

Deborah McCann Ltd.

9, Station Road

South Brent

TQ10 9BE

Tracy Brooks
Senior Strategy and Project Officer
Strategy & Project Delivery,
Spatial Planning,
Torbay Council
Tor Hill House - North
Castle Circus, Torquay, TQ1 3DR

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Dear Ms. Brooks

Paignton Neighbourhood Plan

Following the Exploratory Meeting in connection with the Paignton Neighbourhood Plan, held on Thursday 10th of May 2018 I am writing to provide an update on the progress of my examination. I am also including questions seeking clarification on a number of policies in the plan. These questions should be addressed to the Neighbourhood Plan Forum, as Qualifying Body (QB). This letter, including the questions for clarification should be made publically available and published on Torbay Council's website.

The main focus of the discussion at the Exploratory meeting 2018 was whether or not the failure of the Paignton Neighbourhood Plan to allocate sites for development would result in a fatal flaw in the plan, in that it could not meet the Basic Condition of being in "general conformity" with the Strategic Policies of the adopted Torbay Local Plan 2012- 2030.

I have come to the conclusion that subject to modification the Paignton Neighbourhood Plan can meet the Basic Conditions and therefore it is not necessary for me to either halt or suspend my examination. This letter is intended as an update and I will include my full reasoning for this conclusion within my draft report.

In making modifications to the plan I must ensure that the resulting draft neighbourhood plan meets the Basic Conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies (see paragraph 16 and paragraph 184 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

In order to conclude my examination, I require further clarification on the following policies:

Policy PNP8 – Crossways, Hyde Road, and Torquay Road

Development proposals in the Crossways, Hyde Road, and Torquay Road Area shown on the inset plan (Fig 6.6 this page), will be supported that:

a) retain the primary and secondary retail frontages along Hyde Road and Torquay Road shown in PNP18;

- b) enable reoccupation of the existing Crossways shopping centre for retail use, or redevelopment for retail or mixed use at ground floor level with residential accommodation above; and
 - c) retain the pedestrian link between Torquay Road and Hyde Road in a manner that contributes towards improvement of the pedestrian network and green infrastructure links.
- Proposals that prevent a) to c) from being achieved will not be approved.

QUESTION

Please confirm the evidence base which has informed the identification of the primary and secondary retail frontages.

Policy PNP13 – Housing opportunities within the Town Centre

To retain and increase the provision of homes within the Town Centre Area shown on the inset plan (Fig. 6.3 page 32), the following will apply:

- a) development will not be permitted that will result in an overall reduction in residential accommodation as part of ensuring the area remains in use throughout the day;
 - b) additional housing provision identified in the Local Plan and Table 8.1 of this Plan will be supported in the following locations, subject to the development meeting the other policies of this Plan that apply:
 - i) Paignton Harbour;
 - ii) Crossways;
 - iii) Station Lane;
 - iv) Station Square (former Gerston Hotel);
 - v) Victoria Square;
 - c) to help ensure the additional homes meet local needs and remain occupied throughout the year, formal agreement will be required on the grant of planning permission that restricts first occupation to purchasers or tenants who have lived in Torbay for more than 5 years, work in Torbay, or can demonstrate a confirmed offer of employment within Torbay; and
 - d) proposals must be supported by site specific flood risk assessment able to show the development will be safe for its lifetime and where necessary flood resilience measures must be incorporated; basement flats will not be permitted in areas of flood risk.
- Proposals that prevent a) to d) from being achieved will not be approved.

QUESTION

Paragraph c) seeks to impose a residential occupancy restriction.

Please confirm the evidence which has been provided to support the inclusion of this element of the policy.

