



TORBAY HOUSING DELIVERY TEST ACTION PLAN

August 2019

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1. INTRODUCTION

- 1.1 This Action Plan has been prepared to set out measures Torbay Council is taking to boost housing supply as required by Paragraph 75 of the National Planning Policy Framework NPPF. The NPPF requires authorities' action plans to assess the causes of under delivery and identify actions to increase delivery in future years.
- 1.2 The Government's 2018 Housing Delivery Test Measurement¹ found Torbay to have met 90% of its housing requirement over the period 2015-18, thus triggering the need for an Action Plan. The main action identified is the need (and legal requirement) to review the Local Plan which was adopted in December 2015.
- 1.3 The Action Plan identifies measures that the Council and its partners are taking to increase housing supply. Significant measures are being taken to increase the number of homes built. In particular a housing company has been created to deliver four key sites. The Action Plan also highlights the necessity of bringing forward the first review of the Torbay Local Plan 2012-30.
- 1.4 Action to boost housing numbers must be closely linked to strategies and measures to improve the wider economy and regenerate town centres. Planning also needs to consider cross boundary linkages, particularly with the Greater Exeter Strategic Plan (GESP) area.
- 1.5 This Action Plan is structured as follows:
 - **Section 2:** Provides a **profile of Torbay**. Whilst it is a premier seaside resort, it suffers many of the low wage and deprivation issues common to coastal communities. In assessing the causes for housing under-delivery, there is evidence that the underlying need to improve the local economy has a knock on effect on demand for housing. This section seeks to present the various data objectively, including the datasets cited by those groups opposed to the use of household projections based forecasts of need.
 - **Section 3** Summarises the **Corporate Plan, Housing Strategy** (and draft Housing Action Plan), **Economic Strategy** and wider corporate measures to boost housing numbers.
 - **Section 4** Summarises the **planning framework** and planning initiatives to boost housing supply. Torbay has Baywide coverage of three large **Neighbourhood Plans** which were adopted in June 2019. Torquay and Brixham Peninsula Neighbourhood Plans make site allocations to meet the requirement identified in the Local Plan. However there remains tension between the Government's policies of Localism and wishing to boost housing numbers. This will not be resolved until the Local Plan (adopted in December 2015) is reviewed. Accordingly the Local Plan Review is one of the priority actions identified in this document.

This section identifies that there are major applications in the planning system, and highlights the potential implications of the applying the **Presumption in Favour of Sustainable Development**. However, it is highlighted that the NPPF does not replace the development plan (i.e. Local Plan and adopted Neighbourhood Plans) as the starting point for decision making.

Section 4 also details current deliverable sites and measures taken to unlock sites indicated in Masterplans, work with housebuilders and resumption of pre-application enquiries following improvements in the capacity of the Development Management Team.

- **Section 5** Describes the work of the Torbay Housing Company in seeking to expedite the delivery of key sites. It provides more details of these sites.

¹ <https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

2 Torbay profile

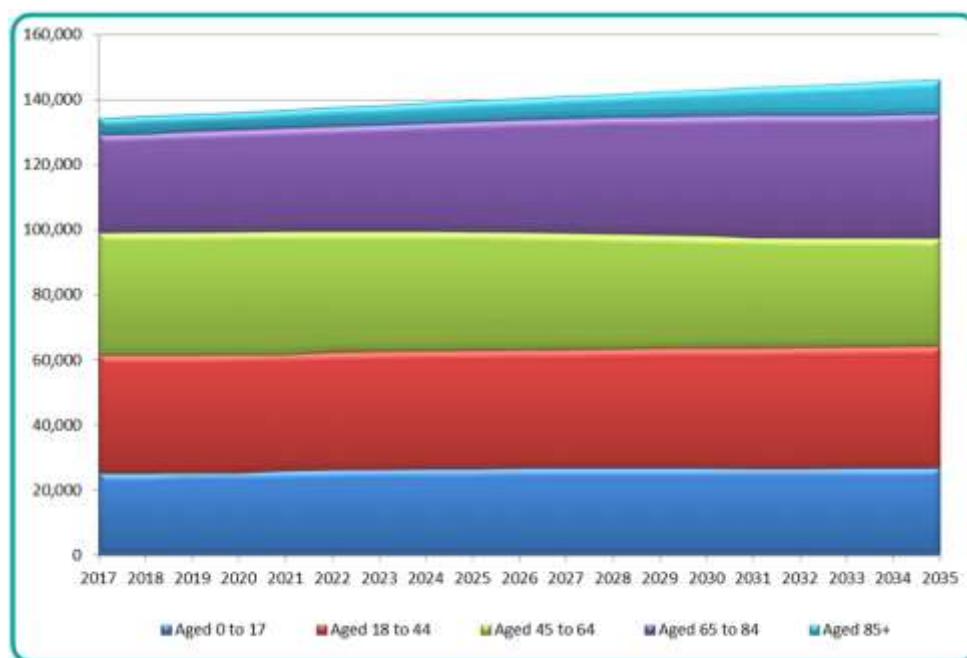
2.1 Place and Environment

- Torbay covers an area over 24 square miles and includes the three towns of Torquay, Paignton and Brixham. It is a premier resort with over 20 beaches along its 22 miles of coastline. It has also been a designated UNESCO Global Geopark since 2007, recognizing its rich geological, historical and cultural heritage.
- Torbay is about 52% urban. Much of the countryside is subject to national or international constraints. Berry Head has international designation as a Special Area of Conservation (SAC). Part of Brixham is also designated as an Area of Outstanding Natural Beauty (AONB). There are also twelve Sites of Special Scientific Interest (SSSI) in Torbay.

2.2 People and Community

- It has a population of around 136,000² people which is the second largest urban area within the Heart of the South West region.
- Population is forecast to rise to around 145,000 by the mid-2030s, with the most significant growth being in the older population. Domestic migration is the main driver of population growth.
- There is an ageing population. 27.5% of Torbay's population are over 65, compared to 18.1% across England.

Figure 1 Projected Population Growth in Torbay.

