



# TORBAY FIVE YEAR HOUSING SUPPLY 2019

## DRAFT STATEMENT FOR CONSULTATION

July 2019



## **This document is available...**

on the Torbay Council Website:

[www.torbay.gov.uk/strategicplanning](http://www.torbay.gov.uk/strategicplanning)

and at Torbay Council's Spatial Planning Office at:

2<sup>nd</sup> Floor, Tor Hill House, Castle Circus, Torquay TQ1 5DW

If you would like any further information about this document or any aspect of the Local Plan please use the contact details below:

telephone: (01803) 208804

email: [future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk)

Other links that will provide more detailed background information on the spatial planning system include:

**National Planning Policy Framework**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

**Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

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## 1. Introduction

- 1.1 This document sets out a draft assessment of Torbay's five year housing supply position for April 2019 to March 2024 for consultation. **In summary Officers assess that there is around 3.3 years' housing supply.**
- 1.2 Local planning authorities (LPAs) are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement. The National Planning Policy Framework (NPPF)<sup>1</sup> sets out this requirement (paragraph 73) and defines which sites may be treated as "deliverable". The (National) Planning Practice Guidance (PPG) provides additional advice.
- 1.3 This five year housing supply position from April 2019 is based on the Housing Land Monitor completed in April 2019, and the housing requirement in the Torbay Local Plan 2012-30, which was adopted in December 2015.
- 1.4 This statement will be updated annually or where there is a significant change in circumstances affecting its accuracy. Calculating 5 year supply is not an exact science and inevitably involves a planning judgement.

## 2. Consultation Parameters

- 2.1 The Council is carrying out a technical consultation on its 5 year supply position. The consultation runs between 5<sup>th</sup> July 2019 and 4<sup>th</sup> August 2019. Please send any representations (preferably emailed) to: [future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk) or posted to: Spatial Planning, Torbay Council, Floor 2 North, Tor Hill House, Torquay, TQ2 5TF on or before Sunday 4<sup>th</sup> August 2019.
- 2.2 In particular we would welcome comments about whether other sites can be counted as deliverable, but please refer to the NPPF definition of deliverability and guidance in section 4 below. We would also appreciate comments on the deliverability of sites indicated in Appendix 1 and whether the assumed timings and build-out rates are reasonable.

## 3. Five year housing supply target

- 3.1 The Torbay Local Plan was adopted in December 2015 and is less than 5 years old. The NPPF (para 73) and PPG (3-030-20180913) indicate that the local plan housing trajectory may be used to calculate five year housing supply where the strategic policies are less than five years old.
- 3.2 It is not the purpose of this paper to consider the validity of the local plan trajectory. This will be reviewed at the appropriate time as part of the Local Plan Review, which is due by December 2020.

### **Five year housing supply requirement: Torbay Local Plan**

- 3.3 Policy SS12 'Housing' and Policy SS13 'Five year housing land supply' set out a trajectory of 8,900 dwellings over the Plan period 2012-2030 with stepped targets;

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<sup>1</sup> All references to the NPPF in this document are to the February 2019 document unless otherwise stated.

400 dwellings per year for the period 2012/13 – 2016/17

495 dwellings per year for the period 2017/18 – 2021/22

555 dwellings per year for the period 2022/23 – 2029/30

The baseline requirement for April 2019 to March 2024 is therefore 495 dwellings x 3 years plus 555 dwellings x 2 years i.e. a total of 2,595 dwellings.

### NPPF Buffer

- 3.4 The NPPF requires a buffer to be added to the housing requirement (moved forward from later in the plan period) “to ensure choice and competition in the market for land”. This is 5% unless there has been significant under delivery of housing over the previous three years<sup>2</sup>. Over the last 3 years, completions were 91.15% of the requirement under the Housing Delivery Test<sup>3</sup>. This does not constitute “significant under delivery” as defined by paragraph 73/ footnote 39 of the NPPF, and accordingly a 5% buffer moved forward from later in the plan period is applicable.

