

Future Planning

From: Michael Drake [REDACTED]
Sent: 08 June 2020 11:13
To: Future Planning
Subject: Torbay Five Year Housing Supply 2020 Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Torbay Council

Eden Land Planning Ltd are the owners of the site identified in your supply spreadsheet as 'Former Torbay Holiday Motel, Totnes Road'. Your spreadsheet correctly identifies that the site is the subject of a current planning application (ref: P/2019/0615) for the development of up to 39 homes.

Based on our knowledge of the site I can confirm that the projected number of homes is achievable and the anticipated delivery timescale of 2023-25 is reasonable.

Eden Land Planning Ltd remain committed to the site and will progress detailed work on the development when the current outline planning application has been determined.

Kind regards

Michael Drake MRTPI
Head of Planning
[REDACTED]



NT/JR/EF/BRS.6531

2nd June 2020

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Dear Sir/Madam

Torbay Five Year Housing Land Supply 2020 Consultation Response

I write on behalf of my client English Care Villages and their land interest at Sladnor Park, Maidencombe in response to the current consultation.

It is noted that the Council consider that they are able to demonstrate a **2.77 year land supply**. Having reviewed the assessment, Pegasus Group consider that the supply is in actual fact considerably lower as highlighted below.

Introduction

The draft five-year land supply consultation document appropriately assesses the five-year land supply over the period 1st April 2020 to 31st March 2025. However, in paragraphs 1.4 and 1.5, the document identifies that notwithstanding that the current lockdown had commenced on 23rd March 2020, the deliverable supply has been assessed as though market conditions, supply chains and builder's ability to build remains consistent with the position prior to the lockdown. This assessment does not therefore reflect the deliverability of sites at the base-date.

The current lockdown will adversely affect the deliverability of sites in numerous ways including (but not limited to):

- Applicants are less likely to have submitted applications for outline or full planning permission on allocated sites, or for the approval of reserved matters on sites with outline planning permission, or to discharge conditions given the economic and market uncertainty which currently prevails. This is evident from the fact that Torbay Council validated 239 planning applications in April and May 2019, but for the corresponding period in 2020 only 116 applications were validated which is less than half that in the same period one year ago. In the absence of such applications, the lead-in times experienced on sites will increase.

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- The Council has redeployed staff, potentially including planning staff, to other areas which may have compromised the ability of the Council to determine planning applications as quickly potentially adding further delays to the implementation of schemes.
- The ability of consultants working on behalf of applicants to undertake the necessary surveys in support of planning applications and the discharge of conditions is likely to have been compromised during lockdown such that where this has occurred the necessary surveys will not be able to be undertaken until the next window of opportunity, which could further delay the implementation of some sites.
- The willingness of developers to commence development on new sites is likely to have reduced owing to economic and market uncertainty as well as the inability to effectively operate whilst abiding by the social distancing rules, such that planning permission may have lapsed on some sites and the implementation of others is likely to have been delayed.
- The delivery rates on sites which were already under construction or which have commenced construction are likely to have been significantly compromised as a result of the lockdown and social distancing such that far fewer dwellings are likely to be completed in at least 2020/21 than would have previously been assumed by developers. This may partially account for the very low number of completions in 2019/20 experienced in Torbay as developers will have significantly reduced their output towards the end of the year as the pandemic became a reality and then lockdown was introduced.
- The delivery rates across the board will also have been compromised by the fact that the construction sector saw 32% of staff on furlough, the second greatest levels of any sector of the economy.
- The economic downturn which has resulted from the pandemic is likely to compromise the viability of a proportion of schemes such that these may not now be able to be delivered.
- The economic downturn has also resulted in some companies within the construction sector close, either temporarily or permanently, such that the delivery of some schemes will be delayed and may not happen at all.
- The supply chain has been similarly affected by staff being furloughed and companies going into administration, such that the materials required to construct buildings are likely to be in more limited supply which will act as a further constraint on delivery rates.

It is immediately apparent that the lockdown which was already active at 1st April 2020 will have significant adverse effects on the deliverable supply from that date. To disregard the effects of this, as the Council has proposed within its consultation document is to disregard reality. Evidence should be sought from site representatives on each site to understand the likely consequences on the deliverability of each site.

Additionally, housebuilding provides an economic stimulus which will support the necessary economic recovery following the pandemic. The weight afforded to supporting housing delivery at such a time should be even more significant than it would be in the normal course of events.

Five-year housing supply target

The consultation document correctly identifies that the five-year land supply should currently be assessed against the adopted housing requirement but that from December it will then be assessed against the standard method.

It correctly identifies that there is a baseline requirement for 2,655 homes over the period 1st April 2020 to 31st March 2025 based on Policy SS12.

The document correctly calculates that there has been a shortfall of 568 homes over the period 1st April 2012 to 31st March 2020 against the requirement for 3,485 homes calculated from Policy SS12. It also correctly adopts the Sedgfield approach to address this shortfall within five-years in accordance with the PPG (68-031).

The document also correctly identifies that at present it is appropriate to apply a 5% buffer given that the record of under-delivery is not significant according to the latest Housing Delivery Test results.

Supply requirement

On the basis that the correct baseline requirement, the correct approach to addressing the shortfall and the correct buffer have all been used, Pegasus Group agree that there is a five-year requirement for 3,395 homes currently.

Whilst this is the correct requirement currently, this will change throughout the year both following the publication of the new Housing Delivery Test results which are expected in November 2020 and when the housing requirement becomes more than five-years old in December 2020. This is discussed in considered at the end of this response.

Supply position

The document identifies a deliverable supply of 1,881 homes made up of:

- 694 homes in Box A: Major sites (10+ dwellings) with detailed planning permission.
- 557 homes in Box B: Major sites (10+ dwellings) on allocated sites and/or on the brownfield register and/or with planning permission submitted/approved with demonstrated intent and realistic prospect of delivery.
- 390 homes in Box C: All minor sites (9 or fewer dwellings) with planning permission.
- 240 homes in Box D: All minor sites (9 or fewer dwellings) without planning permission assuming average delivery rates.

The deliverable supply from each of these groups is briefly addressed below.

Box A: Major sites (10+ dwellings) with detailed planning permission - The definition of a deliverable site indicates that all such sites should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five-years, providing they are available now, they offer a suitable location for development now, and there is a realistic prospect of delivery within five-years.

In the majority of cases planning permission remained extant at the base-date and Pegasus Group assumes that the Council has checked that there is no reason why these might be undeliverable. It is therefore accepted that under normal circumstances the majority of these would be deliverable.

