

# **TORBAY LOCAL PLAN**

A landscape for success:

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

# **TORBAY COUNCIL RESPONSE TO REPRESENTATIONS ON THE PROPOSED REPLACEMENT ADDITIONAL MODIFICATIONS TO THE SUBMISSION LOCAL PLAN**

**REPRESENTATIONS BY CONSULTEE/ORGANISATION**

**Torbay Council- 14 August 2015**

## **Summary of this document**

This document sets out the Council's comments on the consultation responses to the Proposed Replacement Additional Modifications (RAMs) to the Torbay Local Plan 2012-32 and beyond "A landscape for success". These were the subject of public consultation between Monday 22<sup>nd</sup> June and Monday 3<sup>rd</sup> August.

The Replacement Additional Modifications cover matters that are not considered to go to the heart of the Local Plan's soundness,. They clarify or expand on matters that were already addressed in the Submission Version of the Local Plan or are explanatory text to issues considered in the Main Modifications. They also update the Plan to be consistent with revised Government guidance etc. As such, changes to Additional Modifications are made at the Council's discretion.

The Replacement Additional Modifications replaced the earlier Additional Modifications that were published for consultation between Monday 9<sup>th</sup> February and Monday 23<sup>rd</sup> March 2015.

This document lists representations by consultee/organisation, with the Council's responses to them.

A separate schedule lists representations to the Proposed Replacement Additional Modifications by RAM/Policy number.

These schedules should be read in conjunction with the Council's response to changes to the Replacement Main Modifications (RMMs). Replacement Main Modifications cover matters that are considered central to the Local Plan's overall strategy and soundness. The Schedules of responses to the Replacement Main Modifications therefore consider the strategic matters arising in more detail. The Inspector examining the Local Plan will reach a view on the Replacement Main Modifications in his final report.

The Council has produced a separate summary of recommended further modifications that it considers are appropriate to make in response to the representations received on the Replacement Modifications. These are highlighted **yellow** in the table below and summarised in a separate Schedule of Recommended Further Modifications. These further changes are all minor editorial matters. On this basis they are not considered to raise additional issues requiring further Sustainability Appraisal, Habitats Regulations Assessment or Equalities Impact Assessment.

Representations on Additional Modifications					
ID C: Consultee A: Agent	File No.	Person /Organisation Consultee	Policy No.	Summary of Representation	LPA Response
<b>National Organisations</b>					
425628	RAM NO1	Devon and Cornwall Police Architectural Liaison Officer	RAM139 and RAM140 Support	Support references to minimizing the opportunities for crime, antisocial behaviour and conflict in the built environment.	Minor amendments to Policy DE1 and paragraph 6.4.2.4 have previously been agreed with the Police Architectural Liaison Officer.
494352	RAM NO2	Marine Management Organisation	RAM99 and RAM112 General observations	General letter relating to role of MMO and Marine Policy Statements. Marine Licences may be needed for new harbour extensions at Torquay and Northern Arm Breakwater.	<p>RAM 99 already notes the need to consult with the MMO. Reference to Marine Licences can be added as a minor addition to RAM99.</p> <p><b>Recommended Further Additional Modification to RAM99:</b> Add the following text to the end of paragraph 6.1.2.27: "Works to harbours or off-shore facilities may require a Marine Licence from the MMO".</p> <p><b>Recommended Further Additional Modification to RAM112:</b> Add to the end of paragraph 6.3:1.21: "Some marine works will require a marine licence and/or an Environmental Impact assessment as covered in Policy TO3".</p>
400188	RAM NO3	Natural England	RAM34, RAM163 and 167 Support	Support RAMs. As the <i>HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014</i> sets out the fundamental mitigation for the strategic growth areas, we advise the Local Plan could be improved by making this document an additional appendix to the Plan.	<p>Support welcomed.</p> <p>The "HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014" is referred to at paragraph 4.1.32 (RAM19) and is available as an online resource on the Torbay Council website (SD/26/Appendix B and Addendum).</p> <p><b>Recommended Further Additional Modification to RAM19:</b> Add to the end of paragraph 4.1.32 "This is available on the Local Plan website (Local</p>

