**Joint Assessment of the Torbay Council response to the Torquay Neighbourhood Plan (Regulation 16) Consultation**

The Torbay Council Local Planning Authority (LPA) and Torquay Neighbourhood Plan Forum have agreed a joint response with regards to certain representations made by the LPA on the Submitted Torquay Neighbourhood Plan during the consultation at Regulation 16 stage.

The response summarises the Torquay Neighbourhood Forum’s response to Regulation 16 comments made by the Torbay LPA, including suggested modifications from the Forum made to overcome objections. The LPA has then provided a further response to those comments in terms of how far those comments address Regulation 16 representations.

Further to the Examination Hearing held on the Torquay Neighbourhood Plan in May 2018, this document is intended to be helpful to the Examiner of the Torquay Neighbourhood Plan with regards to modifications which may be recommended in order to help the plan meet the basic conditions. Note that the position and comments are made with the intention by Torbay Council LPA and the Torquay Neighbourhood Forum that they are without prejudice to any views which are later made upon the recommendations which are contained within the forthcoming Examiner’s report.

Note that the statement does not address representations or seek to form a view on representations made by other parties made at Regulation 16 stage.

Key to table.

Note that this document contains a table which expands the table of comments contained in the Regulation 16 comments (submitted by Torbay Council on the submitted Torquay Neighbourhood Plan. Note that not all comments made at Reg 16 stage by the LPA are included within the table – only comments on policies where progress between the Forum and LPA officers was made towards agreement. Three additional columns have been added (in iterative order):

= Torquay Neighbourhood Forum comments and suggested changes to address Regulation 16 response

= LPA officer response to those comments and further TNP comments

**Schedule of responses on the Torquay Neighbourhood Plan – Regulation 16 Stage (on behalf of Torbay Council Local Planning Authority) and changes agreed with the Torquay Neighbourhood Forum**

| **Policy number/section and details** | **Page ref.** | **Summary response or issue** (e.g. Support, Object, changes/ clarification required, etc.) | **Reason/Explanation** (e.g. with regard to national guidance, contribution to the achievement of sustainable development, general conformity with the Torbay Local Plan, compatibility with EU obligations or other practical material considerations) | **Suggested amendments or action (if applicable) to resolve the issue** (i.e. in order to make the plan and/or policy more effective, robust, deliverable, precise, etc.) | **TNF comments and suggested changes** | **LPA Officer response (and TNP comment)** |
| --- | --- | --- | --- | --- | --- | --- |
| Torquay Neighbourhood Plan - whole document, non-specific, general comments | All pages | Editorial changes required throughout to enhance legibility | To enable the document to be more practically usable and legible would be very helpful to make a number of editorial changes throughout. The LPA is of the view that that these changes could be made as minor modifications to the plan. | For example:  - paragraphs to be numbered throughout (e.g. 1.1., 1.2., etc.)  - planning policies to be referenced in a different style to that of the Local Plan e.g. adding a prefix to policy numbers e.g. ‘TNP H2’ rather than ‘H2’  - community aspirations to be numbered | Agreed | Agreed - suggest those editorial changes could be done in collaboration with the Forum. |
| Foreword | 2 | No specific comments |  |  |  |  |
| Introduction | 3, 4 | No specific comments |  |  |  |  |
| Vision and Aspirations | 5 | No specific comments |  |  |  |  |
| Objectives | 6, 7 | No specific comments |  |  |  |  |
| Glossary | 7 | Support but minor clarifications may be required | Including a glossary within the plan is very helpful for the reader. The current glossary definitions would however benefit from some further work e.g. ‘*Gateway – the area as you enter Torquay*’ is open to interpretation. In addition, it is felt that the definition of certain terms e.g. ‘*community hub facilities*’ should be checked for consistency with the context of how they are applied within the rest of the plan. | A review of glossary definitions to ensure they are unambiguous and are consistent with how they may be referenced for their intended use and meaning elsewhere within the plan. | Redefine  Gateway – The area around Edginswell Future Growth Area | Agree with suggested change to Gateway. |
