent major road development, or new commuter routes, or change to or widening of the existing road network in the village...”*

The policy concludes that proposals that prevent these criteria from being achieved will not be approved.

However, the policy as currently worded contains imprecise and ineffective wording that renders the policy internally inconsistent and unachievable. For instance, criteria ‘g’) and ‘i)’ are potentially irreconcilable should new infrastructure be required to support additional growth. Furthermore, criterion ‘e)’ suggests that only development on previously-developed land will be acceptable. This would ignore the Spatial Strategy set out in the adopted Local Plan, which recognises that an element of greenfield development is necessary to meet the evidenced housing requirement.

Moreover, some of the criteria, particular those outlined above, would impose stringent and overly burdensome conditions for development that could render the FGA fundamentally undeliverable.

In accordance with Section 9M, Part 1, Schedule 2 of the Localism Act 2011, following approval by a locally-held referendum, the PNP would become part of the statutory Development Plan, against which development proposals would be considered. Consequently, a significant degree of conflict between the adopted Local Plan and PNP would exist. This discourse would have considerable implications for decision-making within the District and meeting local development needs.

We therefore object to the inclusion of this policy, as currently proposed, which it is considered would introduce significant hindrances in delivering the adopted Local Plan housing requirement. As a consequence, it is felt that the policy should be deleted or fundamentally rewritten.

Summary

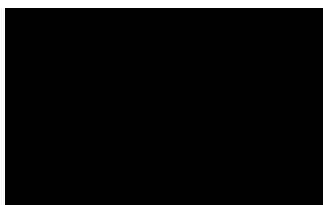
These representations have been duly made on behalf of our client, Bloor Homes (South West) Limited, who control land north and south of Totnes Road, Paignton, within the Paignton North and West Area FGA. The comments provided herein have been prepared in response to the PNP Submission Draft Public Consultation and have been informed by an extensive and thorough review of the Plan and associated evidence base.

As set out in our comments discussed above, it is considered that the PNP as currently submitted would introduce considerable confusion into the decision-making process within Torbay and could potentially impede FGA SS2.2 from being appropriately delivered in accordance with Local Plan Policy SS2. Specifically, we object to the following proposed policies, which are not felt would be in general conformity with the adopted Torbay Local Plan and would not accord with PPG and the NPPF:

- Proposed Policy PNP1 – Area Wide (including Annex 1 and Annex 2);
- Proposed Policy PNP19 – Safeguarding Open Countryside;
- Proposed Policy PNP22 – Western Corridor; and
- Proposed Policy PNP24 – Collation St Mary Village.

We have also provided recommended changes to the above policies, as necessary, which it is felt would help improve the PNP's conformity with the adopted Local Plan and national planning guidance.

We look forward to receiving confirmation that these representations have been received and in the meantime, if you have any questions, please do not hesitate to contact me.



Yours sincerely,

Elliot Jones
Director, Head of Boyer Cardiff

Boyer

Tel: 02920 736747
Email: elliottjones@boyerplanning.co.uk

Boyer