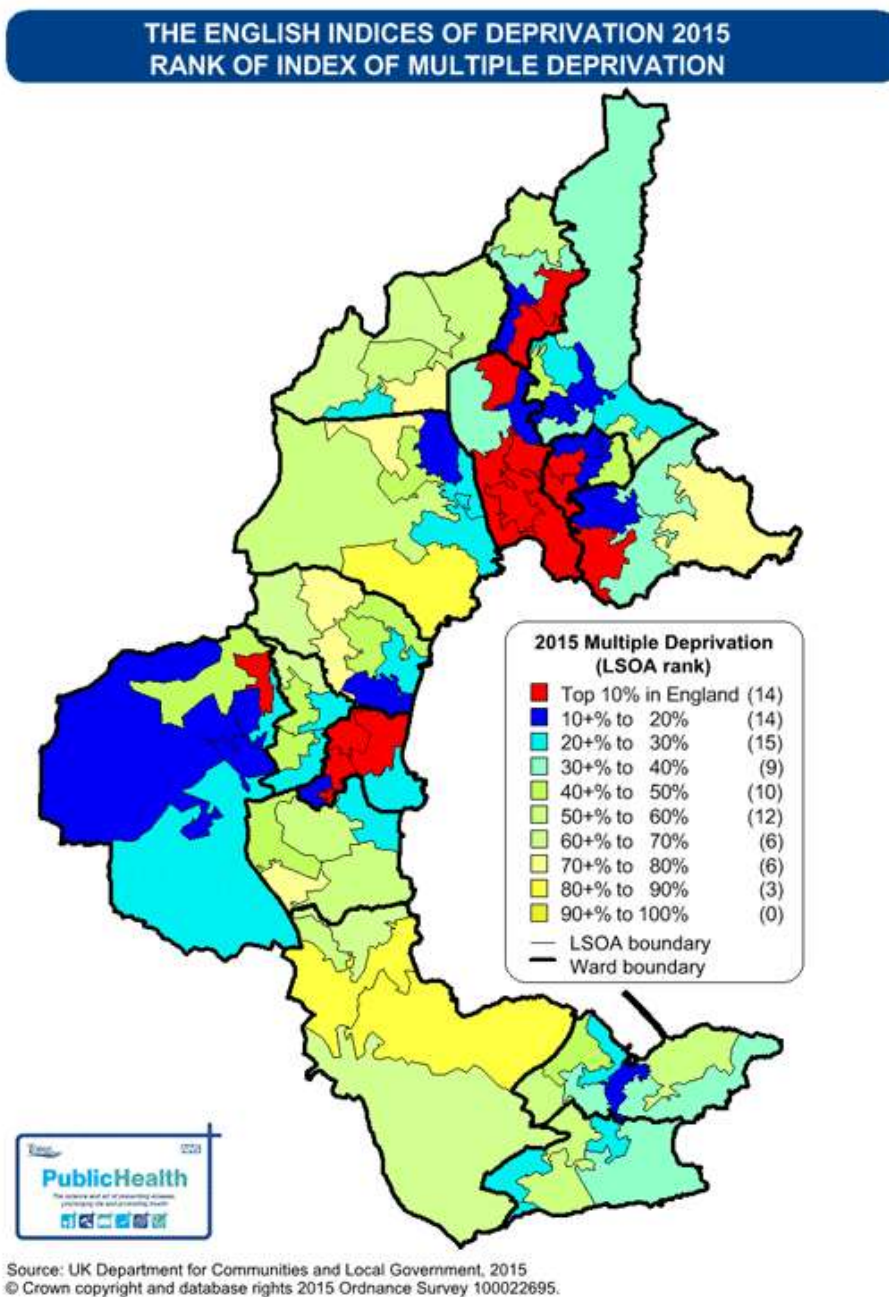


- Torbay is the most deprived local authority area in the South West region. Around one-in-three of the population live in areas in the top 20% most deprived in England. Torbay is ranked amongst the 20% most deprived district local authorities (46th of 326 in 2015). The main domains which contribute the most to Torbay's overall multiple deprivation are: income, employment, living environment, and health/disability.

² Based on ONS Mid-Year Estimates. The last verified populations were 131,200 at the 2011 Census and 130,000 at the 2001 Census.

- Torbay voted to leave the EU by 63%.

Figure 2 Indices of Deprivation 2015



2.3 Economy

- Torbay is a premier Tourist resort with 4.6m tourism visits in total with 3.5m for the day and 1.1m staying overnight. It is home to several international language schools.
- 11,625 people are employed in tourism in the Bay.
- The fishing industry remains strong with Brixham landing the highest value catch in any English port.
- Torbay retains blue chip companies specializing in photonics and electronics. However, the economy suffered a significant long term blow with the loss of Nortel and 5,000 high quality jobs in the early 2000s; which has reinforced reliance on the service sector.
- Wages in Torbay are significantly below the national and regional average. At 2018 Torbay's Median (workplace based) earnings were £22,121 (Exeter £28,844, England

and Wales £29,686, South West £27,969). Lower quartile earnings in 2018 for Torbay were £16,822 (England and Wales £21,170, South West £20,567)

Figure 3 Earnings in Torbay

Earnings by place of residence (2018)			
	Torbay (Pounds)	South West (Pounds)	Great Britain (Pounds)
Gross Weekly Pay			
Full-Time Workers	472.4	537.6	571.1
Male Full-Time Workers	508.4	583.0	612.2
Female Full-Time Workers	399.5	473.8	510.0
Hourly Pay - Excluding Overtime			
Full-Time Workers	11.74	13.52	14.36
Male Full-Time Workers	12.00	14.19	14.89
Female Full-Time Workers	10.75	12.43	13.56

Source: ONS annual survey of hours and earnings - resident analysis
Notes: Median earnings in pounds for employees living in the area.

- The percentage of workless households are 16% in Torbay compared to 11.3% in the South West.
- Torbay has a job density of 0.76 (i.e. for every 100 residents aged 16-64 there are 76 jobs). The figure for the South West is 0.89 and Great Britain 0.86. At 2017, there were 59,000 jobs in Torbay. The number of jobs peaked in Torbay at 60,000 in 2001 and has not risen above this level.

Figure 4 Total Jobs and Jobs Density within Torbay.

Year	Torbay (Total Jobs)	Torbay (density)
2000	55,000	0.73
2001	60,000	0.77
2002	57,000	0.74
2003	57,000	0.73
2004	60,000	0.76
2005	59,000	0.75
2006	59,000	0.74
2007	59,000	0.74
2008	58,000	0.72
2009	57,000	0.72
2010	55,000	0.70
2011	57,000	0.73
2012	59,000	0.76
2013	58,000	0.75
2014	58,000	0.75
2015	58,000	0.75
2016	57,000	0.74
2017	59,000	0.76

Source: ONS jobs density

Note: The density figures represent the ratio of total jobs to population aged 16-64.

- By contrast to the number of Torbay Jobs, the number of Torbay residents in employment has risen. In 2012 there were 55,800 Torbay residents in employment. This peaked at 61,000 in 2017 and fell back slightly to 59,100 in 2018/19.

Figure 5 Torbay Residents in Employment (and as a % of persons aged 16-64)

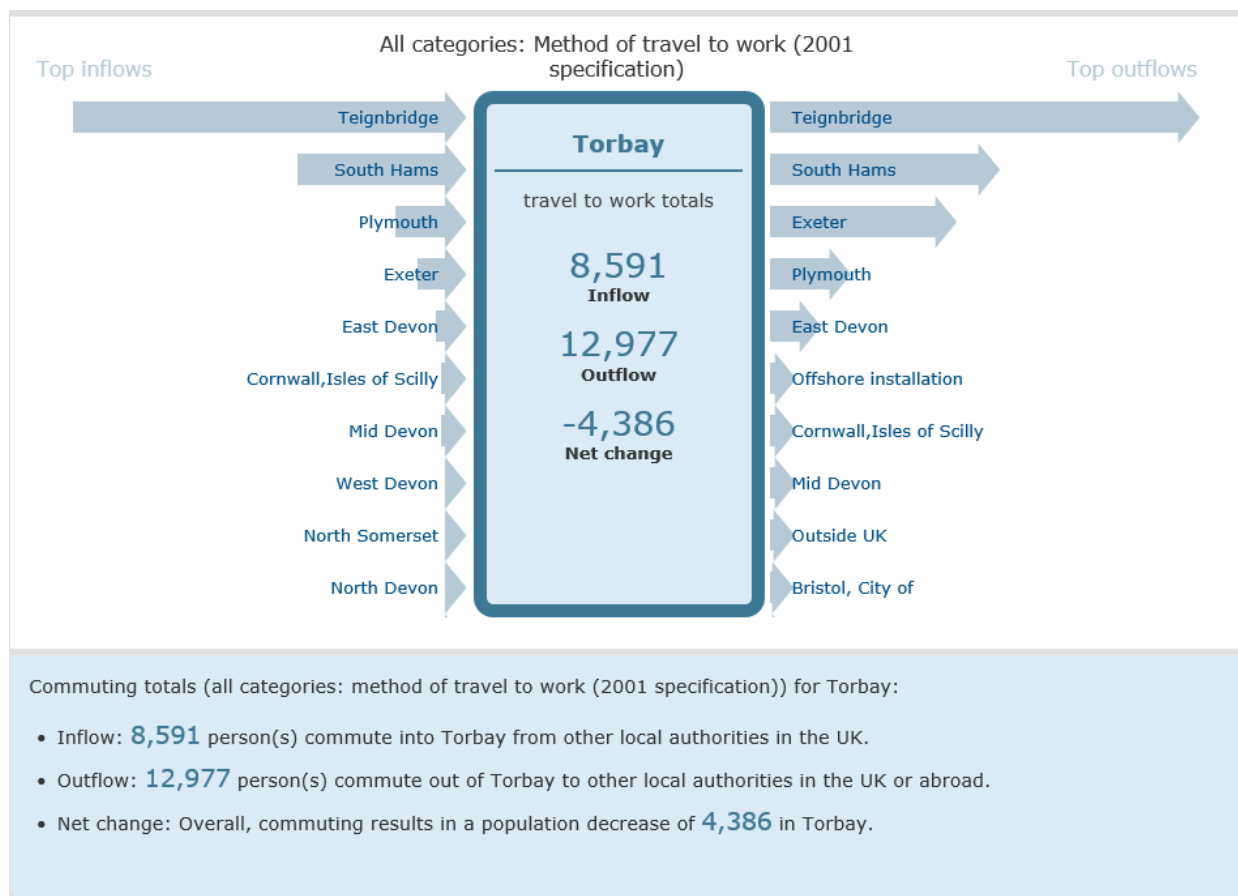
Date	Torbay	Torbay (%)
Apr 2004-Mar 2005	57,500	70.7
Apr 2005-Mar 2006	56,600	70.2
Apr 2006-Mar 2007	58,400	72.9
Apr 2007-Mar 2008	58,000	71.6
Apr 2008-Mar 2009	57,300	71.3
Apr 2009-Mar 2010	55,000	69.1
Apr 2010-Mar 2011	55,000	69.1
Apr 2011-Mar 2012	55,700	69.2
Apr 2012-Mar 2013	56,900	71.2
Apr 2013-Mar 2014	55,800	69.5
Apr 2014-Mar 2015	56,600	70.9
Apr 2015-Mar 2016	58,500	74.6
Apr 2016-Mar 2017	60,200	76.0
Apr 2017-Mar 2018	61,000	76.4
Apr 2018-Mar 2019	59,100	74.2

