

PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



c/o 34 Totnes Road
Paignton
TQ4 5JZ

19 September 2016

By email to future.planning@torbay.gov.uk
Torbay Council
Spatial Planning (FAO David Pickhaver)
Floor 2, Electric House
Castle Circus
Torquay
TQ1 3DR

Dear David

Torbay Community Infrastructure Levy – Proposed Modifications to the Revised Draft Charging Schedule

Thank you for inviting the Forum to comment on the latest Modifications to the above CIL proposals by no later than 17 October 2016.

The Forum considered the proposed changes on 15 September 2016 and decided to make the following response to the latest charging schedule proposed:

Residential Zone 4 (Future Growth Areas) and Zone 2

It is noted the change now proposes a CIL contribution for housing schemes of up to 14 dwellings in Future Growth Areas.

This does not meet the objection previously submitted for the following reasons:

- It is not at all likely that schemes within these defined areas would be for less than 14 dwellings, as acknowledged to be the case in paragraph 8 (penultimate sentence) of the revised Schedule, and above which number the latest change still leaves as having a 'zero' CIL liability.
- In reality there has been no change that meets the objection previously submitted by the Forum on 25 April 2016, a copy of which is attached for ease of reference.
- The latest revision to Zone 2 for sites of 1-3 dwellings does not accord with the independent advice given in the Addendum Viability report commissioned by the Council of August 2016 which also impacts on the Forum's objection to the proposals for Zone 4 for the following reason.
- At paragraph 5.2 the Addendum report makes it abundantly clear that the Council's decision to retain a CIL charge on residential schemes of 1-3 dwellings in Zone 2 will risk those schemes not coming forward.

- By not heeding this advice the decision made in the revised Modifications to retain the charge of £30 per.sq.m. in Zone 2 for schemes of 1-3 dwellings has the added consequence of making it even more certain that the perverse situation will arise of encouraging greenfield sites over brownfield.

Resolving this situation requires two changes to be made. The charge of £70 per.sq.m. to be applied to all scheme sizes in Zone 4 (i.e. including those of 15 or more dwellings) together with reducing the CIL rate in Zone 2 from £30 per.sq.m. to zero for schemes of 1-3 dwellings to accord with the conclusions reached by the Council's own viability evidence presented through the Addendum report.

Commercial & Non-Residential Development Zone C1 (Retail)

The Forum notes and accepts the latest proposal to include the additional words in paragraph 9 in response to the previous objection (see attached letter):

“Local Plan and NPPF Policies to safeguard the vitality and viability of town centres will be taken into account”.

Hearing

As requested, I confirm that the Forum wishes to be heard by the Examiner in the event of a Hearing being convened.

Yours sincerely

David Watts

Forum Chairman

Enclosed: Forum Objection dated 25 April 2016.

c.c. Mike Parkes (Forum Secretary). David Pickhaver (Torbay Council)

PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



c/o 34 Totnes Road
Paignton
TQ4 5JZ

25 April 2016

By email to future.planning@torbay.gov.uk
Torbay Council
Spatial Planning (FAO David Pickhaver)
Floor 2, Electric House
Castle Circus
Torquay
TQ1 3DR

Dear David

Consultation on Torbay Community Infrastructure Levy Revised Draft Charging Schedule

Thank you for inviting the Forum to comment on the above CIL proposals by 29 April 2016.

At the meeting on 21 April 2016 the Forum decided to make the following response to the revised charging schedule proposed:

Residential Zone 4 (Future Growth Areas)

The Forum objects to the proposed exclusion of Future Growth Areas from payment of CIL.

The proposal is not justified, conflicts with the adopted Local Plan, and fails to accord with the reason for introducing the CIL, for the following reasons.

- The Charging Schedule shows that residential development of any size in any of the 4 charging Zones will be subject to S106 contributions to ensure “*direct site acceptability*”. The Forum supports this as justified.
- However, the Schedule also shows that small schemes of 3 units or less in the 20% most deprived areas (Zone 2) would be the only size of development to have the same zero CIL liability as would apply to residential development of any size in a Future Growth Area;
- The defined Future Growth Areas with zero CIL liability account for nearly 25% of all residential development proposed in the Torbay Local Plan, and mainly involve greenfield land on the periphery of the built up area.
- The Charging Schedule notes the viability update confirms that residential developments of more than 4 units have sufficient headroom to pay CIL at £78 per

sq m and £142 per sq m on sites of 15 plus dwellings (see Charging Schedule Section 4, penultimate paragraph, and Viability Study 2016, Table 5.2).

- However, the viability report indicates that the Council has decided not to include CIL on larger sites for the stated reason that “*sufficient headroom needs to be available to fund likely S106 requirements*” (see Viability Study 2016, paragraphs 4.6.5 and 5.3.10), but has not followed this in the Charging Schedule which shows CIL payable on larger sites. Additionally, the CIL zero rate on larger sites has been applied inconsistently as it has been applied only to those sites in the Future Growth Areas
- The result of this Charging Schedule imbalance will be to cause a perverse situation where development of peripheral land in the Future Growth Areas would have an unjustified and very significant further viability advantage over encouraging proposed development within the existing urban area for schemes of more than 3 units, and especially in Town Centre locations (e.g. Crossways) where such development is critically important to secure the accepted and approved policy need to encourage the vitality and viability of such areas.
- This imbalance would therefore threaten delivery of the approved development plan for Torbay and achievement of sustainable development required by the National Planning Policy Framework because peripheral land would be preferred over urban sites identified for development in the approved Local Plan, and would not encourage effective reuse of urban land in accord with NPPF17 and ensure the vitality of town centres in accord with NPPF23.
- Excluding Future Growth Areas from making a CIL contribution to infrastructure provision also means that only sites in the existing urban area, including those in the Town Centre, would be contributing to the stated need for £20m to fund the South Devon Highway that opened on 15 December 2016 (see Charging Schedule Section 20 table). This fails to recognise that the defined Future Growth Areas also benefit from this major infrastructure spend.

To resolve this significant deficiency, not less than the same £70 charging rate needs to be applied to Future Growth Areas of Zone 4 as has been applied in Zone 2 (i.e. outside the 20% most deprived LSOAs and within the built up area).

Commercial & Non-Residential Development Zone C1 (Retail)

The Forum supports the proposed CIL of £120 per sq m for retail developments of more than 300 sq m on sites outside of Zone C1. This is in accord with the adopted development plan policy of encouraging the revitalisation of Torbay’s Town Centres especially.

However, the Charging Schedule states that “*where retail proposals are submitted as part of major mixed use developments, the Council may offer exceptional relief (as set out in Section 16 below) if this would secure a more sustainable and viable development, particularly where it would secure the early delivery of serviced employment land*” (Section 9, second paragraph).

The Forum objects to this proposed exemption unless it is expanded to state that such exemption would not be applied where it adversely affected the viability and vitality of retail provision in Town Centres especially.

There appears to be a typographical error in the Draft Charging Schedule. The Exceptional Relief provisions are set out in Section 17 of the Schedule, not Section 16 as stated in Section 9 second paragraph. This is a minor matter but needs to be rectified.

Yours sincerely

David Watts

Forum Chairman

c.c. Mike Parkes (Forum Secretary). David Pickhaver (Torbay Council)