| Policies and Aspirations | 9, 10 | Support but clarification required | The Plan does include some explanation of the difference between 'planning policies' and 'community aspirations' that are included within the document. We broadly support and recognise that the Neighbourhood Forum would like to provide recognition of ideas, proposals and wishes expressed by the community during the neighbourhood planning process which are not necessarily capable of being integrated into and delivered through a planning policy (e.g. delivery sits outside the planning system). We welcome the approach of distinguishing between planning policies and community aspirations. However, it is felt the status of community aspirations could be made clearer still, so that readers are fully aware that community aspirations are not intended to be used by the local planning authority (as policies) to manage decisions regarding development proposals. | We would suggest that a sentence is added either on page 10 or to the glossary to say to the effect that: *"Community aspirations cover matters which cannot reasonably be required of or are unsuitable to be delivered through the development management process. For example, they may reflect issues which sit outside the town planning process e.g. changes to wider local authority or other organisation policies or plans. These aspirations contained within this plan do not commit any action to take place to deliver them but do reflect the wishes expressed by the Torquay Neighbourhood Forum whom wish to see these aspirations delivered through other means and therefore it is important they are reflected within this Plan."* | Suggest  Community aspirations cover matters which are not intended to be policies for delivering through the development management process. The aspirations contained within this plan reflect the wishes expressed to and by the Torquay Neighbourhood Forum who wish to see these aspirations delivered through other means and therefore it is important they are reflected within this Plan. | Further suggested amendment:  Community aspirations cover matters which are not intended to be policies and therefore required and delivered through the development management process. The aspirations contained within this plan reflect the wishes expressed to and by the Torquay Neighbourhood Forum who wish to see these aspirations (many of which require wider action to be taken, including that outside the remit of the town planning process) delivered through other means and therefore it is important they are reflected within this Plan.  TNP agreed |
| ***PLANNING POLICY S1 The Presumption in Favour of Development***  *Development proposals which accord with the policies in the Torquay Neighbourhood Plan and the adopted Torbay Local Plan shall be approved unless material considerations indicate otherwise. Development proposals not in accordance with the policies in the Neighbourhood Plan shall be refused unless material considerations indicate otherwise.* | 9 | Support (with suggested minor change) | This policy broadly reflects the NPPF presumption in favour of sustainable development.  This ought to be reflected in the title of the policy through a minor change of wording. We note that the Forum’s consultation statement indicated agreement with earlier Regulation 14 comments made by Torbay Council, to this effect. | Change title to *“The Presumption in Favour of Sustainable Development”* | agreed | Agreed |
| ***PLANNING POLICY H1 Allocation of housing sites and revisions to the Local Plan***  *Housing sites are allocated by our Plan and are listed in Appendix 1 Table 3 which forms part of this Plan and are illustrated in the Maps 1-16.*  *Numbers of units on sites are notional and may be varied subject to material planning considerations.*  *Any significant revision to the requirements for housing numbers within the Neighbourhood Plan period that arise from changes to the current Torbay Local Plan and affect Torquay must be in parallel with a revised Torquay Neighbourhood Plan that shall allocate revised sites, subject only to the community agreeing to undertake this work. Any revised Plan shall be subject to statutory arrangements for consultation and examination.* | 13 | Support allocation element of this policy. Object to revision element. | We recognise that the first part of this policy relates to the allocation of sites by the Torquay Neighbourhood Plan and supports the growth strategy of the Torbay Local Plan. This is supported and welcomed.  The neighbourhood plan is unable to account for and deliver future revised versions of a ‘Torquay Neighbourhood Plan’. Undertaking future revisions to a Torquay Neighbourhood Plan is a matter outside the control of this plan and is not a development management issue. It is felt that this policy should be referred to as a community aspiration, as the current wording sets out a procedure and is not deliverable/appropriate within a planning policy. As a policy, if taken seriously this could be interpreted as constraining and delaying the ability of the local authority to update/review the Local Plan as and when required. | Remove the future/revised Torquay Neighbourhood Plan element of this policy. This element could become a community aspiration, consistent with how similar issues have been dealt with elsewhere within the plan. | *Agreed*  Change policy to  Housing sites are allocated by our Plan and are listed in Appendix 1 Table 3 which forms part of this Plan and are illustrated in the Maps 1-16.  