Source: ONS annual population survey

Note: numbers are for those aged 16 and over, % are for those of aged 16-64

- Torbay has significant net outward commuting, particularly to Teignbridge, but also to Exeter and the South Hams. The South Devon Highway opened in December 2015 and rail services between Torbay, Teignbridge and Exeter have been enhanced, significantly improving connectivity to the Bay, but is likely to have increased the out commuting rate to the Greater Exeter economic area. This is a pattern that is reflected elsewhere in city region areas where there is strong commuting patterns to the main city. Exeter exerts a similar influence elsewhere in the Greater Exeter Strategic Plan Area.

Figure 6: Torbay Travel to Work Flows (2011 Census).



Source: 2011 Census/ ONS

2.4 Housing Specific Data

2.4.1 The Council considers that despite the challenging economic circumstances, there remains a significant need for housing in Torbay, including the provision of affordable housing. The need for more market housing is not universally accepted within Torbay.

2.4.2 The adopted Torbay Local Plan 2012-30 identifies an average housing requirement of 495 dwellings per year (8,900 total) over the Plan period. This is a significant increase from previous levels of growth in previous development plans³. The planning framework, and planning measures to boost housing supply is described in section 4 below.

2.4.3 To calculate future housing need the Government’s standard methodology based on 2014 household projections as at July 2019 indicates a **minimum local housing need of 612 dwellings per year**⁴

Figure 7 Projected Household Growth

	Households at 2019	Households at 2029	Decennial Change	Change per annum
2014 Based HH Projections	62,466	67,178	4,712	471

³ The Local Plan 1995-2011 had a level of growth of 390 dwellings per year; whilst the Devon Structure Plan 2001-16 contained a requirement for 287 dwellings per year.

2016 Based HH Projections	61,683	65,993	4,310	431
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Source: ONS Household projections. Analysis, Torbay Council.

2.4.4 The standard methodology is presented factually and without prejudice to a future position of the Council, particularly in updating the Local Plan. Concerns have been expressed by the Neighbourhood Forums about the robustness of the standard methodology, not least because it is blind to wider economic determinants and makes unrealistic assumptions about the effectiveness of price signals in the housing market. The Torbay House Price to earnings ratio is around the national rate, principally because of low earnings. As well as building more homes, boosting the local economy is likely to be essential to improving housing affordability and boosting effective demand⁵ for housing. House prices to earnings ratios for 2018 are set out in Figure 8.

Figure 8 House Prices to Earnings Ratios

	Median	Lower Quartile
Torbay	8.17	8.8
England and wales	7.83	7.18
South West	8.9	8.99

Source: ONS/ Gov.UK.

Housing Monitor

2.4.5 Figure 9 sets out Torbay’s housing completions since the start of the Local Plan period. It will be noted that completions exceeded requirements in 2018/19; but that overall there is a shortfall of 271 dwellings since the start of the Plan period in 2012. The Council’s monitoring indicates that there are 1967 dwellings with planning permission or otherwise deliverable according to the NPPF definition⁶.

Figure 9 Torbay Housing Land Monitor: Completions since 2012/13.

⁵ “Effective demand” refers to people with the desire to buy or rent a dwelling and the means to do so at the market rate. It is different to “housing need” which refers to how many people are likely to need a home irrespective of market forces. The housing requirement refers to a “policy on” decision about how many homes should be planned for. A high house prices to earnings ratio suggests that *effective* demand for housing is low, even if need is high.

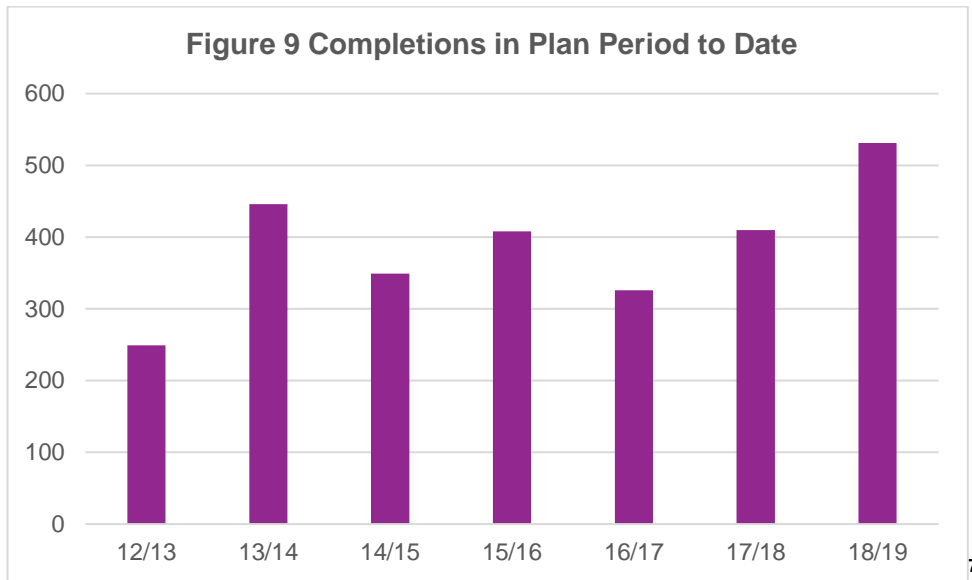


Figure 10 Torbay Housing Completions Against Requirement.

Year	1	2	3	4	5	6	7
	12/13	13/14	14/15	15/16	16/17	17/18	18/19
Target (incl. 5% buffer)	400	400	400	400	400	495	495
Target + Undersupply (annualised over 5 yrs)							
Cumulative Target	400	800	1200	1600	2000	2495	2990
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

Long term housing delivery

2.4.6 The long term average completion rate since 1981 has been 440 dwellings per annum, which has encompassed significant urban extensions at Shiphay, Scotts Bridge, Barton (“The Willows”), Great Parks, Paignton, Yalberton/White Rock Paignton, Dolphin Holiday Park and Walls Park, Brixham. Space for similarly sized urban extensions (that are not subject to AONB/HRA constraints) are extremely limited in Torbay. The Local Plan figure and standard methodology rate of delivery figure are significantly higher than the historic rate of delivery.

Figure 11 Housing delivery in Torbay since 1981.

⁷ Requirement 2012/13 to 2016/17 = 400 dwellings per year. 2017/18-2018/19= 495 dwellings per year.

Year/range	Completions (per year) ⁸
1981-1991 average	434
1991-2001 average	430
2001-2011 average	509
2012-2019 average*	388
1981-2019 average	440
2011/12	268
2012/13	249
2013/14	446
2014/15	349
2015/16	408
2016/17	326
2017/18	410
2018/19	531

* 2012-19 is the current Local Plan period.

