

TORBAY LOCAL PLAN

A landscape for success:

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

SCHEDULE OF PROPOSED MAIN MODIFICATIONS TO THE LOCAL PLAN

Torbay Council – February 2015

Explanatory note: Schedule of Proposed Main Modifications to the Proposed Submission Local Plan

Summary of this document

This document sets out the “Proposed Main Modifications” to the Torbay Local Plan 2012-32 and beyond “A landscape for success”. These changes have been considered by the Inspector examining the Plan, and are those which in his view make changes that go to the heart of the soundness of the Plan. Comments on the Main Modifications will be considered by the Inspector. A separate schedule of Additional Modifications contains a number of clarifications and amendments that are not considered to be critical to the Plan’s soundness. Comments on these will be considered by the Local Authority.

Background

Following publication of the Proposed Submission Plan on 24 February 2014, a number of representations were received during the subsequent formal consultation period, which ran for six weeks until 7 April. These representations covered a range of topics and issues relating both to general editorial and specific soundness matters. Details are summarised in Submission Document SD14 ‘Regulation 20 Statement – Publication of Proposed Submission Plan and representations made’ (July 2014).

Since April 2014, the Council has worked with its various partners and other interested parties to address the representations received. To assist both the Examination Inspector and representors, the Council subsequently compiled a schedule of suggested changes to the content of the Proposed Submission Plan. These are set out in Submission Documents SD20 ‘Schedule of suggested Torbay Council changes for consideration at Examination [Volume 1: Changes by organisation]’ and SD21 ‘Schedule of suggested Torbay Council changes for consideration at Examination [Volume 2: Changes by paragraph and policy number]’ (July 2014).

All suggested changes were the subject of further Sustainability Appraisal and, where appropriate, to Habitats Regulations Assessment. Details are set out in Submission Documents SD22 ‘Schedule of suggested Torbay Council changes to February 2014 Sustainability Appraisal for consideration at Examination’ and SD23 ‘Schedule of suggested Torbay Council changes to February 2014 Habitats Regulations Assessment for consideration at Examination’ (July 2014). At Submission, the Examination Inspector was therefore invited to consider the suggested changes set out in the four schedules referred to (Submission Documents SD20, SD21, SD22 and SD23) as part of his formal deliberations on the soundness of the overall Plan.

The Local Plan was considered at an Examination Hearing between 18th-20th November 2014. The Inspector’s Initial Findings were received on 15th December 2014. In the interim the Council had submitted additional information to the Inspector including a Schedule of suggested Main Modifications to the Proposed Submission Plan’ (11th December 2014). Following receipt of these Suggested Modifications, the Inspector issued Further Findings on 23rd December.

These indicated that the Council had “erred on the side of caution” in designating Main Modifications, whereas in his judgment the majority of Modifications could be treated as Additional Modifications, upon which the Council is able to take a view.

About this document

This schedule contains the Proposed Main Modifications, that go to the heart of the Local Plan’s soundness. As noted above, the number of Main Modifications is less than suggested by the Council in its Suggested Changes put forward to the Examination. They now relate principally to:

- Adjustment to the overall housing numbers to 10,000 dwellings between 2012-32
- Clarification of process to bring forward site allocations plans if Neighbourhood Plans are not submitted timeously, or if there is a danger of five year supply not being maintained.
- New proposed Future Growth Area south of White Rock
- Identification of additional potential housing sites for consideration through Neighbourhood Plans
- Reduction to the threshold for testing retail impact of convenience (food) stores.

The Proposed Main Modifications are expressed as follows:

Main Modifications to Local Plan Policies – new text is shown as **underlined emboldened red text**; deleted text is shown as a black ~~strikethrough~~.

Main Modifications to Local Plan explanatory text – new text is shown as underlined black text (not emboldened); deleted text is shown as a black ~~strikethrough~~.