However, even without the effects of the current lockdown, Pegasus Group does not consider that the following sites should be considered deliverable:

- Land south of Yalberton Road (P/2019/0173) is identified as having a capacity for 192 homes but this only has planning permission for 187. This does not affect the deliverable supply but will affect the developable supply, **reducing it by 5 homes**.
- Torre Marine – this site is mistakenly recorded with an application number of P/2016/1747 but this should be P/2016/1047. This site benefits from outline planning permission only and so should be included in Box B rather than Box A. As it only benefits from outline planning permission, the site should only be considered deliverable where there is clear evidence that completions will be achieved within five-years. No such evidence is provided within the document and accordingly this site should not be considered deliverable. This **reduces** the deliverable supply by **75 homes**.
- Brixham Paint Station (P/2006/1066) - this site gained full planning permission for 35 homes in 2007. In 2008/09, 13 of these homes were built. However, no progress has been made towards the delivery of the remaining 22 homes in the subsequent 11 years. As set out in the PPG (3-019) sites with a record of unimplemented permissions, such as this, should not be considered to be available for development and the deliverable supply should be **reduced by 22 homes** accordingly.
- Former B&Q, 4 Tor Hill Road (P/2019/0131) – this site is identified as having a deliverable supply of 15 homes. However, the planning permission only provides for 14 homes and accordingly the deliverable supply should be **reduced by 1 home**.
- 15 Espanade Road (P/2019/1018) – this site gained a certificate of lawful use for 12 dwellings on 21st April 2020. At the base-date of the assessment this site did not have a certificate of lawful use and did not therefore offer a suitable location for the existing development. Whilst the site subsequently become suitable for residential use on 21st April 2020, to include this in the deliverable supply, it would be necessary to discount all of the completions achieved from 1st April 2020 to 21st April 2020 as these no longer stand a realistic prospect of being delivered within five-years (having already been delivered). Furthermore, the site has been in residential occupation since at least 2007, and so even if it was

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considered to have offered a suitable location for residential development at 1st April 2020, this position arose at least 13 years previously and so this is not additional to the supply within the plan period. Accordingly, whichever way this site is viewed, it cannot be included in the deliverable supply, which should remove a further **12 homes** accordingly.

- Queensway, Torquay (P/2007/2095) – this site gained planning permission in May 2008 for the construction of 12 homes. Google maps indicates that at least 6 of these have subsequently been constructed, with an additional 5 being under construction or potentially complete at 1st April 2020. This leaves between 1 and 6 subject to planning permission which are capable of being delivered within five-years as compared to the 11 the Council include, **reducing** the supply by **6-11 homes** accordingly.
- Land R/O Broadway, Dartmouth Road (P/2018/0332) – this site benefits from outline planning permission for up to 10 homes. Reserved matters have been approved for the delivery of 9 homes. Therefore, only 9 homes can be considered deliverable from this site rather than the 10 assumed by the Council. The supply is, therefore, **reduced** by **1**.

Accordingly, Pegasus Group consider that the supply from **Box A should be reduced by at least between 117 and 122 homes**. As summarised previously, the deliverability of sites will also have been adversely affected by the lockdown and this is likely to reduce the deliverable supply even further.

Box B: Major sites (10+ dwellings) on allocated sites and/or on the brownfield register and/or with planning permission submitted/approved with demonstrated intent and realistic prospect of delivery – The definition of a deliverable site identifies that allocated sites and those on a brownfield register should only be considered deliverable where there is clear evidence that completions will begin on-site within five-years. The definition does not indicate that unallocated sites subject to undetermined planning applications can be considered deliverable at all and this is confirmed by the PPG (68-007) which identifies that only sites with outline planning permission, allocated sites, those with a grant of permission in principle or those on a brownfield register should be considered deliverable where there is clear evidence.

The document provides absolutely no evidence to demonstrate that any of the sites in Box B will achieve completions within five-years as required by the NPPF. Therefore, based on the available information, none of these sites can be considered to be deliverable.

Furthermore, there are a number of sites which do not meet the conditions of a deliverable site regardless of the evidence, including:

- Collaton St Mary (Little Blagdon) – this site is not even subject to a planning application for the residential development of up to 255 homes. On average, it takes circa 4 years from the submission of an outline planning application until the first completion is achieved for a site of this scale. It is therefore not considered that there is a realistic prospect of delivery within 3 years as assumed by the Council.

- Land to the north of Totnes Road (Taylor Wimpey) – a planning application has been refused by the Council at this site and the Council identify that this is currently the subject of a S78 appeal. The application was refused owing to the fact that the application did not demonstrate that development would not contribute to further flooding. Accordingly, in the absence of evidence that the site can be suitably delivered, this site cannot be considered to offer a suitable location for development now. Furthermore, the Council position is that the current proposal is unsuitable and that the appeal which is likely to be delayed owing to the lockdown should be dismissed, but that notwithstanding such a dismissal the applicant will remain committed to the delivery of this site and will progress an alternative scheme in sufficient time to achieve the first completions within five-years. Pegasus Group does not consider that there is a realistic prospect of this, let alone clear evidence that this will happen.
- Edginswell Gateway – this site is not even subject to a planning application for the residential development of circa 500 homes. On average, it takes circa 5 years from the submission of an outline planning application until the first completion is achieved for a site of this scale. It is therefore not considered that there is a realistic prospect of delivery within 3 years as assumed by the Council.
- 14-16 Midvale Road - the Council include this site within the deliverable supply despite the fact that this did not benefit from an allocation, a planning permission and was not identified on the brownfield register at the base-date. Even if there was clear evidence that completions will be achieved on this site it would not therefore be deliverable according to the NPPF or PPG. It should be noted that this has subsequently been granted planning permission on 19th May 2020, and therefore can be considered to have offered a suitable location for development at this point. However, to include this site in the deliverable supply would require the exclusion of all housing completions from 1st April to 19th May 2020 as these no longer stood a realistic prospect of being delivered (having already been delivered) at the time this site became suitable for development.

Accordingly, based on the available evidence, none of the sites in **Box B** should be considered to be deliverable and **557 homes should be removed from the supply accordingly**. As summarised previously, the deliverability of sites will also have been adversely affected by the lockdown and any evidence should reflect this.

Box C: All minor sites (9 or fewer dwellings) with planning permission – the Council include all small permitted sites in the deliverable supply excluding only those which have had no activity within the last 10 years. This requires that 100% of such sites are delivered which is not realistic. Pegasus Group has engaged with numerous LPAs on this matter, and the evidence indicates that somewhere between 22% and 28% of homes on small sites are not delivered within five-years. An appropriate non-implementation rate should be applied in Torbay to ensure that there is a realistic prospect of delivery.