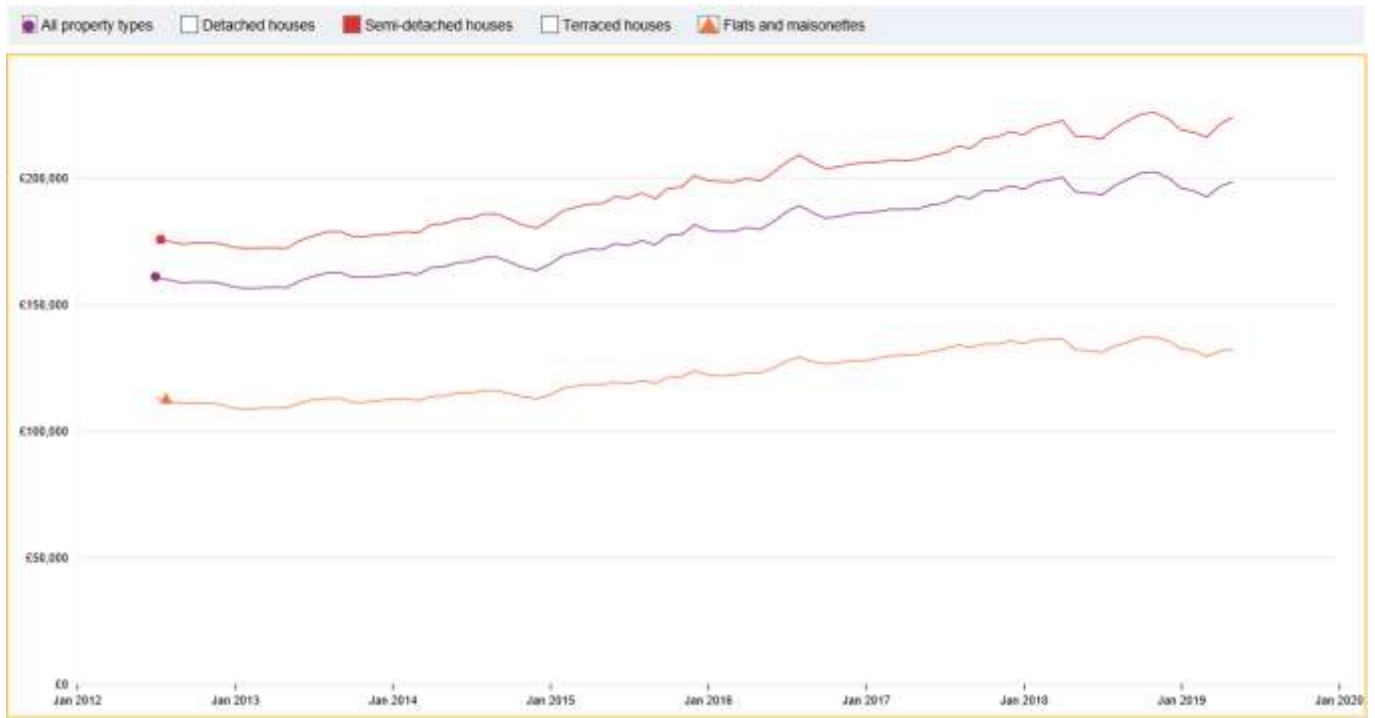
- 2.4.7 The higher number of completions 2001-11 were in part fuelled by the boom in apartments, and pre-crash optimism in the housing market. Since 2011 the annual rate of completions has fallen to 388 dwellings per annum, which reflects the harsh macroeconomic climate since 2008. However, since 2012 the Local Planning Authority has made strenuous efforts to boost housing supply, including the release of allocated employment land for housing, relaxed s106/affordable housing requirements and Help to Buy. Without these initiatives, it is unlikely that the recent developments on the Western Corridor of Paignton, which make up the bulk of greenfield development in Torbay post 2011, would have been built. These sites were largely employment allocations in the former Adopted Local Plan 1995-2011.
- 2.4.8 Since 2012 about 70% of Torbay's development has arisen from previously developed land, including conversion of existing buildings.
- 2.4.9 As set out later in this document, the Council and Torbay Development Agency (TDA) are seeking to boost significantly the supply of homes through urban regeneration sites. Improving the quality of the built environment will be as important as boosting housing numbers per se. A review of the Local Plan will be necessary to sharpen the emphasis on urban regeneration, and indicate redevelopment opportunities.

House prices

- 2.4.10 House prices in Torbay are lower than the regional or national average. Whilst flats are generally less expensive than houses (as would be expected), the overall pattern of prices in Torbay is consistent across property type.

Figure12 Average House Prices in Torbay 2012-19.

⁸ The annual requirement under the previous local Plan 1995-2011 was 390 dwellings per year (6,200 dwellings over 16 years). The Devon Structure Plan 2001-16 set a lower rate of 295 dwellings per year.



2.4.11 Between 2012-19 house prices in Torbay rose by 23.3% compared to a 34.9% increase nationally⁹. Whilst both represent a real terms increase in house prices, the differential between English and Torbay house prices increased.

Figure 13 House prices in Torbay and England 2012-19.

	Torbay average house price	% Price Rise (or fall)	England average house price	% Price rise	Difference in house prices	% the Torbay house prices were below England average
May-12	£158,051		£177,026		£18,975	10.7%
May-13	£156,565	-0.94%	£180,621	2.03%	£24,056	13.3%
May-14	£164,923	5.34%	£196,171	8.61%	£31,248	15.9%
May-15	£171,736	4.13%	£208,265	6.17%	£36,529	17.5%
May-16	£179,628	4.60%	£226,370	8.69%	£46,742	20.6%
May-17	£187,706	4.50%	£236,727	4.58%	£49,021	20.7%
May-18	£194,514	3.63%	£243,445	2.84%	£48,931	20.1%
Jun-18	£194,012	-0.26%	£244,960	0.62%	£50,948	20.8%
May-19	£198,564	2.35%	£245,817	0.35%	£47,253	19.2%
2012-19	£40,513	23.34%	£68,791	33.88%		

Source: Land Registry. Analysis: Torbay Council.

Empty properties

⁹ Between 2012-19 consumer prices index based inflation rose by 17.11%, so house prices rose in real terms in both Torquay and England.

2.4.12 The number of empty properties in Torbay has reasonably led some to question the need for new housing¹⁰ Torbay appears to have the highest number of long term empty homes in Devon, with 1303 long term (6 month+) empty homes equal to just under 2% of the housing stock. The number of vacant dwellings does not appear to be recent or to reflect cyclical market trends as set out below.

Figure 14 Properties Empty for 6 Months+ in Torbay.

Year (Oct)	No of 6 months+ vacant dwellings in Torbay.
2004	1,283
2005	1344
2006	1389
2007	1334
2008	1319
2009	1360
2010	1353
2011	1278
2012	1080
2013	982
2014	1063
2015	1048
2016	1079
2017	1085
2018	1303
2019 (July)	1450
Source: Table 615 All Long term vacant dwellings by local authority district (from Council Tax Base documents), England from 2004. Gov.UK Live Tables of Dwelling Stock. Red= Torbay Council data	

¹⁰ <https://www.devonlive.com/news/devon-news/devons-huge-number-empty-homes-3156689>

2.4.13 The Council is seeking to understand the reasons for the high number of empty homes and bring these back into use. Over 60% of vacant units are Council tax bands A and B, so it may represent a lack of demand for apartments (although on the face of it, most need is from smaller households).

Figure 15 Six months+ Vacant Dwellings at July 2019 by length of Vacancy and Council Tax banding.

Council Tax Banding	Total empty properties 6 months+.	6 months to 2 years.	Longer than 2 years
A	538	378	160
B	358	269	89
C	264	214	50
D	132	108	24
E	72	57	15
F	45	30	15
G	32	27	5
H	9	6	3
Total	1450	1089	361

Source: Torbay Council.

2.4.14 Records also show that between 450-500 long term (6+ month) empty properties are consistently brought back into use each year¹¹. Four fifths of 6+ month vacant homes become occupied within 2 years, with just 21 dwellings remaining unoccupied for 10+ years (1.4% of the vacant stock). The high level of 6+ month vacancy may be related to the significantly older demographic structure of Torbay, or a slightly longer turnaround time selling houses.

2.4.15 The Local Plan seeks to bring 150 dwellings a year back into use. In addition, the Council Tax regime discourages long term vacancy. The TDA has previously worked with social enterprises to refurbish and rent empty homes; but whilst this has wider social benefits it is a time consuming measure in relation to the number of homes brought back into use.

2.5 Conclusion

2.5.1 The housing market in Torbay has performed roughly half as well as the national average, at a time when both the Local Plan and the Government's standard methodology seek to boost housing numbers in Torbay to well above the long term average rate of growth. Torbay Council has not sought to challenge this level of need at this time and will consider options through the Local Plan Review. It is noted that some local bodies such as the Neighbourhood Forums have challenged the need, principally around employment growth.

2.5.2 The tourism industry remains strong, with nationally leading language school, hotel and visitor attractions. But the longer term effects of major deindustrialisation in the early 2000s have left significant long term implications, increased reliance on the service sector, and been accompanied by deepening deprivation.