### Shortfalls

- 3.5 In calculating the five year supply, under-completions since the start of the Plan period should be added to the housing target. The shortfall should be met over five years (“the Sedgfield method”)<sup>4</sup>. Note that the LPA does not consider a buffer should be applied to the backlog, since this would be double counting unmet supply.
- 3.6 Over the 7 years of the Plan period so far (2012/13 – 2018/19), there were 2,719 completions, against a target of 2,990, i.e. a shortfall of 271 dwellings. Meeting this backlog over 5 years results in an additional 54 dwellings per year.

## 4. Supply Requirement

- 4.1 The overall 5 year supply requirement figure is calculated as 2,996 dwellings (599 per year). This is made up of the Local Plan Requirement (2,595 dwellings), 5% buffer (130 dwellings) plus backlog (271 dwellings), with rounding. The table below summarises completions, calculation of the buffer and the five year requirement.

Torbay Council 5yr Requirement @ 2019 (Target = 2997 )													
Year	1	2	3	4	5	6	7	8	9	10	11	12	5yr Requirement
	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	
Target (incl. 5% buffer)	400	400	400	400	400	495	495	520	520	520	583	583	
Target + Undersupply (annualised over 5 yrs)								574	574	574	637	637	2996
Cumulative Target	400	800	1200	1600	2000	2495	2990	3510	4030	4550	5133	5716	
Completions	249	446	349	408	326	410	531						
Cumulative Completions	249	695	1044	1452	1778	2188	2719						
Cumulative Undersupply	151	105	156	148	222	307	271						

<sup>2</sup> Torbay is not seeking to demonstrate a five year supply through an annual position statement and therefore the 10% buffer in NPPF73 (c) does not apply.

<sup>3</sup> 1267 completions 2016-19 against a requirement of 1390 dwellings. This is similar to the government’s published 2018 housing delivery test figure of 90%.

<sup>4</sup> National Planning practice Guidance 3-042-2180913. This indicates that using the “Liverpool” method of meeting the backlog over the remaining Plan period must be agreed at Local Plan Examination.

## 5. The Definition of Deliverable.

5.1 The NPPF defines “deliverable” as follows:

***Deliverable:*** *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

5.2 The PPG paragraph 3-036-20180913 indicates that such evidence may include:

- *any progress being made towards the submission of an application;*
- *any progress with site assessment work; and*
- *any relevant information about site viability, ownership constraints or infrastructure provision.*

*For example:*

- *a statement of common ground between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates.*
- *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.*

5.3 In assessing its five year supply, the above tests have been applied to sites in Torbay as far as the information is available at the time of writing.

5.4 Torbay has neighbourhood plans for Torquay, Paignton and Brixham Peninsula. All three Plans were “made” by full Council on 19<sup>th</sup> June 2019, having succeeded at referendum on 2<sup>nd</sup> May 2019. Neighbourhood Plan site allocations have been assessed, and included in the five year supply where it is considered that they meet the NPPF definition of deliverability.

## 6. Supply Position

6.1 Torbay’s five year housing supply (see Appendix 1) is made up of the follows:

- **Box A:** Major sites (10+ dwellings) with detailed planning permission, many of which have already started on site.
- **Box B:** Allocated and other sites with demonstrated intent (10+ dwellings). Sites have been included which fall into at least one, but more often several of the situations below;
  - Outline application permitted, reserved matters submitted
  - Outline application submitted and site is allocated
  - Allocated site with recent (2019) pre-application discussions

- Site included on Brownfield Register with developer intent.
- **Box C:** All minor sites (9 or fewer dwellings) with full planning permission (unless there is clear evidence that sites will not be delivered within 5 years e.g. because they are no longer viable, there is no longer demand for the type of unit, there has been no activity on site within the last 10 years). These are not shown individually.
- **Box D:** Windfall 'additional' figure which 'tops up' the figure to 500 over the 5 year period (average of 100 per year as per historical windfall rates). Note that in order to remain consistent, in this 5 year housing supply, 'windfalls' are treated as sites of under 6 units rather than the NPPF definition.

6.2 It is assessed that there are 1,967 dwellings which have a realistic prospect of being delivered between April 2019 and March 2024. Against a target of 2,996, or average annual target of 599 (see Section 4), this equates to 3.28 years' worth of deliverable sites.

