

From: Turner, Steve
Sent: 18 May 2015 15:32
To: 'Liddington, Stuart'
Cc: 'Carnaby, Stephen'; Young, Robert
Subject: RE: Torbay letter 140515

Dear Stuart,

Thank you for your email of 14 May 2015, attaching the correspondence from Keith Holland, Inspector for the Torbay Local Plan Examination.

Having given careful consideration to the contents of Mr. Holland's letter, we have set out our comments in the attached response letter, together with a suggested way forward. A related Council Report concerning Masterplans is also attached.

I would be grateful if you would forward this email and attachments to Keith Holland for his attention.

Steve.

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My ref: PS/
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Date: 18th May 2015

Dear Mr Holland

Re: New Torbay Local Plan

Thank you for your letter dated 14 May 2015. I have carefully considered the issues you have raised.

Put simply, delaying adoption of the Local Plan would cause severe problems, for the reasons set out below. This letter sets out the headlines of a pragmatic and sustainable solution, in my view. It would be very useful to have your opinion on that before we proceed further.

It's always wise, in my experience, to focus first on areas of agreement. I believe we're all agreed on three fundamental issues.

Firstly, it is crucial to adopt a new, positively prepared and sound Local Plan as quickly as possible. The lack of a new Local Plan would leave a policy vacuum and present Torbay and the Council with significant risks.

Secondly, Torbay has a very high quality natural environment – of national and international importance. As the Council has found, this makes it more difficult to identify land for development and even more difficult to secure support for such development. These constraints have been known for a long time, but we have continued to plan positively for growth. Such constraints override the presumption in favour of sustainable development (Para 119 and footnotes 9 and 26 of the NPPF make this clear).

Thirdly, it is vital that we plan for housing growth that seeks to meet, as best it can, Torbay's objectively assessed housing need and to ensure there is a 5 year housing land supply.

With those three fundamental areas of agreement in mind, the implications of delaying the Plan by 12 months are significant.

A delay would prejudice the achievement of sustainable growth needed in Torbay, not least economic recovery and regeneration. It would prolong uncertainty over housing growth rates,

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

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whether these can keep pace with economic growth and whether a five year supply can be demonstrated. It would prevent the implementation of the masterplans at Torquay Gateway and Collaton St Mary. It may prevent the implementation of Community Infrastructure Levy which will result in the loss of significant infrastructure funding, so vital for the Bay, given the pooling restrictions on S106 Obligations. It is also likely to delay the production of Neighbourhood Plans.

Delaying the new Local Plan would also postpone putting in place the environmental standards we need to support sustainable growth. For example, in the absence of policies proposed in the new Local Plan (e.g. sustainable drainage), new development could harm habitats that Natural England are trying to protect.

Consequently, I don't believe that delaying the Local Plan for 12 months or so is an acceptable way forward.

I believe there is a fourth area of common agreement, namely that the Submission Version of the Local Plan (July 2014), plus the tweaks to some policies and policy justification (as agreed during the Hearing – see suggested Further Changes document), provided a good, sound basis from which to work. We have sought to add to the Plan, in the form of Main Modifications, following your initial and further findings. We have tested further options for growth. Those have proven to be too difficult to achieve at this point in time, as your most recent letter confirms.

On the basis of the above, and seeking to address the concerns identified in your letter, the Council suggests the following approach, which is considered to be a pragmatic, sustainable and NPPF compliant solution.

The Plan period is reduced to 15 years from adoption, which equates 18 years in total (beginning 2012 as at present). This is consistent with NPPF paras 47 and 157. The Council would, if timescales allow, be able to adopt the new Local Plan in September 2015. The new Local Plan will include all those sites and policies agreed via Examination (including the Hearing) of the Submission Version, but will not include the additional housing sites put forward by the Council following public consultation in Feb / March 2015.

