

TORBAY LOCAL PLAN

A landscape for success

The Plan for Torbay – 2012 to 2032 and beyond

SUBMISSION PLAN

COUNCIL RESPONSE TO REPRESENTATIONS MADE BY ENGLISH HERITAGE

Torbay Council - July 2014

CONTENTS

1. Email from Torbay Council to English Heritage dated 10 April 2014
2. Email from Torbay Council to English Heritage dated 7 May 2014, plus attachment (List of actions agreed at meeting between TC and EH on 6 May 2014)
3. Email from Torbay Council to English Heritage dated 12 May 2014, plus attachment (Table setting out TC response to HE representations on Reg.18 Consultation Draft Plan and Proposed Submission Plan)
4. Email from Torbay Council to English Heritage dated 28 May 2014, plus attachment (Historic Environment 'Traffic Light Assessment' of SHLAA sites in Appendix D of Proposed Submission Plan).
5. Email from English Heritage to Torbay Council dated 12 June 2014, plus attachment (Letter from EH to TC withdrawing objections to Proposed Submission Plan)

Turner, Steve

Subject: FW: Torbay Proposed Submission Plan Comments from English Heritage

-----Original Message-----

From: Planning, Strategic

Sent: 10 April 2014 11:27

To: 'Simmonds, Ross'; Turner, Steve

Cc: Planning, Strategic

Subject: RE: Torbay Proposed Submission Plan Comments from English Heritage

Dear Mr Simmonds,

Thank you for your response to the above Consultation.

We would like to request a meeting to discuss the issues raised in your letter so that we come to a mutual understanding on how we better resolve them.

Further to your request, the SHLAA appendices will be made available as soon as possible and a CD containing these appendices will be posted to you today.

Yours sincerely

Ashwag Shimin
Strategic Appraisal Officer
Strategic Planning Team
Spatial Planning
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Torbay Council

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-----Original Message-----

From: Simmonds, Ross [<mailto:Ross.SIMMONDS@english-heritage.org.uk>]

Sent: 06 April 2014 10:13

To: Turner, Steve

Cc: Planning, Strategic

Subject: Torbay Proposed Submission Plan Comments from English Heritage

Dear Steve

Please find attached English Heritage's comments to the proposed submission plan. We do have some significant concerns and would be grateful of the opportunity to discuss them with you. Please do contact me.

Regards

Ross Simmonds

Principal Planner, English Heritage

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Portico: your gateway to information on sites in the National Heritage Collection; have a look and tell us what you think.

<http://www.english-heritage.org.uk/professional/archives-and-collections/portico/>

Turner, Steve

From: Turner, Steve
Sent: 07 May 2014 18:44
To: 'ross.simmonds@english-heritage.org.uk'
Cc: Steward, Pat; Pickhaver, David; Bishop, Hal; Shimin, Ashwag
Subject: Torbay Local Plan - Proposed Submission Plan: Actions agreed with English Heritage
Attachments: New TLP - EH PropSubPlan representation - schedule of agreed TC changes.docx

Ross,

Many thanks for your time on Tuesday. We found it a very positive and rewarding meeting, and your helpful and pragmatic approach was much appreciated.

I have attached a list of actions that I hope are an accurate representation of our collective conclusions.

I would be grateful if you could confirm that that you are happy with the scope of this list as soon as possible – thereafter, we will set about providing you with the information etc that we have highlighted.

Kind regards,

Steve.

Steve Turner
Team Leader - Strategic Planning

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MEETING BETWEEN TORBAY COUNCIL AND ENGLISH HERITAGE (6 MAY 2014)

English Heritage has submitted a representation dated 6 April 2014 on the Proposed Submission Local Plan.

The Council understands that EH requires clarification of the considerable importance that the Council attaches to the historic environment. This will necessitate increased and clearer reference to the historic environment, but not a change in the strategy of the Plan.

In order to seek resolution to the various matters raised by English Heritage in its representation, Torbay Council has agreed to undertake the following:

1. Provide an explanation to EH about the way in which related background evidence (eg, HER, Heritage Strategy, Conservation Area Appraisals, landscape character assessment) has informed the Plan – supporting text to be amended as appropriate, as minor changes to Plan.
2. Produce a table showing how the comments made by EH on the Local Plan Consultation Draft (November 2012) in its representation dated 13 November 2012 have been picked up in the current 2014 Plan, or still need to be addressed.
3. Use bullet points and table in the EH Local Plan representation of April 2014 as a reference point for showing what we have already done or will be doing to meet EH requirements / concerns. These to be shown as minor changes to Plan.
4. Request Torbay's Archaeologist to carry out a quick traffic light assessment of risk to historic environment from development of the 'pool' of potential housing/employment sites shown on the Policies Map. This work can also be used to provide a clearer steer to neighbourhood forums. Indicate, as minor changes, how any risks identified will be addressed in the Plan.
5. Agreed that EH will review SHLAA and respond accordingly.
6. 'Reclassify' Policy HE1 as a spatial strategy (SS) policy, and ensure there are appropriate cross-references between SS8 and HE1 in its new 'SS' format.
7. Policy SDT2 – include better reference to historic environment.
8. Policy HE2 – generally agreed that this is a good policy and there is no need to add parks, gardens and ancient monuments to it (as these are covered in HE1). However, slightly more information to be provided in policy explanation re. number and value of listed buildings. Given HE1 will have moved to become SS policy, add a paragraph to Explanation of Policy HE2 to set in wider context ext and its relationship to HE1.

Torbay will seek to agree the wording of any suggested minor changes with EH.

Turner, Steve

From: Pickhaver, David
Sent: 12 May 2014 16:28
To: 'Simmonds, Ross'
Cc: Steward, Pat; Bishop, Hal; Shimin, Ashwag; Gunther, Andrew; Turner, Steve
Subject: English Heritage's Comments on the Torbay Local Plan



English Heritage_
Changes to P...

Dear Ross

Many thanks for coming into the offices on 6th May. We thought that it was an extremely productive meeting and would like to thank you for your helpful approach.

As agreed, Hal is currently reviewing the SHLAA sites.

I attach a table showing how we have responded to your two letters, and scope for further minor editorial modifications. The vast majority of these are small changes, which we hope the Inspector will see as minor clarifications. As agreed, there are a small number of changes to upper case policy, which are highlighted in red in the attached (Moving HE1 to become a Strategic Policy, Changes to TO3 on harbour proposals, and increased mention of historic environment in SDT1 and SDT3).