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					<a href="#">Plan Library document SD/26/Appendix B and Addendum)</a> ".
417366	RAM NO4	South West Water	ER1 Support ER2 Support W5 Support	No objections. Support sustainable drainage measures to remove surface water from shared sewers. If Policies ER1, ER2 and W5 are implemented in full, SWW do not envisage any significant reason why the Plan cannot be delivered.	Support welcomed
501495	RAM NO5	Sport England	RAM139 Support	Support reference to active design in Policy DE1	Support welcomed
Neighbouring Local Authorities, Neighbourhood Forums, Community Partnerships, Parishes and Amenity Societies					
828890	RAM AFC1	Brixham Neighbourhood Forum (828890)	RAM109 RAM104 and Policies Map, Object	See also schedule of Replacement Main Modifications  Object that land at Churston Golf Course (3 <sup>rd</sup> tee fairway) is not included within Undeveloped Coast (Policy C2)  Site of 1 <sup>st</sup> and 18 <sup>th</sup> holes and Club House should become countryside (C1) as the housing allocation (RMM14) has been deleted.	<b>3rd Tee Fairway</b> The Council has included land to the NE of Long Wools within the Undeveloped Coast (Policy C2). However the golf club land (3 <sup>rd</sup> tee fairway) has been assessed by the Council's (landscape) Urban Design Officer, and is not considered to be part of the coastal landscape. The appeal decision P/2013/0019 App/X1165/A/13/2205208 relating to the site notes that the site contributes to the semi-rural character of the area, but does not assess it as being a coastal landscape. It also notes that the site is bounded by residential development on three sides (paras 24-26)  <b>Site of First and 18<sup>th</sup> Holes and Clubhouse.</b> Whilst there appear to be deliverability problems that prevent the Clubhouse site and 1 <sup>st</sup> and 18 <sup>th</sup> holes being identified as a housing site, the triangular site is bordered on each side by development. The Adopted Torbay Local Plan does not identify it as Countryside. It is not rural in character and it would not be appropriate to designate the site within the Countryside (Policy C1) of the emerging new Local Plan.
843591	RAM	CPRE Devon	RAM109	Object that land at Churston Golf Course is not	The Council has included land to the NE of

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	AFC2		Object	included within Undeveloped Coast (Policy C2)	Long Wools within the Undeveloped Coast (Policy C2). However the golf club land (3 <sup>rd</sup> tee fairway) has been assessed by the Council's Landscape/Urban Design Officer, and is not considered to be part of the coastal landscape. The appeal decision P/2013/0019 App/X1165/A/13/2205208 relating to the site notes that the site contributes to the semi-rural character of the area, but does not assess it as being a coastal landscape. It also notes that the site is bounded by residential development on two sides (paras 24-26).
900169	RAM AFC3	Maidencombe Residents Association	RAM161 Object	Object to reference to Sladnor Park within Table 5.2. (But support removal of Sladnor Park from RMM9 and RMM14).	Sladnor Park has been removed from RMM9/RMM14 (although this has been objected to by the developer). Specific reference to it should be removed from table 5.2 as an editorial matter.  <b>Recommended Further Additional Modification to RAM61:</b> Remove reference to Sladnor Park at Table 5.2
704914	RAM AFC4	Paignton Neighbourhood Forum	Object to: RAM4,5,10,1 6,17, 74, 29,130, 169,178, 181. Support for other RAMs.	Various objections in the context of PNF's objections to the overall growth rates. Additional objections to: RAM5: Note that housing levels may be reduced as part of five year review if there is evidence of supply exceeding need. RAM17, RAM169 Mitigation measures should be deliverable and drainage measures should be provided at application stage.  RAM74 Object to reduction in employment requirement at Yalberton Road to 25% of the development. <b>PNF argue that this should be a Replacement Main Modification.</b>  Object to increasing the affordable housing threshold (RAM130). Yalberton Valley should be designated as a Regionally Important Geological Site (RIGS- RAM	Note that PNF's main objections relate to objections to the overall growth strategy in the RMMs (Q.V.)  The Forum support the majority of RAMs, which is welcomed.  The Council considers that the Forum have made useful suggestions to amend the wording of RAM5, RAM17 and RAM 169. These could be incorporated as an editorial matter to the Plan although are not essential to the Plan's soundness.  <b>Recommended Further Additional Modification to RAM5/paragraph 1.1.5:</b> ...e.g. other solutions to allocating more land are likely to appropriate likely to be

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				181)	<p>appropriate. <u>Conversely, there may be a case to reduce growth rates if there is evidence of oversupply against objectively assessed need and demand.</u></p> <p><b>Recommended Further Additional Modification to RAM17/paragraph 4.1.20:</b> <u>In accordance with Policies SS8 and NC1 (below) these should show how any adverse impacts of development are capable of being mitigated in perpetuity.</u></p> <p><b>Recommended Further Additional Modification to RAM169:</b> Amend second added paragraph of 6.5.3.26: Consequently new development <u>should will be required to</u> have separate foul and storm water drainage systems. <u>Details of these should be provided at planning application stage</u></p> <p><b>Recommended Further Additional Modification to RAM177:</b> <b>Economic Performance</b> (including job creation from Business Register and other surveys, <u>against a baseline of 59,000 jobs in Torbay in 2012 (NOMIS Business Register), unemployment.....</u></p> <p><b>RAM74 Yalberton Road: It is noted that PNF (and others) consider that this should be treated as a Main Modification.</b> The Council has no objection to the Inspector dealing with the matter in his Report. However, for the reasons set out below, the Council considers that RAM74 is an additional modification that will help deliver a mixed use development on the Yalberton Road site, and is consistent with NPPF paragraph 22.</p>