Numbers of units on sites are notional and may be varied subject to material planning considerations.  Add Community Aspiration to state that:  Any significant revision to the requirements for housing numbers within the Neighbourhood Plan period that arise from changes to the current Torbay Local Plan and affect Torquay must be in consultation with the Torquay Neighbourhood Plan Forum and in parallel with a revised Torquay Neighbourhood Plan where allocated development sites will be reviewed and reallocated to meet housing requirements. | Agreed – a future/revised TNP sits better as a community aspiration. This cannot be required by the LPA through a planning policy document. The form of wording should also reflect this, changing the emphasis from ‘must’ to ‘would wish or hope’. |
| ***PLANNING POLICY H2 Designing out crime***  *Any new residential development shall be of a design that minimises opportunities for crime, fear of crime and antisocial behaviour proportionate to the scale of the development.* | 13 | Support | This policy is consistent with the Torbay Local Plan, particularly DE1. It is noted that this policy, through worded differently tackles a very similar issue to that of J9 (Prevention of crime through design). | Consider amalgamating this with Policy J9. This would remove repetition and make the plan more concise. | Leave | Noted |
| ***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 the consultation following submission of this Plan.* | 14 | Object | It is unreasonable to pick out the Edginswell Future Growth Area and make a special case for the consideration of viability within neighbourhood plan policy. The approach of the Council to issues of viability is consistent with the NPPF (inc. para 173) and the approach is consistent across all development sites (further information is set out in this within Policy SS7 of the Torbay Local Plan and the Planning Contributions and Affordable Housing SPD). Whilst negotiation on development viability is not a ‘carte-blanche’ to unsustainable forms of development being approved (quite the opposite) the Council must be sensitive to viability on a case-by-case basis, particularly where planning contributions are requested. Whilst we recognise the Forum has its own reasons to believe there is significant development value within the site it is premature to prejudice future consideration of viability before all known ‘asks’ from the allocated development site are fully known. For instance, before a development proposal is approved for the Edginswell Future Growth Area there is further detail on detailed infrastructure provision, etc. to be investigated in order to inform the contributions ultimately sought through development. As this detail and potential scale of required infrastructure costs (together with other planning contributions/planning gain required) is not fully known at this stage, it would be unreasonable to make commitments within policy to the future consideration of development viability at this site. | Delete policy | Disagree but revise to  In the Edginswell Future Growth Area obligations to build affordable housing; and any community facilities identified in an adopted Master Plan for the area; shall be the highest priority in any agreement on viability. | Support premise of the suggested change, with amendments:  In the Edginswell Future Growth Area obligations to build affordable housing and any community facilities identified in an adopted Master Plan for the area shall be given high priority.  TNP agreed |
| ***PLANNING POLICY H6 Sustainable later life homes***  *Any new residential units designed for retirement or accommodation for assisted living shall be refused Planning permission unless they are in locations that are within an easy walk of community hub facilities and have a stop on a sustainable public transport route that serves those hub facilities and Torquay town centre.* | 15 | Support subject to minor amendments | Local Plan Policy H6 provides guidance for ‘Housing for People in need of care.’ Criterion 2 and 3 ’…*within easy reach of community facilities, shops and public transport*.’ This policy would seem to be in general conformity with the Local Plan in this regard.  With reference to public transport, the policy should read more flexibly. | Change to “…be accessible to a *~~have a stop on~~ a sustainable public transport route that serves ~~those hub~~ local town or district centre facilities ~~and Torquay town centre.”~~* | Amend policy wording  Any new residential units designed for: retirement or accommodation for assisted living; shall be refused Planning permission unless they are in locations that are within an easy walk of community hub facilities and a stop on a sustainable public transport route that serves Torquay town centre. | Agreed |