However, as the supply from Box C is linked to that from Box D, it may not be necessary to make such an allowance for non-implementation as this is already accounted for in Box D. Therefore, whilst Pegasus Group does not support the methodology employed, subject to the following comments on the supply from Box D, Pegasus Group supports the supply from this source.

Box D: All minor sites (9 or fewer dwellings) without planning permission assuming average delivery rates – the Council identify that an average of 93 homes per year have been delivered on small windfall sites of under 6 homes in the period 2012-20 and that an average of 32 homes per year have been delivered on small windfall sites of 6-9 homes in the same period. Assuming that windfall delivery remained broadly consistent, then even in this hypothetical scenario, it would be expected that 465 homes (=93x5) would be delivered on windfall sites of under 6 homes and 160 homes (=32x5) on windfall sites of 6-9 homes within five-years.

From this the Council deduct the permitted supply from windfall sites identified in Box C, namely 294 homes (=142+152) on sites of under 6 and 96 homes (=45+51) on sites of 6-9. This provides for a residual windfall allowance of 171 homes (=465-294) on sites of under 6 homes, and 64 homes (=160-96) on sites of 6-9 homes. The consultation document however mistakenly calculates the windfall allowance to be 176 and 64 respectively which even assuming that delivery continues as it has in the past over-estimates the windfall allowance by 5 homes.

However, the assumption that small site delivery will continue as it has in the past without any regard to the capacity and reality of this assumption is contrary to national policy which requires in paragraph 70 of the NPPF that a windfall allowance is informed by historic windfall delivery and the strategic housing land availability assessment and expected future trends. The windfall allowance of the Council only takes account of the first of these.

Windfall delivery has been boosted by the extension of permitted development rights to allow the conversion of agricultural buildings and former office buildings to residential uses in 2013. A significant proportion of the sites suitable for such conversions have taken advantage of these rights which has inflated windfall delivery. However, there is finite supply of such sites and it is expected that windfall delivery will reduce as these are developed. This may explain why the number of windfall completions in Torbay reduced significantly in 2019/20. Accordingly, there is not compelling evidence that the windfall allowance of the Council, based on historic averages alone which were achieved in a different context, will provide a reliable source of supply.

The historic trends also indicate that windfall delivery has reduced significantly in 2019/20 and there is no reason to believe that this is a temporary or one-off event. In the absence of compelling evidence to the contrary, these reduced rates should be assumed.

In 2019/20 there were a total of 69 small windfall completions from sites of under 9 dwellings. If this rate was maintained across the five-year period, this would result in 345 completions. This is less than the number of small permitted windfall sites meaning that if the rates achieved in 2019/20 were maintained there would be no justification for any additional windfall allowance. Once the non-implementation of small permitted sites is taken into account, it would also be necessary to reduce the supply from Box C.

Additionally, or alternatively, the current lockdown has resulted in a virtual cessation of housing delivery in the short-term, such that windfall delivery is likely to be significantly compromised in 2020/21 at least. Therefore, some allowance must be made for this to ensure that the windfall allowance provides a reliable source of supply as required by paragraph 70 of the NPPF.

The economic effects of the current pandemic are more pronounced than those which occurred in the financial crisis of 2008, but this provides the nearest comparison. Nationally, delivery rates reduced by 22% over the following five-years compared to those achieved in the preceding 7 years. Optimistically assuming that delivery rates are not affected to a greater extent, the average of 125 windfall completions in the period 2012-20 would be reduced from 125 to 97 per annum which would equate to 486 within five-years. Once the 390 homes on permitted small windfall sites within Box C are discounted, this would leave a residual windfall allowance in Box D of 96 homes.

Therefore, the windfall allowance should be reduced either to 0 or to at most 96 homes given the current circumstances.

Based on the preceding analysis, Pegasus Group considers that based on the available information, the Council is currently able to demonstrate a deliverable supply of at most between 967 and 1,068 homes as compared to the deliverable supply of 1,881 homes identified in the consultation document. The components of this are set out below.

Source of supply	Consultation document	Pegasus Group
Box A	694	572-577
Torre Marine	75	0
Brixham Paint Station	22	0
Former B&Q, 4 Tor Hill Road	15	14
15 Esplanade Road	12	0
Queensway, Torquay	12	1-6
Land R/O Broadway, Dartmouth Road	10	9
Other uncontested sites	548	548
Box B	557	0
Box C	390	390
Box D	240	0-96
TOTAL	1,881	967-1,068

The supply of 967 to 1,068 homes equates to a **1.42 to 1.57 year land supply**.

Next steps

Notwithstanding that Pegasus Group consider that the housing land supply position is significantly lower than that identified in the consultation document, as acknowledged in paragraph 6.1, it is agreed that the Council is unable to demonstrate either a five-year land supply or a three-year land supply. Accordingly, residential planning applications should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits (unless the application of specific policies in the NPPF provide a clear reason for refusal), the weight afforded to housing supply should be very significant, and any conflicts with neighbourhood plans should not in themselves be considered to significantly and demonstrably outweigh the benefits.

The five-year land supply position is however subject to change throughout the year. In November 2020, it is anticipated that the new Housing Delivery Test results will be published. Based on the number of 128 completions achieved in 2019/20, the new Housing Delivery Test result for Torbay will be 73% such that from the official publication of these results, there will be a record of substantial under-delivery that will engage the 'tilted balance' regardless of the five-year land supply position through footnote 7, and which will require the application of a 20% buffer. The application of a 20% buffer will reduce the claimed 2.77 year land supply of the Council to **2.42 years**, and the position of Pegasus Group to at most between **1.25 and 1.38 years**.

As set out above, the housing requirement will become more than five-years old in December 2020 such that it will then be appropriate to assess the five-year land supply against the standard method. As set out in 'Planning for the Future', the Government is planning to review the standard method to encourage greater building within and near urban areas and to make sure the country is planning for the delivery of 300,000 homes per year as compared to the circa 266,000 homes identified by the current standard method. It is understood that this review will be complete by September 2020 and given the specified objectives of this review, it is considered likely that this will increase the standard method in locations such as Torbay.

Even in the absence of such a review, the standard method currently provides for a minimum local housing need for 568 homes per annum in Torbay which is greater than the adopted housing requirement. However, when using the standard method, it is not necessary to take account of the shortfall of housing which has accrued and so despite the fact that the annual need is greater this produces a slightly lower five-year requirement. Assuming that the standard method remains in place in December 2020, based on the supply identified by the Council, they will then claim a 2.67 year land supply, or based on the supply identified by Pegasus Group there will be at most a **1.37 to 1.52 year land supply**. It is considered that following the review of the standard method, the position will actually be lower.

It is therefore apparent that not only is the Council unable to demonstrate even a three-year land supply currently, this position will persist for at least a year (and very probably significantly longer) and that the level of shortfall will increase in the forthcoming year. In such circumstances, the Council should take positive action to approve planning applications as soon as possible to reduce the five-year land supply shortfall.