Unchanged text (from the Proposed Submission Version) is shown as unemboldened black text (headings emboldened as per original document)

The Council is seeking representations on these Proposed Main Modifications during the six-week period from Monday 9th February to Monday 23rd March 2015. This document is available for inspection on the Council’s web site

www.torbay.gov.uk/newlocalplan, and at Torbay Council's Spatial Planning Office (Electric House, Castle Circus, Torquay TQ1 3DR), Council Libraries and Connections Offices during normal opening hours.

Please note that representations should relate only to the suggested modifications, and not to the Plan as a whole. They should be sent by email to strategic.planning@torbay.gov.uk or in writing to Local Plan, Spatial Planning, Torbay Council, Electric House (2nd Floor), Castle Circus, Torquay TQ1 3DR.

Please submit comments on the Main Modifications (this schedule) and the Additional Modifications (see separate schedule) separately, as they will be determined in different ways. Please state the relevant Modifications reference number (e.g. MM1, AM1 etc) when making representations).

If you have any queries, please call 01803 208804. **All comments should be received by 9.00am on Monday 23rd March 2015.** Late comments will not be accepted. All representations received will be made available for public inspection on the Council's website and submitted to the Examination Inspector. He will consider comments made on the Main Modifications as part of his examination of the soundness and legal compliance of the Plan. The Council will produce for the Inspector a summary of the representations received and a response to the points raised.

Comments made on the Additional Modifications will be considered carefully and determined by the Council.

The Council has reviewed the Sustainability Appraisal and Habitats Regulations Assessment in the light of the possible Main Modifications and Addendums to both the SA and the HRA has been produced. These have also been published for comment alongside the Main Modifications document - see above for availability and timescales.

Modification reference	Local Plan Policy/para	<p>Amended text: Amended Policy text is set out in <u>red emboldened underlined text</u>. New Explanatory text is shown as non-emboldened <u>underlined</u> text. Deleted text is shown as –strikethrough</p> <p>(MM=Main Modification)</p>
MM1	Policy SS1	<p>Revise Policy as follows in accordance with Inspector’s “Initial Findings”:</p> <p>Policy SS1 Growth Strategy for a prosperous Torbay</p> <p>The Local Plan promotes a step change in Torbay’s economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within the Bay’s built and natural environmental capacity, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay’s environmental assets.</p> <p>Development should reinforce Torbay’s role as a main urban centre and premier resort. <u>All development should contribute to safeguarding the area’s natural and built environment.</u></p> <p>All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay’s carbon footprint, and provide resilience to climate change.</p> <p>The Plan supports the creation of 5,000-6,000 net additional jobs and delivery of at least 17 hectares of employment land over the next 20 years (equal to 250-300 jobs per annum), with an emphasis on bringing employment space forward as early as possible in the Plan period. The Plan also seeks to identify land for between 400– <u>the delivery of 500 homes per annum,</u> equating to about 8,000–10,000 new homes over the Plan period of 2012-2032.</p> <p>Existing Commitments</p> <p>In the first 5 years (2012-17), the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around 2,000 <u>2,365</u> new homes (<u>equal to 450 dwellings per year plus 5%</u>). <u>Most of this</u> growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites. <u>These are shown in Appendix D (first table) and will be updated as part of the Council’s annual Housing Land Monitor.</u></p> <p>Identified Sites</p> <p>In years 6-10 of the Plan, development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included in Appendix D to this Plan. <u>If Neighbourhood Plans do not identify sufficient sites to provide the housing requirement of the Local Plan, the Council will bring forward sites through site allocations development plan documents.</u></p>

