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Dear Lauren

Application P/2017/1133 Inglewood

Further to our recent conversations and the meeting between Andrew England, Rob Brigden, me, Andrew Maltby and Max Freed on 15th August, I thought that it may be useful to set out my ongoing concerns about the Inglewood application. I note that you are meeting with the applicants later this week to consider the way forward on the proposal. I remain of the view that a proposal of this scale and nature should be pursued through the development plan process.

I emailed Mike Harris in December 2018 and identified three principal areas of concern:

- Departure from the Adopted Torbay Local Plan and appropriateness of approving a strategically significant development outside of the Local Plan Review.
- Conflict with the (then) emerging Brixham Peninsula Neighbourhood Plan, particularly Policy E3 settlement gaps.
- Impact on the AONB.

Since that time, the Brixham Peninsula Neighbourhood Plan (BPNP) has passed referendum in May 2019 and subsequently been made by full Council in June 2019. The definition of “deliverable” has also been finalised in the February 2019 NPPF and the PPG has also been updated. There is an emerging consensus in the Planning profession that the NPPF definition of deliverable makes it significantly harder for local planning authorities to demonstrate five year land supply where major sites do not have full planning permission.

As you know, the Council has recently consulted upon its five year land supply position, and Stride Treglown made detailed submissions on this. Whilst we need to report the findings to Members, there is a significant body of appeal decisions that indicates that Inspectors require a high level of “clear evidence” to demonstrate that major sites with less than full planning permission are deliverable. Accordingly, it seems likely in my

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professional view, that the Council is unable to demonstrate three years' supply of deliverable sites. I have to say that there are significant areas of land allocated for development in Torbay in the Local Plan and two of the three Neighbourhood Plans, although many of these cannot currently be treated as deliverable under the NPPF definition.

Council officers have always indicated that the provision of housing, the policy-compliant level of affordable housing, provision of a school site and other economic benefits arising from the proposal are very significant and will be given considerable weight in the decision-making process. In relation to the Local Plan, I consider that the Presumption in Favour of Sustainable Development at paragraph 11 of the NPPF is applicable. The Local Plan is nearing its five year review deadline and it is noted that the standard methodology derived local housing need figure is higher than the Local Plan's housing requirement. I must add that the application of the standard methodology in Torbay will be controversial and has yet to be agreed by Members or subject to consultation or other scrutiny. However, whilst it is my view that the Inglewood site would be more appropriately determined through the Local Plan review/update; I would not recommend that "prematurity" against the Local Plan review could be used as a reason to refuse the application, if it could be shown to constitute sustainable development in all other respects.

It would be my advice that the council will need to determine the Inglewood application on the basis of a shortfall against three years' land supply (based on the current level of permissions, government policy etc.) and that, as a result paragraph 14 of the NPPF will not apply. The implication of this is that the NPPF regards the BPNP as being out of date. Members will need to weigh the implications of this as a "tilted balance" in favour of granting permission. Notwithstanding this, it remains my view that the clear conflict with the Neighbourhood Plan must be given significant weight in decision-making. The Neighbourhood Plan has undergone a legal process and has recently been strongly supported by local referendum. Full Council has unanimously supported the Neighbourhood Plan on two recent occasions (November 2018 and June 2019). The NPPF is a material consideration, but does not change the statutory status of the development plan as the starting point for decision-making. Given this, and the huge amount of effort the local community has gone to in preparing the plan in pursuance of the Government's localism agenda, I do not consider it appropriate for me to give Members a firm recommendation that the need for housing overturns the Neighbourhood Plan.

As previously set out, there are conflicting views from various landscape consultants about the impact of the proposal upon the AONB. The proposed development at Inglewood would be clearly seen from several public vantage points in the AONB particularly from Fire Beacon Hill, Dittisham, and John Musgrave Heritage Trail near Galmpton. Views into the AONB will also be affected. The AONB Partnership has maintained its objection to the proposal (along with a significant number of other organisations and individuals). Footnote 6 of the NPPF indicates that NPPF policies relating to AONBs can be a reason for refusing applications under paragraph 11 d)i. of the NPPF. In any event, the Council has a legal duty to have regard to conserving and enhancing the natural beauty of the AONB under the CROW Act. AONB impact was also a critical reason why the Secretary of State refused the business park proposal in 1997.

Against this, I am aware that the scheme is well-landscaped, that the site is outside the AONB, and the key visual impacts are from some distance and viewed against the backdrop of Torbay; and also that it is a significantly different proposal to that refused in 1997. Nevertheless, it is my opinion (albeit as a planner and not a landscape architect)

that the proposal would adversely affect the AONB when seen from the above-mentioned public vantage points. Particularly in my assessment, from Fire Beacon Hill. I would much rather that this harm could be balanced against all other options for meeting housing need through the Local Plan process, where a full range of options and considerations can be weighed up. As a standalone application, I am afraid that I cannot recommend that the landscape impact can be overturned by the, albeit significant, benefits of the proposal.

There are clearly a much wider range of issues that will need to be taken into account in reaching a decision, including but not limited to, ecology, farm management, agricultural impact, highways, sustainable transport, open space, employment, education provision, conservation and archaeology. As you know there is a very high level of opposition to the proposal, which raise a range of objections. Strictly without prejudice to full consideration of these matters by Members, based on a full report, I am not aware of other outstanding technical problems other than those outlined above, that could not be overcome through legal agreement/conditions. I would of course need to ensure that HRA matters in particular are satisfactorily addressed through the proposed mitigation/compensation measures, and that the latest changes such as the recent guidance have not changed this situation.

We have offered you the opportunity to present the scheme to Planning Committee informally in order to present the scheme's benefits. This offer remains open, although it would not now be practicable to do so in September 2019. Alternatively, we can move towards determining the application, although this would be unlikely to be before the November 2019 Planning Committee.

I hope that the above sets out my views fairly, and would reiterate that I would rather that a scheme of this nature, complexity and controversy were considered through the plan-making stage. You will appreciate that the above are my views as the case officer and policy planner, and are made without prejudice to any future decision of the local planning authority.

I am happy to discuss further when you and the applicants have met to consider your next steps.

Yours sincerely,



David Pickhaver
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c.c. Andrew Maltby