Please can you look through these suggested changes and see if they meet the comments in your letter. Happy to discuss or email if you'd like to go over anything. Hopefully we can agree a schedule of modifications to put before the Inspector, which will meet English Heritage's concerns.

Best regards
David

David Pickhaver
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Response on Consultation Draft	How Responded to in the Proposed Submission Plan	Scope for further editorial amendments
Torbay Council's Initial Summary of letter of 13th Nov 2012		
<p>General support, Needs to provide stronger support for proactive enhancement of historic environment, e.g. remove street clutter, require development to contribute positively to built environment.</p> <p>Mention Torbay's high quality environment as its USP. Support strong network of Green Infrastructure</p> <p>Needs to address NPPF para. 157.</p> <p>Requirements including proposals map.</p> <p>Objections to SD1 TC3, T2, TA1 TA2, EN1,</p>	<p>Comments noted- largely be addressed through minor amendments to text.</p> <p>Need to ensure NPPF 157 matters are addressed is noted- Particularly Proposals Map.</p> <p>Strengthen guidance in T2/HE1 on removal of unsightly features/extensions when converting former tourism buildings.</p>	
Detailed matters in letter of 13th Nov 2012	How Responded to in the Proposed Submission Plan	Scope for further editorial amendments
<p>What is the Council's policy for providing detail to subordinate SPDS/DPDS?</p>	<p>Delivery of detailed proposals through Neighbourhood Plans and Masterplans. Part 5 of the Plan sets out area based policies.</p>	<p>Work on Masterplanning is underway. Provide clarity in the Masterplans that they will be taken forward as SPD if not incorporated into Neighbourhood Plans.</p>
<p>Support USB is the historic environment- mention high quality environment as an economic as well as an intrinsic asset.</p>	<p>Paragraph 1.1.7, 2.1.2, 2.1.12 Built environment mentioned as part of Bay's character and attracts investment of value to USP</p>	<p>Further amendment suggested below in response to letter of 6 April 2014.</p>

Aspirations 3 and 5 should make a commitment to understand and achieve quality development.	Aspiration 3 (p20) does, in the Council's view make a commitment to high quality development in historic environment and capacity.	
SD1 (Now SS1) Clarify that growth will be achieved within Bay's environmental and capacity.	SS1 amended to mention built environment. Paragraph 4.1.19 (p29) notes a built and archaeological capacity.	We are not treating EH's comments as an objection to the growth level per se. However both 2012 and 2014 representations indicate that there is a built environment capacity limit. Hal Bishop to review Appendix D4 of SHLAA sites to "traffic light" any historic environment constraints.
Does the Plan contain a positive strategy for the conservation, enhancement and enjoyment of historic environment that are strategic?	4.1.19, (as above). Policy HE1 sets out detailed strategy of conservation and the historic environment	Move and rename Policy HE1 as a Spatial Strategy (SS) policy.
TC3 – support town centre first approach. Criteria on scale being appropriate to role and character also applies to town centres.	New criteria 1 added to Policy TC3 (p92) to refer to scale being appropriate to nature and size of (town) centre	
TC3 Can declining town centres capitalise on their historic centres to add value.	Consider that this is covered by TC1.7 "use of heritage assets...to create a more enjoyable creative environment in town centres". Policies SDP2 and SBD1 mentions better linking and protection of historic character.	Add explanation and cross reference to HE1 in text to TC1 e.g. at paragraph 6.1.1.3. "All town centres contain historic elements, and Policy TC1, in conjunction with the area policies (SDT, SDP, SDT) seek to make use of the historic environment to add value to the economy" Add reference to the value of the historic environment to SDT2

T2 (now TC2) Plan or SPD should set out requirement to remove signage and clutter when change of use away from tourism is approved.	New Policy wording at TO2 (last paragraph) and explanation at 6.1.2.19-20 sets out detailed requirement to remove unsightly features, signage, clutter etc.	
TA1 Transport- Enhance the townscape by removing street clutter	New criteria 6. Added to TA1 requiring reduction on impact of signage and transport infrastructure within the streetscene to avoid proliferation of unnecessary clutter or harm to historic features.	
Historic landscape characterisation –some development has failed to reflect local distinctiveness. Quality of built and natural environment is key to Torbay’s success.	<p>Policy refers to historic landscape characters. Policy has been expanded to set out criteria for future growth areas, including landscape, design and conservation.</p> <p>New paragraph added to end of C1 to refer to conservation of distinctive landscape characteristics.</p> <p>Policy C2 The coastal landscape refers to protection of the historic etc assets. Policy C3 refers to protection of historic coastal environment. Policy C4 refers to the conservation value of landscape features.</p>	<p>Clarify at 6.3.1.8 that landscapes are of great visual and historic importance.</p> <p>In conjunction with moved HE1 (HE8.1) add text in SS8 (at paragraph 4.4.6) to set out that there is a cross relationship between the natural and historic environment and that Policy HE8.1 (former HE1) may also relate to naturalised features</p>
Green Infrastructure is an opportunity to maintain and enhance historic assets.	Consider that this is implicit in the Policy. Policies map defines Country Parks and these are protected by the Policy.	Clarify in the Explanation (at 4.4.12) that Green Infrastructure is often of historic importance, particularly (but not just) Cockington and Berry Head Country Parks which contain assets of significant historic value.
HE1 Clarify strategic extent of Policy	Policy HE1 has been reworded to seek to bring in line with EH’s comments and make it more proactive. Wording “where appropriate” has been removed. New criteria 8 added to set out desirability of new development contributing to local character and distinctiveness’ and high quality	As noted above, elevate Policy HE1 to become SS8.1 Expand reference to Heritage Strategy at 6.3.3.11. Refer to Conservation Area appraisals. Add cross reference at 6.33.315 to

	<p>design and removal of street clutter. Torbay Heritage Strategy is referred to at 6.3.3.11</p> <p>6.3.3.14 refers to removal of clutter and signage (cross referencing TO2).</p>	Policy TA1 on removing street clutter.
Meeting NPPF Paragraph 157 last 3 bullet points.	<p>Some policies do limit scope to change use (e.g. in town centres, core tourism investment areas, HMOs etc. However, no specific instances are thought to exist where historic environment reasons alone would justify an a priori restriction on change of use. Specific instances would be determined on the basis of PolicyDE1 (SS8.1)</p> <p>The Proposed Submission Plan does contain conservation areas, SAMs, Historic Parks and Gardens.</p> <p>As noted above HE1 has been expanded to make more proactive. HE2 has been introduced to add considerations specifically for listed buildings.</p> <p>Design Policies DE1-3 also refer to enhancing the built environment.</p>	
DE4 Building Heights. Support Building heights strategy	Support noted. Policy amended to make more direct reference to historic character and setting.	
SDT2 Concerned that some of SDT2 may create hostages to fortune. Clearer guidance of what is proposed should be set out.	Tables added to provide clarity of proposals and more information on a shorter list of projects referred to in the explanation	Refer to importance of protecting historic environment in SDT2 (upper case policy) and refer to DE1 in the explanation. Cross refer to in explanation to TO3.

