

neighbourhood plans

From: Joanna Lee [REDACTED]
Sent: 15 December 2017 11:43
To: neighbourhood plans
Subject: Paignton Neighbourhood Plan Representations
Attachments: Reps to Paignton NP Taylor Wimpey FINAL.pdf

Please find attached representations submitted on behalf of Taylor Wimpey (South West) in relation to the Paignton Neighbourhood Plan.

We would like to be kept informed of progress and next stages of the Plan and would be grateful if you could confirm receipt of these representations.

Kind regards,

Joanna Lee

Associate

For and on behalf of Peter Brett Associates LLP - [Bristol](#)



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Paignton Neighbourhood Plan

Representations on behalf of Taylor Wimpey

On behalf of [Taylor Wimpey](#)

Project Ref: 42542 | Rev: Final | Date: December 2017

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For and on behalf of Peter Brett Associates LLP				

Revision	Date	Description	Prepared	Reviewed	Approved

This report has been prepared by Peter Brett Associates LLP ('PBA') on behalf of its client to whom this report is addressed ('Client') in connection with the project described in this report and takes into account the Client's particular instructions and requirements. This report was prepared in accordance with the professional services appointment under which PBA was appointed by its Client. This report is not intended for and should not be relied on by any third party (i.e. parties other than the Client). PBA accepts no duty or responsibility (including in negligence) to any party other than the Client and disclaims all liability of any nature whatsoever to any such party in respect of this report.

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1 Introduction

1.1 Summary

- 1.1.1 The following comments on the Paignton Neighbourhood Plan have been prepared by Peter Brett Associates (PBA) on behalf of Taylor Wimpey (South West) in relation to their land interests at Totnes Road, Collaton St Mary. Taylor Wimpey have provided comments at all stages of the preparation of the Paignton Neighbourhood Plan to seek to ensure that the plan complies with the basic conditions. It is unfortunate that these representations indicate is still does not meet those conditions and there has been little response to previous representation.
- 1.1.2 To recap, our client's land at Totnes Road is identified in the adopted Torbay Local Plan (December 2015) as within the Totnes Road/ Collaton St Mary (SDP3.3) Future Growth Area to accommodate a total of 460 dwellings over the plan period (2012-2030). It is also included within the adopted Collaton St Mary Masterplan SPD in February 2016 which provides greater guidance on an appropriate distribution strategy for growth within Collaton St Mary.
- 1.1.3 This site contributes to Torbay Council's five-year land supply and is included as part of the trajectory of deliverable housing sites. The Council expect this site, in its latest five-year land supply statement, to deliver 80 units between 2018 and 2021. In order for these housing completions to be achieved it is necessary for a planning application to be submitted as soon as possible and, as has been explained to the Forum recently, it is our intention to do this to help Torbay maintain its stated land supply requirement.
- 1.1.4 The Paignton Neighbourhood Plan Submission Version (NPSV) identifies part of this site for development for 40 dwellings however, this is not based on a robust understanding of the site and has been erroneously taken from the indicative masterplan which purely shows what might be possible. It is important to note that our Client's masterplan follows some of the principles set out in the NPSV, but is refined where more detailed evidence such as a full landscape and visual impact assessment indicates it should be. Our Client's masterplan approach combines detailed supporting evidence with making the best use of land in this growth area.
- 1.1.5 In that context, these representations below set out our concerns about the key issues that have not been resolved throughout the consultation process, namely:
- The Neighbourhood Plan does not positively allocate sites but instead is written negatively to prevent development and put as many restrictions on future growth as possible;
 - The Neighbourhood Plan's approach to the identification of housing and its delivery, particularly in relation to the site at Totnes Road; and
 - The Proposed Local Green Space (LGS) designation at Little Blagdon / Sunday Car Boot Field, Totness Road (PLGS60).
- 1.1.6 In summary the plan as currently drafted does not comply with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 for a number of reasons, the main points of which are listed below.
- It has not had regard to the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and advice in relation to meeting the full development needs that exist;
 - It does not contribute to the achievement of sustainable development, because it does not adequately consider the proper balance of the different strands of sustainability and fails to recognise the presumption in favour of sustainable development; and

- It is not in conformity with the Torbay Local Plan.
- 1.1.7 The site at Totness Road is not properly allocated for development and its identification for development at the end of the plan period is not consistent with the adopted Local Plan policies which clearly include the site as deliverable within the next five years, identifies more units, and thereby contributing to the five-year land supply.

