



# Appeal Statement of Case

## Inglewood, Torbay

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## 1.0 Introduction

- 1.1 The application reference P/2017/1133 was submitted to the Council on 3 November 2017 by Stride Treglown, acting as agent for the applicants Abacus Projects Limited and Deeley Freed Estates Limited (the 'appellant'). The application was confirmed as valid on 17 November 2017.
- 1.2 The description of development is:
- “Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. Details of access to be determined with all other matters reserved.”*
- 1.3 During the consideration of the application, extensive negotiations have occurred between the appellant, Council officers and statutory consultees. In response to comments received during the consideration of the application and these negotiations, the proposal was amended and a series of changes were made to the application, including the submission of amended plans on 8 March 2018.
- 1.4 The determination period was extended to 31 July 2019 and expired on that date.
- 1.5 The application has not been determined and an appeal has been lodged against non-determination.
- 1.6 Heads of terms for a section 106 agreement are well advanced. It is expected that the section 106 agreement will be agreed before the Public Inquiry.

## 2.0 The Appeal Site and its Surroundings

- 2.1 The appeal site is located wholly within the Torbay Council administrative area. It is located south of an area locally known as White Rock and is bounded on its eastern edge by the A3022/Brixham Road, a tree/hedge lined route serving the Brixham Peninsula. The wider context includes Torquay situated to the north-east, Brixham Peninsula to the south-east, and the South Devon Area of Outstanding Natural Beauty (AONB) to the south and west that surrounds the River Dart.
- 2.2 The western boundary is formed of field margin/hedgerows and follows the administrative boundary between the Torbay and South Hams District Council areas.
- 2.3 The eastern edge of Brixham Road, broadly referred to as Goodrington, is predominantly residential in nature with development typical of 1970-1990 style.
- 2.4 The village of Galmpton is situated beyond the southern boundary of the site, separated by fields.
- 2.5 The hamlet of Waddeton is located to the south west, accessed from the White Rock area by Waddeton Road and from Galmpton by Stoke Road.

- 2.6 The majority of building uses surrounding the site are residential properties located to the east of Brixham Road, within the White Rock development to the north, and at nearby Galmpton and Waddeton. Educational building uses include White Rock Primary School located directly to the north-east and South Devon College located to the north-west of the site.
- 2.7 Hookhills Community Centre is located within the predominantly residential district of Goodrington to the east of the site. Commercial/business building uses are also located within the White Rock area to the north of the site
- 2.8 The Nords, a clump of tall, mature trees are situated on the southern boundary. South Devon College and commercial properties are located to the north-west. The White Rock development currently under construction and associated mitigation planting exists directly to the north of the site and White Rock Primary School with associated open grounds is located to the north-east with Paignton beyond.
- 2.9 The land at White Rock was granted outline planning permission in April 2013 (P/2011/0197) for a mixed use development comprising 350 dwellings, employment space, a local centre, formal and informal public open space together with strategic landscaping. It has subsequently been the subject of a number of reserved matters submissions and the commencement of the first two phases of residential development. The evidence will consider the basis on which this application was determined and implications for the appeal site.
- 2.10 The two sites are separated by an area of woodland planting, forming part of the strategic landscaping and secured as mitigation as part of the Section 106 Agreement in relation to the White Rock planning application.
- 2.11 In addition to the appeal site, the appellant owns further land immediately to the west and beyond Waddeton Road.
- 2.12 The land (appeal site and offsite) is currently used solely for agricultural purposes. The site topography is relatively undulating with high points at the north and south-east site boundaries. The site generally falls away to the south and south-west towards the Galmpton Watercourse. The contour lines at levels 64m and 65m AOD thread through the majority of the site and there is opportunity for relatively level vehicular circulation throughout the site to be established at this common level.
- 2.13 The existing fields are bounded on all sides by established hedgerows. Cirl Bunting habitats and flight corridors for Greater Horseshoe Bats exist within and close to the site.
- 2.14 A pond exists near to the south-east site boundary and a small 'sheep wash' depression within the ground exists adjacent to the central hedgerow.
- 2.15 An existing 11kV overhead cable cuts through the south-west corner of the site and is retained as part of the proposals.

## 3.0 Appeal Proposals

3.1 The description of development is controlled via the Urban Design Regulatory Plan (scale parameter plan) that is submitted for approval in order to guide the preparation and approval of reserved matters. This plan and an associated Illustrative Masterplan provided the basis upon which the ES was prepared. The Illustrative Masterplan demonstrates how the development could be delivered under the terms of the scale parameters depicted on the Urban Design Regulatory Plan. The Illustrative Masterplan makes provision for:

- Up to 373 homes at varying density and height, 30% of which will be affordable homes secured through the S106 Agreement.
- A 2 Form Entry Primary School (incorporating nursery) together with associated outside space (including sports pitch) and car parking (staff/drop-off).
- A public house with associated car parking and outdoor seating.
- Public open space, including:
  - 1 Neighbourhood Equipped Area of Play;
  - 2 Locally Equipped Areas of Play;
  - Incidental open space (c. 25,000 sq m) with the ability to accommodate Local Areas of Play and/or trim trails and to include a community orchard; and
  - Allotments (5,700 sq m).
- Tree planting within and on site edges.
- Highways access and improvement works (not all shown on the Masterplan), including:
  - Provision of site access from Brixham Road via a new 4 arm roundabout;
  - Provision of 2 new crossing points on Brixham Road, one close to the junction of Hunters Tor Drive and one to the north of the proposed site access; and
  - Localised road widening on the bend north of the site, in the vicinity of White Rock.
  - Wider improvement works at Windy Corner (South) and the junction of Brixham Road/Long Road (North)

3.2 The proposals make provision for a significant proportion of the site (c.7ha plus 25ha offsite land under control of the appellant) to be retained for mitigation purposes, principally in relation to ecology and potential landscape and visual impacts.