Consequently, the overall number of new homes proposed for the Bay would be 8,730. This falls within the range (8,000 – 10,000) promoted by the Council. It exceeds the household figure in the 2012 based Household Projections and provides a significant inroad into the requirement to increase housing supply, to meet housing need including demand driven by job growth. It represents growth of marginally under 500 homes per annum over the Plan period, which is likely to be reflected in growth of around 450 homes per annum over the next 5 years and an increase over the 15 years to around 550 per annum. It provides certainty of and support for delivery, and is very much in line with the requirements you put forward in your initial and further findings.

There is robust evidence to support this approach. No new evidence is required.

This approach would provide clarity and certainty for the development industry; ensure policies were in place to support sustainable growth; ensure the Council had a 5 year supply of deliverable housing land; allow the Council to adopt masterplans for Collaton St Mary and Torquay Gateway; allow the Council to progress and adopt its CIL Charging Schedule.

The Council has already committed to a full review of the new Local Plan in 5 years. The Council will, within that period, be working with land owners and statutory consultees to identify further land for development, much along the same lines as suggested in the Council's Main Modifications. It is accepted that this excludes some sites that are being promoted now by developers for inclusion in the new Local Plan, but a precautionary approach is required and more evidence needed to support inclusion of those sites (as you have noted).

The Council considers the above proposal will provide the certainty needed, by the Council, land owners, the community and Natural England; will secure the best outcomes for Torbay; and will help deliver the realistic ambition already set out in the new Local Plan whilst also delivering the

required HRA environmental mitigation.

If you believe the approach outlined above is acceptable in principle, the Council will modify the Plan, undertake any appropriate HRA and SA work and consult on revised Proposed Modifications of the Plan for six weeks to reflect a new Plan period of 15 years, from adoption.

The Inspector has raised other issues that need a response from the Council:

Masterplans: The adoption, as SPD, of the town centre masterplans for Torquay and Paignton, is being considered by full Council on 1 June. These masterplans are in line with the existing adopted Local Plan. A delivery team is also to be established. A copy of the report to Council is attached. The delivery team will also help bring forward the housing site at Great Parks, Paignton. The masterplans for Collaton St Mary and Torquay Gateway cannot be adopted as SPD until the new Local Plan is in place. Consequently, it is intended to take a report to Council (hopefully in Sept 2015) to adopt these masterplans alongside the new Local Plan. This emphasises the need to adopt the Local Plan as quickly as possible to provide certainty and a framework for sustainable growth in these areas.

Churston Covenant: The Council's agrees that the appeal decision in respect of Churston Golf Clubhouse makes it more difficult to understand whether development of the 1st & 18th holes can take place. The Secretary of State is currently considering the Mayor's decision to put a covenant in place. The Secretary of State may decide that a covenant cannot be put in place, in which case a development might come forward on that site – but probably not the one (for 132 homes) that has been promoted to date. The 8,730 new homes figure quoted above does not include any development on the 1st & 18th holes and the site has been taken out of the Council's 5 year land supply. However, within a new 15 year plan, this site would be one that is further explored to assess deliverability in the 15 year + period. The Inspector's concern about the implications of the covenant is understood, but is not considered by the Council to be warranted. In the 12 months or so since the covenant was granted there have been no comparable covenants granted. Only one covenant, to protect land used for sports purposes and not identified for development, has been agreed. Indeed, a covenant proposed by a very large number of local people for protection (from development) of land at Cary Green, Torquay, was refused. The Mayor (who has been re-elected) signed a lease for Cary Green, allowing it to be considered as part of the development of a new hotel, apartments and commercial premises at the MDL car park / Pavilion, Torquay. So, all the indications are that the Churston Covenant is unlikely to be repeated.

Neighbourhood Plans: The Government and Council have put in place clear requirements for Neighbourhood Plans. The Council has clearly identified, in its new Local Plan, a fall-back position in case Neighbourhood Forums do not follow Government and/or Council requirements. This fall back mechanism ensures there is no risk to continued provision of land for development in Torbay, provided the new Local Plan is adopted as quickly as possible. The Inspector has rightly pointed out that there is disagreement about Torbay's objectively assessed need. Not adopting the Local Plan will prolong this uncertainty and increase the risk that Neighbourhood Plans promote significantly less growth than the Local Plan.