2 Representations

2.1 General Housing provision

- 2.1.1 The most significant failure of the Neighbourhood Plan is that it is not in general conformity with the strategic policies of the Local Plan. There is a substantial lack of consistency with Local Plan, despite the fact that para 1.9 of the submitted plans says that this plan has been produced alongside the Local Plan and that *'by adopting this twin track approach, the Plans have informed each other to arrive at the policies and proposals needed for the area'*. The objections from Torbay Council demonstrate that it is clearly not the case that the Neighbourhood Plan seeks to implement the adopted policies of the up-to-date development plan for Torbay. This is unfortunately a fundamental error which goes to the heart of the NPSV.
- 2.1.2 The Torbay Council objections to the Paignton Neighbourhood Plan set out a large number of overarching concerns. Specifically, they are concerned that the Neighbourhood Plan is not in general conformity with the strategic policies and that it does not provide adequate housing to meet the needs and deliver the housing identified in the Local Plan. For the avoidance of doubt, the process of adopting the NPSV should not be seen as a means of re-writing the up to date Local Plan. The Council also objected to the fact that the Neighbourhood Plan seeks to re-assess the objectively assessed need with a view to reducing housing numbers and /or postponing development on sites, and this is entirely inappropriate and not within the gift of the Neighbourhood Plan to do. The Local Plan review mechanism is right tool for making strategic changes to housing need and delivery.
- 2.1.3 The strategic approach to housing delivery was scrutinised at length during the Torbay Local Plan Examination, prior to the Local Plan being found sound and adopted in December 2015. Whilst we would all agree an ideal scenario would be to have a coordinated and direct link between job creation and house building, realistically it is not possible to get such a clear and direct link, and in any event this issue is highly complex and it is very important to remember that much of the demand for housing is not necessarily driven by job opportunities, and people who do not work also need to live somewhere. The main concern raised by the Local Plan Inspector in his report dated 12th October 2015 was that a job-led approach in an area like Torbay where economic performance has been poor in recent years would not work. There is a danger that firms would be reluctant to move to the area or expand in the area if they fear that housing to support job creation will not be provided in a timely fashion. Consequently, he set out in his final report that "it is unrealistic to rely on a jobs led approach in an area where the local economy has been struggling and there is a clear need to strongly encourage local employers to expand or new employers to move to the area...the danger of housing growth not being matched by jobs growth is outweighed by the advantage of support for the Council's growth strategy and the confidence the strategy may bring to those looking at the area for investment opportunities." (p9).
- 2.1.4 Thus, the adopted Local Plan Policy SS12 (Housing) sets out that provision will be made for 8,900 homes over the plan period or beyond, so long as these can be provided without harm to the economy or environment, including sites protected under European Legislation. It is not clear why the NPSV approach fails to recognise or adhere to the sound approach taken by the Local Plan Inspector.
- 2.1.5 The Neighbourhood Plan seeks to rely on a jobs led strategy which is not consistent with the Local Plan and fails to recognise that the demographic needs that exist in Torbay are far greater than the economic needs. By reducing the number of homes down in line with reduced number of jobs that are suggested as materialising, means that the needs of the population are not being met. While the idea of a jobs homes balance is useful, it is not a simple equation, and the Neighbourhood Plan misunderstands these issues. Housing-led growth is in effect demographic led growth which is generated from the population assumptions used of which migration is a key element. The intention appears to be that the plan will only provide for local people in

employment, which is clearly not an appropriate, justified or achievable approach. For example, by dismissing migration, the Neighbourhood Plan is seeking to remove a considerable element of legitimate demand which cannot be stopped. Paignton is not an island which can control its own borders. It operates within Torbay and the Housing Market Area and has clear functional relationships beyond its own and the Local Authority's boundaries. The unjustified and potentially restrictive nature of the NPSV is not consistent with the very clear drive to improve the supply, choice and affordability of housing, not least through the delivery of affordable housing as part of wider schemes.