- 3.3 Beyond the form/quantum of development, and in addition to the proposed mitigation land within the site boundary, the concept masterplan provides for:
- the retention where possible of hedgerows and trees within the site;
  - strengthened hedgerows offsite, secured via changes to farm management practices, details of which are provided elsewhere in the application;
  - the provision of public open space, both formal and informal;
  - the means of providing active travel linkages to and from the site, via new crossing points on Brixham Road and via woodland to the north of the site connecting to White Rock;
  - the provision of a countryside access route;
  - land for community food production, including orchards and allotments; and,
  - c.3.5km of new hedgerows, both on site and off site, representing a net gain of 3km.
- 3.4 In addition to the Environmental Statement and technical reports, the application is accompanied by a suite of documents which establish the parameters for successful delivery of the site, should the appeal be allowed.
- 3.5 These documents seek to establish the necessary controls and protections which will be committed to by the appellant, in order to secure the long term land management in perpetuity. A S106 Agreement will secure the provision of items for the purposes of mitigating the impacts of development.

## 4.0 Witnesses and Request for Public Inquiry

- 4.1 As this appeal is lodged on the grounds of non-determination, the appellant does not have the benefit of knowing the issues which the Council will seek to challenge through the appeal process. Recent correspondence from the Case Officer provides a helpful assessment of the issues affecting the appeal site at the point at which it was written on 28 August 2019 (**Appendix 1**). The extent to which the appellant agrees with the content of the letter is set out in the draft Statement of Common Ground. The majority of the content of the letter is acknowledged to represent a fair reflection of the current position and is the correct interpretation of the policy context. Whilst it is accepted that the letter represents the views of the Officer and not those of the Council, it has formed the basis on which the appellant considers the following witnesses to be required.
- 4.2 At this stage the appellant considers it likely to present evidence with witnesses on the following issues:
- Planning policy, housing land supply and applying the planning balance;
  - Impact on the special landscape qualities of the AONB;

- Landscape impact and conflict with Policy C1 of the Torbay Local Plan and Policy E3 of the Brixham Peninsular Neighbourhood Plan 'Settlement Gap' Policy.

- 4.3 Since the appellant anticipates that landscape matters could prove a central component of the case, a separate Statement of Case dealing with AONB and landscape impact is provided at **Appendix 2**.
- 4.4 The extent to which further evidence will be required is dependent on the extent to which the Council is able to agree matters set out in the draft Statement of Common Ground and the nature of any third party objections that emerge; in the event that matters cannot be agreed or third parties seek to raise such matters then the Appellant reserves the right to present evidence accordingly.
- 4.5 The Appellant has a clear preference for the appeal to be dealt with via a public inquiry. There is significant public interest in the appeal proposals and the principal matters that the Appellant expects to be in issue, including landscape and housing land supply (which the appellant anticipates third parties are likely to want to test), are best considered through the means of cross-examination. It is envisaged that the public interest may extend to requests for Rule 6 status and an Inquiry is the most appropriate forum for enabling all matters to be properly heard, including any consideration of the five year supply position. There is a significant body of work relating to these matters and it is important that it can be fully and properly examined in evidence. An inquiry process is advocated given the critical shortfall in housing supply that exists in Torbay and the ability of the appeal proposals to make a vital contribution to boosting the supply of housing following a timely decision.

## 5.0 Consultation Responses

- 5.1 The evidence will:
- a. Review and summarise third party consultation responses received by the Local Planning Authority in respect of the planning application since its submission; and
  - b. Review third party consultation responses received by the Planning Inspectorate in respect of the planning appeal.
- 5.2 The evidence will respond to the main issues arising from the consultation responses. The evidence will conclude that the majority of the currently unresolved issues raised fall within the scope of the issues referenced above and can be effectively addressed through conditions and the preparation of an agreed S106 Agreement with the Local Planning Authority.
- 5.3 The evidence will also show how the issues raised by third parties can be effectively addressed and mitigated. It will confirm that these issues would not be of sufficient merit to justify withholding planning permission.

## 6.0 Planning Policy

- 6.1 In accordance with Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.2 The adopted Development Plan for the appeal site comprises the Torbay Local Plan and Brixham Peninsular Neighbourhood Plan (BPNP).
- 6.3 Relevant material considerations include Government policy guidance contained within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