| ***PLANNING POLICY H11 Minimum bedrooms***  *There shall be a presumption against development of an existing residential property that does not provide accommodation with a separate bedroom.* | 18 | Object | The current wording of this policy is unclear. It is assumed that this policy aims to prohibit the formation of ‘bed sits’. If that assumption is correct, this should be made clearer, justified and potentially incorporated as part of an overall policy concerning HMOs. Local Plan Policy H4 seeks to assess the provision of HMOs. In its current form the policy lacks precision to be delivered effectively.  The policy as it reads currently could result in the refusal of any household extension (e.g. kitchen). | Delete this policy or significantly revise. | Reword to clarify  There shall be a presumption against development of an existing residential property in to additional residential units if that development does not provide accommodation units with a separate bedroom. | This could do with some discussion. If the intention is to restrict the formation of HMOs, it should be understood that the creation of an HMO may be deemed as having a number of separate bedrooms together with sharing another part of the accommodation. This policy would not obstruct the creation of an HMO.  TNP suggested change to…..’self-contained accommodation units with a separate bedroom’ |
| ***PLANNING POLICY H14 Parking facilities***  *All housing developments must meet the minimum parking standards contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from development or the development is within an easy walk of a sustainable public car park. Any application for new residential units or additional bedrooms to existing units must be assessed for parking requirements that must identify suitable and appropriate parking arrangements that may be in excess of the minimum required so that parking will not add to the potential for antisocial behaviour or conflict within the community.*  *New major developments should contribute to better pedestrian and cycle links where possible.* | 19 | Object | Note that ‘guideline requirements’ for parking are listed in the Local Plan which refer to both minimum and maximum standards.  Local Plan Policy TA3 allows for Consideration of Sustainable Locations and Transport Measures (though Travel Plans etc)  The policy is felt to be broadly acceptable if some clarifying words are added to the policy, particularly so that the provision of at least sufficient car parking does not lead to an over provision of parking which may impact upon efforts to support active and sustainable travel. | Amend as follows:  “All housing developments must meet the guideline parking requirements ~~minimum parking standards~~ contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from development or the development is within an easy walk of a sustainable public car park. Any application for new residential units or additional bedrooms to existing units must be assessed for parking requirements that must identify suitable and appropriate parking arrangements that may be in excess of the minimum required so that parking will not add to the potential for antisocial behaviour or conflict within the community. New major developments should contribute to better pedestrian and cycle links where possible. The provision of car parking should not be excessive so as to conflict unacceptably with efforts to encourage modal shift to active and sustainable travel modes.” | Revise  All housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or the development is within an easy walk of a public car park which will be available to residents for the foreseeable future. In addition, any application for new residential units or additional bedrooms to existing units must be assessed by the developer for parking requirements that must identify suitable and appropriate parking arrangements so that parking will not add to the potential for antisocial behaviour or conflict within the community. New major developments must contribute to better pedestrian and cycle links where possible. | Suggest further revision as follows:  All housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or the development is within an easy walk of a public car park which will be available to residents for the foreseeable future. In addition, any application for new residential units or additional bedrooms to existing units must be assessed by the developer for parking requirements that must identify suitable and appropriate parking arrangements so that parking will not add to the potential for antisocial behaviour or conflict within the community. New major developments must contribute to better pedestrian/cycle links where possible and encourage modal shift towards active travel.  TNP agreed |