2.5.3 Housing can, and does, bring major social and economic benefits and is essential for the provision of affordable homes. But it cannot be seen in isolation from the wider economy. Nor will the wider community – including the three large Neighbourhood Forums – accept the need for growth if they do not feel that it is benefiting them, or it is being imposed irrespective of environmental

¹¹ 2014: 489 dwellings brought back into use, 2015= 455: 2016= 460, 2017= 476, and 2018=486.

consequences. Without the wider economic improvement, granting planning permission for more homes is a little like pushing string.

3. The Role of wider Council Strategies in Boosting Housing Supply.

3.1 Torbay Council Corporate Plan

3.1.1 The Council's Corporate Plan 2015-19 identifies the following targeted actions:

- Protecting all children and giving them the best start in life.
- Working towards a more prosperous Torbay.
- Promoting healthy lifestyles across Torbay.
- Ensuring Torbay remains an attractive and safe place to live, visit and work.
- Protecting and supporting vulnerable adults.

3.1.2. The Corporate Plan prioritises implementation of the Housing Strategy, improving housing standards and healthy housing. Improved specialized accommodation for the elderly is also highlighted.

3.1.3 The Corporate Plan is currently being refreshed and is expected to be published in Autumn 2019. The revised Corporate Plan will influence both the forthcoming Housing Strategy and Local Plan Review.

3.2 Torbay Economic Strategy 2017-2022

3.2.1 The Economic Strategy provides a five year plan for growing and developing Torbay's economy. It sets out the objectives and actions for long term sustainable and productive growth, drawing upon its strengths and emerging opportunities. The four primary objectives of the Economic Strategy are to:

1. Deliver a successful town centre regeneration programme.
2. Continue to create an environment in which businesses and jobs can grow.
3. Accelerate the development of employment space geared to business needs.
4. Raise skills levels and broaden the skills base within the workforce.

3.2.2 The Economic Strategy's first objective will drive regeneration of key town centre sites, through a number of projects which are estimated to have a development value of £130 million. They will provide jobs, homes, commercial/ leisure floorspace, and boost town centre performance. The projects identified in the strategy are:

- Upton Place – behind Torquay Town Hall
- Paignton Harbour
- The Terrace Car Park, Torquay ("Harbour View").
 - Current application for a hotel
- Union Lane and Union Street, Torquay.
 - Current application for a multiplex cinema.
- Paignton Civic Hub Bus/Rail Stations
- Victoria Square/Centre, Paignton.
 - This is a target for early action by the Housing Company (see below)
- Brixham Town Centre

- Electronics and Photonics Innovation Centre (EPIC), White Rock, Paignton. Employment development as part of a wider mixed use scheme including housing.
 - Nearing completion.
- Claylands Business Park, Paignton
- South Devon College and Hi Tech Digital Skills Centre, Paignton.
- Phase 2 Torbay Business Centre, Lymington Road, Torquay
- Torquay Gateway, Edginswell.

3.2.3 Several of these schemes involve housing as part of mixed use regeneration schemes. Most are covered by a series of Masterplan Supplementary Planning Documents (detailed in the following sections).

3.3 Torbay Housing Strategy

3.3.1 The Housing Strategy for 2015 to 2020. Its vision is:

We want to enable the provision and choice of homes where people can thrive, this helps our economy by offering security and settled homes for longer, promoting health and wellbeing and reduces the impact on the environment. We want to help our communities to recognise and tackle the inequality faced by families and the vulnerable.

3.3.2 It focuses on three key elements and co-ordinates a number of housing and health related priorities:

1. Meeting Housing Demand
2. Housing Commissioning 'My Home is My Life', (includes the Homelessness Strategy)
3. Improving the Quality of Homes

3.3.3 The Housing Strategy is currently being refreshed. Part of the purpose of the refreshed housing strategy is to develop wider actions to boost housing numbers as required by the Housing Delivery Test Action Plan. A draft Action Plan is attached at Appendix 1. It identifies the following priorities to boost housing supply:

- Short term – a more enabling approach to development, begin review of Local Plan
- Medium term – review of Local Plan
- Longer term – sub-regional role/policy for Torbay, bespoke housing deal, working with partners

It identifies Lack of capacity within planning and housing enabling staff and long development lead in times as being key risks.

4. The Planning Framework and Planning Measures to Boost Housing Supply

4.1.1 The development plan in Torbay comprises the Adopted Torbay Local Plan 2012-30 (adopted December 2015), and Torquay, Paignton and Brixham Peninsula Neighbourhood Plans (all “made” June 2019). There are a range of Supplementary Planning Documents, including Masterplans for the allocated Future Growth Areas in Torbay and Torquay and Paignton town centres.

4.2 Adopted Torbay Local Plan 2012-30

4.2.1 The [Local Plan](#) was adopted in December 2015. It covers the period 2012-30 and sets out strategic policies as well as providing area based policies and development management policies. The Local Plan sets out area based “Strategic Development” policies for the three Neighbourhood Plan areas of Torquay, Paignton and the Brixham Peninsula.

4.2.2 Torbay’s housing requirement is set out in Policy SS1 “Growth Strategy for a Prosperous Torbay” and SS12 “Housing”, which seek to identify land for 8,900 homes and 5,000-5,500 net additional jobs over the period 2012-30. Policy SS2 proposes strategic “Future Growth Areas”, which cover the main urban extensions and other strategic housing allocations in the Plan. The Local Plan seeks delivery of non-strategic sites through three neighbourhood plans (QV) which collectively cover the entire Unitary Authority area. Broad numbers are set out below. These are expanded upon in “Strategic Development Policies” that identify key targets, opportunities and constraints for the three neighbourhood plans.

4.2.3 Figure 16 below (Table 3 of the Local Plan) sets out the Local Plan’s housing distribution.

Figure 16 Adopted Torbay Local Plan Key Housing Distribution.

Table 3 Source of new homes (rounded to nearest 5 dwellings)

Location	Approx numbers of new homes
Torquay (SDT 1)	
SDT2 Torquay Town Centre & Harbour	825
SDT3 Torquay Gateway	745
SDT4 Babbacombe and St.Marychurch	255
Elsewhere in SDT1 (excluding SDT2, 3 & 4)	1090
Small windfalls (<6 dwellings)	1040
Torquay sub-total	3955
Paignton (SDP1)	
SDP2 Paignton Town Centre and Seafront	590
SDP3 Paignton North and Western Area	2250
SDP4 Clennon Valley	N/A
Elsewhere in SDP1 (excluding SDP2, 3 & 4)	650
Small windfalls (<6 dwellings)	795
Paignton sub-total	4285
Brixham Peninsula (SDB1)	
SDB2 Brixham Town Centre and Waterfront	65
SDB3.1 & SDB3.2	260
Brixham Urban Fringe and AONB	
Elsewhere within SDB1 (excluding SDB2, 3.1 & 3.2)	230
Small windfalls (<6 dwellings)	235
Peninsula sub-total	790
Total	9035

4.2.4 Policy SS13 of the Local Plan sets out a housing trajectory and identifies measures to maintain to maintain five year supply. It sets a housing trajectory of:

- 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 Policy states that the delivery of housing will be monitored to ensure that it is matched by the provision of infrastructure, particularly that which would support job creation. It also undertakes to maintain a 5 year supply of deliverable sites. Where a shortfall against 5 year supply occurs, Policy S13 undertakes to either:

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

4.2.5 In line with this policy, the Council is seeking to expedite development at Collaton St Mary, particularly through the Housing Company. Policy SS13 will apply to decision making, subject to other plan policies and material considerations. The Council is not pursuing a site allocations

DPD, as this would not provide sites that are deliverable according to the 2019 NPPF definition, and a site allocations document would divert resources and delay the review/update of the Local Plan. However the forthcoming update of the Local Plan will be supported by a Housing and Employment Land Availability Assessment (HELAA) which will seek to identify all opportunities for new housing. Work on the HELAA is due to start in Autumn 2019.

