



TORBAY FIVE YEAR HOUSING SUPPLY 2019

February 2020

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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 an assessment of Torbay's five year housing supply position for April 2019 to March 2024. In summary Officers assess that there is around 2.5 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) 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 housing monitoring 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.
- 1.5. The Council carried out a technical consultation on its 5 year supply position between 5th July 2019 and 4th August 2019. Nine responses were received, the majority from developers and one joint response from the three neighbourhood forums. This is the final document having regard to the responses received during consultation.

2. FIVE YEAR HOUSING SUPPLY TARGET

- 2.1 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.
- 2.2 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

- 2.3 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;

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

2.4 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.

Shortfalls

- 2.5 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 Sedgefield method”).
- 2.6 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.

Buffer

- 2.7 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. Over the last 3 years, completions were 91.15% of the requirement under the Housing Delivery Test. This does not constitute “significant under delivery” as defined by paragraph 73 / footnote 39 of the NPPF, and accordingly a 5% buffer has been included.

3. SUPPLY REQUIREMENT

- 3.1 The overall 5 year supply requirement figure is calculated as 3,009 dwellings. This is made up of the Local Plan Requirement (2,595 dwellings), plus shortfall (271 dwellings), plus 5% buffer (143 dwellings). The table below summarises completions, calculation of the buffer and the five year requirement. Note the figure in the table below totals 3,011 due to rounding.

| Torbay Council 5yr Requirement @ 2019 | | | | | | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23 | 23/24 |
| Local Plan Target | 400 | 400 | 400 | 400 | 400 | 495 | 495 | 495 | 495 | 495 | 555 | 555 |
| Target + Shortfall (annualised over 5 yrs) + 5% | | | | | | | | 577 | 577 | 577 | 640 | 640 |
| Cumulative Target | 400 | 800 | 1200 | 1600 | 2000 | 2495 | 2990 | 3485 | 3980 | 4475 | 5030 | 5585 |
| Completions | 249 | 446 | 349 | 408 | 326 | 410 | 531 | | | | | |
| Cumulative Completions | 249 | 695 | 1044 | 1452 | 1778 | 2188 | 2719 | | | | | |
| Cumulative Shortfall | 151 | 105 | 156 | 148 | 222 | 307 | 271 | | | | | |

4. THE DEFINITION OF DELIVERABLE

- 4.1 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.

4.2 The PPG paragraph 007 ID: 68-007-20190722 indicates that such evidence may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *firm progress being made towards the submission of an application – for example, 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 rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

4.3 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.

4.4 Torbay has neighbourhood plans for Torquay, Paignton and Brixham Peninsula. All three Plans were “made” by full Council on 19th June 2019, having succeeded at referendum on 2nd 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 deliverable.

5. SUPPLY POSITION

5.1 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: Major sites (10+ dwellings) with planning permission approved or submitted and demonstrated intent shown. Sites have been included which meet one of the following;
 - Allocated site, outline application permitted, reserved matters submitted
 - Allocated site, outline application permitted, expressed intent to deliver on site
 - Allocated site, outline application submitted

- Box C: All minor sites (9 or fewer dwellings) with 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 sites are listed in Appendix 2 for reference.
 - Box D: Figure for minor sites (9 or fewer dwellings) without planning permission. Sites of 6-9 dwellings have historically (during this plan period) provided 35 dwellings per year. There are currently permissions (as shown in Box C) for 90 units on these sites, which represents 2.6 years' worth of supply at the average rate of delivery. Therefore a further 2.4 years is required (84 dwellings) to demonstrate a 5 year supply total at the average rate. Sites of under 6 dwellings have historically (during this plan period) provided 100 dwellings per year. There are currently permission (as shown in Box C) for 229 units on these sites, which represents 2.3 years' worth of supply at the average delivery rate. Therefore a further 2.7 years is required (270 dwellings) to demonstrate a 5 year supply total at the average rate. Note; The average delivery rate evidence is supplied at Appendix 3.
- 5.2 It is assessed that there are 1,504 dwellings which have a realistic prospect of being delivered between April 2019 and March 2024. Against a target of 3,009 (average 602 dwellings per year over the 5 years) this equates to 2.5 years' worth of deliverable sites.

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| Five year housing land supply calculation | 1,504/602 = 2.5 years |
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6. NEXT STEPS

- 6.1 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 and the lack of a three year supply in relation to neighbourhood plans at paragraph 14. The NPPF does not change the statutory status of the development plan (both Local and Neighbourhood Plans) as the starting point for decision making, but is a material consideration. Accepting that there is a shortfall against five year land supply does not commit the Council to approving unsustainable development.
- 6.2 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. This is available on our website at <https://www.torbay.gov.uk/media/13237/torbay-housing-delivery-test-action-plan.pdf>
- 6.3 Measures include the Torbay Housing Company's promotion of sites in Collaton St Mary, Preston Down Road and Victoria Square, the emerging Housing Strategy and the urgent need to review the Local Plan.
- 6.4 The 2019 Housing Delivery Test was published in February 2020, and indicates Torbay's Housing Delivery test figure being 93%. This is an improvement on the 2018 figure of 90%. Accordingly, the Action Plan will be updated.
- 6.5 In view of the number of potential housing developments in the pipeline, the Council will undertake a review of the five year housing supply position as at April 2020, in order to bring the

position up to date as soon as possible. The intention is to seek to publish a Torbay Housing Supply 2020 Draft Statement for Consultation during April 2020.

6.6 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; or*
- 3) Consider favourably applications for new housing, consistent with Policy SS2, H1 and other Policies of this Plan.*

6.7 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 indicates that consideration should be given to changes in local circumstances and national policy. Work on the evidence base for the Local Plan is currently underway.