Policy PNP24 –Collaton St. Mary Village

Growth of Collaton St. Mary has been sporadic and piecemeal over many decades. Foul and surface water disposal and flooding has become a significant problem. Any further development beyond the present area will be supported only where the proposals:

- a) are of a low organic level of growth over the total period of the Plan and only give effective development that grows the village gradually;
- b) must focus and limit any development to re-establishing the village identity by the creation of a village centre, and green space for local activities and necessities, such as the Ocean Garage area;
- c) do not detract from prominent landscape and other local features that give the area its identity and character;

- d) include details that show sufficient capacity exists to accommodate the additional development and not cause any risk of flooding to existing properties. Giving approval with conditions requiring details to be submitted at a later time will not be accepted;
 - e) utilise minimal and sustainable existing brownfield development;
 - f) include supporting employment and other facilities required to meet local needs;
 - g) restrict future growth or development unless, and until, there is a properly costed, financed and achievable infrastructure in place to provide for, and service, such growth and development;
 - h) prevent any development creep, or urban creep;
 - i) prevent major road development, or new commuter routes, or change to or widening of the existing road network in the village, and prevents 'rat-runs' from arising;
 - j) gives priority at all times to meeting the needs of local residents; and
 - k) Adds allotments and orchard spaces for community use where achievable.
- Proposals that prevent a) to k) from being achieved will not be approved.

QUESTION

Torbay Council has an adopted masterplan for the Collaton St Mary Area and objects to this policy on the basis that, as currently worded the policy "promotes less growth" than the masterplan and other strategic policies within the adopted Local Plan, namely policies SS2 and SDP3. Please can the QB clarify how they consider this policy meets the Basic Conditions, in particular that it is in general conformity with strategic policies in the adopted Torbay Local Plan.

Local Green Space

The areas designated as Local Green Space in this Neighbourhood Plan (Fig. 6.2 and Table 6.1 (pages 24/25) and shown in Part 7 of this Plan) will be safeguarded from any development that would threaten the retention or existing quality of the designated space unless:

- (i) the space designated is no longer used by local residents or tourists; and
- (ii) is no longer of local amenity value.

The list of proposed Local Green Spaces in the Paignton Neighbourhood Plan is long and includes areas which already have protection under various existing policies. The wording of the policy extract above does not conform with the protection for Local green Spaces set out in the NPPF. The protection of Existing open space, sports and recreational buildings and land, including playing fields is covered in paragraph 74 of the National Planning Policy Framework which states that they:

"should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

Some areas that have been put forward for designation clearly fall into the category covered by paragraph 74.

The designation of Local Green Spaces falls under paragraphs 76 and 77 of the Framework:

“76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

The control of development in Local Green Spaces is set out in Paragraph 78 of the Framework:

“78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.”

In order for me to determine whether or not the following Local Green Space designations meet the tests set out in paragraph 77 please provide me with clarification as set out below.

PLGS 08 Whitstone Corner, Whitstone Road.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.17: Hollicombe Park (part of), Torquay Road

Please clarify if this area falls within the Paignton NDP area.

PLGS.21: Shorton Valley Woods, Shorton Valley Road.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.24: Occombe Valley Woods, off Preston Down Road.

The proposed Designation is 37 hectares. Please provide information to clarify why the QB consider this is not an extensive tract of land.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.30: Primley Woods & Meadow, Totnes Road.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.32: Clennon Valley, Penwill Way for main entrance.

The proposed Designation is 67 hectares. Please provide information to clarify why the QB consider this is not an extensive tract of land.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

LGS.34: Quay West Corner, Dartmouth Road.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.38: Goodrington Village Green, Grange Road.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.54: Great Parks, off Great Parks Lane

The proposed Designation is 27 hectares. Please provide information to clarify why the QB consider this is not an extensive tract of land.

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.55: Snowdonia Close, Collaton St. Mary

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.56: Pennine Drive Amenity Area, Collaton St. Mary

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

PLGS.57: Westerland Valley

The proposed Designation is 33 hectares. Please provide information to clarify why the QB consider this is not an extensive tract of land.

Has the owner objected to the proposed designation?

PLGS.58: Yalberton Valley

The proposed Designation is 36 hectares. Please provide information to clarify why the QB consider this is not an extensive tract of land.

Has the owner objected to the proposed designation?

PLGS.59: Collaton St. Mary Water Meadow, Stoke Road

Please provide additional information which clearly shows which elements of the proposed designation are public and which are private.

Is the use of the private area of the proposed designation by agreement with the owner?

Has the private owner objected to the proposed designation?

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD
Planning Consultant
CEDR accredited mediator
NPIERS Independent Neighbourhood Plan Examiner