The Council believes that the approach suggested is constructive and will result in a Local Plan that is positively prepared, justified and effective. On this basis we hope that it meets the concerns raised in your letter of 14 May. However, we await your further advice before proceeding further.

Yours Sincerely

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Meeting: Council

Date: 1 June 2015

Wards Affected: All

Report Title: Torquay and Paignton Town Centre Masterplans - Supplementary Planning Documents

Executive Lead Contact Details:

Supporting Officer Contact Details: Andrew Gunther, Senior Planning and Public Health Officer andrew.gunther@torbay.gov.uk

1. Purpose and Introduction

- 1.1 Members are asked to agree that two masterplans, which promote regeneration and growth in Torquay and Paignton town centres, should be adopted as Supplementary Planning Documents (SPD). This will give them statutory weight in the planning process for the purposes of guiding development and promoting investment within these areas.
- 1.2 Members are also asked to agree the establishment of a delivery team to market, promote and deliver masterplan projects.
- 1.3 The regeneration and success of Torbay's town centres is arguably the single most important economic outcome to be achieved in the Bay. There has already been significant progress: new investment in harbour facilities; new hotels, apartments and retail facilities; investment in transport improvements; new work hubs. However, there is also concern about the slow pace of change and stalling of key projects.
- 1.4 The new Torbay Local Plan and Economic Strategy recognize the vital economic role of town centres and the fact that they are, literally and metaphorically, the shop windows of the Bay. The strategies identify town centres as the focus for urban renewal and new development. They promote an ambitious approach to new jobs and homes in town centres, increasing footfall and spend, and increasing visitor numbers and over-night stays. The new Torbay Local Plan, which has been agreed by Members (July 2014) commits the Council to producing Masterplans to support regeneration of the two town centres.
- 1.5 The Torquay Town Centre Masterplan focuses on enhancement of the Harbour area, as the jewel in Torquay's crown; improving and refocusing the retail offer; providing a wider mix of town centre uses, including office space, residential units and event space. Key sites for regeneration and renewal include the town hall car park (retail and/or mixed use), Temperance Street

(comprehensive redevelopment for mixed use), Pimlico, Market Street and sites around the Harbour. These projects are designed to complement and integrate with a holistic strategy for the town centre environment, integrated with public realm improvements such as the reversal of traffic through Torre, a redesigned GPO roundabout, improvements to the Harbour environment (including the Strand) and the reinvigoration of Upton Park.

- 1.6 The Paignton Town Centre Masterplan focuses primarily on Paignton's tourism offer, but also on development sites that will act as a catalyst for the delivery of wider change and renewal in Paignton. The masterplan also suggests traffic flow reversal, better walking links across the town centre and public space improvements. Key sites and areas for investment include the Victoria Centre (mixed-use including retail, residential, offices and a re-located cinema), Crossways (a quality mixed-use scheme responding to wider changes to public spaces and the traffic network), Palace Avenue, Winner Street, the Harbour and Torbay Road.
- 1.7 These masterplans have been the subject of extensive community engagement. Some events have been run by the community themselves. There is strong community and business support for the masterplan proposals and projects.

2. Proposed Decision

- 2.1 It is proposed that the Council:
 - 2.1.2 Supports the adoption of masterplans for Torquay Town Centre and Paignton Town Centre as Supplementary Planning Documents; and
 - 2.1.3 Supports the establishment of a delivery team, Programme Board and Advisory Team to market, promote and deliver masterplan projects