4.3 First Five Year Review.

4.3.1 The Five year review is required by December 2020 (i.e. the Plan must be assessed to determine if it needs to be updated). Over the past few months Torbay has volunteered itself as a **Planning Advisory Service (PAS)** pilot authority for the development of a local plan review toolkit, and has been working with PAS to assess changes in housing needs and other evidence that will trigger the requirement for an update to the Plan. This is one illustration of the actions already ongoing with regard to address housing. Based on this work, which is currently ongoing, an update to the Plan will be needed for the following reasons:

- There is a shortfall against five year supply.
- The standard methodology Local Housing Need figure has gone up to around 612 dwellings per year (up from 495 per year in the Adopted Local Plan).
- All three Neighbourhood Forums are- disputing the need, scale and pace of growth in Torbay¹².

4.3.2 The current Local Plan is relatively recent however, meeting the standard methodology housing figure will be a significant challenge. An update of the Plan will be essential if the prospect of a five year supply is to be achieved. There will need to provide suitable resources in order to enable an update to the Local Plan.

4.3.3 Work will commence on updating the evidence in autumn 2019, particularly assessing land availability through a Strategic Housing and Employment Land Availability Assessment (HELAA).

4.3.4 Torbay has significant environmental constraints and strong linkages with the **Greater Exeter Strategic Plan (GESP)** area to the north. Dialogue is ongoing with the GESP authorities to address cross boundary issues and to consider whether there is a case for some of Torbay's longer term housing requirement to be taken by the GESP. This will be dependent upon a mutually compatible assessment of land supply and demand evidence. Moreover Torbay recognises the social and economic benefits of meeting as much of its need within its own boundaries as possible, and will strive to achieve this within the bounds of sustainable development and legal obligations.

4.4 Neighbourhood Plans

4.4.1 There are three Neighbourhood Plan areas designated across Torbay, with 100% coverage of the Unitary Authority by recently made Neighbourhood Plans These plans have all been through the statutory process including local referendums (2nd May 2019). All three Plans were strongly supported by those who voted at referendum (Torquay 87% yes, Paignton 88% yes, and Brixham 89% yes). The three Neighbourhood Plans were made by Full Council on 19 June 2019 and form part of the Development Plan, alongside the Local Plan. The Neighbourhood Plans can be found at

¹² E.g. In the joint response from the three neighbourhood forums on the Council's five year Housing Land Supply Consultation (August 2019)

<https://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/>. More information is also available on the respective Forums' webpages available from this link.

4.4.2 The three Forums were prepared in the context of the adopted Torbay Local Plan and in order to meet the requirements of Local Plan Policy SS1 and the area Strategic Development policies contained in the Local Plan (SDT, SDP, and SDB).

4.4.3 Torquay and Brixham Peninsula Neighbourhood Plans make site allocations to meet their Local Plan number in full as follows.

- **Torquay Neighbourhood Plan Policy TH1** "Housing Allocations" allocates and otherwise makes provision for 3,969 dwellings (against a Local Plan requirement for 3955 dwellings).
- **Brixham Peninsula Neighbourhood Plan:** Policy BH3 "Delivery of New Homes" allocates a range of sites for a total of 685 dwellings (against a Local Plan requirement of 660 dwellings).

4.4.4 The Paignton Neighbourhood Plan does not allocate sites but provides phasing conclusions at pp93-94. The Local Planning Authority's objection that the Plan promoted less development than the Local Plan <https://www.torbay.gov.uk/media/11024/pnptorbaycouncil.pdf> was not supported by the independent examiner <https://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/paignton-np/> and the Plan was subsequently supported by referendum and made by Council. This highlights a tension between the government's wish to boost housing supply through non-statutory guidance on the one hand, and localism backed by legislation and referendums on the other. This tension is unlikely to be resolved in Torbay until the Local Plan Review is carried out.

4.4.5 The Council is seeking to boost housing supply through a range of plans and measures; and decision makers are required to consider the Neighbourhood Plans. Whilst there is a potential tension between the national aspirations to boost housing supply Neighbourhood Plans also create significant opportunities. As an action to seek to boost housing delivery the Council will seek to be proactive in attempting to bring forward housing opportunities identified in the Neighbourhood Plans. This action includes monitoring key unimplemented permissions and allocations with a view to ensuring where possible that the timely development of the site can be progressed.

4.5 Masterplans

4.5.1 The Council has adopted a number of [Masterplans](#) as Supplementary Planning Documents (SPD) to guide the development of areas identified in the Local Plan, and boost housing numbers. These are listed chronologically below:

- Great Parks, Paignton - Planning Guidance, November 2013
- Torquay Town Centre - adopted as SPD, June 2015
- Paignton Town Centre - adopted as SPD, June 2015
- Torquay Gateway (Edginswell) - adopted as SPD, December 2015
- Collaton St Mary - adopted as SPD, February 2016

4.5.2 The Council, TDA and Housing Delivery Company is working on an ongoing basis to deliver the development allocated in the Local Plan in accordance with Masterplan principles. Work is more advanced at Collaton St Mary and is described in more detail in Section 5 below. The Council and TDA have secured Land Release Fund money and are working with consultants to assess infrastructure needs at Edginswell Valley and to address issues of multiple ownerships.

4.5.3 It is noted that the top part of the Torquay Gateway Future Growth Area (which is the southernmost part of the area) is subject to a current application for P/2019/0710 for mixed use development of 90 dwellings and 1,858 sq. m of B1 employment, and may be more deliverable in the short term than the bulk of the Masterplan Area.

4.6 Five Year Land Supply

4.6.1 Torbay's five year land supply was consulted on between 5th July and 4th August 2019 <https://www.torbay.gov.uk/media/13103/5-yrs-supply-2019.pdf>. The consultation document sets out an officer assessment which indicates that there is 3.3 years of supply when assessed against 2019 NPPF tests of delivery. As part of the consultation it is noted that some developers argue that the supply of housing in Torbay is less than 3 years (and as low as 1.25 years); whereas the Neighbourhood Forums have made a joint representation arguing that the trajectory should be reduced; but that more than 3 years' supply can be demonstrated against the Local Plan Trajectory. It is important to highlight that the Council has yet to conclude its findings in relation to land supply, and is carefully considering responses received.

4.6.2 Clearly the key action arising in relation to land supply and indeed to ensure that new development is suitably planned and of a high quality, will be the review of the Local Plan. However, it is acknowledged that the application of the presumption in favour of sustainable development will be likely to be a new material consideration in the interim if an appropriate supply is not demonstrated. Current officer advice, pending review of the consultation in full, to Planning Committee is that a five year supply of sites cannot be demonstrated and therefore the presumption in favour of sustainable development at paragraph 11 of the NPPF takes effect as a material consideration when determining planning applications for housing. The implications of a five year supply shortfall in terms of the Local Plan and operation of a "tilted balance" have been elucidated by the Supreme Court¹³

4.6.3 Paragraph 14 of the (2019) NPPF provides protection to recently made neighbourhood plans where certain conditions are met including where there is at least 3 years' supply of housing. The operation of this paragraph has been less thoroughly tested in the courts¹⁴. However the Paignton Neighbourhood Plan does not make site allocations, which is a material consideration when considering planning applications in the Paignton Neighbourhood Plan area.

4.6.4 At 1st August 2019, there are a number of major applications awaiting determination, and will need to be determined in accordance with the principles set out above. Cumulatively these applications propose up to 1590 dwellings, and unlock land for several hundred more dwellings on sites allocated in the Local Plan. Note that it is beyond the power of this Action Plan to predetermine the applications, as other material considerations and legal requirements must be taken into account. The NPPF itself confirms that the presumption in favour of sustainable development does

¹³ <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf> albeit on the previous version of the NPPF.

¹⁴ The previous Ministerial Statement of 12 December 2016 (HCWS346) contained similar wording to Paragraph 14 of the 2019 NPPF and was upheld by the Courts. <https://s3-eu-west-1.amazonaws.com/cjp-rbi-estatesgazette/wp-content/uploads/2018/01/Richborough-Estates-Ltd-and-others-v-Secretary-of-State-for-Housing-Communities-and-Local-Government.pdf>

not change the statutory status of the development plan as the starting point for decision making (paragraph 12). The above is therefore presented to set a context in relation to housing delivery as opposed to a specific proactive action.