Proposed Submission Letter 6th April 2014

Proposed Submission Letter from English Heritage, 6 April 2014	
English Heritage's Comments	Scope for Amendment as Non Material and Editorial Modification
<p>Summary of Representation. Object that the Plan and SA give inadequate reference to historic environment. Not clear how growth option is achievable within built environment constraints. SHLAA is not available so cannot assess whether growth strategy is appropriate. Object to SS1, SS8,SS9, SS10, HE1, HE2, TO1,SDT2</p>	
<p>Detailed Representations received</p>	<p>Scope for Amendment as Non Material and Editorial Modification</p>
<p>Local Plan should also consider the role which the historic environment might play in delivering other planning objectives, such as:-</p> <ul style="list-style-type: none"> • <i>Building a strong, competitive economy</i> • <i>Ensuring the vitality of town centres</i> • <i>Supporting a prosperous rural economy</i> • <i>Promoting sustainable transport</i> • <i>Delivering a wide choice of high quality homes</i> • <i>Requiring good design</i> • <i>Meeting the challenge of climate change, flooding and coastal change</i> 	
<p>Need to show up to date evidence base upon which Plan is based, include an assessment of the significance of the area's historic environment, including its designated and non-designated heritage assets. Should include an assessment of their significance (i.e. value to society). Required by National Heritage Protection Plan (2012)</p>	<p>EH has been provided with SHLAA. Hal Bishop to review SHLAA sites. Links to Conservation Area appraisals to be published more clearly on the Council's website.</p>
<p>Bay's unique selling point paragraph 2.1.2</p>	<p>Paragraph 2.1.2 (third sentence) add preserve and enhance those USPs including Torbay's significant landscape, biodiversity and <u>historic environment</u> assets.</p> <p>Bullet Point 1: add – a new vibrancy to our town centres and an enhancement of their historic character and value.</p>

	<p>Bullet Point 2 Add ...including their historic, environmental and economic potential</p> <p>P16 “Protect and enhance a superb environment”. Add a bullet point: <u>Conserving and enhancing the built environment and seeking a high standard of design throughout the Bay.</u></p>
<p>Headline – Protect and enhance a superb environment paragraphs, 2.2.8 - 2.2.11 the supporting facts and Plan position. No reference to the historic environment.</p>	<p>Add reference to conservation assets at 2.2.9. E.g Torbay has a rich historic environment, with significant prehistoric, mediaeval, C18th and 19th assets of importance. (note that a more detailed description is set out in the explanation to HE1</p>
<p>2.3 Big Ticket Items The historic environment has a significant role to play in helping you achieve the Big Ticket Items. With an intention to ensure “high quality development” with “a strong urban focus” There should be much better recognition of the historic environment and its role in achieving the economic as well as the physical regeneration of Torbay.</p> <p>A key opportunity to protect and enhance the historic environment is, for example, the reinvention and rejuvenation of town centres in 2.3.1. This is a reference to the holistic approach we are promoting in the opening paragraphs of this letter. The reinvention and rejuvenation of town centres are compatible. Much of the plans agenda is the drive to renew infrastructure. So often this is thought of simply in terms of road, rail and digital infrastructure.</p> <p>But it should also include the infrastructure we have inherited and which continues to support so much economic activity. The heritage of Torbay is recognised as making a major contribution to the quality of life for its residents, businesses and visitors. Our historic infrastructure reflects past enterprise and creates the conditions for future growth. It can literally change the fortune of places.</p>	<p>Add Bullet Points at 2.3.1:</p> <p>Context for Growth</p> <ul style="list-style-type: none"> • Use development to conserve and wherever possible, enhance the Bay’s rich natural, built and historic environment. <p>Economy and Success Refer to heritage as part of the tourism strength in last bullet point.</p> <p>Protect and enhance a Superb Environment Add bullet point (suggest no 2) “Protect and enhance the bay’s historic environment and to capitalise on the economic and cultural opportunities that</p>

HERITAGE is a good place to do business. In an increasingly globalised market, attracting new talent, new businesses and skilled workers will become ever more competitive, even in the desirable South West. We advocate investing in historic infrastructure – buildings, landscapes, monuments and historic places – to maintain the competitive advantage it gives us in a sustainable way: the adaptive reuse of historic assets is the ultimate in resource efficiency. Conversion is the most sustainable form of development, protecting past investment of effort, energy and materials and minimising the need for new construction materials and waste.⁶

Priorities should include:

- regenerating commercially viable ‘at risk’ heritage. A small proportion of the region’s most important historic assets are suffering from neglect, underinvestment and decay and are on
- English Heritage’s Register of Heritage at Risk. Almost half are capable of economic re-use.
- Investing in historic places to attract people, businesses and spend. There is commercial demand for historic premises: one in four businesses in a recent survey agreed that a historic location is an important factor in deciding where to establish a business, the same as for road access.
- For 68% of people it’s important to work in a historic location, and for 74% it’s important to live in one. People spend more in the local economy after investment in the historic environment, and businesses experience an increase in turnover. Every £1 invested in the historic environment directly generates an additional £1.60 in the local economy over a ten year period.
- Supporting retail in historic centres. The South West’s cities and towns possess a distinctive historic character crucial to creating an attractive setting for retailing and reinforcing competitive advantage. Historic centres can and have adapted to changing policy and economic drivers in the retail sector to remain vibrant and sustainable.
- Capitalising on the affinity between historic buildings and key growth sectors. Some entrepreneurs, SMEs and independent businesses are attracted to historic buildings because they are often more affordable, flexible, cost-effective and add distinctiveness to their offer. Listed buildings are particularly sought after by creative industry start-ups, a key growth sector.
- In cities such as Bristol, for example, there is a correlation between density of

this offers”.