- 2.1.6 There is no justification for the provision of 3,080 dwelling units rather than 4,285 dwelling units as required by the Local Plan policy SS12. The Inspector explicitly rejected an approach that restricted homes until jobs has been delivered and this is exactly what the Paignton Neighbourhood Plan is trying to do - seeking to stall the delivery of allocated sites for no good reason. Consequently, the approach taken is inappropriate, not justified or in accordance with planning policy. It is also not in conformity with the adopted Local Plan (policy SS12).
- 2.1.7 The Government has recently consulted on their new standard methodology for the calculation of local housing need following the Housing White Paper. While this does not yet have any formal status it is a useful benchmark to understand the likely implications of such an approach which would mean a need for 588 homes per year in Torbay. This compares with a previous rate of 495 homes per year which are currently identified to be provided as set out in the adopted Local Plan. This demonstrates a 19% increase in the local housing need. It is important to note that this method is based entirely on demographic projections and the affordability ratio which has risen from 7.25 in 2011 and 8.18 in 2016. It is important to understand that this approach does not make any upward adjustment for economic objectives.
- 2.1.8 There are other examples where the approach set out in the Neighbourhood Plan is internally inconsistent and not deliverable, for instance at paragraph 6.16 it is not clear how the objective for an increase in affordable housing to meet local need will be achieved with a plan that seeks a drop in resident population.

2.2 Policy PNP1 - Area Wide Policy

- 2.2.1 Objection is made to policy PNP1 which does not provide adequately for the allocation of housing sites as it is required to do by the Torbay Local Plan. In Paignton it is necessary to allocate sites for more homes and as such specific allocations should be included within the policy which identify the sites and the number of dwellings to be accommodated. This should include the site at Totness Road for approximately 100 units.
- 2.2.2 Criteria h is objected to because it does not make any sense when no sites are properly allocated and in any event is not consistent with the Local Plan and sets an annual timescale for reviews which is not appropriate or achievable. Homes and jobs do not necessarily follow a linear pattern and reviews are meaningless if done at a geographical scale that is too small, ideally this needs to be considered across the whole Functional Economic Area and certainly for the whole of Torbay. Jobs growth is difficult to measure and notoriously volatile so annual monitoring should be set with the context of rolling three-year data and in line with the monitoring of the Local Plan as a whole, and not for Paignton as an isolated area.

2.3 Annex 1 to PNP 1

Local Green Space

- 2.3.1 Annex 1 to Policy PNP1 is objected to for a number of reasons:
- It is not clear whether this is a policy and therefore what status it has? The effect of any designation is very significant and therefore it is essential that the designation is applied properly and for its intended purpose;

- It seeks to safeguard designated Local Green Space without proper justification and in conflict with the Local Plan; and
 - It is highly restrictive and negatively worded which is contrary to national planning policy and advice and does not.
- 2.3.2 The land covered by proposed Local Green Space designation PLGS60 is privately owned land that is not accessible to the public. There is some level of discretion as to what spaces would be regarded as suitable for designation however the common denominator is that the general public benefit from access to the site. NPPG paragraph: 013 (Reference ID: 37-013-20140306) provides examples of the type of location Local Green Space designation would be appropriate, this reads as follows: "...green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis." The site does not perform any of these functions and as such should be Local Green Space
- 2.3.3 We note that the Council and landowner of Little Blagdon Farm also objects to the designation of this site as Local Green Space, which may prejudice the access into the development site as identified on the masterplan.
- 2.3.4 By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstance (NPPF paragraph 76). Thus, the Government makes clear that "Identifying Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services." (NPPF paragraph 76, p18). Little Blagdon Farm PLGS60 is identified in the Local Plan as an area for growth in policies SS2 and SPD3.3 and also in the approved and adopted masterplan. In the context of the NPPF paragraph 76 the Neighbourhood Plan's proposed Local Green Space designation at this location is clearly not consistent with the Council's local planning strategy for sustainable development as the land is earmarked as a Future Growth Area. It is clear that Local Green Space cannot be designated if it is subject to planning permission or allocated for development in the Torbay Local Plan and this criterion is set out in table A5.2 of the Supporting Evidence document. It is therefore unclear and not explained how the site at Little Blagdon Farm (PLGS60) has been identified and included when it explicitly complies with this criterion, which arises directly from the NPPF and NPPG, and therefore fails the primary test for designation.