### **National Planning Policy Framework**

- 6.4 The NPPF was published in its revised form in February 2019 and continues to set out a presumption in favour of sustainable development. Of particular relevance to this appeal, Paragraph 8 of the NPPF describes the economic, social and environmental roles of the planning system to deliver sustainable development.
- 6.5 The social role is to support strong and vibrant communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces.
- 6.6 To boost the supply of housing, paragraph 73 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement to include the necessary buffer (moved forward from later in the plan period).
- 6.7 Paragraph 11 sets out the presumption in favour of sustainable development. Paragraph 11(d) provides for decision taking in circumstances including when the policies which are most important for determining the application are out of date. Footnote 7 of 11(d) recognises that 'out-of-date' policies include situations where the LPA cannot demonstrate a five year supply of deliverable sites. In its Five Year Housing Supply 2019: Draft Statement for Consultation (July 2019, CD 6.12), the Council accepts that it cannot demonstrate a five year supply against its housing requirement.
- 6.8 The appeal site falls within the boundaries of the recently made Brixham Peninsular Neighbourhood Plan. Paragraph 14 of the NPPF is therefore relevant. It identifies circumstances when the paragraph does not apply. In the circumstances of this appeal paragraph 14c provides that the presumption in 11d will continue to apply if a local planning authority is unable to demonstrate at least a three year supply of deliverable housing sites (against its 5 year housing land supply requirement, including the appropriate buffer (para 73)).



- 6.9 The letter of 28 August 2019 (**Appendix 1**) confirms the Officer's position that the Council cannot demonstrate a three year supply of housing. Whilst the July 2019 Consultation Paper proposed that a supply of 3.28 years exists, the subsequent letter is written in the context of having reviewed representations submitted to that consultation paper. The Council's revised draft Five Year Housing Supply document dated October 2019, also written following consideration of the consultation responses, (**Appendix 3**) states an assessed housing supply of around 2.5 years. The appellant's representations on the consultation are provided at **Appendix 4** and contends that a supply of 1.25 years exists when properly assessed against latest guidance and appeal/SoS decisions.
- 6.10 In those circumstances both the presumption and the tilted balance in paragraph 11d of the NPPF applies.
- 6.11 Paragraph 33 of the NPPF requires reviews to be completed no later than five years from the adoption of a plan. The Local Plan was adopted in December 2015; work on the evidence base for the Local Plan review was proposed to begin in the third quarter of 2019<sup>1</sup>. A Housing and Economic Land Availability Assessment (HEELA) is underway and a 'call for sites' consultation is running to 7 February 2020. Given the need to consider the implications of the standard methodology (a broad continuation of the adopted annual housing requirement) and a plan period that will need to extend well beyond 2030, it is unlikely that a Local Plan review will be in place by 2021.
- 6.12 Paragraph 38 provides guidance on how the Government expects planning decisions to be taken in respect of sustainable development; paragraphs 48 and 49 continue the theme by stating prematurity is unlikely to justify refusal of permission.
- 6.13 The evidence will seek to demonstrate that the site accords with the principles of sustainable development and that there is no case for dismissing the appeal based on grounds of prematurity. The evidence will demonstrate that there are no adverse impacts that would significantly outweigh the many benefits of the appeal proposals.
- 6.14 The Landscape Statement of Case (**Appendix 2**) details relevant sections of national and local policy relevant to landscape matters. Paragraph 173 requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The appeal site lies outside of the South Devon AONB, however, it is acknowledged that it is visible from a small number of public vantage points from within the AONB. The Landscape Statement of Case establishes that there is no significant impact on or from the AONB.

### **The Torbay Local Plan**

- 6.15 The Torbay Local Plan "A Landscape for Success - The Plan for Torbay 2012 to 2030", was adopted in December 2015.

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<sup>1</sup> Paragraph 7.3 Torbay five year housing supply 2019: Draft Statement for Consultation. July 2019

- 6.16 Although, as identified below, the appeal site is referred to in the LDS, the appeal site is not identified in the Local Plan because it had not yet been demonstrated to Natural England's satisfaction at the time of examination and adoption of the Local Plan that development of the site would comply with the requirements of Regulation 61 (regarding appropriate assessment) of the Conservation of Habitats and Species Regulations 2010 (as then was) due to it being situated within the 'sustenance zone' of a Special Area of Conservation (SAC) designated for its bat species. The Site is not situated within the SAC itself.
- 6.17 The Site was considered in the main modifications to the Local Plan and was considered in the SHLAA. The Inspector's Report following examination of the Local Plan was supportive in principle of the Site, concluding at paragraph 62 that, *"...if the necessary work is undertaken and shows that from an environmental point of view the site is developable, there is nothing to stop the Council from carrying out a partial review of the [Local] Plan as soon as it has the necessary evidence"*.
- 6.18 Ecology surveys to inform the proposals were undertaken in 2016. The results of these and discussions with Torbay, Natural England and the RSPB were integral to the design of the proposals. Through continued dialogue post submission and submission of further information (notably the Ecological Addendum (NPA, March 2018, CD 2.20)) both Natural England (April 2018, CD 4.11) and the RSPB (March 2018, CD 4.16) stated they had no objection to the proposals. Torbay Council, as the local authority, undertook a Habitat Regulations Assessment (March 2018) which concluded there would be no likely significant effect alone or in combination on a European Site (i.e. the South Hams SAC or the Lyme Bay and Torbay SCI).
- 6.19 Torbay Council also produced a memorandum (11th April 2018) which concluded "they were satisfied that the key ecological issues raised through consultation have been resolved by the applicant.... and that there are currently no ecological grounds for objection to the application". Subsequent to the People over Wind<sup>2</sup> case, CD 8.4, Torbay updated the HRA (May 2018) to accord with the findings of that case, but came to the same conclusions as the original HRA.
- 6.20 It is therefore anticipated that the Statement of Common Ground with the Council will confirm that they are satisfied there would be no adverse effect on the integrity of the South Hams SAC (for which Greater Horseshoe Bats are a primary reason for its selection) alone or in combination with other proposals or projects. We also anticipate that they will confirm that there would be no significant impacts on other ecological receptors (including Cirl Buntings).
- 6.21 The evidence will consider the references to the appeal site in the Local Development Scheme (LDS). The latest LDS (March 2017) states at Section 3.5 - Site Allocations Development Plan Document (provisional) *'where there appears to be a lack of deliverable housing sites to provide for the 5 year requirement, the Council will seek to bring forward additional housing sites through a number of mechanisms, including:*