| ***PLANNING POLICY H16 Protection of the historic built environment***  *Any alteration to a Listed Grade 2 property that is subject to a Listed Building Consent application must protect those historically significant elements identified within the Listing while allowing those changes that support a sustainable future for the building. The external appearance of the property will be a priority in any negotiations on financial viability.*  *Any development that affects the setting of a Listed Building must have a scale, bulk and design sympathetic to the Listed Building and any surrounding or adjacent Conservation Area.* | 19 | Object | This policy in its current form is not practically helpful to managing development for the protection of the historic environment. The reference to the listing of the property is not always appropriate as it can be outdated and do not often reference all features of merit, particularly those internally related. It is also not always appropriate to prioritise the external features as internal features may be very important to the building/listing. It is better to leave this to professional judgement on a case-by-case basis. The Council would prefer a more flexible approach.  Local Plan Policy SS10 ‘Conservation of the historic environment’ conserves heritage assets proportionate to their importance including Scheduled Ancient Monuments, registered Historic Parks and Gardens, Conservation Areas etc.  Policy HE1 ‘Listed Buildings’ protects listed buildings and their setting. | Amend as follows:  *“Any alteration to a Listed Grade 2 property that is subject to a Listed Building Consent application must protect ~~those~~ historically significant elements ~~identified within the Listing~~ while allowing those changes that support a sustainable future for the building. ~~The external appearance of the property will be a priority in any negotiations on financial viability.~~ Any development that affects the setting of a Listed Building must have a scale, bulk and design sympathetic to the Listed Building and any surrounding or adjacent Conservation Area.”* | Revise to  Any alteration to a Listed Grade 2 property that is subject to a Listed Building Consent application must protect those historically significant elements identified within the Listing and its historic external appearance while allowing those changes that support a sustainable future for the building but subject to Historic England recommendations.  Any development that affects the setting of a Listed Building must have a scale, bulk and design sympathetic to the Listed Building and any surrounding or adjacent Conservation Area. | Prefer earlier wording but could potentially accept a further revision to:  Any alteration to a Listed Grade 2 property that is subject to a Listed Building Consent application must protect those historically significant elements identified within the Listing and its historic external appearance while allowing those changes that support a sustainable future for the building subject to specialist conservation advice from the local planning authority and Historic England.  Any development that affects the setting of a Listed Building must have a scale, bulk and design sympathetic to the Listed Building and any surrounding or adjacent Conservation Area.  TNP agreed |
| ***PLANNING POLICY J1 Designated Employment Sites and minimum employment space***  *The following sites are designated Employment Sites within this Plan:*  *TNPE01 Torbay Hospital*  *TNPE02 Woodlands Industrial Estate/Lawes Bridge Retail Area*  *TNPE03 Moles Lane/Reservoir Site (new employment space)*  *TNPE04 Edginswell*  *TNPE05 Kerswell Gardens*  *TNPE06 Lymington Road Area and Chatto Road Industrial Estate*  *TNPE07 Lummaton Quarry*  *TNPE08 Torquay town centre street level (Fleet Walk)*  *TNPE09 Broomhill Industrial Estate/Riviera Way Retail Area (extension in to Nightingale Park – new)*  *TNPE10 Barton Hill/Barton Way/Hele Road commercial and industrial area*  *TNPE11 Newton Road commercial area*  *TNPE12 Browns Bridge/Willows/Wren Park Retail Area*  *When deciding Planning applications for mixed use, the total provision of employment space within the Future Growth Area or other designated employment sites must exceed 37200 square metres of employment space during the Plan period unless changed in an adopted Development Plan.* | 23 | Support principle of designation of employment sites. Some changes required. | Employment sites within the Future Growth Area (TNPE03, 4, 5) reflect the Edginswell Masterplan SPD and the Torbay Local Plan. However, this area is already allocated as FGA and whilst the masterplan sets out broad principles, the allocation firms this up. Greater flexibility to deliver employment space within the FGA is required and should be referenced within the Policy.  