Policy wording

- 2.3.5 While we recognise the intentions of the policies and the wish to encourage the protection of the Rural Character area the policy takes no account of the ability to mitigate impact and is far too restrictive and does not take account of the local circumstances that might apply. This is principally the case in relation to the less sensitive character area of Blagdon Bardon which is clearly identified as having opportunities for restoration. The wording should be amended to provide encouragement but not set up so that they are framed negatively and so widely that it is impossible to meet the objectives. We are particularly concerned about the final sentence of this policy which seeks to refuse all proposals that conflict with all the criteria. This is highly restrictive, not justified and onerous and impossible to define and would only remain productive if it is maintained. It is not appropriate for proposals which do not create a network of edible hedgerows to be refused or for financial contributions to be required to fund food production where this is not in line with CIL regulations or required as part of the S106 agreements. No evidence to justify these requirements is provided and nowhere is it set out how compliance would be judged.
- 2.3.6 While encouraging local food growing and production is a worthy objective, it is not within the remit of policies to force this to happen, particularly on privately owned land. Criteria d seeks to make development sites that are unused for 6 months or more available to the local community for food growing until developed. This is so far in excess of what is reasonable that

it is irresponsible and in any event is not justified or achievable and therefore entirely outside the remit of the Neighbourhood Plan. Consequently, this criterion should be deleted.

- 2.3.7 We are very concerned about the way this policy, and many of the others, is worded negatively, too restrictive, is not supported by evidence and does not define terms. Of particular concern is that most policies include the caveat at the end as follows *“Development proposals that prevent this policy from being achieved will not be approved”*. This is highly restrictive and not justified because compliance cannot be achieved and it is highly onerous on developers. It goes well beyond the regulations and is not in accordance with the requirements of the NPPF and advice in the NPPG and as such it should be deleted. It should also be noted that by including this catch all provision at the end of all the policies leads to a confused and inconsistent policy which does not provide for the development of growth areas or the achievement of the Plan’s own objectives. It is necessary for the final sentence of all the policies to be deleted at the absolute minimum.

2.4 Annex 2 to PNP1

- 2.4.1 This policy sets out the Design Guide which, while having understandable desires within it, is highly restrictive and not justifiable and will prevent development in the Major Growth Area from being achieved. Specifically, criteria 1 and 4 are too restrictive and there is no allowance for mitigation measures which can ensure that any adverse effect is ameliorated. Criteria 9 is contrary to the policy in the Torbay Local Plan and policy in NPPF and NPPG. The policy also includes highly onerous requirements such as in criteria 7, 8, 11, 18, 19, 20, 23, 36 and 38 which may not be justified by a site proposal and, as such, should not be threatened with refusal if they are not included.

2.5 Annex 3 to PNP1

- 2.5.1 This policy is very restrictive and seeks to require various elements that go well beyond that which is required by regulation, the NPPF and NPPG. For example, criteria b states that ‘schemes will be required to achieve more than sustainable drainage improvements’, however these are not justified and considerably in excess of what is reasonable. We are very concerned that the terms are not defined and there are no criteria against which these requirements can be judged as reasonable in conjunction with the CIL Regulations. For example, in criteria c what are surface water sensitive planning conditions? We also believe that it is unreasonable to encourage waterless toilet systems in criteria d, but then say that proposals that prevent them from being achieved will not be approved this is a matter for construction regulations and the site developer. The Neighbourhood Plan and its policies are written to prevent development. It is highly confused about the role of its policies in encouraging the right types of development and drawing a suitable limit at what it can reasonably, justifiable and appropriately require.

2.6 Policy PNP13 - Housing Opportunities within the Town Centre

- 2.6.1 Policy PNP13 criteria c seeks to restrict occupancy to those who have lived in Torbay for more than 5 years, work in Torbay or can demonstrate a confirmed offer of employment within Torbay. To be appropriate and in line with the NPPF there should be substantial local justification for this. However, it is not clear what evidence exists and there is no consideration of this issue within the Supporting Evidence Document submitted with this Neighbourhood Plan, as such it is not had proper regard to national policy nor is it consistent with the Local Plan. It is also important to understand that the practical application of this policy will have an effect on the viability and delivery of the town centre sites affecting the supply of sites and consequently will not ensure that the need for housing as set out in the Local Plan will be met.
- 2.6.2 While we support the regeneration of the Town Centre and Seafront and the need for a vibrant area with increased residential accommodation, some of the sites identified pose a considerable challenge to be delivered within the timescales required. This is particularly the case as viability will be severely impacted upon by the restriction of occupation of town centre dwellings included

within policy PNP13(c). This issue has been explicitly raised by Torbay Council and it is not clear what viability assessment has been undertaken to assess the likely impact on the deliverability of sites. Viability is not considered in either the Supporting Evidence document or the Basic Conditions Statement and as such means that it has not been properly assessed in terms of the implications on the delivery of housing and the impact on the achievement of housing to meet the local needs that exist as set out in the Local Plan.