<b>Five year housing land supply calculation</b>	<b>1967/599 = 3.28 years</b>
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## 7. Next Steps

7.1 Because there is a shortfall against the five year supply requirement, advice in the NPPF becomes more relevant when considering planning applications; particularly the Presumption in favour of sustainable development at paragraph 11. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration. The NPPF also provides additional protection to neighbourhood plans at Paragraph 14.

7.2 The NPPF requires an **action plan** to be prepared where housing delivery is below 95% of the housing requirement over three years, to assess the causes of under delivery and identify actions to increase delivery in future years.

7.3 Local Plan **Policy SS13** "Five year housing land supply" sets out that:

*"Where the supply of deliverable sites (plus windfall allowance) falls below this (five year supply) figure, or Neighbourhood Plans do not identify sufficient sites to meet the five year requirement...the Council will either:*

- 1) *Bring forward additional housing land from the later stages of the Plan, working closely with landowners, developers and Neighbourhood Forums; or*
- 2) *Identify additional sites through new site allocation development plan documents.*
- 3) *Consider favourably applications for new housing, consistent with Policy SS2, H1 and other Policies of this Plan.*

7.3 Local Plans must be reviewed every five years: i.e. in the case of the Torbay Local Plan by December 2020. The requirement is not for the update of the Plan to have been completed in five years, but for the plan to be assessed to determine whether the policies need updating. The PPG<sup>5</sup> indicates that consideration should be given to changes in local circumstances and national policy. Work on the evidence base for the Local Plan review will begin in the third quarter of 2019.

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<sup>5</sup> 61-061-20190315

## Appendix 1 Torbay 5 year housing land supply April 2019 to March 2024

Site	5 Yr Yield	2019/20	2020/21	2021/22	2022/23	2023/24	Notes
<b>A. Sites with 5yr yield of 10+ units with Full Planning Permission</b>							
White Rock, Paignton	130	48	42	40			P/2013/1229 permitted 17.04.14 - 310 units. 180 units complete@2019. Proposed completion rate of circa 40 per year.
South Devon College (Torre Marine), Torquay	75				75		75 units (P/2016/1047 permitted 17.11.17). Site has extant planning permission, discussions underway on how to deliver site. Flatted development.
Hollicombe Gas Works	92				46	46	P/2008/0114 permitted 11.10.12. P/2015/0999 permitted 18.11.15 refers (C of L for section of road built in accordance with original application implements permission). 185 units in total. Site remedial works completed. Flatted development.
Land off Luscombe Road	68		30	38			P/2018/0522 P/2014/0938/MOA P/2019/0291/MRM. Site preparation work underway.
Former Paignton Police Station, Southfield Road	46		46				P/2017/1117/OA & P/2018/0881/RM permitted 04.03.19. Site cleared.
Roebuck House, Abbey Road	43	43					P/2018/0468 - prior approval. 43 units. On site. Units being marketed for occupation Autumn 2019.
Yannons Farm, Brixham Rd	24	24					Various Applications. Apps still to be implemented/completed; P/2014/0983/MOA 192 units, most recent RM P/2016/0610 140 units. Total 211 units. 187 units Comp, 24 units U/C @ 2019.

Site	5 Yr Yield	2019/20	2020/21	2021/22	2022/23	2023/24	Notes
Brixham Paint Station, Kings Drive	22		10	12			H1.019 P/2006/1066 permitted 30.08.07 (35 units in total) Part built. CN/2016/0086 permitted 11.01.17
Wall Park, Wall Park Road	21	21					P/2013/0785 permitted 05.06.15 - 165 units total PLUS P/2016/0057 additional 8 units. On site. 152 units complete @ 2019.
South Devon Hotel, St Margarets Road	20	20					P/2017/0888. On site. 10 Complete.
8-18 Tor Hill Road	19	19					P/2017/0290 permitted 28.04.17. On site
Former B&Q, 41 Tor Hill Road	15	2	13				P/2016/0730 permitted 15.03.17 P/2019/0131 MVC Reduces units to 15. Currently on site.
Land R/O 107 Teignmouth Road	12	12					P/2016/0599 permitted 31.05.17. On site
Queensway, Torquay	12	6		6			Part under construction P/2007/2095 permitted 20.05.08
Suite Dreams Hotel, Steep Hill, Maidencombe	10		10				P/2018/1216 permitted 15.02.19. Site vacant and fenced off.
18 Babbacombe Road	10	10					P/2017/0178 permitted 05.05.17 & P/2017/0729 permitted 23.08.17. On site
Land R/O Broadway, Dartmouth Road	10		5	5			P/2015/0097/OA P/2018/0332/RM permitted 20.08.18 P/2018/0852/RM permitted 23.01.19
Land R/O 16-26 Castor Road	10		5	5			P/2016/0947 allowed at appeal 03.08.17
	<b>639</b>	205	161	106	121	46	