Yours faithfully

Neil Tiley
Director



Our ref: 42542/BRI/EM/CD

04 June 2020

Spatial Planning
Torbay Council
Floor 2 North
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Attention of: Spatial Planning

Dear Sir/Madam

RE: TORBAY 5 YEAR SUPPLY 2020: DRAFT STATEMENT FOR CONSULTATION

Stantec submit these representations on behalf of our client Taylor Wimpey Homes (South West). Taylor Wimpey Homes have an interest within this consultation as their site Land to the North of Totnes Road, Collaton St Mary ("the Site") is listed as a deliverable site within Table B where it is identified for the delivery of 40 dwellings within the five-year period.

Stantec welcome the opportunity to comment on Torbay's District's five-year housing land supply position and support the proactive approach of Torbay in proceeding with this consultation within the current circumstances. However, it is disappointing that this consultation will not provide a formal Annual Position Statement and be subject to consideration of the Secretary of State (SoS). Notwithstanding this, Stantec's comments are set out below.

The National Planning Policy Framework's Definition of 'Deliverable'

The National Planning Policy Framework (2019) ("NPPF") takes a more rigid approach to what constitutes a 'deliverable' site for the purposes of monitoring five-year land supply than its predecessor document (NPPF 2012). The current definition of 'deliverable' is included in the NPPF (Annex 2) and is correctly referenced at paragraph 5.1 of the Draft 5YLS Statement and thus not repeated in full here. This definition is still being tested at appeal and will be undoubtedly subject to further testing and clarification on what can constitute 'clear evidence'. However, importantly for this consultation, Annex 2(b) of the NPPF states that the following types of site all require further evidence before they can be included within a councils five year land supply:

- Sites with outline planning permission for major development
- Sites allocated within a development plan
- Sites which have a grant of permission in principle
- Sites which are identified on a brownfield register

A list of acceptable forms of evidence is provided in the Planning Practice Guidance 007 Reference ID: 68-007-20190722 (July 2019) which is correctly quoted within the consultation document. Although throughout these representations we question to the extent as to how this evidence has been sought to provide the final five-year land supply calculation.

In regards to sites with detailed planning permission, Annex 2 states that sites should not be included where there is clear evidence that delivery will not be undertaken within the 5 years period.

The Inclusion of Deliverable Sites within Five-Year Land Supply

For the purposes of this letter, Stantec has considered the national criteria referenced above against the Sites included within the draft five-year land supply based on the evidence presented in the Draft 5YLS Statement, Five Year Supply Spreadsheet and Housing Monitoring Tables 2020; alongside our own

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knowledge of the area. We have used the categories set out by the local authority within the main consultation document as the basis of comments.

Category A Sites – Major Sites with Full Planning Permission

Stantec agree with the principle of the inclusion of sites with full planning permission within the council's five-year land supply providing that they are not sites which have been implemented historically with no recent activity.

One of the sites, "Torre Marine, Torquay" appears to have a typo in the planning reference number (P/2016/1747). Based on the information given this would appear to be in application P/2016/1047 which was included in the 2019 Draft Consultation Statement with the same number of homes (75) and background details but under a different name. This application is in fact an outline planning application which, based on the information publically available on the Torbay's planning portal, appears to have expired on the 13 March 2020. Unless there is information which has not been published on the website, this site should be excluded from the five year land supply calculation.

With the 75 dwellings at this site removed, Category A Sites could amount to a **619 dwelling** contribution towards the council's five-year housing land supply.

Category B Sites – Major Sites with Demonstrated Intent

Stantec notes that some of the sites included in Category B are not Annex 2(b) listed sites and do not have outline planning permission and thus do not accord to the Annex 2 definition of deliverable. There is no clear evidence presented by the LPA as to why these sites are included within any of the consultation documents. The council must first work with the development industry to issue implementable planning permissions before it can later consider what 'clear evidence' is available at these sites. Sites without planning permission should in the meantime be discounted from the five-year supply.

Some sites have also perhaps been included under the guise of being housing allocations with live planning applications. It is noted that the current Torbay Local Plan does not specifically allocate sites for residential uses, instead delegating the allocation of specific sites to neighbourhood plans within specific Future Growth Areas. In the case of Paignton, the Neighbourhood Plan does not allocate any sites to accommodate housing need. This point was flagged by the LPA during consultation on the Neighbourhood Plan and noted by the plan examiner. Therefore, these sites should not be included on the basis of being housing allocations.

Our Client's site, (part of Land North of Totnes Road) is in a Future Growth Area, is included in an adopted Masterplan Document and is currently the subject of a live outline planning application and planning appeal. The applicant, Taylor Wimpey has sought to work collaboratively with the LPA and stakeholders to provide a set of deliverable proposals over a number of years but has, so far, been unable to secure planning permission to enable a start on site.

Most recently the Site was subject to an outline planning application for up to 73 dwellings last year (P/2019/0604). This application was refused by members at planning committee on 12 October on technical grounds, despite the application receiving no objections from statutory and technical consultees and a positive recommendation for approval from council officers. This application is now the subject of a planning appeal (APP/X1165/W/20/3250977). The Site is also now subject to a live application for up to 73 dwellings (P/2020/0405) which is a resubmission of the previously refused application.

Taylor Wimpey's outline application was a result of extensive technical assessment as well as engagement with the council and other stakeholders since 2012¹ and represents a proposal which responds to the adopted Development Plan and design principles of the Collaton St Mary Masterplan

¹ The first application at the Site was submitted in December 2012 (reference P/2012/1037).

Supplementary Planning Document (“SPD”). The proposal adheres to the overarching guidance and objectives of the NPPF2019, and furthermore, the Site is subject to no ownership or viability concerns which would delay its delivery were planning permission granted either at a appeal or through the live planning application (which has received no consultee objections to date).

Once outline planning permission is granted, Taylor Wimpey is committed to the timely submission of a reserved matters application at the Site and the subsequent delivery of 73 dwellings within the established five-year supply period. However, it is unfortunate that like many other sites it cannot yet form part of the five-year land supply calculation having not received planning permission. Were the the local planning authority or planning inspector to grant planning permission, the Site would make a valuable and full contribution to supply during the next 5 years.

In this context it cannot form part of any reliable five-year supply until such time as its planning status changes. There is similar narrative for many sites a Paignton as indicated below.

This considered, a summary of sites Stantec believe should be excluded from Table B is included below.