2.7 PNP19 – Safeguarding open countryside

- 2.7.1 The policy is worded such that it seeks to maintain and enhance the Rural Character Area with no reference to the specific local needs and different requirements in the different areas. It does not contain any reference to mitigation measures or to the specific objectives of the local sub areas, specifically of Blagdon Barton which is identified as a less sensitive area.

2.8 Collaton Village

- 2.8.1 The Neighbourhood Plan recognises that the Western side of Paignton ‘offers significant possibilities for sustainable development’, however the wider objectives seek balanced development and then heavily restrict growth here, with a trajectory that illustrates delivery at the end of the plan period with no justification. This approach to restricting growth around Collaton is in direct conflict with the Local Plan policies which identify this area as a Future Growth Area in policy SS2 and SPD3.3 as well as the NPPF, NPPG and clearly stated requirements to deliver a greater quantum of housing through the Standard Methodology and other recent Government publications.

Landscape character

- 2.8.2 The landscape character areas around Collaton St Mary is set out in figure 6.10 and Table 6.2 and includes two sub areas:
- 3H (Blagdon Valley) which is a highly sensitive landscape which is to be conserved; and
 - 1L (Blagdon Barton) which is a less sensitive landscape which is which is to be restored.
- 2.8.3 Our Client’s site at Totnes Road is identified largely within the settlement boundary, but it should be noted that the adjacent site is within the least sensitive area of landscape character out of the whole of Paignton.
- 2.8.4 The Plan states that the village of Collaton St Mary leading from South Hams into Torbay is a unique entrance that must be ring fenced and preserved. However, this is at odds with the landscape character evidence which as shown above identifies this landscape as the least sensitive area which should be managed and restored. Consequently, the Neighbourhood Plan should ensure that the level of protection is proportionate to the landscape character and does not seek a blanket protection, which is inconsistent with the objectives of the Rural Character Area and Management Strategy.

2.9 Policy PNP24 – Collaton St Mary Village

- 2.9.1 This policy does not adequately recognise the identification of the site at Totness Road as being a location for development which is within the settlement boundary and suitable for development. The policy as it is currently written conflicts with the Torbay Local Plan policy SS2, SS12 and SPD3.3 as well as the adopted masterplan for the development for the area. It is also contrary to the latest Torbay Council five-year land supply statement which identifies, for example, the Taylor Wimpey (car boot) site as able to provide about 100 units with 80 included within the trajectory for delivery between 2018/19 and 2020/21. In this regard the NP is wholly out of step with the higher tier policy to which it should be compliant.

- 2.9.2 Figure 7.15 identifies sites in Collaton St Mary and FGA SS2.2 Area E is outlined, however, it is not entirely clear whether this is a formal site allocation for housing development, although this appears to be implied? Absolute clarity is necessary in this regard to ensure that there is certainty in future development control processes. Torbay Council are also concerned about the specific lack of site allocations and the implications this has for the five-year supply and the explicit charge that the plan is not in general conformity with the strategic policies of the Local Plan. It is also important that the site identified in figure 7.15 is not the right area and does not properly identify the whole of the area suitable for development as identified for growth in the Local Plan under policy SS2 and SPD3.3.
- 2.9.3 It would be entirely inappropriate for an application for the development of the Future Growth Area is considered against PNP24 because the policy as currently written seeks to restrict growth with no recognition of the large growth area that has been identified adjacent to the village. Consequently, the policy and its criteria are inappropriate and disingenuous because there will be far more than low organic growth (a), the growth area does not limit development by the creation of a village centre (b), is greenfield development (e). In addition, we are very concerned that the policy refers to development creep or urban creep in criteria h, which are terms that are derogatory and not defined and should not be included within such a policy document. Criteria j is unjustified and not supported by any local evidence, in addition it is not clear how it would be implemented, managed and monitored and as such should be deleted. Again, objection is made to the catch all sentence at the end of the policy which seeks to refuse any development that prevents all the inappropriate, excessive and unjustified criteria from being achieved. This sentence should also be deleted as a minimum.