		<p><u>If it appears that a shortfall in five year supply of deliverable sites is likely to arise, the Council will bring forward additional sites as indicated in Policy SS12 below.</u></p> <p>Strategic Delivery Areas</p> <p>Strategic Delivery Areas, shown outlined in red on the Key Diagram, are the focii for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future Growth Areas (see Policy SS2) are located within these SDAs. There will be some initial delivery of development in Future Growth Areas, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown on the Policies Map.</p> <p>The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).</p> <p>Major development proposals, outside the built up area and Future Growth Areas, will need to be the subject of environmental assessment. This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.</p> <p>The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy.</p> <p>Communities will have a greater influence in determining how development in their area will look and feel, specifically through the new framework of Neighbourhood Plans.</p>
MM2	4.1.25	<p>Amend paragraph 4.1.25 which is under the section heading “Sequence and phasing of development”:</p> <p>Expected phasing is set out broadly in Policy SS1 above, with more details set out in Policies <u>SS11 Housing</u>, and <u>SS12 “Five Year Housing Supply”</u>. <u>These Polices set out a trajectory and broad areas of housing growth. More detailed area specific requirements are set out in the Strategic Delivery Areas’ Policies (SDT1, SDP1 and SDB1 etc).</u></p> <p>Development over the first 5 years (2012-17) will arise on committed sites. These are indicated in <u>Appendix D of the Local Plan (first table)</u>, which will be regularly updated as part of the <u>annual Housing Land Monitor</u>. Larger sites are expected to last until the second phase of the plan (i.e. years 6-10) and be supplemented by (mainly urban) developable sites allocated in Neighbourhood Plans using the SHLAA as a starting point.</p>

		<p><u>Whilst development in Future Growth Areas 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, Yalberton and White Rock, Paignton. The Plan will support early delivery where infrastructure, environmental and other relevant planning matters are satisfactorily addressed.</u></p> <p><u>Where there appears to be a risk of a shortfall of deliverable sites against the Local Plan rolling five year requirement, or overall housing trajectory, the Council will bring forward additional sites through site allocations development plan documents. In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e.2017), the Council will start to prepare site allocation documents if neighbourhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been Submitted to the Local Authority by October 2015.</u></p>
MM3	SS2	<p>Revise Policy as follows:</p> <p>Future Growth Areas are proposed in the following locations:</p> <ol style="list-style-type: none"> 1. Edginswell, Torquay 2. Land around <u>Paignton North and West Area including</u> Collaton St. Mary, Paignton 3. Brixham Road, Paignton 4. <u>Land South of White Rock, Paignton</u> 5. Wall Park, Brixham <p>.....A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the following Future Growth Areas must be submitted and approved before planning permission will be granted.</p> <p><u>SDP 3.2 Great Parks</u></p> <p><u>SDP 3.3 Totnes Road/Collaton St Mary</u></p> <p><u>SDP 3.4 Brixham Road/Yalberton</u></p> <p><u>SDP3.5 White Rock</u></p> <p><u>SDB3.2 Land South of White Rock, Paignton</u></p> <p><u>SDB 3.1 Wall Park</u> ————</p> <p><i>(N.B. Wall Park moves up into the category of deliverable site, subject to the receipt of planning permission).</i></p> <p>Note: Policies Map changes (See Annexe 1). White Rock added as a Future Growth Area. Wall Park shown as a committed site (greyed out).</p>

MM4	Table 4.3	Make Table part of Policy SS11 “Housing”. Amend Table to indicate distribution of 10,000 dwellings by area: See MM5 below.
MM5	SS11	<p>Amend first paragraph of Policy in line with changes to SS1 above:</p> <p>Policy SS11 Housing</p> <p>In accordance with Policy SS1, provision will be made for between 8,000- 10000 new 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</p> <p>Major new housing schemes will be brought forward via partnership between landowners, developers , the community and council , in accordance with <u>the broad numbers set out in Table 4.3 (H1)</u>, Policies SDT1 Torquay, SDP1 Paignton and SDB1 Brixham.</p> <p><u>(Insert housing table 4.3 (see MM4 above) as part of policy). Note that housing numbers have been revised as part of these Modifications. The revised housing tables are set out at Annexe 2.</u></p>
MM6	4.5.36	<p>Clarify numbers in Policy as per MM1:</p> <p>Development in Torbay is nearing the area’s total capacity. A cross-boundary review of strategic housing land availability may be needed as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would take the requirement above 8,000-10,000 homes. It is not expected that this will be needed for at least the first 15 years of the Plan (i.e. before the late 2020s), and possibly later.</p>
MM7	SS12	<p>Revise Policy as follows:</p> <p>SS12 Five year housing land supply</p> <p>The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory <u>of 10,000 dwellings over the Plan period 2012-32.</u></p> <p><u>The trajectory is:</u></p> <p><u>450 dwellings per year for the period 2012/13 - 2017/18 (+5% required by the NPPF i.e. 473 dwellings per year).</u></p> <p><u>500 dwellings per year for the period (2018/19 – 2023/24)</u></p> <p><u>525 dwellings per year (minus the 5% brought forward from later in the Plan period if appropriate).</u></p>