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<sup>2</sup> *People Over Wind and Sweetman v Coillte Teoranta*; European Court of Justice Case C-323/17

- *Promotion of outline planning applications, or a Local Development Order, for the land south of White Rock, as per Policy SS1 (Growth strategy for a prosperous Torbay), paragraph 4.1.41 and the Local Plan Inspector's Report.*

*If these measures do not result in at least a 5 year supply of housing land, or if the Neighbourhood Forums are unable to allocate sufficient housing land, the Council will produce a Site Allocations DPD allocating additional sites (in the context of Policies SS1 - Appendix C, SS12 and SS13).'*

- 6.22 Whilst no LDO or Site Allocations DPD has been progressed, the statement establishes that the Council considers the appeal site to be an appropriate and sustainable location for growth, and reflects the fact that the only reason the site does not feature in the Local Plan is by virtue of the HRA issues at the time of the Local Plan examination referred to above.
- 6.23 The adopted Local Plan sets out strategic policy detail for the Torbay area, including the Council's ambitions to deliver a tandem jobs and housing growth strategy. Chapter four of the Local Plan references a balanced and sustainable approach to growth. For the reasons set out above there is already a context that establishes an appreciation that the appeal site lies in an inherently sustainable location.
- 6.24 Of particular relevance is *Policy SS1 Growth Strategy for a prosperous Torbay* which confirms that the Plan seeks to support the creation of 5,000 – 5,500 net additional jobs and the delivery of approximately 17ha of employment land. On housing, SS1 identifies a housing target of “*about 8,900 over the Plan period of 2012 – 2030*”. The Policy confirms how this will be provided over the three main periods of the Plan, namely: existing commitments in the first 5 years (to 2016/17); the completion of committed sites and those identified in the three Neighbourhood Plans (to 2021/22); and, in Strategic Delivery Areas/Future Growth Areas in the latter stage of the Plan period.
- 6.25 *Policy SS3 Presumption in favour of sustainable development* reiterates the presumption that is set out as a key principle in the NPPF. It notes that the Council “*will work proactively...to find sustainable solutions, enabling development proposals to be approved where they will evidently provide a balanced approach to improving economic, social and environmental conditions.*”
- 6.26 Aspiration 1 of the Plan provides policy for securing the economic recovery and success across the Bay area. *Policy SS4 The economy and employment* and *Policy SS5 Employment space* provide further articulation of the jobs growth target set out in Policy SS1. Paragraph 4.2.20 in support of the former policy provides for flexibility in delivery, noting that where onsite provision “*is not practicable...the Council will seek a financial contribution towards employment creation or employment initiatives locally*”.
- 6.27 Aspiration 2 seeks to achieve a better connected, accessible Torbay together with the provision of essential infrastructure. *Policy SS6 Strategic transport improvements* provides for “*on-line improvements*” on the Western Corridor (2(ii)) together with improvements to the Walking and Cycling Network and Bus/Public Transport.

- 6.28 The appeal proposals seek to extend bus services that currently terminate at the nearby South Devon College to terminate instead at the site. The operator, Stagecoach, has written to confirm its willingness to make this change and to express its support for the application (see Transport Assessment Appendix I). Two bus stops are included on the highway layout immediately to the west of the proposed site access roundabout for use by the extended bus service (see drawing 0734-057). Two stops are included to allow space for two buses to be present at one time, allowing terminating services to lay over. A Bus Service Agreement is being drafted to enable the applicant to secure the delivery of the extension of the bus service.
- 6.29 The proposals advance a network of new footway/cycleway links connecting to neighbouring areas. These include a new signal-controlled Toucan crossing on A3022 Brixham Road, a new pedestrian/cycle route to the north and improvements to the pedestrian route to the south.
- 6.30 *Policy SS7 Infrastructure, phasing and delivery of development* highlights that “in order to be permitted, development must be supported by provision of the critical infrastructure required for the development to proceed.” It also notes the importance of “physical, social and green infrastructure...to help Torbay grow in a sustainable, healthy and prosperous way”.
- 6.31 The environment of the Bay areas is protected through Aspiration 3 (Protect and enhance a superb environment). *Policy SS8 Natural environment* places significant importance on ensuring that those sites which are protected under European legislation are safeguarded, conserved and enhanced. Matters addressed within the policy include: protection of protected sites, species and habitats; where sites are outside of the AONB, ensuring that they conserve or enhance the distinctive features, and; seek management practices which ensure the long term protection of greenspace (including amenity space), provision/protection of dark corridors and improving public access to the countryside.
- 6.32 *Policy SS9 Green infrastructure* picks up this last point in more detail, highlighting the importance of the provision of a green infrastructure led approach to the design of new development which incorporates multifunctional spaces providing public access. In addition, green infrastructure is highlighted as having an important role in mitigating for impacts on the sustenance zone and flyways used by Greater Horseshoe Bats.
- 6.33 Aspiration 4 seeks to create more sustainable communities and better places and is the second key tenet of the Plan’s growth strategy.
- 6.34 *Policy SS12 Housing* provides an overarching policy on the housing target of 8,900 homes over the plan period. Table 3 associated within the Policy provides for a spatial distribution across the three Strategic Delivery areas of Torquay, Paignton and Brixham.
- 6.35 *Policy SS13 Five year housing land supply* sets out the commitment to maintaining a 5 year housing land supply against the housing requirement together with the housing delivery trajectory. The policy outlines the important role of Neighbourhood Plans in supporting delivery during the middle phase of the plan period. It notes, in response to concerns raised in the report on the soundness of the Local Plan, that mechanisms to boost supply if it begins to falter include the preparation of a Site Allocations Development Plan Document