2.10 Delivery

- 2.10.1 The policies in the Local Plan are clear that neighbourhood plans should identify sites for development to provide certainty on sites. It is noted that the plan identifies rather than allocates sites and that further clarity is sought that the whole of the site at Totness Road should be allocated for residential development. Objection is made to table 8.1 of the Neighbourhood Plan which identifies part of the site for delivery, but then seeks to phase its delivery for no good reason. This is contrary to the Local Plan's growth strategy and the NPPF's presumption in favour of sustainable development. The plan places inappropriate emphasis on the review mechanism within the Local Plan and uses this as an excuse to phase the site, which is not justified on any evidence and contradicts the approach in the strategic policies of the Local Plan.
- 2.10.2 The adopted Local Plan (paragraph 4.5.49) makes clear that the role of the Neighbourhood Plan is to allocate land to assist meeting housing needs after the first five years – i.e. expected requirements from April 2017. The Neighbourhood Forum's role is therefore not to re-open the debate on the required housing figure but to conform with the policies of the adopted Local Plan and positively support them. Neighbourhood plans should not promote less development than set out in the Local Plan nor undermine the Local Plan's strategic policies (NPPF paragraph 184).
- 2.10.3 The Neighbourhood Plan is therefore required to allocate sites for the delivery of housing in years 6- 10 (2017/18-2022) in accordance with the Torbay Council five-year supply trajectory and for a rolling five-year period until the end of the plan (2030) to ensure that the Council does not have to produce a Site Allocations DPD. In our experience the production of such a document is rarely a quick process and would put the Council at risk of not being able to demonstrate a rolling five-year supply.
- 2.10.4 Given the above, the Neighbourhood Plan needs to clearly allocate sufficient sites for Years 6-10 of the plan period. Years 6-10 of the plan period are in effect Years 0-5 now and therefore represent immediate need. Despite these concerns being raised previously, the Neighbourhood Plan's trajectory does not clearly set out a housing supply specifically for this period (2017/18 – 2021/22) in line with the Local Plan which requires the delivery of 1,190 dwellings (Local Plan Policy SS12).

- 2.10.5 The Local Plan (Policy SS12) requires the provision of at least 4,285 dwellings at Paignton over the plan period (2012-2030). For Paignton alone, the minimum requirement set out in the housing trajectory (Local Plan Table 4) is as follows:
- Years 1-5 (2012/13 – 2016/17) – 960 dwellings;
 - Years 6-10 (2017/18 – 2021/22) - 1,190 dwellings;
 - Years 11-15 (2022/23 – 2026/27) – 1,330 dwellings; and
 - Years 16-18 (2027/28 – 2029/30) – 800 dwellings.
- 2.10.6 We agree with Torbay Council that the Neighbourhood Plan is not the place to try to recalculate and reduce the calculation of housing need as this is a strategic matter which was comprehensively addressed at the Local Plan Examination. We have significant concerns about the revised calculations put forward in the evidence base document, in particular there seems to be a misunderstanding of the issue of a rolling five-year land supply and a significant error in the application of an increased windfall allowance. A windfall allowance may be appropriate to use in the calculation of supply but if it is applied it should be based on robust local evidence of completions and not just permissions, because not all permissions are completed and many are likely to lapse. It is also important to recognise that planning permission only last for 3 years and as such permissions prior to the plan start date of 2012 should not be included as they will certainly have lapsed by 2017. As such there are no excess windfalls to be included in the calculations. Consequently, the revised approach to the housing numbers which has led to the phasing of sites is not in line with national planning policy and advice, will compromise the achievement of sustainable development and the need to meet the needs for development in full and is contrary to the strategic approach and housing needs and requirements set out in the adopted Local Plan.
- 2.10.7 Our objections relate to the Neighbourhood Plan's focus on deterring development at certain sites (including Taylor Wimpey's site) until after the anticipated Local Plan five-year reviews have taken place in 2020/21 and 2025/26 rather than seeking to boost housing delivery and maintain a five-year supply trajectory which includes Taylor Wimpey's site at land north of Totnes Road. Particular reference is made to Table 8.1 (Housing sites and phasing conclusions) of the draft Neighbourhood Plan (p96) where it is stated development at Taylor Wimpey's site (referred to as "FGA SS2 Area E" in Table 8.1) is only suitable to come forward after the second Local Plan Major Review in 2025/26 and as such is at the back end of the Neighbourhood Plan's housing trajectory for delivery in Years 2027/2030. Furthermore, the Neighbourhood Plan's trajectory accounts for only 40 dwellings at the site compared with Torbay Council's trajectory which expects the site to deliver circa 100 dwellings (80 within the next five years (2018/19 – 2020/21)).
- 2.10.8 Reference is made to the adopted Collaton St Mary Masterplan SPD which supplements the Torbay Local Plan. In relation to Taylor Wimpey's site at land north of Totnes Road (referred to as "Phase 4" in the Masterplan), the Masterplan SPD states the following: "The areas highlighted in this phase are 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 should the need or desire to develop these areas sooner arise".
- 2.10.9 The adopted Masterplan SPD expects the delivery of 105-110 dwellings at Phase 4 which comprises Taylor Wimpey's Site and a smaller site to the north of the village centre. It should be noted that this masterplan is an indication of what might be possible on the site, nowhere within it is a figure of 40 dwellings explicitly stated. Indeed, if a finer grained approach to masterplanning the site based on a landscape approach using existing contours a more sensitive development could be accommodated which would result in a greater number being provided on the site.