Site name	Total Completions Listed Within Draft 5YLS Statement	Reason for Omission Based on National Guidance
Devonshire Park, off Brixham Road	100	The site has outline planning permission but there is no certainty or clear evidence such as a committee report that the LPA will grant Reserved Matter approval or discharge planning conditions, or that the site will be started within the five year window. It is recognised this position may change if RMs were granted, but that is not the case yet. There is no clear evidence that 40dpa can be achieved in any event; previous evidence suggested a maximum of 35dpa.
Collaton St Mary (Little Blagdon)	75	The site is not an Annex 2(b) site. A Future Growth Area does not constitute a development plan site allocation and there are no housing allocations in Paignton Neighbourhood Plan. A planning application is yet to be decided for any residential development with the existing permission only addressing the demolition works covering the access strip not the land identified for housing in the Collaton St Mary Masterplan.
Land to the North of Totnes Road (Taylor Wimpey)	40	The site is not an Annex 2(b) site. A Future Growth Area does not constitute a development plan site allocation and there are no housing allocations in Paignton Neighbourhood Plan. A planning application for residential development is yet to be approved.
Edginswell Gateway	60	The site is not an Annex 2(b) site. A Future Growth Area does not constitute a development plan site allocation. To date there is no planning application at the site. Despite a Planning Performance Agreement being in place there is currently no clear evidence that development will commence within the five-year window. However, it is acknowledged that this situation may change if detailed planning permission is granted in accordance with the PPA.
Dairy Crest Site, Parkfield Road	43	An outline application has been approved but no further applications have been submitted. There is no clear evidence such as a committee report that the LPA will grant Reserved Matter approval or discharge planning conditions, or that the site will be started within the five-year window.

Site name	Total Completions Listed Within Draft 5YLS Statement	Reason for Omission Based on National Guidance
Land North of Totnes Road (Bloor Homes)	70	The site is not an Annex 2(b) site. A Future Growth Area does not constitute a development plan site allocation and there are no housing allocations in Paignton Neighbourhood Plan. A planning application for residential development is yet to be approved.
Former Torbay Holiday Motel, Totnes Road	39	This is an Annex 2(b) site on the basis of being a on the brownfield register, however Torbay are not progressing a Part 2 register so the site will not have permission in principle for the foreseeable future. A Future Growth Area does not constitute a development plan site allocation and there are no housing allocations in Paignton Neighbourhood Plan so the site is not an allocation. A planning application for residential development is yet to be approved.
St Kildas	20	No planning application has been submitted and no clear evidence is presented that homes will be delivered within the five-year supply window.
14-16 Midvale Road	10	The sites is not an Annex 2(b) site. A planning application for residential development is yet to be approved.
Victoria Car Park	85	This is an Annex 2(b) site on the basis of being a on the brownfield register, however Torbay are not progressing a Part 2 Register so the site will not have permission in principle for the foreseeable future. The planning application at the site is for the demolition of the existing car park and is yet to be approved. A planning application for residential development is yet to be submitted.
Northcliffe	15	The site is allocated in the Brixham Neighbourhood plan, but no planning application has been submitted. There have also historic failed planning applications to restore the site into use.
Total	557	

The Category B sites presented are not yet proven to be deliverable through clear evidence and therefore cannot be included in the Council's five-year housing land supply in accordance with Planning Practice Guidance (paragraph 007 68-007-20190722). It is recognised that the LPA has the ability to grant full planning permission or reserved matters approval, but until such time their contribution cannot be used to support the five-year land supply position.

For the purposes of undertaking this exercise in accordance with NPPF2019 and PPG, **0 dwellings** should be counted as contributing towards the council's five-year housing land supply.

Category C Sites – Minor Applications with Planning Permission

Stantec agree with the inclusion of minor applications with planning permission. However, no information is provided on the applications which have been included. 390 dwellings from this source can be included but should be monitored on a regular basis as there will be a time when some permissions will lapse.

390 dwellings should be counted as contributing towards the council's five-year housing land supply.

Category D Sites - Windfall

Stantec observe that the NPPF definition of deliverable does not include windfall sites unless they are included on a brownfield register and in the context of plan making (NPPF para 70). Even in the plan making the council has would not have demonstrated 'compelling evidence', which is a more onerous test that 'clear evidence'. It has not published a SHLAA or any cometary of how any historic trends will carry through into expected future trends beyond publishing monitoring data and assuming continuation of average supply. Even if this accepted, to avoid double counting of small planning permissions, an allowance should only be made for years 4 and 5 of the five-year period.

0 dwellings should be counted as contributing towards the council's five-year housing land supply.

Conclusion

A summary of Stantec's current position is as follows.

	Torbay Position (dwellings)	Stantec Position (dwellings)
TBLP Housing Requirement 2012-2020	3,485	3,485
Completions 2012-2020	2,907	2,907
Shortfall	578	578
Five-year requirement 2020-2025	2,655	2,655
Plus Shortfall and 5% Buffer	3,395	3,395
Category A	694	619
Category B	557	0
Category C	390	390
Category D	240	0
Total Supply	1,881	1,009
Evidencable 5YLS	2.77 years	1.49 years

Although the Draft 5YLS Statement correctly references the up to date NPPF definition of deliverability, it does not appear to test the included sites against these definitions. Where clear evidence is available, this evidence should be made public to inform the consultation, otherwise the sites highlighted in this letter should be removed from the council's five-year land supply. Doing so would provide a five-year land supply position of 1.49 years.

Notwithstanding this reduction, it is noted that the LPA's own position has reduced from identifying 3.28 years supply in their last draft statement to 2.77 years this year with many of the same live applications within Category B. It is unfortunate, but this position is only set to get worse where planning permissions are not being granted in a timely manner. Torbay should therefore prioritise work with developers to implement planning permissions in areas which are already established as the most sustainable areas for growth to help avoid future delivery issues.

It is noted that the Torbay Unitary Authority is anticipating commencing its Local Plan Review this year. Such a process will be informed by the standard methodology for housing need alongside the requisite buffer of 20% as guided by the NPPF (paragraph 74). Using the current housing need figure, this would indicate that Torbay would need to seek to deliver 703 dwellings per annum within their new plan. There is therefore not only the need to maximise delivery of housing on available sites within its most sustainable locations in the short term to consolidate delivery, but also begin work with developers and neighbourhood forums to begin to identify a wider base of sites than currently identified by the existing development plan and avoid exacerbating the existing issues with housing supply in the medium term.

Taylor Wimpey has almost continually had a live application at the Land to the North of Totnes Road for the last eight years and has sought to work positively with the council to address matters as they have arisen. Most recently this included the working with council to get a positive recommendation for approval on application P/2019/0604 continuing into the subsequent resubmission of this application in April this year. Should permission be granted, Taylor Wimpey will of course then be happy supply the relevant evidence for the inclusion of the Site in the council's five-year supply statement and support the council's five year land supply position.