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					<p>The Council considers that retaining 25% employment requirement at Yalberton Road (RAM74) is more likely to enable viable development and allows for other community benefits such as affordable housing, than would requiring a higher proportion of employment land. This will also make the approach taken at Yalberton Road consistent with Devonshire Park (Bookhams), which although a brownfield site was last used as employment land. (The 1ha identified in Table 5.11 for Bookhams represents 25% of the site).</p> <p>The rear part of Yalberton Road ("The Jackson Land") is the subject of a current planning application (P/2014/0983), which identifies a larger development area (10.6ha) than the 7.4ha of developable land identified in the Employment Land Review and emerging Local Plan. Therefore table 5.11 may need updating as an editorial matter, when the application is determined.</p> <p>The Council notes that the 3.7ha identified in Table 5.11 (which represents 50% of the site) may need to be reduced, although given that the development area in the current planning application is larger, it would be premature to reduce it to 1.9 ha (representing 25% of the site), which would be a "worse case" scenario from the Council's perspective.</p> <p>Notwithstanding this, 1.9ha provision at Yalberton Road (Jackson Land) would leave 18.5 ha of employment land identified in the Paignton North and West Area. On the rule of thumb basis of 1 ha yielding 4,000 sq m employment floorspace, this</p>

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					<p>figure remains more than sufficient to meet the 65,000 sq m of employment space identified in the Employment Lands Review (PBA 2013, paragraph 3.4.1).</p> <p><b>Regionally Important Geological Sites.</b> RIGS are shown on the Policies Map for information. Yalberton Valley would need to be designated as a RIGS by the RIGS Board.</p> <p><b>RAM129 and RAM130 Affordable Housing Thresholds:</b> It is noted that PNF consider that this constitutes a Main Modification. The affordable housing threshold in H2 (RAM129, RAM130) is discussed in the Schedule of Main Modifications and below in relation to South West Housing Association and Registered Providers.</p> <p><b>Recommended Further Additional Modification:</b> Delete RAM129 (i.e. revert to the Submission Local Plan Threshold for affordable housing).</p> <p><b>Recommended Further Additional Modification:</b> Delete RAM130</p>
923362	RAM AFC5	Stoney Park Allotments Association	Policies Map (Object)	Redraw boundary of the former Northcliff Hotel site in Brixham to exclude the land used as allotments.	<b>Recommended Further Modification:</b> Amend Policies Map (Brixham Town Centre Inset) to exclude the area used as allotments from the former Northcliff Hotel site.
<b>Business Sector, Organisations and Social Enterprise</b>					
C: 440790 A: 847471	RAM B1	South Devon College (GVA Planning On behalf of:)	SS4 Support SC3 Support	Support recognition of South Devon College's role	Support noted.
C:847469	RAM	South West Housing	RAM 129:	<b>RAM129 (H2)</b> Need to consider impact of changing	<b>RAM129: Impact of changing affordable</b>



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, A:844870	B2	Association Registered Providers (HARP). (Tetlow King on behalf of)	Object RAM138: general observation RAM123 Object RAM145 Object	affordable housing threshold (in response to the PPG) in terms of viability. <b>RAM138 (H6):</b> Need to demonstrate the need for requirement for accessible and adaptable dwellings –(PPG 56-00-20150327) <b>RAM143 (DE3):</b> Object to including space standards as Explanatory Text and without testing the impact on viability. Object to impact of minimum space standards on viability and deliverability of small dwellings. <b>RAM 145</b> (6.4.2.17) Lifetime Homes standard has been superseded and should be removed from the Local Plan.	<b>housing thresholds:</b> Note that the change to affordable housing thresholds was made solely in response to change to National Planning Practice Guidance (23b-012) to ensure compliance with the NPPG.  The Council's viability assessment was based on the Submission Local Plan threshold, and no objections were received to the Proposes Submission Local Plan's affordable housing threshold. The matter is also discussed in the Schedule of RMMs.  <b>Recommended Further Additional Modification:</b> <b>Delete RAM129</b> (i.e. revert to the Submission Local Plan threshold for affordable housing).  <b>RAM138:</b> is a minor amendment to reflect the demise of the Lifetimes Homes Standard. Torbay has an aging population and therefore is likely to require a proportion of accessible and adaptable dwellings. <b>RAM143:</b> The space standard is set out for guidance. It is likely to be applied flexibly to most types of development other than small conversions (where small space standards could exacerbate deprivation). Clarify purpose of space standards by adding to the end of 6.4.2.14 (RAM143).  <b>Recommended Further Additional Modification to RAM143/paragraph 6.4.2.14:</b> "These (space standards) are intended to be operated flexibly with regard to viability and other considerations. However the creation of small apartments by subdivision/ conversion will be resisted where this would