4.7 Working with Small Housebuilders

- 4.7.1 Other areas' Action Plans have indicated that contacting small developers is resource intensive and often unsuccessful¹⁵, at a time of scarce resources due to government spending cuts. Part of the reason for consulting on the five year supply position was to elicit responses from builders about the deliverability of sites and help identify where they see barriers to bringing forward sustainable sites. The approach has resulted in a response from two small/medium local house builders about unlocking two committed or allocated stalled sites (CDST3, Scotts Bridge, Torquay and former Torbay Holiday Motel, Totnes Road, Collaton St Mary).
- 4.7.2 One site (Former Torbay Motel) has subsequently been resubmitted as above. Work is ongoing at Scotts Bridge to see whether access issues can be overcome safely or whether alternative access can be achieved. The Council will work with small house builders to seek to overcome obstacles preventing sites coming forward; although it is noted that this work cannot prejudge the outcome of planning applications.
- 4.7.3 Spatial Planning have resumed its pre-application enquiry service, following the replacement of development management staff and recruitment of an Assistant Director for Spatial Planning.

4.8 A Supportive Planning Contributions Regime

- 4.8.1 The [Planning Contributions and Affordable Housing SPD](#) (February 2017) sets out the Council's approach to planning obligations. It provides additional detail to deliver the Local Plan as set out in Policy SS7 (infrastructure, phasing and delivery) and paragraph 4.3.35-36 of the Plan and Policy H2 (Affordable Housing). The SPD sets out mechanisms for assessing viability and negotiating planning obligations to ensure that viability does not result in sites stalling.
- 4.8.2 Torbay Council's [CIL Charging Schedule](#) came into force on 1st June 2017. The CIL Charging Schedule is zero rated for sites of 1-3 dwellings in most parts of the built up area to encourage development of small urban plots. CIL is also zero rated for strategic sites in Future Growth Areas to allow s106 obligations to provide the infrastructure needed to make development sustainable.

4.9 Brownfield Register, Permission in Principle (PiP) and Self Build Register

- 4.9.1 Torbay participated in the pilot brownfield register project in 2016, working with other local authorities and DCLG to shape and develop policy with regards to brownfield registers, which became mandatory for all councils as part of the Housing and Planning Act 2016. Brownfield Registers will be kept up-to-date and made publicly available to help provide certainty for

¹⁵<https://www.local.gov.uk/sites/default/files/documents/Cornwall%20HDT%20Action%20Plan%20October%202018.pdf>

developers and communities and encourage investment in local areas. They should be reviewed at least annually (by 31 December).

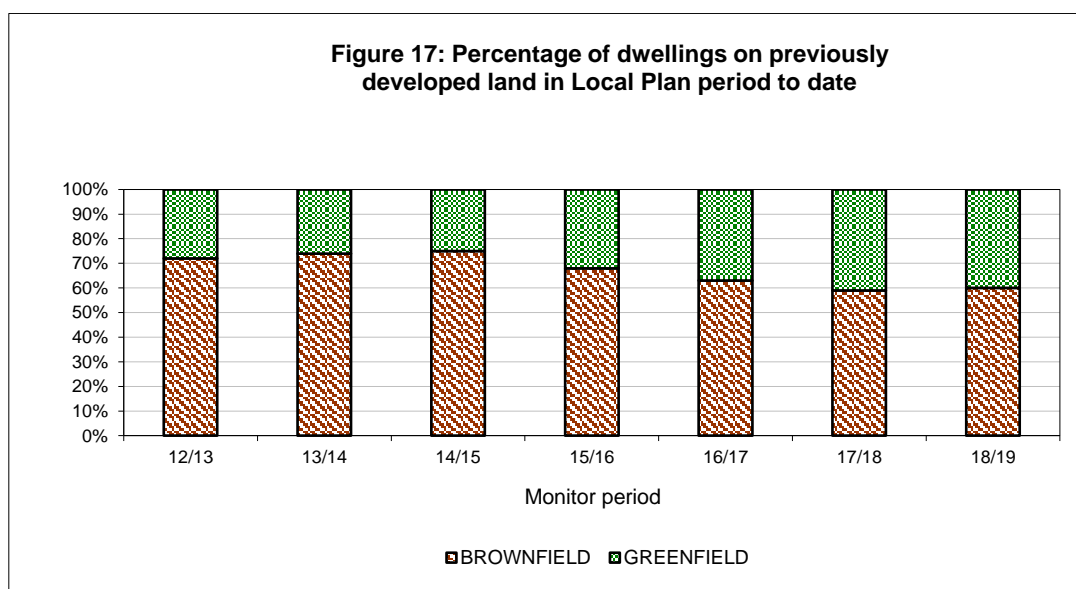
4.9.2 The Government has pledged to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. Other measures in the Housing and Planning Act enable 'permission in principle' to be granted for suitable housing-led development sites listed on part 2 of the new brownfield registers, or housing-led sites allocated in a development plan (not retrospectively), therefore providing certainty on 'in principle issues' of land use, location and the amount of development.

4.9.3 To be considered suitable for housing, sites must meet the definition of brownfield land and be:

- Available (willing landowner);
- In a suitable location for housing (in accordance with policies in the adopted Torbay Local Plan 2012-2030 and the NPPF) and free from constraints that cannot be mitigated;
- Viable and capable of being delivered within 5 years or developed later on (e.g. between 6 and 10 years);
- Capable of supporting five or more dwellings or more than 0.25 hectares.

4.9.4 The [Brownfield Register](#) is published on the Council's website as a tool to promote and enable suitable development sites. Torbay has historically had a high rate of development on brownfield land, with 67%% of completions since 2012 being on brownfield sites (See Figure 17 below).

4.9.5 The Council will explore pursuing Permissions in Principle/Part 2 Register, and also consider whether similar benefits can be achieved by including such sites within the forthcoming Housing and Employment Land Availability Assessment.



4.9.6 Torbay's [self and custom build register](#) has played a small part in housing delivery within the Bay. The number of people registered has slowly increased over the monitoring period.

Figure 18 Torbay Self Build Register.

Self build register (as of January 2019)	Number of people
Local connection	3
Without local connection	2
No details	14
Total	19

4.9.7 The Local Development Order, [LDO at South Devon College](#), was adopted in August 2016 and provides a positive framework for growth and change on the site over the following 15 years, including student accommodation. Whilst the LDO does not directly deliver housing, it does provide student accommodation, which relieves pressure on the wider housing market. The Council will explore whether there is scope for further LDOs.

4.10 Review of Holiday Accommodation, Town Centres and Employment Areas

- 4.10.1 Torbay is a premier resort and maintaining a sufficient stock of good quality holiday accommodation is vital to maintaining its role. The Adopted Local Plan was based on a review of holiday protection areas (formerly called Principal Holiday Accommodation Areas) which relaxed planning control on significant areas of small guest houses, and re-badged the policy as Core Tourism Investment Areas, where the focus is much more on encouraging investment in improved facilities rather than seeking to retain out-moded accommodation.
- 4.10.2 The operation of this policy will be reviewed through the Housing Strategy and Local Plan Review to consider take up of the policy, and the quality of accommodation provided. It is noted that there are current or pending planning applications for several major hotels in Torbay, which could increase the stock of larger modern holiday accommodation. This will allow a further review of the Core Tourism Investment Areas.
- 4.10.3 A similar principle applies to town centres, where there is likely to be scope to increase residential accommodation, either through mixed use commercial led-redevelopment or a contraction of the town centre areas. Masterplans are in place for Torquay and Paignton Town Centres, with a document for Brixham being prepared. The Neighbourhood Plans also contain policies supporting town centre regeneration. These all set out major regeneration opportunities. Actions to unlock town centre sites by the Housing Company is set out in more detail in Section 5.
- 4.10.4 A more far reaching review of town centre boundaries would need to take place through the Local Plan Review, informed amongst other things by the Neighbourhood Plans and updated evidence of retail/commercial need.
- 4.10.5 The Local Plan Review will also consider the need for employment land and whether there is scope to release this for housing. Without prejudice to this outcome, there is concern about the loss of employment land in Torbay and its impact on the local economy, as well as the quality of homes created. The Local Plan has a “reasonable prospects” test for considering proposals involving the loss of employment land (Policy SS5) and the Adopted Torbay Local Plan re-designated major greenfield employment allocations as mixed use areas including significant housing.

4.11 Capacity in the Planning Team

- 4.11.1 Spatial Planning has been cut back several times as a result of general budget cuts, and until 2019 the Assistant Director of Spatial Planning and Head of Development Management posts were vacant, along with a number of junior posts. Key vacant posts have now been filled, including the Assistant Director, which has allowed more pro-active work with developers, such as the resuming Pre-Application Enquiries, speeding up decision making and turnaround of pre-commencement conditions. However, there remains a severe resource pressure on the Council.
- 4.11.2 The Council has also appointed a Housing Strategy Delivery Manager to progress the Housing Strategy (see above) and work more closely with Registered Providers, Homes England and other stakeholders to seek to increase affordable housing supply and unlock funding. Ongoing funding for this post will be vital to maintaining this work and progressing the Housing Strategy.