and to “consider favourably applications for new housing, consistent with Policy SS2, H1 and other Policies of this Plan”. The policy also notes that the 5 year supply figure is a target and not a ceiling and that this can be exceeded where “the proposal would bring social, regeneration or employment benefits, including through the provision or funding of infrastructure”.

- 6.36 As noted in respect of Policy SS1, the Plan secures the principle of Neighbourhood Plans providing for the medium term (in Plan period terms) delivery of housing. A series of Strategic Delivery Areas (SDA) are established which correspond with the Neighbourhood Plan Forum areas of Torquay (SDT1), Paignton (SDP1) and Brixham (SDB1). Each of these policies is accompanied by tables establishing the expected delivery of employment and housing development. For each SDA there are a number of sub-policies which propose more specific local level distribution of development.
- 6.37 The latter part of the Plan provides a number of policies to steer the delivery of change and management of development in the Bay area. Policy C1 is referenced below in relation to the Neighbourhood Plan.
- 6.38 Transport matters are addressed in policies *TA1 Transport and accessibility*, *TA2 Development access* and *TA3 Parking requirements*. This suite of policies aim to ensure that transport opportunities are as sustainable and active as possible along with seeking to ensure that access to new development is safe and efficient. Finally, parking standards are established in order to ensure that adequate provision is made; further details are provided in Appendix F.
- 6.39 The scope of the traffic capacity analysis was agreed with Torbay Council Highways Department (TCHD). The Transport Assessment (TA) included capacity assessments at four junctions along the A3022 Brixham Road corridor, these being at Long Road/Goodrington Road and Kingsway Avenue/White Rock Way to the north, at the site access roundabout and at the junction with A379 Dartmouth Road to the south, a junction known as Windy Corner. The capacity assessments identified that Inglewood development traffic impacts required mitigation at two junctions on the A3022 Brixham Road:
- at the Brixham Road/Long Road/Goodrington Road junction, 850m to the north of the proposed site access; and
  - at Windy Corner, 850m to the south.
- 6.40 At the Long Road/Goodrington Road junction, modest improvements located on highway land and land controlled by the appellant were shown to be sufficient to mitigate the impact of development traffic (see drawing 0734-040 Rev A). These proposed improvements have been agreed with TCHD.
- 6.41 The situation at Windy Corner was more complex and dialogue has been ongoing on scheme design throughout the consultation period. Recent dialogue brought to light a TCHD desire to improve pedestrian amenities at the Windy Corner junction by providing priority to pedestrians at the crossing movements, none of which are given pedestrian priority within the current layout. Therefore, it was agreed that the appellant will investigate options to include demand respondent, signal-controlled crossings for pedestrians on all existing crossings within the junction, for further consideration by TCHD. It was recognised that this

may have an impact on the capacity of the junction for vehicular traffic but would be policy compliant in prioritising pedestrian movements.

6.42 In light of all the above, the appellant considers that all highway improvements proposed as part of the appeal remain safe and sufficient to mitigate the impact of the development traffic and that any residual impacts will not be severe.

6.43 The appellant is not aware that TCHD have any highway or transport grounds to object to the appeal. Transport matters are rehearsed in detail in the Statement of Common Ground.

#### **The Brixham Peninsular Neighbourhood Plan (BPNP)**

6.44 The Brixham Peninsula Neighbourhood Forum, as a sub-committee of Brixham Town Council, applied to designate the area of Brixham Peninsula in 2012 and applied for renewal in 2017. Following the positive outcome of the Referendum held on 2 May 2019 and the decision by the Council to make the Plan on 19 June 2019, the BPNP now forms part of the Development Plan for Torbay.

6.45 The Proposals Map identifies a “settlement gap” policy designation that affects the appeal site. Policy E3 states *inter alia* that,

*“Settlement Gaps relate to areas outside of the AONB where the countryside which forms the “gap” is Undeveloped Coast (Local Plan Policy C2) or Countryside Area (Local Plan Policy C1).*

*Within the settlement gaps development proposals must meet the criteria set out in Policy C1 of the Torbay Local Plan. No development that visually and or actually closes the gaps between these urban areas will be supported.”*

Policy C1 of the Local Plan seeks to resist development where it “*would lead to a loss of open countryside or creation of urban sprawl, or where it would encourage the merging of urban areas to the detriment of their special rural character and setting.*”

6.46 The Settlement Gap policy does not add further criteria to that already established by LP Policy C1. The evidence will demonstrate that whilst the tilted balance applies, the appeal proposals will also maintain an appropriate gap between White Rock and Galmpton and that the integrity of these communities and sense of a visual gap will be protected.