3. Reasons for Decision

- 3.1 Adoption of the masterplans as Supplementary Planning Documents (SPD) will give them formal weight as local planning policy documents for the purposes of decision-making in the development management process. It will provide a clear signal of intent and market certainty to investors, local partners, landowners and developers regarding the nature of development and key interventions required across key sites and public spaces to act as a catalyst for regeneration in Torquay and Paignton town centres.
- 3.2 The establishment of a delivery team also underlines the Council's and TDA's commitment to delivery of the masterplan, which will attract further interest and investment.
- 3.3 The masterplans can be adopted on the back of the current Local Plan, in advance of the adoption of the new Local Plan. They can also add valuable detail and evidence to Neighbourhood Plans. They have already been used to support the production of the new Local Plan and to help the Council defend its decisions on planning applications, such as the Tesco, Edginswell proposal. Adoption of the masterplans as SPD will add much more weight to

the masterplans and ensure they can be better used to secure the outcomes the Council and TDA want, as well as defend decisions on developments that the Council does not want to see coming forward.

Supporting Information

4. Position

- 4.1 Masterplanning is a well-developed and recognised process of town planning and regeneration. It addresses the multi-faceted aspects that make places successful. Commonly, masterplans will seek to address: how development can influence the quality of buildings, spaces and their management; the way in which these come together to create unique places; the existing built form in relation to history; culture and landscape; the engagement of local people in defining and being involved in a process of change; the economic and financial realities; and the role of different actors (landowners, developers and agencies) in delivering investment and change.
- 4.2 Masterplanning is only required where the scale of development is significant and complex. In February 2014, the Council commissioned four masterplans to be produced for Torquay Town Centre, Torquay Gateway (Edginswell), Paignton Town Centre and Collaton St. Mary. These areas are identified in the new Local Plan to support significant investment in the future, supporting new homes, jobs and infrastructure. In order to give the completed masterplans statutory, legal weight in the planning system they must, under the Planning & Compulsory Purchase Act 2004, be adopted by the Council as Supplementary Planning Documents.
- 4.3 The masterplans for Torquay and Paignton have addressed the issues set out in para 4.1 above and now set a clear and positive framework for detailed design of a development area or large site, bridging the gap between planning / economic policy and development proposals (i.e. planning applications). They help illustrate and define what successful, sustainable development looks like for Torquay and Paignton town centres. The masterplans can be found on <http://www.torbay.gov.uk/masterplans>
- 4.4 Supplementary Planning Documents build upon and provide more detailed advice and guidance on the policies in a local planning authority's adopted Local Plan. Torbay Council has a number of SPDs currently in place covering a variety of matters such as the local approach to achieving quality urban design; planning contributions and affordable housing (under review); and the greenspace strategy. These documents provide a clear indication to applicants on how to make successful planning applications, as well as helping to provide clarity and certainty in the development process. SPDs must be produced in accordance with the Town and Country Planning Regulations 2012.
- 4.5 The Torquay Town Centre and Paignton Town Centre Masterplans, whilst being fully compliant and informing the new Local Plan, are capable of being adopted on the back of the current adopted Local Plan as they deal with developmental change in the existing town centres that has already been

agreed in principle. Once the new Local Plan replaces the current Local Plan, the Town Centre Masterplan SPDs would simply be carried forward, sitting within the framework of the new Local Plan rather than the existing Local Plan. To support and gain momentum for town centre regeneration in Torquay and Paignton it is considered desirable to adopt these documents and give them formal weight at the earliest opportunity.

- 4.6 The masterplans for Torquay Gateway and Collaton St. Mary have also been completed. However, they relate to land that is not allocated in the existing adopted Local Plan, but relate to land allocated / Future Growth Areas in the emerging new Local Plan. Consequently they cannot be legally adopted until the new Local Plan (2012-2032), which is currently undergoing Examination, is adopted. This is because Supplementary Planning Documents must expand and build upon the policies contained within an adopted Local Plan.
- 4.7 A Tor Bay Ports Masterplan has also been produced and endorsed by the Council. The projects and proposals in the Ports Masterplan are reflected and supported in the Torquay and Paignton town centre masterplans. Officers are exploring ways in which the Ports Masterplan can also be adopted as SPD, to give it 'teeth' in the planning process.