Yours sincerely,

Colin Danks

on behalf of Stantec UK Ltd



Torbay Five Year Housing Supply 2020: Draft Statement for Consultation

Representations submitted on behalf of Abacus Projects Limited and Deeley Freed Estates Limited

8 June 2020

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Appendices

Appendix 1: Appeal Reference APP/Z1510/W/16/3162004: Secretary of State Decision and IR

Appendix 2: Braintree Essex Housing Supply Statement (April 2019)

Appendix 3: Counsel Opinion (January 2020)

1.0 Introduction

- 1.1 These representations are prepared and submitted on behalf of Abacus Projects Limited and Deeley Freed Estates Limited. The representations seek to establish the robustness of the five year land supply position as presented in Torbay Council's May 2020 Consultation Statement against the nationally prescribed methodology.
- 1.2 The statement establishes that the Council cannot identify a robust land supply against the five year requirement and estimates the supply to be 2.77 years. Paragraph 6.1 of the Paper correctly identifies the relevant paragraphs of the NPPF that are engaged in the event that a five year supply cannot be demonstrated. It goes on to acknowledge that the protection afforded to Neighbourhood Plan areas by NPPF paragraph 14 does not apply given the supply is less than three years.
- 1.3 For the reasons set out below, Alder King does not consider the 2.77 years estimate to be a robust position.

2.0 The Housing Requirement

- 2.1 Alder King (AK) agrees with Torbay Council's (TC) methodology for the calculation of the five year housing requirement; AK notes that TC has followed the methodology advanced in its July 2019 representations and considers the five year requirement calculation of 3,395 dwellings to be robust.
- 2.2 Paragraph 6.4 of the consultation paper references past under-delivery in Torbay and that an Action Plan has been prepared in accordance with the failure to meet the relevant thresholds in the 2018 Housing Delivery Test (HDT). Paragraph 6.4 references an improvement in the position from 2018 to 2019 which relates to a spike in completions in 2018/19, albeit an Action Plan is still required as it still falls short of expectation.
- 2.3 The statement is however silent on the implications of a significant drop in the level of completions in 2019/20. Completions of 188 is a poor return on a requirement of 495 and the implications are shown below:

	Requirement					Completions					
	2016-2017	2017-2018	2018-2019	2019-2020	Total required	2016-2017	2017-2018	2018-2019	2019-2020	Total delivered	HDT
2019	400	470*	495	-	1,365	326	414	531	-	1,271	93%
2020	-	495	495	495	1,485	-	414	531	188	1,133	76%

*This figure is taken from the published HDT but is incorrect

- 2.4 The HDT results for 2020 will mean that TC falls below the 85% threshold and will mean that a 20% buffer will need to be applied to the five year housing requirement. The Action Plan has failed to deliver. Completions in 2020/21 from major sites are anticipated to be 143 homes. At no stage in the five year period does the anticipated level of completions (not including small sites and windfalls as there is no trajectory) get close to the 495 homes per annum requirement.

- 2.5 The requirement of 3,395 dwellings is therefore somewhat of a false position. The HDT is a matter of simple arithmetic and since TC has published its completions for 2019/20 early the reality is clear. When the HDT is formally published the requirement will increase to 3,880. Against the claimed land supply of 1,881 dwellings, a supply of 2.42 years results. For the reasons set out below AK does not consider the supply of 1,881 dwellings to be robust.

3.0 The Housing Supply

- 3.1 Paragraph 1.4 of the statement states that calculating 5 year supply is not an exact science and inevitably involves a planning judgement. AK does not agree with this statement. The five year supply should be based on fact and certainty; of course it is hard to predict with complete accuracy the trajectory for any one site for any particular year; this is never more true in the current Covid-19 pandemic and it is impossible to predict how it will affect delivery over the next two to three years with any accuracy. However, over the course of a five year period, the total anticipated from any site should not really come down to a matter of planning judgement. This is an evidence-led exercise; if the evidence is robust then there is no need to exert any planning judgement. It cannot be based on hearsay or anecdotal evidence.
- 3.2 In some respects the NPPG extract highlighted at paragraph 4.2¹ of the consultation statement is a consolidated version of previous iterations, but does provide more clarity over the necessary tests. For any such site that falls within the categories of the first four bullet points, there is little doubt that the bar for inclusion in any LPA five year supply is a high one. Whilst paragraph 4.3 of the consultation paper states that the above tests (in the previous NPPG) have been applied to sites in Torbay ‘as far as the information is available at the time of writing’ the evidence presented falls woefully short of the standard required.
- 3.3 It is important to consider how those tests are being applied through appeal and Secretary of State decisions. A recent Secretary of State decision relating to a residential site in Braintree, Essex² is reproduced at **Appendix 1**. Paragraph 46 of the SoS decision states that,
- “Having reviewed the housing trajectory published on 11 April 2019, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more and sites without planning permission, does not meet the requirement in the Framework Glossary definition of “deliverable” that there be clear evidence that housing completions will begin on site within five years. He has therefore removed 10 sites from the housing trajectory, these are listed at Annex D to this letter.”*
- 3.4 The Braintree Monitoring Report (April 2019 Addendum) is provided at **Appendix 2**. This follows a similar format to that presented by Torbay, however, further evidence is provided at Appendix 2 of the report containing pro-formas prepared by the LPA and completed by relevant developers/site promoters. This is

¹ Paragraph: 007 Reference ID: 68-007-20190722

² APP/Z1510/W/16/3162004

not an uncommon approach, and in some instances the SoS accepted the content of the responses to represent sufficiently clear evidence that outline consents will be delivered within the five year period.

3.5 However, the SoS discounted sites:

- Where no information (ie pro-formas/statement of common ground) was forthcoming;
- Where new full applications had been submitted (not determined) that sought to supersede the outline;
- Where reserved matters had not been submitted.

3.6 In relation to an adopted 'Growth Location' area (much the same as Torbay's Future Growth Areas), despite the fact that a hybrid planning application had been made and relevant pro-forma produced, the site was discounted from the five year supply. Evidently that site failed the test of *'a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions.'*

3.7 When these tests and 'rules' are applied to the Torbay supply, many sites within the trajectory fail. Indeed, in the context of NPPF Annex 2, any site that falls within the Torbay supply that is not subject to either full consent or reserved matters approval is automatically discounted on the basis that no clear evidence of the standard required is presented.