6.47 In the context of paragraph 11d of the NPPF it is important to establish the ‘policies which are most important for determining the application that are out-of-date’. The policies are out of date by virtue of the fact that Torbay Council cannot demonstrate a deliverable three year supply of land when assessed against the five year requirement. The following policies relate to the supply of housing and restriction of development on non-allocated sites:

- Policy SS1: Growth Strategy for a prosperous Torbay
- Policy SS2: Future Growth Areas

- Policy SS11: Sustainable communities
- Policy SS12: Housing
- Policy SS13: Five year housing land supply
- Policy C1: Countryside and the rural economy (insofar as it relates to the supply of housing, the strategy of focusing development only at future growth areas and restrictions over development beyond settlement boundaries)
- Policy H1: Applications for new homes
- SDB1: Brixham Peninsular

6.48 In respect of the Brixham Peninsular Neighbourhood Plan the following policies, insofar as they relate to the supply of housing are considered out of date:

- Policy BH3: Delivery of new homes
- Policy BH4: Housing Development - brownfield and greenfield sites
- Policy E2: Settlement boundaries
- Policy E3: Settlement gaps (insofar as it refers to Policy C1 of the Local Plan)

## 7.0 Applying the Planning Balance

- 7.1 Torbay Council has fallen short of meeting its housing land requirements since the start of the Local Plan period. This has resulted in a shortfall of housing against the Local Plan requirement. More relevant is the chronic lack of supply; failure to act now and release available land for development will present social consequences in the near future and with very little prospect of being able to 'catch up' during the remainder of the Plan period to 2030. There is therefore a very pressing need for new open market and affordable housing and as such, both of these elements should be given very significant weight in the consideration of the appeal proposals. The representations at **Appendix 4** establish that as at August 2019 the Council can only demonstrate 1.25 years of supply; the position will be updated via the submission of evidence in advance of the Inquiry.
- 7.2 The evidence will set out a trajectory for delivery that demonstrates how, through the grant of planning permission, the appeal proposals will make a significant contribution to the five year supply.
- 7.3 The evidence will establish that the development constitutes sustainable development, for which there is a presumption in favour through the NPPF. There are no technical issues outstanding that cannot be addressed through appropriately worded conditions.
- 7.4 Flooding is not considered to be a critical issue in this location but in any event the surface water drainage strategy provides an appropriate solution which will avoid any risk of surface water flooding. Foul drainage capacity can be delivered via connections (and if necessary, upgrades) to the existing foul drainage network.
- 7.5 The loss of agricultural land is not considered to be significant in the wider context and is in part mitigated for through the proposed revised farming practices on the adjacent farmland.
- 7.6 The loss of a relatively small area of land identified for minerals extraction is not considered significant; Devon County Council confirmed that 'this area of limestone resource is unlikely to be commercially or environmentally viable to extract'. The letter of 29 March 2018, CD 4.8, confirms the County Council withdraws the objection previously made.
- 7.7 The proposed development has been informed by an assessment of the site characteristics and context which provide the Local Planning Authority with the ability and assurance that the design can be controlled through Reserved Matters to ensure that it provides a suitable, appropriate development that responds to the site's characteristics and integrates with surrounding development.
- 7.8 There are very significant benefits that will be delivered by the proposal, including:
- The application proposes up to 373 dwellings across a range of unit sizes, 30% of which will be affordable. This is a policy compliant scheme and does not seek to introduce a viability case to reduce the quantum of affordable housing. The provision of 112 affordable homes will make a very significant contribution to meeting housing need in Torbay. Both the Local Plan and Neighbourhood Plan make



great play of the need for more affordable housing in the Brixham Peninsular. Whilst the Neighbourhood Plan seeks to identify land for 685 homes in line with Local Plan requirements, the vast majority of sites comprise small scale windfall development that will deliver very few affordable homes, or in terms of allocations are on (small scale) previously developed sites that do not trigger the affordable housing threshold in Policy H2. It is hard to envisage how the sites identified will deliver any meaningful quantum of affordable housing over the plan period.

- Local education delivery is supported through the provision of land for a 2 form entry primary school to meet the needs of new households arising from the appeal proposals and wider unmet need and demand for primary school places in the wider community.
- Provision of community facilities through the inclusion of a site for a new public house/restaurant;
- Provision of significant areas of public open space in excess of policy requirements and community food growing land with their long term management secured in perpetuity via a not-for-profit management company (secured via Section 106 Agreement); and
- Provision of countryside access for existing and future residents, providing links to the wider network.

7.9 These very significant benefits outweigh any identified adverse impacts arising from the development. Mitigation is provided in the form of:

- Solutions are proposed to mitigate for any potential impacts on the South Hams SAC by providing enhanced habitat and feeding areas for Greater Horseshoe Bats and Cirl Buntings. In total over 3.5km of hedgerow would be provided (a net increase when accounting for the 450m lost in relation to White Rock mitigation) together with 22ha of cattle grazed pasture. The strategy for providing and maintaining the mitigation land is secured via a Landscape and Ecological Management Plan and Farm Management Practices Plan secured via the Section 106 Agreement which will tie the land into being managed in accordance with the agreed management practices. Currently the land can be farmed without safeguarding the habitat for Cirl Bunting and Greater Horseshoe Bats.
- Landscape and Visual Impacts are mitigated via embedded design solutions evolved during the course of the pre-application and post-applications stages, in response to concerns raised. This has had the effect of minimising a potential impact and includes structural and internal planting.
- Necessary and appropriate CIL contributions, offsite highway works and New Homes Bonus receipts.