<p>listed buildings and concentration of creative and knowledge-based businesses.</p> <ul style="list-style-type: none"> • In the rural communities in the South West, market town regeneration and the conversion of traditional farm buildings often supports other growth sectors, such as food and drink and tourism. 	
<p>3.1 Aspirations for the Bay. We welcome the approach for the five aspirations and that at the heart is the environment. However some of the points that are drawn out do not follow through to the remainder of the plan. In addition there should be reference to Heritage at Risk within Torbay; this could also be referenced in the Aspiration 3 on page 20.</p>	<p>Amend (clarify) first bullet point of Aspiration 3 to say “To safeguard heritage assets including those at risk in a manner appropriate...”</p>
<p>Part 4 – Spatial Strategy and policies for strategic direction. There appears to be no provision for the historic environment, unlike the natural environment, in this section. The SHLAA identifies that a significant number of the sites that may come forward will be within the existing built environment and it is surprising that as such there so little mention on the existing historic built form and its character. The plan is unsound with regard to the historic environment as it is not positively prepared justified or consistent with national policy.</p>	<p>We have treated this as an objection to Policy SS1. It is understood that EH are not objecting to the growth level per se, however, this and the comment on the SA below do indicate that EH believe that the built and historic environment does impose a (unspecified) limit to growth levels. The Council agree with this view and it is implicit in the Plan: However editorial amendments could be made to section 4 to make this clear.</p> <p>At the meeting of 5th May it was agreed that Hal Bishop would review the SHLAA sites and provide a “traffic light” assessment. Ross Simmonds has also been supplied with the SHLAA.</p> <p>Post the 2013 SHLAA Appendices on the website.</p> <p>Amend 4.1.7 quality of the natural, built and historic environment Amend 4.1.11 (Constraints due to)... open space designations, historic environment, and loss of holiday accommodation.</p>

<p>SS8 – Environment. This policy makes no reference to the historic environment. As we have mentioned in the preceding comment most of the development opportunities that will come about in Torbay will be within the existing built envelope and this policy provides little guidance on the expectations within that built environment. As the key strategic policy it does not accord with the NPPF. Local Plans should include strategic policies to conserve and enhance the historic environment of the area and to guide how the presumption in favour of sustainable development should be applied locally. It is vital to include strategic policies for the historic environment in the local plan as the plan will be the starting point for decisions on planning applications and Neighbourhood Plans are only required to be in general conformity with the strategic policies of the Local Plan. The Local Plan should identify which policies it considers are strategic in order to assist those preparing Neighbourhood Plans. We believe the policy is unsound as it is not positively prepared, justified or consistent with national policy.</p>	<p>Policy SS8 is about the natural environment. Policy HE1 fulfils a similar purpose for the built environment.</p> <p>As discussed at the meeting of 5th May move and renumber Policy HE1 (to become SS8.1 initially to avoid confusion over numbers).</p> <p>This will entail editorial amendments to make Plan read clearly. SS8 para 4.4.7 “Policy C4-trees hedgerows and natural landscape features is also relevant and refers to a range of natural features including the historic value of landscape and artefacts. Policy HE1 (now SS8.1) refers specifically to the built environment. However it is recognised that there is an overlap between built and natural features of landscape, ecological and historical importance”</p> <p>Explanation to HE1 (which will be renumbered and moved to SS8.1) probably at 6.3.3.11 Include paragraph summarising (and provide links to) the Heritage Strategy and Conservation Area Appraisals.</p> <p>6.3.3.11 Refer to Policy SS8, C1 and C4 which are relevant to natural features and naturalised manmade features (such as hedgerows, old buildings) of historic and landscape significance.</p>
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<p>SS9 – Green Infrastructure The policy makes no reference to the opportunities that Green Infrastructure can bring in mitigating harm to historic assets. This is a missed opportunity to holistically consider schemes for new development. The policy is unsound.</p>	<p>Don't agree that this Policy is unsound. The Policies Map shows Country Parks</p> <p>Amend explanation to note that: 4.4.15 Much Green Infrastructure is also of historical importance, particularly Country Parks, and proposals affecting their historic setting will also be determined on the basis of Policy HE1(now SS8.1).</p> <p>Paragraph 4.4.16 mentions cross disciplinary approach to mitigation/compensation. Add that this includes using Green Infrastructure to improve historical as well as social, economic and environmental assets</p>
<p>Policy SS10 Sustainable Communities. The policy makes only oblique references to the historic environment. We have already established that the historic environment is fundamental to place. As part of a positive strategy for the historic there needs to be much greater recognition of the benefits and the role of heritage as well as its protection and enhancement.</p>	<p>This policy already mentions a high quality built and natural environment.</p> <p>Clarify in explanation (paragraph 4.5.30): “Access to good quality built environment, including historic and cultural assets are also important to mental and physical health”.</p>
<p>4.1.21 – Evidence Base The Council's belief that the development level within paragraph 4.1.21 can be achieved without harm is not proven, based upon the updated SHLAA, the appendices of which are not available. While the main report considers a few environmental constraints by no means all are considered. On the evidence available there is doubt as to the growth level proposed can be achieved without causing harm to Torbay's environment. This casts doubt over the plans deliverability and soundness. The plan is unsound as it is not justified or consistent with National Policy</p>	<p>Covered above. This is being treated as an Objection to SS1.</p> <p>Expand reference to CA appraisals, SHLAA to be traffic lighted.</p> <p>At 4.1.21 add ...natural or built and historic environment</p>