5. Preparation of the masterplans

- 5.1 The masterplans were commissioned in February 2014, using two sets of consultant teams. Both sets of consultant teams collaborated to ensure the masterplans are joined-up.
- 5.2 Each masterplan was project managed by officers from the Council's Spatial Planning service and the Torbay Development Agency. The Council's Regeneration Group, with cross-party Councillor membership, acted as a sounding board for the work and all members have been involved in briefings.
- 5.3 The masterplans have been produced in a collaborative, bottom up way - with particular emphasis on community engagement to ensure that the detail in the masterplans would have broad community support and ownership. This 'bottom-up approach' to public participation during the production phases, alongside a reflection of the community's aspirations in each masterplan, has led to a high level of support for each masterplan by community and business groups.
- 5.4 Council members were also actively engaged, many helping to champion and support the detailed work with communities that was undertaken. A comprehensive and detailed community engagement process was carried out in Torquay and Paignton to inform the production of each masterplan, including a formal four week consultation during October and November 2014 in line with the Town and Country Planning Regulations 2012. Full details are available within the respective Public Participation Statements for each masterplan, which can be found on the Council's website: www.torbay.gov.uk/masterplans
- 5.5 Both town centre masterplans provide an illustrated plan for the town

centres, driven by considerations of where both town centres should position themselves as tourism, retail and commercial destinations, as well as identifying the critical delivery mechanisms required to achieve this. Certain key sites have been studied in more detail and the masterplans illustrate the potential for new, exciting and beneficial development of these sites.

- 5.6 The delivery of these key projects will help make the town centres successful in their own right and help Torbay compete as a 21st Century resort of distinction. They will provide for a balanced and vibrant community and help the towns become the 'economic engines' for the wider area as they take on key roles, moving the economy towards high value, higher skilled employment and a higher value tourism offer.
- 5.7 The masterplans were informed by a detailed evidence base that underpins the new Local Plan and the Torbay Economic Strategy, including the need to have high regard to environmental issues and sustainability. Some projects are ambitious, as expected and required by the Council, but are underpinned by what is deliverable in the short, medium and long-term.

6. Establishing a delivery team

- 6.1 The issues that prompted the commissioning of the plans continue to apply, namely the identified need for change in the town centres, the requirement for additional employment space, new homes and infrastructure. The imminent opening of the South Devon Link Road, the beginnings of a market recovery, the level of interest in Torbay by major investors and the Local Enterprise Partnership's / devolution agenda are additional factors in determining that proactive leadership of masterplan delivery is required.
- 6.2 Without sustained, proactive and positive leadership these issues will become a critical risk not only to the Council's Economic Strategy and Local Plan but also to its wider aspirations around the prosperity of Torbay. One consequence of this is likely to be a sustained upward pressure on the Council's services which are already under acute pressure following the austerity measures imposed on local government. Sustained economic and housing growth, coupled with investment in infrastructure and workforce skills development, are essential to reduce the fiscal pressure on the Council.
- 6.3 There is, as such, a compelling case for the Council to use its powers and capacity to shape the market and establish a masterplan delivery team for the Torquay Town Centre and Paignton Town Centre.
- 6.4 In supporting the establishment of a delivery team the Council:
- gives a mandate for at least the next 4 years for the TDA, working in partnership with the Council, to lead delivery of the masterplans for the Council on the basis of the TDA's role on economic growth and inward investment;

- enables the TDA, working in partnership with the Council, to identify and progress suitable projects subject to further decisions, if required, for example on the funding of certain projects or initiatives;
- will provide sufficient funding to support the work of the team, covering marketing and site promotion activity;
- agrees that the private sector is much less likely to respond to masterplan proposals and deliver the desired benefits without active engagement from Torbay Council and the TDA;
- agrees that the delivery team will also seek to resolve outstanding issues with Great Parks, where a masterplan has also been produced with community support, and support delivery of a local centre and new homes;
- agrees that the delivery team will support and co-ordinate further work, as necessary, related to the Torquay Gateway and Collaton St. Mary areas in advance of and supporting the future adoption of those masterplans. This might include securing funding for infrastructure delivery and land owner agreements.