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					<p>result in an unpleasant or unhealthy living environment or exacerbate concentrations of deprivation (see also Policy SS10). This text cross references text already within the Local plan.</p> <p><b>Recommended Further Additional Modification to RAM144/paragraph 6.4.2.17:</b> Replace "lifetime" with "accessible and adaptable"</p>
Development Industry - Housing					
844154	RAM HB1	Home Builders Federation	RAM54 Object RAM134 (General observations) RAM143 and RAM144 Object RAM144, RAM144A, RAM155, General observations	<p>Object that assessment of objectively assessed need (OAN) has not considered hidden homelessness or vacant properties. Support the principle of self build housing but recommend that the definition be clarified and suggest the Plan also needs to address practicalities such as health and safety, working hours, build lengths etc. A 12 month cascade period needs to be justified.</p> <p>Object to including space standards as Explanatory Text and without testing the impact on viability. Object to impact of minimum space standards on viability and deliverability of small dwellings.</p> <p>Delete references to Lifetime Homes</p> <p>Check RAM155 (para 6.5.1.6) to ensure compliance with Government standards</p>	<p><b>Objectively Assessed Need:</b> Objections to the assessment of OAN are assessed in the Schedule of Replacement Main Modifications.</p> <p><b>Self Build Housing</b> The matters raised by HBF will largely be addressed through Supplementary Guidance.</p> <p><b>Recommend Further Additional Modification to RAM134/paragraph 6.4.1.19:</b> Add to the end of the first sentence of paragraph 6.4.11.19: ...for their own occupation. <u>Where provided as affordable housing, they should also fulfil the definition of affordable housing in Appendix A and Annex 2 of the NPPF, i.e. be provided for people who cannot afford to buy or rent a house on the open market.</u></p> <p>Amend final sentence of Paragraph 6.4.24:</p> <p>This will address matters such as how long plots need to be marketed before they cascade to other forms of housing 12 months will be used as a starting point. In addition, where self build plots are secured on rural exceptions sites or as affordable</p>

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					<p>housing, planning conditions will be used to restrict occupancy to people with a local connection. The operation of this will also be addressed in further guidance, as will other implementation matters such as health and safety, length of build program, working hours etc.</p> <p><b>Space Standards:</b> See response to South West HARP above.</p> <p><b>Lifetime Homes:</b> See response to South West HARP above.</p> <p><b>Recommended Further Additional Modification to RAM155/paragraph 6.5.1.6:</b> Delete last paragraph of additional text to 6.5.1.6: The Government is also committed to introducing a range of "allowable Solutions to allow off site carbon abatement, where necessary, as part of implementing the Zero Carbon standard during 2016.</p>
<b>Private Individuals - Torquay</b>					
845042	RAM TI1	Anthony Garlick	Policies Map (Object)	Remove Redstones Nursery from nature conservation site	This does not relate to a Replacement Modification and is therefore not duly made. Mr Garlick's objection has been addressed previously: viz the CWS at Cockington washes over a wider area, including a number of other properties.
<b>Private Individuals - Paignton</b>					
428525	RAM PI1	Roger Bristow	RAM2,4,5, 10,16,17,74, 129,169,178, 181, Annex1 Object	Objections in the context of objections to overall growth levels and objection that the Local Plan is not jobs led. Objections to SDP3 Collaton St Mary.	See schedules of Proposed Replacement Main Modifications
923426	RAM PI2	Susan Miller	RAM4, RAM5, RAM10, RAM74	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications

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			Object		
<b>Private Individuals - Brixham</b>					
429431	RAM BI1	Helen Boyles	RAM4, RAM5, RAM10, RAM74 Object	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications
899233	RAM BI2	Jeremy and Tracey Fatz Object	RAM4, RAM5, RAM10, RAM74 Object	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications
923435	RAM BI3	Frank Seear	RAM4, RAM5, RAM10, RAM74 Object	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications
429416	RAM BI4	Steve Sherren	RAM4, RAM5, RAM10, RAM74 Object	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications
900020	RAM BI5	Susan Swan	RAM4, RAM5, RAM10, RAM74 Object	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications
900047	RAM BI6	Kevin Wright	RAM4, RAM5, RAM10, RAM74 Object	Objections in the context of objections to overall growth levels.	See schedules of Proposed Replacement Main Modifications