<p>Part 5 Strategic Delivery Areas. Across all the policies within this section there needs to be clear guidance about the historic environment so as to provide a positive strategy and inform not only neighbourhood plans but development should the neighbourhood plans not come to fruition.</p> <p>Some of the site or thematic policies for development are encouraged as long as they do not fall foul of European Directives, a recurring provision in: SDT2 Torquay Town centre and Harbour, SDT4 Babbacombe and St Marychurch, Policy SDB2 Brixham town Centre, Harbour and Waterfront, Policy SS7 Infrastructure, Phasing and delivery to name a few. We are unsure what these directives might be specifically or why they should be singled out exclusively and seem a rather odd generic constraints to be included in such policies. It would be more appropriate and consistent with National Policy that there is reference to relevant Historic Environment considerations. This would provide a strategy for the historic environment across the plan and consistent with the approach we have advocated in the previous paragraphs and letter.. In their current form they are not consistent with national policy and unsound.</p>	<p>Reference to the Habitats Directive is justified as it is an EU Directive that could affect development (C.f. discussions with Natural England).</p> <p>Consider that importance of historic Environment has been made clearer by amendments noted above. However, cross reference in explanations (and 1 Upper Case Policy change) as follows:</p> <p>SDT1 (Main policy paragraph 2) Proposals should conserve or enhance the historic built and natural environment.</p> <p>5.1.4 first sentence add "...whilst safeguarding and enhancing its historic environment"</p> <p>SDT2 Upper case policy second paragraph "... whilst enhancing the area's historic environment"</p> <p>5.1.1.2 and after 5.2.1.9 and 5.3.6 Add: "Regard should be had to the requirement to preserve or enhance the character and appearance of the historic environment, particularly within conservation areas, in accordance with Policy HE1 (SS8.1) of this Plan".</p>
<p>Policy TO3 The Tor Bay Harbour Port Masterplan is referred to as the basis, or source, for proposals affecting Torquay, Paignton and Brixham harbours (policy TQ3, p102). But this document is poor in its accommodation of heritage significance generally (we have said as much in consultations on this exercise) and it is difficult to ensure that the proposals have taken sufficient account of the HE and will not, however developed,</p>	<p>The explanation mentions the Ports Masterplan, but does not endorse every proposal in it i.e. it would be a material consideration that is subject to consideration against other factors, including built and</p>

<p>cause substantial harm to heritage assets. As such the policy is not sound as it is not justified or consistent with National Policy.</p>	<p>natural environmental impact.</p> <p>Amend paragraph 6.1.2.27 (or add new paragraph) to say that: "All three of Torbay's harbours are conservation areas and Policy HE1 (now SS8.1) will apply to developments that impact on the historic environment.</p> <p>As agreed with Natural England, revise TO3 to state "The following schemes are proposed will be investigated and delivered if they meet the requirements of this Policy..."</p>
<p>SDT2 Torquay Town centre and Harbour This is a significant heritage asset providing a key source of revenue as tourism and retail focus. There are links here between public realm, shop front, retail and transport policies all of which have as a foundation the historic environment upon which they are based. Please see our comments at the beginning of this letter. As such the policy is not sound.</p>	<p>See above amendments to Policy SDT2 to refer to historic environment. Also refer to the importance of protecting Edginswell Hall in Explanation to SDT3.</p>
<p>Policy HE1 & 6.3.3 We broadly support this policy. We advise that the policy be strengthened by removing the word "seek" in the first line.</p>	<p>Remove "seek to" from first line of HE1 N.B. this is an upper case policy change, so more than an editorial.</p> <p>General support noted. As above move Policy to Spatial Strategy Section.</p>
<p>Policy HE2 While English Heritage supports this policy we are unsure why there is a particular policy for just listed buildings and not for other asset types? A Local Plan is likely to require one or more specific Development Management policies for the historic environment in order to help a decision-maker to determine how they should react to an application affecting a heritage asset.</p> <p>Such circumstances could include the following:- <i>Those areas where Development Management policies are necessary to amplify a general, overarching, Strategic Policy for the historic environment within a Core Strategy.</i></p> <ul style="list-style-type: none"> • The broad strategic Policies of most Plans are likely to be insufficient to provide 	<p>General support noted. Torbay has 864 listed buildings, so it is likely that a significant number of proposals will arise in the Plan period affecting them. Whilst other matters such as Historic parks and Gardens are important, it is less likely that proposals will arise on a frequent basis, and when they do they can be adequately considered under the aegis of HE1 (moved to SS8.1).</p> <p>Policy HE2 will need to have an expanded explanation to cover relationship to HE1. This</p>

the detailed guidance necessary to enable decision-makers to determine a large number of development proposals affecting the historic environment. Therefore, there is likely to be a need to amplify general strategic guidance by more detailed Development Management policy.

Those areas about which the NPPF is largely silent

- The NPPF provides very little advice on how local planning authorities should determine applications affecting archaeological remains of less than national importance. As a result, Local Plans may need to include a Policy to help guide consideration of development proposals affecting these assets.

Those areas where the NPPF policies are very generalised

- There may be a need for a detailed Policy to guide development proposals within and around a World Heritage Site in order to ensure that its Outstanding Universal Value is safeguarded.
- Because of the considerations which need to be taken into account in determining proposals which might affect a Registered Battlefield, it will often be necessary for a Plan to include a more

detailed policy?

Those areas where Development Management policies may be necessary to address the local circumstances of the Plan area.

- To address the particular issues likely to affect the management of local Conservation Areas;
- To clarify the approach to development within an Area of Archaeological Importance;
- To protect or enhance important views and vistas;
- To provide a framework for the consideration of applications involving tall buildings; and
- To guide decision-making in those cases where development may affect assets identified on a Local List, as assets identified on a local list are of more significance than other non-designated assets

Those circumstances where Development Management Policies are needed to address particular cross-boundary issues

should set out that HE1 deals with a range of historic environment assets, and that most Listed building are within conservation areas.

Other matters raised go somewhat beyond scope of HE2. They are covered at a high level in HE1. Consider (post Plan adoption) the need to update the Urban Design Guide and Tourism SPD to provide a greater level of detail on heritage assets in Torbay (including the cross boundary SAMs).

As noted above, mention the Heritage Strategy and Action Plan and conservation area appraisals in the Explanation to HE1.