It is noted that the sites represent a mixture of proposed new space, the protection or redevelopment of existing space. This is not made clear within the policy. |  | Need to discuss  Looks as though the new is identified.  Need to check compliance with the employment site area in LP  Happy to flex the Moles Lane site to equivalent land area in the FGA outside other designated sites as this could aid mixed use/viability. | Agree, need to discuss. Welcome flexibility in FGA.  TNP suggested change:  Add  To improve viability for the provision of employment space within the Future Growth Area, the designated employment site at Moles Lane TNPE03 may be developed for housing if an equivalent employment area is developed as a designated employment site within the Future Growth Area but outside any currently designated employment sites. |
| ***PLANNING POLICY J2 Gateway Employment Sites***  *The new Employment Sites numbered TNPE03,4 and 5 at Kerswell Gardens, Edginswell Business Park and at the Moles Lane/Resevoir site designated in Policy J1 shall only be used for purpose built permanent employment space or ancillary uses directly supporting that employment space as appropriate for an employment site and shall exclude retail uses.* | 23 | Object | This policy identifies sites/areas within the Future Growth Area SS2.1 to be ringfenced for employment uses. Whilst the Council recognises that the Masterplan for this site indicates employment uses should be forthcoming in these areas, the policy should recognise that the emphasis should be on securing sufficient employment space across the whole Future Growth Area and therefore have an element of flexibility should new opportunities arise and as the development proposals within the area are worked up in more detail.  Could merge Policies J2 and J4 to apply to Sites in J1 and other existing (B use) employment sites. | Suggest introducing flexibility to this policy and setting out a Quantum (sqm) of B class uses (i.e. reflecting LP requirement) if this in what the Forum seek as an outcome. | Need to discuss  See above comment | Noted, as above.  TNP suggestion:  Add  …’subject to an equivalent site as specified in Policy J1’  May be better to combine J1 and J2 |
| ***PLANNING POLICY J3 Retention of existing purpose built B class employment sites***  *There shall be no change of use or redevelopment to another use from B classes to other classes on any of the existing trading estates or significant purpose built permanent employment sites other than those sites identified for other uses within this Plan or those permitted development rights that may exist. Any new employment B class sites shall have a Planning condition restriction on them that there can be no change of use outside that class.* | 23 | Suggest Re-wording | Sites /trading estates should be identified /defined.  Given that Change of Use is already permitted and cannot be amended except though Article 4 direction, the Forum could amend Policy text so that where new B space employment provision is permitted, it will be conditioned to restrict further changes of use in order to protect employment space provision.  Could merge Policies J2 and J4 to apply to Sites in J1 and other existing (B uses) Employment sites. | Amend Policy Text to Support B class uses:  “There will be a presumption in favour of Class B in existing and new employment sites/trading estates. B Class uses will be conditioned to restrict future changes of use to ‘non-B’ uses without express planning consent.” | Object as this does not protect the class usage | Needs further discussion, e.g. to understand and appreciate the operation of permitted development rights relating to some B class uses.  TNP comment – happy if wording reflects permitted development rights |
| ***PLANNING POLICY J7 Commercial street scenes***  *Redevelopment of retail or office units or residential units derived from those units and located in Conservation Areas must maintain at least: retain historic facades and restore original features if converted to other uses and be sympathetic to the existing street scene.* | 24 | Support |  |  |  |  |
| ***PLANNING POLICY T6 Oddicombe Beach***  *Any development of new facilities on the Oddicombe Beach area must be tourism related and fall within the footprint of existing buildings or car parks and be of a design to complement the historic nature and natural environment of the area.* | 28 | Support | Clarity possibly required | The Oddicombe Beach area could be more clearly defined, e.g. on the Policies Map | agreed | Agreed |