Monitoring within the five year period

Sites comprising the Council's five year supply will be published annually as part of the Housing Land Monitor. For the first five years (2012-17), identified deliverable sites will be sufficient to provide 343 dwellings (with an additional 130 windfall dwellings) per annum.

Housing completions and permissions will be monitored on an annual basis to ensure that a rolling supply of deliverable sites (within the meaning of NPPF footnote 11) sufficient to meet the five year requirement, and meet any shortfall within five years, is maintained (see Appendix D).

Where the supply of specific deliverable sites (**plus windfall allowance**) falls below this figure, **or Neighbourhood Plans do not identify sufficient sites to provide sufficient land in years 6-10 of the housing trajectory**, the Council will, either:

1). bring forward housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or

2). identify additional sites through new site allocation development plan documents, or

23 consider favourably applications for new housing, consistent with Policy SS2, **H1** and other policies of this Plan.

New housing leading to the 5 year supply figure being exceeded will be permitted where:

- i. the proposal would bring social, regeneration or employment benefits, including through the provision or 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.

Five year Review of the Local Plan

The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed to be necessary to maintain the delivery of sustainable development, or meet housing needs. Further details of criteria to be considered at the five year five year review are set out at Section 7.5

An early review of the Local Plan's housing trajectory will be triggered where there is evidence that the provision of housing will not keep pace with the need to provide for economic growth.

MM8	4.5.40	<p>Add the following text at end of paragraph (n.b. will necessitate renumbering of paragraph numbers in printed Local Plan):</p> <p><u>It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, additional land will be identified through a Local Plan review. Examples of evidence that could trigger this review are:</u></p> <ul style="list-style-type: none"> • <u>An increase of more than 250 net new FTE jobs per annum for two consecutive years (based on BRES data).</u> • <u>Economic projections showing an increase in FTE jobs of more than 250 FTE per year sustained over a five year period.</u> • <u>Population projections or mid year estimates indicate an increase of working age population (aged 18-65) of more than 250 people per year over a five year period.</u> • <u>Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</u> <p><u>Where monitoring indicates a danger of a shortfall against the five year supply or overall trajectory, action to identify additional sites will commence in the first year of a shortfall being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12.</u></p> <p><u>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting housing needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</u></p> <p><u>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply after April 2017.</u></p> <p><u>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by October 2015, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required.</u></p>
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MM9	SDT1	<p>In final paragraph amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Torquay will deliver a minimum of 37,200 sq m (net) of employment floorspace and around 3,865 4250 new homes, at 150-200 new homes per annum and a minimum of 37,200m² sq m (net) of employment floorspace over the Plan period. The sources and timing of delivery are set out in Tables 5.1 and 5.2 below and Policies SDT2–SDT4 (see also Policy W5).</p> <p>Note that numbers in Tables 5.2, 5.4, 5.6 have been amended as a result of MM1 and MM11. The revised housing tables are set out at Annexe 2</p>
MM10	SDP1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 above.</p> <p>Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4585 4,375 new homes (averaging 230 per annum) and a minimum of 30,100m² sq m (net) of employment floor space over the Plan period. The expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5.</p> <p>Note that numbers in Tables 5.8, 5.10 and 5.12 will be amended as a result of MM1 and MM11. This includes a reduction in numbers at SDP3.3 Totnes Road, as a result of Masterplanning. The revised housing tables are set out at Annexe 2</p>
MM11	SDP3	<p>Reduction of 376 dwellings at Collaton St Mary as a result of Masterplanning (to 460dwellings in Total)</p> <p>The revised housing table 5.12 showing this change is set out at Annexe 2</p>
MM12	SDB1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Brixham is expected to provide sufficient land to enable delivery of at least 2,700m² sq m of employment floor space and 800 1320 new homes (around 40 per annum) over the Plan period. This will include a Future Growth Area south of White Rock (See Policy SS2).</p> <p>Note that numbers in Tables 5.14, 5.16 and 5.18 will be amended as a result of MM1 and MM11 The revised housing tables are set out at Annexe 2</p> <p>Note Policies Map Change (as per Policy SS2 above –See Appendix 1). Minor Policies Map Change at Sharkham Village (former Dolphin Holiday Camp).</p>
MM13	TC3	Amend last line of TC3 (D1) to reduce comparison retail impact test threshold trigger from 1000 sq m to 500 sq m as follows:

		Proposals for A1 retail comparison goods and town centre uses over 4,000 500 sq m gross and A1 convenience retail uses over 500 sq m gross must provide a retail impact assessment.
MM14	Appendix D	<p>Amend Appendix D: Pool of Housing Sites as follows.</p> <p><u>Table 1</u></p> <p>The following sites are 'committed development sites' i.e. have planning permission or are considered imminently deliverable (at January 2014). They are sites for 6 or more dwellings. They are shown on the Policies Map (as greyed out areas) for information purposes. <u>These sites are part of the Council's Five Year supply of deliverable sites. The list will be updated as part of the Council's annual Housing Land Monitor.</u></p> <p>Remove: Kings Ash House R733 Churston Golf Club (Dartmouth Road) (Included in Table 2 (below):</p> <p>Add: <u>Wall Park Brixham (165 dwellings)</u> (Note that Future Growth Area designation has been removed- see MM3 (Policy SS2) above.</p> <p><u>Table 2</u></p> <p>Add additional (previously excluded) sites to pool of housing sites:</p> <p>The following sites have been identified, principally in the SHLAA, as sites that have potential for housing development . They are subject to consideration in Neighbourhood Development Plans and shown in the Policies Map (with diagonal hatched lines) for information purposes.</p> <p>Torquay <u>Town Hall Car Park (50). Subject to retention of sufficient car parking.</u> <u>Temperance Street (65). Subject to retention of sufficient car parking.</u> <u>Lower Union Lane (20). Subject to retention of sufficient car parking.</u> <u>Terrace Car Park (60). Subject to retention of sufficient car parking.</u> <u>Sheddon Hill (50). Subject to retention of sufficient car parking.</u> <u>Meadfoot Car Park (20). Subject to retention of sufficient car parking.</u> <u>Brunswick Square (13). Subject to retention of sufficient car parking.</u> <u>Chilcote Close (10). Subject to retention of sufficient car parking.</u> <u>Sladnor Park (25). Subject to satisfactory resolution of greater horseshoe bat issues.</u> <u>Steps Cross Playing Field, Moor Lane (70). Subject to improvements to provision at King George V Playing Fields:</u></p> <p>Paignton</p>

	<p><u>Victoria Square (60). Subject to retention of sufficient car parking.</u> <u>Station Lane (35). Subject to retention of sufficient car parking.</u> <u>Paignton Harbour (50). Subject to retention of sufficient car parking.</u> <u>Preston Gardens Car Park (20). Subject to retention of sufficient car parking.</u> <u>Churchward Car Park (15). Subject to retention of sufficient car parking.</u></p> <p>Brixham <u>Churston Golf Club (132). (Note: Moved from table 1).</u> <u>Shoalstone Overflow Car Park (6). Subject to retention of sufficient car parking in the area, and satisfactory resolution of issues relating to greater horseshoe bats.</u> <u>St Marys Campsite (50).</u></p> <p>Note: Policies Map Change. See Annexe 1</p>
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