<ul style="list-style-type: none"> In order to provide an effective strategy for the management of those extensive historic landscapes which run across a number of authority areas, detailed Development Management Policies may be required in the plans of all those authorities. 	
<p>Glossary of Terms While we welcome the clarification of the definition of a number of heritage types this is only partial. In addition to those already identified it would also be useful to define:</p> <p>Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).</p> <p>Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed.</p>	<p>Agree. These can be added to the Glossary as a minor editorial matter. Include cross reference at HE1 (SS8.1) and HE2</p>
<p>Sustainability Appraisal <i>The Council believes that a growth strategy of 8,000-10,000 homes and a minimum of 17 hectares (65,000m2 net) employment space, with associated community facilities, green infrastructure etc, is the upper level of development that can be achieved in a sustainable fashion, without causing serious harm to Torbay's natural environment or to the functioning of its infrastructure.</i></p> <p>Appendices supporting the SHLAA have not been made publically available and as such we are not able to comment on some evidence and appraisals in the Plan.</p> <p>The upper limit for growth, without damage to the environment, is 9200 homes according to the appraisal evidence. Why therefore does the Sustainability Appraisal conclude a positive outcome when the policy SS1 provides for up to 10 000 houses, 800 more than the environmental limit; stating that "<i>The growth strategy is based on the principles of sustainable development, having regards to the area's environmental capacity</i>".</p> <p>Where development conflicts with Environmental assets mitigation and solutions must be</p>	<p>This has been treated as an objection to SS1 and discussed above. Whilst not an objection to the growth level in principle, EH's comments do imply that there will be an historic environment upper limit to growth. The Council agrees with this assessment – amend SA.</p> <p><i>....harm to Torbay's natural, built or historic environment or to the functioning of its infrastructure</i></p> <p>It may be that the capacity is 9,200 dwellings. This would be within the range proposed by the Local Plan. There is no intention in the Plan to go above 9,200 dwellings if this would breach environmental limits- the amendments</p>

<p>deliverable. The plan depends upon strategic development and therefore “no development” is not an adequate option. This creates a conflict within the objectives of the plan.</p> <p>There is doubt as to whether this plan is justified. The evidence should be made available and the Appraisal re-examined.</p> <p>In the current form the Plan is unsound it appears that it is not positively prepared</p>	<p>above confirm that this includes Historic/Built Environment limits.</p> <p>The appendices to the SHLAA have been made available to EH and will be published online. Hal Bishop is assessing these.</p>
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Turner, Steve

From: Turner, Steve
Sent: 28 May 2014 16:39
To: 'ross.simmonds@english-heritage.org.uk'
Cc: Pickhaver, David; Bishop, Hal
Subject: FW: Impact of SHLAA and committed sites on the Historic Environment
Attachments: Appendix D with HE Assessments.docx

Importance: High

Ross,

Further to our telephone conversation this afternoon, I now attach the above HE sites assessment, prepared by Hal in response to the concerns expressed by EH on the Proposed Submission version of the Torbay Local Plan (February 2014).

I hope that this piece of work will address your concerns. Please let me know (cc'd to Hal and David) if you have any comments.

Best wishes,

Steve.

Steve Turner
Team Leader - Strategic Planning

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From: Bishop, Hal
Sent: 21 May 2014 13:01
To: Turner, Steve; Pickhaver, David
Subject: Impact of SHLAA and committed sites on the Historic Environment

List of the c.150 Appendix D sites now all with HE impact assessed attached. The traffic-light rubric is at the bottom of page 8 and below:

Green – X no known HE issues

Orange – HE consideration is one of design requirement because the site is either a listed building; a key building (KB – as defined on Map 1 of the conservation area appraisal); or adjacent to, or in, a Conservation Area.

Red – There is proven archaeology on site, because of previous assessments or evaluations; or there is *prima facie* evidence for archaeological potential but no assessment or evaluation has taken place.

NB. Prehistoric sites/material can turn up anywhere outside known settlement patterns – fortunately this is much more frequent in Eastern England than here.

Hal

*Hal Bishop BA MA Cert Ecol & Con IHBC MifA
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01803-207788*

Appendix D: Committed Sites and SHLAA Sites for Consideration in Neighbourhood Plans

The following sites are “Committed Development Sites” i.e. Have planning permission (at January 2014). They are shown on the Polices Map (as greyed out areas) for information purposes.

Site Name	Town	Planning Application Reference/Policy Number	SHLAA/ Policy Reference	HE Assessment
Hatchcombe Lane, Scotts Bridge/Barton	Torquay	P/2006/1340 P/2008/1534	196/B6/H1.3	X
Palace Hotel, Babbacombe Road	Torquay	96/1367, 99/0653 01/0436, 04/0812	R297/H1.8	Adj Walls Hills SAM
331 Teignmouth Road	Torquay	P/2005/0740	R687	X
Bishops Court Hotel, Lower Warberry Road	Torquay	P/2008/1623	C900	Warberries CA
Area 4 South, Scotts Meadow	Torquay	P/2010/1388	988	X
Hollicombe Gas Works, Torbay Road	Torquay	P/2008/0114	985/H1.10	X
Scotts Bridge/Barton undeveloped remainder	Torquay	H1.1	H1.1	
Pavilions/Marina Car Park	Torquay	Pending	T833	LB II in RHPG II
Former Royal Garage, Torwood Street	Torquay	P/2009/0690	R758	Archaeology on site
Beechfield Avenue, adj former landfill site N.B nearly complete.	Torquay	P/2009/0775	937/H1.4	X
Land adj 84 Grange Road	Torquay	P/2007/1420	864	Adj Warberries CA
Conway Court Hotel	Torquay		T807	Belgravia CA
Queensway (Rainbow Estate)	Torquay	94/0865, 95/0167, 07/2095, P/2007/01146	11	X
Torre Station Yard	Torquay	P/2012/1155	T856a	Adj LB II in Torre CA
Tor Manor, Tor Church Road	Torquay	P/2004/0243 P/2005/1491 P/2007/0677	C453	Archaeological Potential; Tormohun CA