7.10 In accordance with paragraph 11d of the NPP, the appeal proposals should be allowed. Allowing this appeal is necessary to secure the Council's housing land supply, on a site which has previously been recognised as a sustainable solution, thus strengthening the ability for the Council to resist proposals in locations which are less preferable. The site is suitable for release and is now considered essential if the Council has any prospect of maintaining a credible supply of housing land and meeting its requirement to 2030.

## 8.0 Planning Conditions and S106 Agreement

- 8.1 An agreed S106 Agreement covering matters that are necessary to mitigate the impacts of development will be submitted to the Inquiry.
- 8.2 The evidence will identify those issues for which the appellant considers it would be appropriate to attach planning conditions to an outline planning permission. These will be offered for agreement with the Local Planning Authority in advance of the conclusion of the Inquiry. A draft set of conditions is included in the draft Statement of Common Ground.

## Appendix 1: Letter from LPA of 28 August 2019



**Please reply to:** David Pickhaver  
Senior Policy Planner  
Spatial Planning, Torbay Council  
2<sup>nd</sup> Floor, Tor Hill House  
Castle Circus, Torquay TQ2

Lauren Cook MRTPI  
Associate Town Planner  
Stride Treglown  
By Email:  
[LaurenCook@stridetreglown.com](mailto:LaurenCook@stridetreglown.com)

**My ref.:** DRP/P/2017/1133  
**Your ref.:**  
**Telephone:** 01803 208814  
**E-mail:** [david.pickhaver@torbay.gov.uk](mailto:david.pickhaver@torbay.gov.uk)  
**Website:** [www.torbay.gov.uk/planning](http://www.torbay.gov.uk/planning)  
**Date:** 28 August 2019

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Dear Lauren

### **Application P/2017/1133 Inglewood**

Further to our recent conversations and the meeting between Andrew England, Rob Brigden, me, Andrew Maltby and Max Freed on 15<sup>th</sup> August, I thought that it may be useful to set out my ongoing concerns about the Inglewood application. I note that you are meeting with the applicants later this week to consider the way forward on the proposal. I remain of the view that a proposal of this scale and nature should be pursued through the development plan process.

I emailed Mike Harris in December 2018 and identified three principal areas of concern:

- Departure from the Adopted Torbay Local Plan and appropriateness of approving a strategically significant development outside of the Local Plan Review.
- Conflict with the (then) emerging Brixham Peninsula Neighbourhood Plan, particularly Policy E3 settlement gaps.
- Impact on the AONB.

Since that time, the Brixham Peninsula Neighbourhood Plan (BPNP) has passed referendum in May 2019 and subsequently been made by full Council in June 2019. The definition of “deliverable” has also been finalised in the February 2019 NPPF and the PPG has also been updated. There is an emerging consensus in the Planning profession that the NPPF definition of deliverable makes it significantly harder for local planning authorities to demonstrate five year land supply where major sites do not have full planning permission.

As you know, the Council has recently consulted upon its five year land supply position, and Stride Treglown made detailed submissions on this. Whilst we need to report the findings to Members, there is a significant body of appeal decisions that indicates that Inspectors require a high level of “clear evidence” to demonstrate that major sites with less than full planning permission are deliverable. Accordingly, it seems likely in my

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professional view, that the Council is unable to demonstrate three years' supply of deliverable sites. I have to say that there are significant areas of land allocated for development in Torbay in the Local Plan and two of the three Neighbourhood Plans, although many of these cannot currently be treated as deliverable under the NPPF definition.

Council officers have always indicated that the provision of housing, the policy-compliant level of affordable housing, provision of a school site and other economic benefits arising from the proposal are very significant and will be given considerable weight in the decision-making process. In relation to the Local Plan, I consider that the Presumption in Favour of Sustainable Development at paragraph 11 of the NPPF is applicable. The Local Plan is nearing its five year review deadline and it is noted that the standard methodology derived local housing need figure is higher than the Local Plan's housing requirement. I must add that the application of the standard methodology in Torbay will be controversial and has yet to be agreed by Members or subject to consultation or other scrutiny. However, whilst it is my view that the Inglewood site would be more appropriately determined through the Local Plan review/update; I would not recommend that "prematurity" against the Local Plan review could be used as a reason to refuse the application, if it could be shown to constitute sustainable development in all other respects.

It would be my advice that the council will need to determine the Inglewood application on the basis of a shortfall against three years' land supply (based on the current level of permissions, government policy etc.) and that, as a result paragraph 14 of the NPPF will not apply. The implication of this is that the NPPF regards the BPNP as being out of date. Members will need to weigh the implications of this as a "tilted balance" in favour of granting permission. Notwithstanding this, it remains my view that the clear conflict with the Neighbourhood Plan must be given significant weight in decision-making. The Neighbourhood Plan has undergone a legal process and has recently been strongly supported by local referendum. Full Council has unanimously supported the Neighbourhood Plan on two recent occasions (November 2018 and June 2019). The NPPF is a material consideration, but does not change the statutory status of the development plan as the starting point for decision-making. Given this, and the huge amount of effort the local community has gone to in preparing the plan in pursuance of the Government's localism agenda, I do not consider it appropriate for me to give Members a firm recommendation that the need for housing overturns the Neighbourhood Plan.