5. Torbay Housing Company

5.1 Housing Company

5.1.1 In July 2019 Full Council approved a Housing Company, linked to the Torbay Development Agency. Its remit is to boost the supply of housing, stimulate the affordable housing market and maximise the supply of affordable homes in Torbay. Its wider objectives include looking at:

- Stalled sites
- Deprived wards
- Private rental sector renewal

5.1.2 One of the key reasons for setting up the Housing Company was a recognition that Torbay faced housing supply problems and that allocating or permitting housing sites through the planning system was not resulting in sufficient sites being delivered to meet Torbay's requirement.

5.1.3 The Housing Company is particularly looking at bringing forward Council owned sites, especially where this can expedite delivery and bring wider social benefits such as providing affordable homes and unlock brownfield sites. The immediate focus is upon three key sites which cannot currently be considered deliverable for the purposes of five year supply:

- Collaton St Mary Future Growth Area, Paignton.
- Preston Down Road , Paignton
- Victoria Square, Paignton

5.1.4 These have the potential to make a significant contribution to addressing the five year land supply shortfall. The Council as LPA will need to consider the planning applications in the usual way, but the increased emphasis on delivery in the NPPF and the five year land supply shortfall carry considerable weight in the decision making process as set out in Paragraph 11 of the NPPF and Policy SS13 of the Local Plan.

5.2 Collaton St Mary

5.2.1 The site in **Collaton St Mary** is proposed for development in Policies SS2 and SDP3 of the Local Plan and principles of development are set out in the adopted Masterplan (Supplementary Planning Document). The Masterplan seeks to develop the Local Plan allocation in a sustainable manner and was developed in close consultation with the local community. Regard will also need to be had to the Adopted Paignton Neighbourhood Plan (particularly Policy PNP24), and it is recognised that there is still community and Neighbourhood Forum objection to development in the area.

5.2.2 The Masterplan suggests that the Collaton St Mary Future Growth Area can deliver around 460 dwellings. About 105 of these are on the north of the A385 Totnes Road and are owned by private housebuilders. Both have current outline planning applications for a total of 173 dwellings (P/2019/0604/MOA and P/2019/0281/MOA).

5.2.3 The lion's share of development is on the south side of Totnes Road. The masterplan assesses that around 185 dwellings can be achieved on the Council owned land to the south of Totnes Road (page 34). However the access would unlock a larger area of developable land within the Future Growth Area capable of providing in the region of 350 dwellings, subject to detailed assessment. As it is within the greater horseshoe bat sustenance zone, appropriate surveys will need to be

carried out and planting to provide darkened corridors provided. The proposal will need a Habitats Regulations Appropriate Assessment.

5.2.4 A current application has been submitted by the Housing Company/TDA for construction of an access onto Totnes Road. This will be one of two principal road accesses serving the growth area to the south of Totnes Road. Servicing and developing the site will unlock allocated housing land in adjoining parts of the Future Growth Area, (circa 170 dwellings according to overall numbers in the Masterplan, but this will need to be the subject of detailed assessments through planning applications).

Figure 20 Adopted Collaton St Mary Masterplan.



5.3 Preston Down Road, Paignton

5.3.1 Preston Down Road is identified in the Local Plan as two sites. The Local Plan (based on the SHLAA) identifies each site as having a capacity of around 50 dwellings. The Paignton Neighbourhood Plan has not allocated any sites and such neither site is currently allocated for development, but they are both identified as developable housing sites in the Local Plan (Policy SS1 and Appendix C).

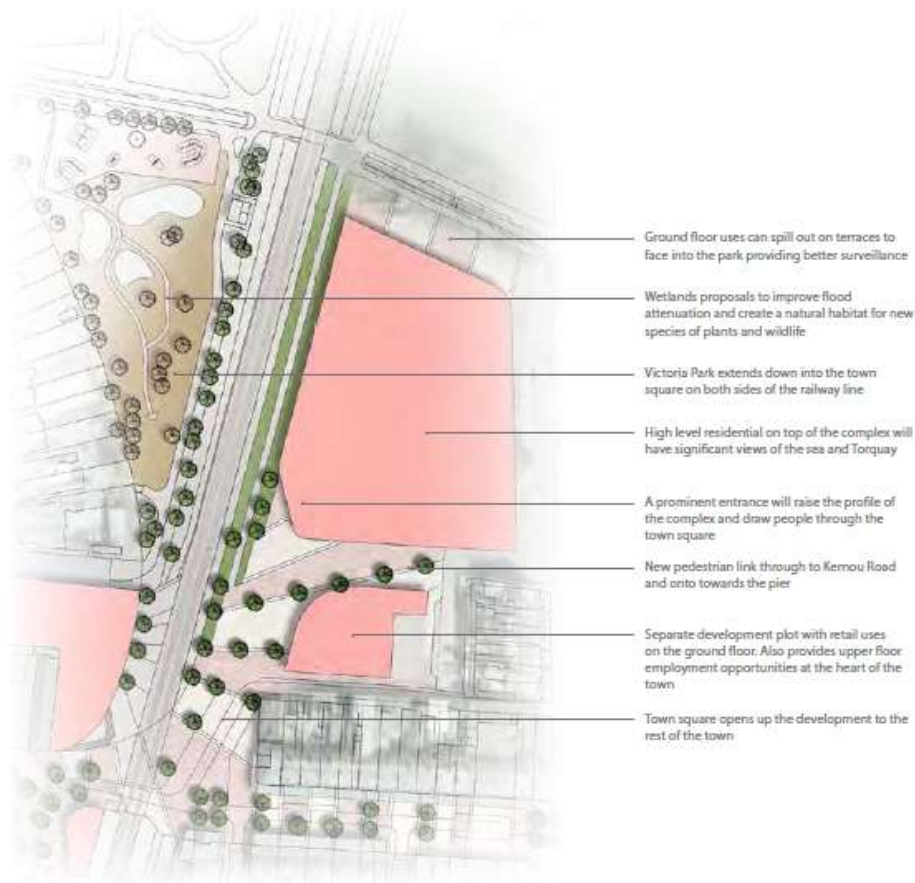
Figure 21: Preston Down Road (Extract from Adopted Torbay Local Plan 2012-30).



5.4 Victoria Square, Paignton

5.4.1 Victoria Square, Paignton comprises a supermarket, several underused smaller shops and a multistorey car park which is in poor condition. It was anticipated that the Neighbourhood Plan would allocate this site but, for the reasons set out above, this has not been realized. Victoria Square has previously been considered as likely to deliver 60 dwellings as part of a mixed use scheme to regenerate this part of Paignton Town Centre. The Adopted Masterplan indicates that Victoria Square could accommodate up to 160 residential apartments. However, given its location within a town centre, a mixed use scheme which provides a range of uses and contributes towards the creation of a town square and other built environment improvements is likely to be the preferred option.

Figure 22 Adopted Paignton Town Centre Masterplan- Victoria Square.



5.4.2 There is a flooding issues around the Victoria Square site, and this will mean it may need to be subject to a sequential test, and will need to be subject to an exceptions test for flooding. The sequential test indicates that it is not possible to meet Torbay’s housing need entirely in areas with a lower risk of flooding, taking into account wider sustainable development objectives. The exceptions test requires it to be shown that development would provide wider sustainability benefits to the community that outweighs the flood risk, and that development can be made safe for its lifetime without increasing flood risk elsewhere (NPPF 158-160). In particular residential uses will need to be located in lower flood risk parts of the site and not on the ground floor.

Sources of data

NOMIS:

<https://www.nomisweb.co.uk/reports/lmp/la/contents.aspx>

Torbay Local Plan:

<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/local-plan/>

Evidence base and monitoring:

www.torbay.gov.uk/evidence-base-and-monitoring

Brownfield Register:

www.torbay.gov.uk/brownfield-register

LDS:

<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/local-development-scheme/>

SPDs:

<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/spd/>

House prices:

[UK House Price Index](#)

Devon Home Choice:

[Devon Home Choice](#)