6.5 The delivery team will comprise, as a minimum:

- Planning support (1 FTE)
- Development surveyor (1 FTE)
- Administration (0.25/0.5 FTE)
- Support would also be provided by TDA's estates, engineering and economy teams.

6.6 The delivery team's work, including marketing and site promotional activities, will be funded by the monies remaining in the masterplan budget, amounting to £100,000. Further funding opportunities will be explored, but could include:

- Strategic Economic Development funds
- S106/CIL opportunities
- Any business rate growth secured through retention

6.7 In addition, capital funding opportunities will be explored. These are likely to include borrowing against assumed land receipts; Local Growth Deal and asset sales

6.8 A Programme Board will be established. The Board will have an interface with the Strategic Land Task Group, but would report directly to the Council. The Board will have the ability to commission work, sign off projects and agree delivery programmes with the delivery team. It is suggested that the Board comprises:

- Mayor
- Deputy Mayor / leader of opposition
- TDA Chair
- Business community representative
- Council Director / Assistant Director
- Director of Economic Strategy

- Head of Spatial Planning

- 6.9 An Advisory Team will also be established, to help ensure the delivery team's activities and Programme Board's decisions reflect market needs and direction. The advisory team will include local land owners, a Town Centres Company / TBID representative, a town centre neighbourhood forum or Community Partnership representative and business representation.
- 6.10 The delivery team will establish a delivery programme, but this is likely to include:
- Establishing market perception of Torbay with developers, retailers and investors
 - Working with land and property agents and owners, using promotional material, to improve the perception of Torbay as an area for investment
 - Determining viability & planning issues for projects as set out in the masterplans
 - Determining land assembly, delivery & procurement options
 - Taking forward planning applications
 - Attracting investors/businesses

7 Possibilities and Options

- 7.1 If the recommendation, for the Council to adopt the masterplans as SPD, is not approved then the documents would remain purely as evidence but carry no weight in terms of Council planning policy. The subsequent potential for the masterplans to fulfill their purpose as levers to gain investment in key sites and influence proposals that come forward through the planning process would be significantly diminished.
- 7.2 It would then be for Neighbourhood Forums to decide whether or not the masterplans (in whole or in part) should be included within Neighbourhood Plans. Neighbourhood Plans, if they are considered acceptable via independent examination and public vote, become part of the statutory development plan (joining the Local Plan) and will be used by the Council's Development Management Committee, Council officers and Planning Inspectorate, as the first point of reference, to assess the appropriateness of development proposals.
- 7.3 There is a risk that Neighbourhood Forums will not include, either in whole or in part, masterplans in their Neighbourhood Plans. In addition, even if masterplan proposals are included in full in Neighbourhood Plans, there is a risk that Neighbourhood Plans could take significant time to be adopted. This would delay the Council's ability to deliver masterplan proposals and use masterplans in the Council's planning decision making process.
- 7.4 If the Council does not agree to establish a delivery team, Programme Board and Advisory Team, there is far less likelihood of successful, co-ordinated regeneration of Torquay and Paignton Town Centres and increased fiscal

pressure on the Council.

8 Preferred Solution/Option

- 8.1 That the Council adopts the Torquay and Paignton Town Centre Masterplans as Supplementary Planning Documents, giving them full weight in the development planning framework for Torbay.

9 Consultation

- 9.1 A comprehensive and detailed process of consultation and engagement has been undertaken with the community and statutory consultees to inform the production of the masterplans (see paras 5.3 and 5.4 above). Full detail can be seen in the accompanying Public Participation Statement for each masterplan on the Council's website: www.torbay.gov.uk/masterplans
- 9.2 Members and the Council's Regeneration Board have been involved in the production of masterplans.

10 Risks and benefits

- 10.1 The risks and benefits of adopting masterplans as Supplementary Planning Documents have been set out in the main body in this report.