3.8 The two main components of supply are critiqued below.

4.0 Part A: Sites of 10+ units with full planning permission

4.1 AK accepts that the majority of sites within Part A should form part of the five year supply. For sites within this category it is accepted that it is not the Council's obligation to provide clear evidence; the onus is on any objector to demonstrate issues with deliverability. Nevertheless, AK does not consider that the following sites merit inclusion:

- **Former Paignton Police Station, Southfield Road:** Outline consent exists for 46 dwellings but reserved matters was granted for 36 dwellings in 2019. It is clear from the proposals that the scheme was revised down; the delegated report confirming that, *"the main divergence is that the scheme is for 10 fewer apartments to the number approved at outline stage and, principally as a result of this reduction, the proposal is also one storey less in height than indicatively shown at outline stage"*. Further reserved matters have been submitted (validated in February 2020) but still reflecting 36 units. Those 10 dwellings cannot be relied upon and should be discounted from the supply. The developer clearly does not intend to deliver 46 dwellings.
- **Queensway, Torquay, Southfield Road:** In February 2020 this site was identified with a supply of 6 dwellings. It is accepted that full permission exists for 12 dwellings but this dates back to an application submitted in 2007 and approved in May 2008. No other applications have been submitted since. It is assumed that the consent has been implemented and is still capable of delivery but it is not clear why the supply has increased to 11 in the space of 3 months (from

February 2020). Five units are anticipated for completion in 2020/21 so it is assumed that this is robust and developers are effectively onsite. There is no evidence to suggest that the remaining 6 units will be delivered given they are not anticipated until year 5 (2024/5). There is no logic to that estimate not least since the consent dates to 2008. Those six dwellings should therefore be discounted.

- **South Devon College (Torre Marine):** This site does not have full planning permission and to that end sits in the wrong section (ie it should fall into Category B). P/2016/1047 is an outline permission for which no reserved matters have been submitted. Clear evidence is required as a consequence and it must pass the tests. In accordance with the above SoS Decision, even where a pro-forma response is provided, since no RM submissions have been made and no conditions discharged, the site should be discounted from the supply. The commentary provides no comfort that the site is coming forward and the fact that the 75 units are programmed for year three provides no confidence. The outline consent will expire in November 2020 so there is a clear mismatch in terms of expectations for delivery.

Following the submission of representations in July 2019 the site was removed from the 2019 supply. There is no justification for its inclusion now as there has been no change in circumstance. The site should sit in category B but only if there is clear evidence of demonstrated intent; as it stands there is nothing.

- **Brixham Paint Station, Kings Drive:** Notably this site did not feature in the 2018 trajectory despite being subject to an implemented consent. It featured in the draft July 2019 consultation paper but was subsequently removed in the final February 2020 statement. The consent dates back to 2006. It is not appropriate to rely on a part implemented consent from 2006 without any evidence of delivery. The fact that it is programmed for delivery in years 3 and 4 suggests that the site has not progressed at all since the last update in February 2020. TC seems no further forward in advancing any evidence to suggest delivery will be forthcoming. It should therefore be discounted from the supply.

4.2 AK does not consider that the above sites should contribute to the supply and has discounted all or parts of them as a consequence. The supply from major sites with planning permission should therefore be reduced by 113 dwellings from the stated 694 to 581 in accordance with a:

- reduction in 10 units from 46 to 36 at Former Paignton Police Station, Southfield Road;
- reduction in 6 units from 11 to 5 at Queensway, Torquay, Southfield Road;
- reduction in 75 units and deletion from supply at South Devon College (Torre Marine); and
- reduction in 22 units and deletion from supply at Brixham Paint Station, Kings Drive

5.0 Part B: Sites with demonstrated intent

- 5.1 On the basis of the above analysis describing how the methodology relating to the presentation of clear evidence should be applied, the majority of sites within this category should be discounted from the supply. In some circumstances should clear evidence be provided by TC then those sites could make a contribution to supply; in respect of others then in accordance with the SoS decision making process it is hard to see how they possibly could.
- 5.2 Not all sites are the subject of either outline or full planning permission. In some instances no planning application has been submitted. Whilst it is acknowledged that such sites can feature within the five year supply, given their status, clear and compelling evidence needs to be provided demonstrating certainty of delivery. It is acknowledged that an adopted allocation provides certainty in respect of the principle of development. In all other respects however, there is no certainty until such time as planning permission is forthcoming. There are many hundreds of examples of allocated sites across the country that have not come forward for development (or in the numbers anticipated), whether that is in part or at all, or in the timescales originally envisaged.
- 5.3 There are a number of sites that featured in the 2019 July HLS consultation paper that were subsequently removed in the final version published in February 2020. These are examined below to understand whether there has been a change in circumstance to justify inclusion now:

- Collaton St Mary (Blagdon Farm). In 2019 AK's representations stated that, *"This site cannot reasonably form part of the supply. No application is submitted and not due until next year. It is impossible to know whether it will accord with the adopted masterplan and thus whether the principle of development in the form ultimately presented will be acceptable. We do not know the nature of the application or how the 60 units has been derived. The site has no status as required by the NPPG (the FGA status is insufficient) and no clear evidence of delivery has been provided."*

Little appears to have changed. It is recognised that the Taunton Development Agency (TDA) controls the site but only a detailed consent for access exists and that is presently subject of a legal challenge; it remains to be seen how that process will unfold. TC sought to test the appropriateness of whether this site could be included within the 2019 HLS and sought Counsel's opinion on this and a number of other sites (**Appendix 3**). Counsel advised TC that:

"The existence of grant funding, and the permission for the spur road, are both relevant factors, as is the fact that the Council owns the site. They all point towards its deliverability. However, these factors alone are unlikely to persuade an inspector that "there is clear evidence that housing completions will begin on site within five years".

It is highly relevant that a planning application is expected in 2020. However, in order to persuade an inspector of the site's deliverability, more evidence is likely to be needed. When is that permission expected to be received? What pre-application discussions have there been? Is it likely

that the application will be in conformity with the adopted masterplan? Will the application be in outline or full? Is there a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rate? And what evidence does the developer have to support their position?"

None of these questions have been addressed and no further evidence has been advanced; it is impossible to understand what justifies its inclusion now.

- **Collaton St Mary, North of Totnes Road (Taylor Wimpey):** The site was removed from the 2019 supply on the basis that a) only an outline application had been submitted, b) it was contrary to the approved masterplan (73 units against the masterplan of 40), and c) was refused planning permission at Committee.

Taylor Wimpey has subsequently appealed the refusal and on the basis that the Council clearly does not support the scheme it is difficult to understand how it could possibly feature in the supply. TW has submitted a duplicate application in April 2020 presumably to offer an olive branch and enable TC to determine the application favourably but there is no reason to suggest it will. Indeed, it is noted that the HLS only makes provision for 40 dwellings as per the masterplan but clearly this is not what TW intends to deliver. There are clear tensions between the intentions of the developer and those of the Council and until such time as they are resolved this site cannot feature.