2.10.10 Adopted Local Plan Policy SS13 (Five-year housing land supply) states that where Neighbourhood Plans do not identify sufficient sites to meet Local Plan requirements in years 6-10 of the housing trajectory (see above), the Council will either:

- i. "Bring forward additional housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or
- ii. Identify additional sites through new allocation development plan documents; or
- iii. Consider favourably applications for new housing, consistent with Policy SS2, H1 and other Policies of this Plan."

2.10.11 The housing trajectory detailed in the adopted Local Plan should not be viewed as a target but as a minimum requirement. Policy SS13 goes on to say that new housing leading to the five-year supply figure being exceeded will be permitted where:

- i. "The proposal would bring social, regeneration or employment benefits, including through the provision of funding of infrastructure;
- ii. The proposal would not lead to serious infrastructure shortfalls; and
- iii. The proposal is consistent with other Policies in the Local Plan."

3 Conclusion

3.1 Changes required

3.1.1 The Paignton Neighbourhood Plan as currently drafted fails to meet the basic conditions because it does not have proper regard to national planning policies and advice, does not contribute to the achievement of sustainable development and is not in general conformity with the strategic policies of the up to date adopted development plan for Torbay.

3.1.2 In particular, the Neighbourhood Plan seeks to prevent development and does not currently conform to the Local Plan strategic policies particularly in relation to the allocation of sites and the phasing of housing delivery and also in relation to the proposed Local Green Space designation PLGS60. Torbay Council is now somewhat reliant on the Neighbourhood Plan coming forward in a timely manner in order to ensure it can sustain a rolling five-year land supply. Thus, making it even more important that the Neighbourhood Plan is considered to be in compliance with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