| ***PLANNING POLICY E1 Protection of SSSI***  *Any SSSI within Torquay shall be protected from any new development other than the improvement of and within the footprint of any existing buildings or surface structures and must also comply with the Local Plan policy NC1 (section ‘Nationally important sites and species’).* | 30 | Support (with comments) | Minor change for clarity and to make clear that the reasoning of the policy relates to development that has an impact on the features of a SSSI. The policy should protect from rather than preclude all development. | *Revise as follows:*  *“Any SSSI within Torquay shall be protected from ~~any~~ new development which could impact upon it ~~other than the improvement of and within the footprint of any existing buildings or surface structures~~ and must also comply with the Local Plan policy NC1 (section ‘Nationally important sites and species’).* | *agreed* | Agreed |
| ***PLANNING POLICY E5: Green Infrastructure Delivery Plan***  *Any new development of 4 or more residential units or any employment space must be in compliance with the Torbay Green Infrastructure Delivery Plan (2010) where appropriate to the scale of the development and the location of the site.* | 32 | Support (with change) | Requirement for 4 dwellings should be removed. Proportionality should be reflected. | Revise as follows:  *“~~Any~~ new development ~~of 4 or more residential units or any employment space~~ must be in compliance with the Torbay Green Infrastructure Delivery Plan (2010) where appropriate, proportionate to the scale of the development and the location of the site.”* | agreed | Agreed |
| ***PLANNING POLICY E6: Development on Established Woodland***  *There will be a presumption against any development on established woodland unless it is related to the sustainable management of that woodland or improved public access.* | 33 | Support |  |  |  |  |
| ***PLANNING POLICY E7: Green Corridors***  *All Greenfield developments must provide suitable and appropriate green corridors and green links to watercourses within that development if there is existing on land bordering the site: agricultural land or woodland or hedgerows or watercourses; these green assets must be appropriately linked to facilitate the natural movement of wildlife, proportionate to the scale of the development.* | 34 | Support |  |  |  |  |
| ***PLANNING POLICY E8: Protected species habitats and biodiversity - general***  *Any Planning application for a development of new homes, or a new commercial property or business premises of any class, on an unallocated site that could have an impact on a protected species or habitat must provide an appropriate habitats appraisal that demonstrates no negative impact on any protected species or habitat at all stages of the development; and mitigating arrangements to protect and enhance those species and habitats. All such developments must incorporate features to benefit biodiversity for that site.* | 34, 35 | Support |  |  |  |  |
| ***PLANNING POLICY HW1: Travel Plans***  *The development of new or expanded schools must be conditioned to include a Travel Plan for staff, parents and children to demonstrate and facilitate safe and effective road usage for all users; and must be agreed with Torbay Council and the local ward Councillors; and must be shown to be regularly monitored and amended to maximise the safety of all road users.* | 36 | Support with changes | This policy is broadly in conformity with the Local Plan. Reference to Ward Councillors should be removed. | *Change to:*  *“The development of new or expanded schools must be conditioned to include a Travel Plan for staff, parents and children to demonstrate and facilitate safe and effective road usage for all users; and must be agreed with Torbay Council and the ~~local ward Councillors~~ Development Management Committee; and must be shown to be regularly monitored and amended to maximise the safety of all road users.* | Object – the agreement requires local knowledge | Need to discuss. Still some practical issues.  TNP acknowledges disagreement on ward councillor involvement |
| ***PLANNING POLICY HW2: Community Food Production and high quality agricultural land***  *All existing allotments or community food production areas shall have a presumption against development.*  *The ‘Old Piggeries’ site Local Green Space Ref. TLGSC12 adjacent to Cockington Country Park shall only be used for agriculture or as a community food production area.*  *High quality agricultural land must not be developed for non-agricultural use.* | 37 | Support with some change | This policy is broadly in conformity with the Local Plan. | Reword as follows:  “*All existing allotments or community food production areas shall have a presumption against development.*  *The ‘Old Piggeries’ site Local Green Space Ref. TLGSC12 adjacent to Cockington Country Park shall only be used for agriculture or as a community food production area.*  *High quality agricultural land ~~must not be~~ will have a presumption against the development for non-agricultural use.”* | agreed | Noted and welcomed |