- **Collaton St Mary, North of Totnes Road (Bloor):** Technically the site should not feature in the 5 year supply as an outline consent is not normally sufficient to represent a clear demonstration of delivery. However, on the basis that the site will be reported to committee in June, the fact that the application is promoted by a volume housebuilder would suggest there is a reasonable probability that reserved matters will be forthcoming soon. Of course, in the event that the application is refused at committee the site would not be eligible to feature in the five year supply.
- **Totnes Road (Motel Site):** Again whilst there has been some progression with an outline application (a revised pack being submitted in March 2020), consent has yet to be granted. There is no certainty of permission or when reserved matters will be submitted and on that basis should continue to be discounted.
- **St Kilda's:** Notably St Kilda's is the only one of three Neighbourhood Plan sites that were identified in 2019, subsequently removed in February 2020 and now re-instated (the other two being Hatchcombe Lane and Westhill Garage). All of these sites enjoy a similar status; allocated in Neighbourhood Plans but not subject to any planning application. The only evidence provided in the commentary was in relation 'pre-app discussions'. It is the same response in 2020. We have no knowledge of the nature or outcome of those discussions. We do not know whether the pre-application proposals have been positively or negatively received, or indeed whether any response has been provided.

The commentary falls woefully short of national requirements. When considered against the SoS criteria, there is no possibility that St Kilda's should be included within the supply. There is no compelling evidence to demonstrate that St Kilda's will be delivered; the fact that it is a Torbay Development Agency (TDA) controlled site gives it no more elevated status given no evidence has been presented. The site is not even referenced in the Housing Action Plan 2019.

- **Victoria Centre:** There is no certainty of delivery even though the principle of development might be acceptable. No application has been submitted. No clear evidence has been provided; whilst a successful bid for funding might have been achieved this in itself is not sufficient. An application submitted for demolition does not constitute meaningful progress.

This is a complex site that needs to go through the planning application process before any reliance in five year supply terms can be placed upon it. It is identified within the Housing Delivery Action Plan (2019) as a site now controlled by TDA but also identifies technical constraints with the site including the need to undertake a flood risk sequential test. There appears uncertainty over what the scheme could and should yield and quotes a range between 60 and 160 dwellings. TC also sought Counsel's advice on the inclusion of this site. Counsel's advice was that:

"It was included within the draft Statement with an indication that "Developer intends to deliver on site within 5 years", although it is not clear what evidence had been obtained from the developer. It was removed in the Statement following objections on the basis that there was no clear evidence that housing completions will begin on site within five years (see representations of Alder King and PBA).

On the basis of the evidence before me I consider it unlikely that an inspector would find that there was clear evidence of a realistic prospect of housing development taking place on the site within five years. However, if further evidence were available, including from the developer, of the type that I outline above in respect of the CSM Land, and that evidence pointed towards the possibility of housing development taking place within five years, it might be possible to persuade an inspector of its deliverability."

No further evidence has been presented and until such time as it has the site should be discounted from the supply. The fact that 85 dwellings have been identified and all programmed for year 5 suggests a complete lack of certainty.

5.4 The following sites are either new for 2020 or have been carried forward from the trajectory in 2019:

- **Dairy Crest site:** This site benefits from an outline consent that has a number of detailed matters also approved. Nevertheless, there is no clear evidence as required to demonstrate that the site can meaningfully contribute to the supply. There is no written agreement between the local planning authority and the site developer which confirms the developers' delivery intentions and anticipated start and build-out rates, or for that matter any information relating to the other tests in the NPPG.

It is programmed for delivery in year five suggesting that there is little confidence from the landowner/developer that delivery is expected anytime soon. With a site with so many technical issues to address, for it to be included in the supply there has to be compelling evidence as to how and when these matters are going to be addressed.

- **Edingswell Gateway:** This is acknowledged to be a Future Growth Area but as we have established in the case of Collaton St Mary this is not enough for it to warrant automatic inclusion. It is understood that a planning performance agreement exists which is perhaps why the site now features in the supply, but no details of it are forthcoming. We do not know what commitment to delivery there is or the timescales associated with the planning application process.

One outline application has been submitted south of Moles Lane (P/2019/0710) in July 2019 for 90 dwellings but this is contrary to the Masterplan that identifies the land for employment purposes and is subject to an objection from the lead promoter Cavanna Homes on that basis. No dwellings can be relied upon from this location until such time as there is much greater certainty over delivery.

- **Northcliffe:** This is understood to be the former hotel site demolished in the mid-1990s and identified in the Brixham Neighbourhood Plan. TC has correctly identified that the majority of allocated NP sites cannot feature in the supply as this is not sufficient status to guarantee delivery. There is no evidence presented in respect of this particular site and a target of 'circa 15 units' delivered in year five suggests there is none. The fact that it has been a vacant site for 25 years does not lead to any confidence that the position will change in the next five.

Summary

5.5 The table below sets out Alder King's position in respect of the sites in Category B:

Major Sites with demonstrated intent	Torbay	Alder King
Devonshire Park	100	100
Collaton St Mary (Blagdon Farm)	75	0
Collaton St Mary. North of Totnes Road TW)	40	0
Edingswell Gateway	60	0
Dairy Crest Site	43	0
Collaton St Mary. North of Totnes Road (Bloor)	70	70*
Totnes Road (Motel Site)	39	0
St Kildas	20	0
14-16 Midvale Road	10	10*
Victoria Centre	85	0
Northcliffe	15	0
Totals	557	180

*assuming approved at committee

6.0 Conclusion

- 6.1 Given the lack of supply interim Policy SS13 is engaged, and given the urgency of the situation, TC must consider favourably applications for new housing, consistent with Policy SS2, H1 and other policies of the plan. This reflects the wording of Policy SS13, however, because the strategic policies are out of date given the paucity of supply. The tilted balance applies; the tests in the Local Plan are still material but so are those set out in the NPPF and NPPG.
- 6.2 A summary of Alder King's position is set out below:

Component	Torbay	Alder King
Five Year Requirement 2020 to 2025	3,223	3,223
Plus Shortfall and 5% Buffer	3,395	3,395
Plus Shortfall and 20% Buffer	3,880	3,880
Part A Supply (sites with full planning permission)	694	581
Part B Supply (allocated and other)	557	180
Part C Supply (small sites)	390	390
Part D Supply (windfall)	240	240
Total Supply	1,881	1,391
Number of Years Supply with 5% buffer	2.77 years	2.05 years
Number of Years Supply with 20% buffer	2.42 years	1.79 years

Appendix 1: Appeal Reference APP/Z1510/W/16/3162004: Secretary of State Decision and IR

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