Fairlawns, 27 St Michaels Road	Torquay	P/2008/0356/MPA P/2011/0505	C826	
English House Hotel, Teignmouth Road	Torquay	P/2007/2059 P/2011/0181 P/2011/0361	C817	
Spa View, Lower Warberry Road	Torquay	P/2009/1344	R762	Warberries CA
Le Papillion 18 Vansittart Road	Torquay	P/2008/1256	C967	KB in Torre CA
Snooty Fox, Fore Street	Torquay	88/0547 97/0999 02/0895 P/2004/2047	R288a	Archaeological Potential
Westhill Garage, Chatto Road	Torquay	P/2009/0422 P/2012/0078	R754	Archaeology on site
Lincombe Hall Hotel,	Torquay	P/2010/0738	R759	KB in Lincombes CA
16 Market Street	Torquay	P/2008/0124	866	X
Walton Lodge, Middle Warberry Road	Torquay	P/2006/1149 P/2009/0049 P/2011/0015	224	Warberries CA
The Pines, 78 St Marychurch Road	Torquay	P/2011/0552	R772	X
3 Melville Place, Melville Street	Torquay	P/2006/1921 P/2009/1243	R723	KB in Abbey Road CA
South Devon Hotel, St Margarets Road	Torquay	P/2007/1228 P/2013/0057	832	St Marychurch CA
331 Teignmouth Road	Torquay	P/2005/0740	R687	X
1 Warbro Road	Torquay	P/2007/1949 P/2010/1383	R726	X
Suite Dreams Hotel, Steep Hill, Maidencombe	Torquay	P/2006/1183 P/2008/0832 P/2011/0356	C811	Archaeology on site; Maidencombe CA
Torbay Court, Chelston Road	Torquay	P/2006/0982 P/2012/0127	C716	KB in Chelston CA
Adj 85 Shrewsbury Ave & 46-48 Coombe Lane	Torquay	P/2010/0139	310	X

Country House 62 Ellacombe Road	Torquay	P/2008/1654	C956	LB II
Country House 62 Ellacombe Road	Torquay	P/2008/1704	C956	LB II
178 St Marychurch Road	Torquay	P/2008/1268 P/2009/1268 P/2012/1214	R740	Adj St Marychurch CA
42 Warren Road	Torquay	P/2011/1085	C1038	KB in Abbey Road CA
Zephyrs Hotel, St Albans Road	Torquay	P/2011/1309	C1050	KB in Cary Park Ca
111 Abbey Road	Torquay	P/2011/1391 P/2012/0472	C1053	KB in Abbey Road
Great Parks Phase 2 H1.11	Paignton		H1.11	Archaeology on Site
Great Parks Phase 2 H1.12	Paignton		H1.12	X
Yannons Farm	Paignton	P/2012/1351 P/2010/0289 P/2009/1287	956	X
White Rock	Paignton	P/2011/0197	T756a	Archaeological investigations completed on east side
Marine Park Holiday Centre, Grange Road	Paignton	P/2009/1084/MOA P/2012/1078 P/2012/1079	954	Archaeological investigations completed
Oldway Mansion and Fernham	Paignton	P/2011/0925	986	LB II* in RHPG II
Former Paignton Police Station, Southfield Road	Paignton	P/2011/0324	R775	Archaeological Potential
Former Library, Courtland Road	Paignton		HC233	Polsham CA
Seaford Sands Hotel, 17 Roundham Road	Paignton	P/2011/0105	R782	Paignton Harbour & Roundham CA
SeafoRoad Hotel, 2-4 StaffoRoad Road	Paignton	P/2011/1201	C1081	X
Kings Ash House, Kings Ash Road	Paignton	P/2006/1571 P/2010/0666 P/2012/1223	R733	X
R/O 10-16 & 18-20 Gibson Road	Paignton	P/2008/0206	880	X

40-88 & 73-79 Hayes Road; 149-179 Totnes Road	Paignton	P/2009/1179	R774	Archaeological Potential
13-39 Langridge Road	Paignton	P/2011/1056	R777	X
25-35 Smallcombe Road	Paignton	P/2011/0777	R776	X
Totnes Road Service Station (adj 141) Totnes Road	Paignton	P/2005/1398 P/2007/1370 P/2011/0395	R693	Archaeological Potential
1 Fortescue Road	Paignton	P/2011/0906	C1080	X
Meadowfield Hotel, 36 Preston Down Road	Paignton	P/2006/1508 P/2008/1296 P/2010/0782	R712	X
10 Palace Avenue	Paignton	P/2010/1227	943	KB in Old Paignton CA
Paint Station	Brixham	P/1989/1577 P/2006/1066	163/H1.19	Adj Higher Brixham CA
H1.18 Brixham Town Centre	Brixham	P/2012/1309	H1.18	Archaeology on site
Churston Golf Club, Dartmouth Road,	Brixham	P/2011/0829	987	X
Sharkham (Former Dolphin Holiday Camp),	Brixham	P/2004/1032 P/2007/1064 P/2008/1386 P/2010/1083	782/H1.22	X
Churston Court Farm	Brixham	P/2008/0088 P/2010/0177	C887	X Archaeological investigations completed
Douglas Avenue	Brixham	P/2011/0470	908	X
Berry Head Garage, Berry Head Road	Brixham	P/2005/1381 P/2010/0902	R697	Brixham Town CA

The following sites have been identified, principally in the SHLAA, as sites that have potential for development, primarily for housing. They are subject to consideration in Neighbourhood Development Plans and shown on the Policies Map (as diagonal lines) for information purposes.

SiteName	Town	SHLAA or Policy reference	HE Assessment
Adjacent to Abbey Hall, Rock Road	Torquay	R149	Adj to LBs II; Abbey Road CA
Land R/O Market Street, Torquay	Torquay	T887	X
Pimlico	Torquay	13229	Part Torquay harbour CA
Site opposite Market, Market St (former Blockbuster site)	Torquay	13237	X
Palace Hotel (tennis courts)	Torquay	T761/13223	Adj Walls Hills SAM
Land adjacent to Broadly Drive, Livermead	Torquay	T707	Adj Cockington CA; key corridor in 19C designed landscape
Holiday Parks, Kingkerswell Road	Torquay	13232	X
Torquay Holiday Park	Torquay	T738	X
Land to North of Nuthatch Drive	Torquay	T749	X
Land off Plantation Way	Torquay	T748	19C Designed landscape
300-302 Union Street	Torquay	T753	Tormohun CA
Tor House and Gospel Hall - Former B and Q.	Torquay	T754	X
Fleet Walk Shopping Centre	Torquay	T766	X
Land adjacent to Union Street Car Park	Torquay	TM003	X
Zion Methodist Church, Zion Road	Torquay	T872	KB in Tormohun CA
Land to the r/o Lichfield Avenue	Torquay	T926	X
Starpitten Lane	Torquay	T818	Adj Barton CA
Transport Yard Road, Berachah Road	Torquay	T721	X
Braddons Street Disused Playground, Stentiford Hill	Torquay	T726	X
3-9 Pimlico	Torquay	T801	X
Garage Premises, Laburnum Street	Torquay	T794	Archaeology on site