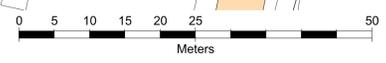
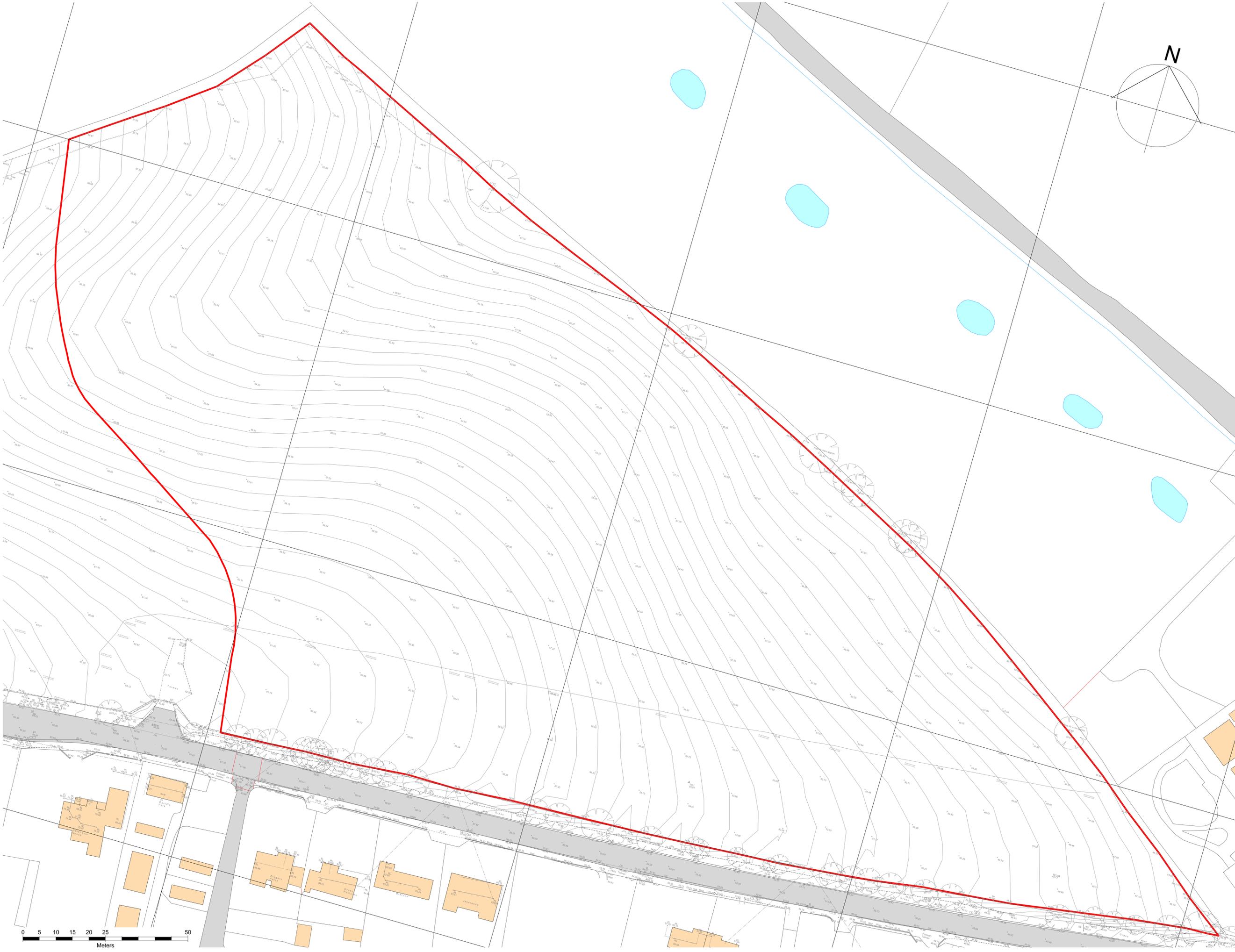
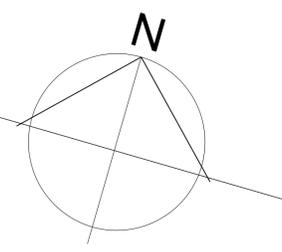
3.1.3 In order to ensure the Neighbourhood Plan meets the basic conditions we suggest the following changes are made:

- The Neighbourhood Plan should look to complement the strategic vision of the Local Plan by encouraging a boost to housing supply in Years 6-10. As set out by the Local Plan Inspector, a housing-led approach would likely encourage more investment in job creation;
- The Neighbourhood Plan should not discourage development at the identified Local Plan Future Growth Areas in the earlier part of the plan period. The adopted Collaton St Mary Masterplan SPD makes clear that providing properly supported infrastructure is put in place, particularly drainage and flood prevention measures, it would be acceptable for development to come forward sooner;
- The proposed LGS designation at PLGS60 should be removed as it is not consistent with Policy SS2 (Future Growth Areas) in the adopted Local Plan (refer to Policies Map Sheet 23); and
- The policies should be significantly reworded and many criteria deleted as well as the catch all final sentence of each removed. This is necessary to ensure they are in accordance with the NPPF and NPPG as well as the Torbay Local Plan. They should be positive, rather than negative and restrictive, to ensure they are defensible and based on robust local evidence, to ensure that all terms are defined and tests are explained and justified, and can be properly judged against robust criteria.

Appendix A Site plan -

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