| ***PLANNING POLICY HW3: Community Hub Facilities***  *All developments of more than 20 residential units must provide community hub facilities, or there must be existing community hub facilities within an easy walk from 50% of the units.* | 37 | Changes required | Reference to specific community hub facilities is not helpful. The definition is not consistent with other definitions with the Local Plan such as neighbourhood centres. | *Revise as follows:*  *“All developments of more than 20 residential units must ~~provide community hub facilities, or there must~~ be accessible to ~~existing~~ community hub facilities within an easy walking distance ~~from 50% of the units.~~* | *Agree* | *Noted and welcomed* |
| ***PLANNING POLICY HW4: Outside Space Provision***  *All new houses shall have not less than 20 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk*  *Flats or apartments must have either a balcony of not less than 10sqm and as appropriate to the size of the home or a communal green area of not less than 10sqm per unit within the curtilage of the property unless it is within an easy walk of a public access green space or the coastline.* | 38 | Support | Local Plan Policies DE1 and DE3 refer to the issue of outside space provision.  Para 6.4.2.14 details a minimum 55sqm for houses and 10sqm for apartments.  Suggest reference to DE3 of the Local Plan and amendment with option of providing or enhancing nearby communal facilities where a shortfall is identified. | Revise as follows:  *“All proposals for new houses shall aim to achieve a minimum of ~~have~~ not less than 55 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk.*  *Flats or apartments must have either a balcony of not less than 10sqm and as appropriate to the size of the home or a communal green area of not less than 10sqm per unit within the curtilage of the property unless it is within an easy walk of a public access green space or the coastline. Where there are compelling opportunities to enhance nearby spaces that can be served by the new development, in lieu of providing sufficient open space within the development site, this will be considered on its individual merits on a case-by-case basis.”* | Object to ‘aim’ we require certainty  Agreed to  *Where there are compelling opportunities to enhance nearby spaces that can be served by the new development, in lieu of providing sufficient open space within the development site, this will be considered on its individual merits on a case-by-case basis.”* | Could agree if aim was changed to ‘be expected’  TNP OK |
| ***PLANNING POLICY HW5: Access to sustainable transport***  *All new employment space or new residential developments of more than 20 units must have a sustainable public transport route within an easy walk of the site.* | 38 | Support |  |  |  |  |
| ***PLANNING POLICY HW6: Cycle Storage and Changing Facilities***  *All new employment space shall have secure cycle storage and shower facilities for staff where reasonably possible.* | 38 | Support |  |  |  |  |
| ***PLANNING POLICY SL1: Alpine Ski Facility***  *Any Planning permission to redevelop the surrounding site must retain the Alpine Ski Facility or provide an alternative and appropriate site within Torbay or the surrounding local area.* | 39 | Support |  |  |  |  |
| ***PLANNING POLICY SL3: Sport and Leisure***  *The following key areas shall be preserved for sport. Planning permission shall only be granted for the improvement and enhancement of facilities, pitches, courts and grounds but subject to Policy SL4.*  *Torquay Valley of Sport*  *Torquay Sports Cluster*  *Upton Park to Lymington Road Coach Station* | 41 | Support with amendments | Need to clarify site areas on Policies Map. | Include reference on Policies Maps to the locations of these facilities. | agreed | Noted |
| ***PLANNING POLICY TR3: Potential Park and Ride or Helipad facility***  *Planning permission for the use of land for car parking or a helipad at the Gallows Gate area must be conditioned that it is landscaped so that vehicles or other structures are not visible from the adjacent Countryside areas or adjacent the dual carriageway and the site must have cycle and pedestrian access to Cockington Country Park and Occombe Farm visitor areas.* | 44 | Support with amendment | This policy supports Local Plan policy (TA2) identification of this area as a possible transport hub. The policy does not allocate or commit development here but does indicate some requirements of design which are felt to be reasonable. | Add comment to supporting text to make it clear that this is not a site allocation. | agreed | Noted |
| **Appendix 1**  **Table 2: Large housing sites broken down by CP area**  **Table 3: List of housing sites in Local Plan and Torquay Neighbourhood Plan** | 47, 48, 49 | Support but editorial modifications required | The site references require editing as they include older and newer references (version control issue). This should be corrected. | The site references should be corrected, e.g. ‘TNPH2’ not ‘T738TNPH2’. | agreed | Noted |