<b>B. Allocated and other sites with demonstrated intent</b>							
Land South of Yalberton Road (Berry Acres)	150		20	40	45	45	Allocated in Local Plan as part of Future Growth Area. P/2014/0983/MOA for 192 units permitted 07.09.18. P/2019/0173/MRM pending consideration.

Site	5 Yr Yield	2019/20	2020/21	2021/22	2022/23	2023/24	Notes
Devonshire Park, off Brixham Road	150		20	40	45	45	Allocated in Local Plan as part of Future Growth Area. P/2014/0947 255 units in total permitted 22.03.16. 150 units only shown in 5 yr supply - proposed completion rate 40 per year. Difficult previously developed site, but enabling retail development under construction. P/2019/0278/MRM pending consideration for up to 255 residential units.
Collaton St Mary (Little Blagdon)	65				25	40	Allocated in Local Plan as part of Future Growth Area. Application submitted for junction. Successful application for Land Release Fund funding. Preparatory site investigations being undertaken. Application due to be submitted 2020.
Victoria Centre	60					60	On Brownfield Register. Design Brief being prepared. Successful application for funding to Land Release Fund. Developer intends to deliver on site within 5 years.
Dairy Crest Site, Parkfield Road	43				43		NP site NP3. P/2019/0283 outline application submitted for up to 43 units. Developer has proven track record of delivery. Site investigation works have taken place.
Hatchcombe Lane	50					50	P/2010/0452 permitted but expired. TNP allocated site. 2019 pre-app discussions.
Palace Hotel, Babbacombe Road	38					38	TNP allocated site. 2019 pre-app discussions. Community consultation undertaken.
Conway Court	14					14	TNP allocated site. 2019 pre-app discussions.
Westhill Garage	15					15	TNP allocated site. 2019 pre-app discussions.
St Kildas	12					12	BPNP allocated site. 2019 pre-app discussions.
Land North of Totnes Road (Bloor Homes)	55			20	35		Allocated in Local Plan as part of Future Growth Area. P/2019/0281/MOA submitted not yet decided for up to 100 dwellings. Masterplan figure of 55 units used in 5YS.

Site	5 Yr Yield	2019/20	2020/21	2021/22	2022/23	2023/24	Notes
Land to the North of Totnes Road (Taylor Wimpey)	55			20	35		Allocated in Local Plan as part of Future Growth Area. P/2019/0604/MOA submitted not yet decided for up to 73 dwellings. Masterplan figure of 55 units used in 5YS.
Former Torbay Holiday Motel, Totnes Road	40			10	30		Allocated in Local Plan as part of Future Growth Area. P/2019/0615/MOA submitted not yet decided for up to 70 dwellings. Masterplan figure of 40 units used in 5YS.
	<b>747</b>	0	40	130	258	319	

<b>C. Contribution from minor applications with PP</b>	
N/S SITES (SITES OF 6-9)	40
N/S SITES (SITES OF UNDER 6)	108
U/C SITES (SITES OF 6-9)	41
U/C SITES (SITES OF UNDER 6)	109
	<b>298</b>

<b>D. Extra Windfalls (sites of under 6)</b>	<b>283</b> (average 100 per year over 5 yrs "top up" of 'under 6' in C.)
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FIVE YEAR REQUIREMENT	2997
ANNUAL REQUIREMENT	599.4
FIVE YEAR SUPPLY	1967
<b>SUPPLY (YEARS)</b>	<b>3.28</b>

*Sites not included in box 'C' are those with no 'activity' on the site within the last 10 yrs (this could be a completion or where the site has remained stagnant, with a permission which is at least 10 yrs old).*