Ingoldsby House, Chelston Road	Torquay	T802	X
Municipal Chambers, Union Street	Torquay	T795	KB in Upton CA
Cary Parade- The Golden Palms	Torquay	T834	Some KB in Torquay Harbour CA
Sherwell Valley Garage	Torquay	T841	X
Site 1 Higher Cadewell Lane	Torquay	T852	X
Site 2 Higher Cadewell Lane	Torquay	T853	X
Melville Street Joinery Works	Torquay	R232	KB in Abbey Road CA
Torre Station	Torquay	T856a	Adj LB II in Torre CA
Ansteys Lea Hotel, Babbacombe Road	Torquay	T864	Part KB in warberries CA
16/18 Lower Thurlow Road	Torquay	T876	Upton KA
Hermosa, Higher Woodfield Road	Torquay	T877	Adj KB in Lincombes CA
Lansdowne Hotel, Old Torwood Road	Torquay	T881	Warberries CA
Shedden Hall Hotel, Shedden Hill	Torquay	T884	Part KB In Belgravia CA
39 Abbey Road	Torquay	13001	Abbey Road CA
Roebuck House, Abbey Road	Torquay	13003	Abbey Road CA
Barclay Court Hotel, 29 Castle Road	Torquay	13011	X
Quintaville Junction Reddenhill Road	Torquay	13020	X
La Rosaire, Livermead Hill	Torquay	13024	X
40-44 Swan Street	Torquay	13045	Archaeological potential
22-28 Union Street	Torquay	13053	X
Foxlands, York Road	Torquay	13060	Adj Babbacombe Downs CA
8-9 Braddons Hill Road West	Torquay	13100	Adj LB II in Torquay Harbour CA
Brampton Court Hotel, St Lukes Road South	Torquay	13176	Part KB in Belgravia CA
Richwood Hotel, 20 Newton Road	Torquay	13160	Part KB in Torre CA
Lower Union Lane Office Block	Torquay	13221	Adj Abbey Road CA
Lee Hotel and Restaurant, Torbay Road	Torquay	T893	X
Torquay Girls Grammar Shiphay Manor	Torquay	T814	LB & Archaeology on site
Crossways Shopping Centre	Paignton	13240	X

Corner of Hyde Road and Torbay Road	Paignton	13242	CA
Queens Park and Rugby Club	Paignton	13250	Adj LB II* & II
Council Depot	Paignton	T826	X
Great Parks (south)- Phase 2: Allocation H1:13	Paignton	H1:013	X
Land off Grange Road	Paignton	T824	Archaeology on site
Grange Road Golf Driving Range	Paignton	T825	X
Land at Preston Down Road North	Paignton	13195	X
Land at Preston Down Road South	Paignton	13196	X
Vauxhall Garage on Torquay Road	Paignton	T709	X
Angleside House	Paignton	T718	Roundham CA
20 Roundham Road	Paignton	T797	Archaeology on site; adj Roundham CA
Victoria Park Multi Storey	Paignton	T787	X
5 Broadsands Road	Paignton	HC213	X
Sunhill Apartments, 19 Alta Vista Road	Paignton	13006	X
Silverlawns Nursing Home, 31 Totnes Road	Paignton	13051	Part KB in Old Paignton CA
Vacant Land, Warefield Road	Paignton	13056	X
Lyndhurst Hotel, Lower Polsham Road	Paignton	13069	Adj Polsham CA
Alan Kerr Garage, Brixham Road	Paignton	13105	X
Land at 4-6 Eugene Road	Paignton	13123	X
63 Manor Road	Paignton	13148	X
4 Palace Avenue	Paignton	13162	KB in Old Paignton CA
Land r/o Quarry Terrace, Marldon Road	Paignton	13166	X
Modern Motoring, Torquay Road	Paignton	13189	Archaeological Potential
Lighthouse, Esplanade Road	Paignton	13066	X
Fishcombe Cove	Brixham	13126	Adj Battery Gardens SAM
St Mary's - Industrial Estate near to.	Brixham	AI H1:021	X
Northcliff Hotel.	Brixham	T822	Adj Battery Gardens SAM Adj important Open space in CA

King's Barton, Summer Lane	Brixham	T886	X
Beverley Court, Upton Manor Road	Brixham	T894	Adj LB II
Brixham Police Station, Rea Barn Close	Brixham	13168	X
Knapman's Builder's Yard, off Stoke Gabriel Road	Brixham	13264	Archaeological potential; Galmpton CA
Torbay Industrial Estate	Brixham	T791	X
74 New Road	Brixham	13155	LB II in curtilage

Rubric:

Green - X no known HE issues

Orange - HE consideration is one of design requirement because the site is either a listed building; a key building (KB - as defined on Map 1 of the conservation area appraisal); or adjacent to, or in, a Conservation Area.

Red - There is proven archaeology on site, because of previous assessments or evaluations; or there is *prima facie* evidence for archaeological potential but no assessment or evaluation has taken place.

Hal Bishop

Senior Historic Environment Officer

21 May 2014

Turner, Steve

From: Simmonds, Ross [Ross.SIMMONDS@english-heritage.org.uk]
Sent: 12 June 2014 14:02
To: Turner, Steve
Subject: Torbay Local Plan
Attachments: Torbay Local Plan comments June 2014.pdf

Dear Steve

Attached is a short letter from English Heritage withdrawing its objections.

Regards

Ross

Ross Simmonds | Principal Planning Adviser | Historic Places Team | English Heritage | 29 Queen Square, Bristol, BS1 4ND | 0117 975 0692 | 07881 872218

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<http://www.english-heritage.org.uk/professional/archives-and-collections/portico/>



ENGLISH HERITAGE

SOUTH WEST

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Torbay Council
3rd floor, Electric House
Torquay
TQ1 3DR

Our ref: HDP 6041
Your ref:
Telephone 0117 975 0692
Fax 0117 975 0683

11 June 2014

Dear Sir

re: Torbay Local Plan - Proposed Submission Plan

Thank you for the meeting on the 6 May 2014. The Council agreed at this meeting to make additions to the evidence base and a series of modifications. These were itemised in a number of pieces of correspondence that followed.

Subject to the agreed modifications being fully incorporated in to the Torbay Local Plan, English Heritage withdraws its objections.

If you would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely

Ross Simmonds
Principal Planning Adviser