As previously set out, there are conflicting views from various landscape consultants about the impact of the proposal upon the AONB. The proposed development at Inglewood would be clearly seen from several public vantage points in the AONB particularly from Fire Beacon Hill, Dittisham, and John Musgrave Heritage Trail near Galmpton. Views into the AONB will also be affected. The AONB Partnership has maintained its objection to the proposal (along with a significant number of other organisations and individuals). Footnote 6 of the NPPF indicates that NPPF policies relating to AONBs can be a reason for refusing applications under paragraph 11 d)i. of the NPPF. In any event, the Council has a legal duty to have regard to conserving and enhancing the natural beauty of the AONB under the CROW Act. AONB impact was also a critical reason why the Secretary of State refused the business park proposal in 1997.

Against this, I am aware that the scheme is well-landscaped, that the site is outside the AONB, and the key visual impacts are from some distance and viewed against the backdrop of Torbay; and also that it is a significantly different proposal to that refused in 1997. Nevertheless, it is my opinion (albeit as a planner and not a landscape architect)

that the proposal would adversely affect the AONB when seen from the above-mentioned public vantage points. Particularly in my assessment, from Fire Beacon Hill. I would much rather that this harm could be balanced against all other options for meeting housing need through the Local Plan process, where a full range of options and considerations can be weighed up. As a standalone application, I am afraid that I cannot recommend that the landscape impact can be overturned by the, albeit significant, benefits of the proposal.

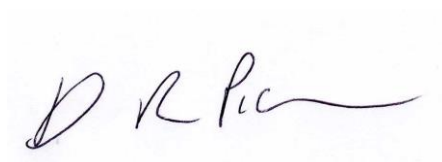
There are clearly a much wider range of issues that will need to be taken into account in reaching a decision, including but not limited to, ecology, farm management, agricultural impact, highways, sustainable transport, open space, employment, education provision, conservation and archaeology. As you know there is a very high level of opposition to the proposal, which raise a range of objections. Strictly without prejudice to full consideration of these matters by Members, based on a full report, I am not aware of other outstanding technical problems other than those outlined above, that could not be overcome through legal agreement/conditions. I would of course need to ensure that HRA matters in particular are satisfactorily addressed through the proposed mitigation/compensation measures, and that the latest changes such as the recent guidance have not changed this situation.

We have offered you the opportunity to present the scheme to Planning Committee informally in order to present the scheme's benefits. This offer remains open, although it would not now be practicable to do so in September 2019. Alternatively, we can move towards determining the application, although this would be unlikely to be before the November 2019 Planning Committee.

I hope that the above sets out my views fairly, and would reiterate that I would rather that a scheme of this nature, complexity and controversy were considered through the plan-making stage. You will appreciate that the above are my views as the case officer and policy planner, and are made without prejudice to any future decision of the local planning authority.

I am happy to discuss further when you and the applicants have met to consider your next steps.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D R Pickhaver', written in a cursive style.

**David Pickhaver**  
Senior Policy Planner

c.c. Andrew Maltby

## Appendix 2: Statement of Case: AONB and Landscape Matters

# **Inglewood, Torbay Statement on Landscape, Visual and AONB Matters**

January 2020

V4



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## 1.0 Introduction

- 1.1 The statement outlines the process by which the landscape and visual impact of the development has been assessed; how the proposals have developed as a result of discussion with interested parties, and the issues that remain at contention.

## 2.0 Chronology With Respect to Landscape and Visual Issues

- 2.1 Relevant documents to the appeal are listed (with main comments summarised) in chronological order below:

**16/2/2017: Scoping Opinion issued by Torbay Council (ref – ES Appendix 3 – CD1.38)**

- 2.2 The LVIA methodology and viewpoints were agreed within the ES Scoping response. Torbay Council retained Paul Bryan, a landscape officer employed by Teignbridge Council, to comment on the application on their behalf. For succinctness, he will be described henceforth as the Torbay Landscape Officer (TLO).
- 2.3 Consultees included the South Devon AONB and the TLO, who requested that issues to be taken into account in scheme development included consideration of scale and lighting in relation to impacts on the setting of the AONB and a request for an iterative approach to design, responding to site character.

**May 2017 to March 2018: Torbay Landscape Officer Comments (CD 3.1, 4.24, 4.25)**

- 2.4 Consultation with the TLO continued through the design process pre and post application. The TLO was generally supportive of the proposal, subject to minor issues that were addressed through the design and consultation process. Changes were made to the indicative masterplan as a result of his comments. In his response dated 8<sup>th</sup> January 2018 (**CD4.24**) it is stated that “the impact on landscape is not of significance”.
- 2.5 The most recent TLO response (**CD4.25**) indicated minor residual areas of concern, none of which concerned issues of landscape or visual impact on the setting of the AONB or on the wider countryside:
1. More information on character areas would be of benefit;
  2. Suggested minor changes to woodland blocks and management of fields 2 and 3;

3. Suggested changes to the March 2018 version of the LEMP.

The appellant would be happy to incorporate the changes suggested at the relevant detail application stage.

**March and May 2018: AONB Comment (CD 4.17, 4.18)**

2.6 Detailed consultation responses were received from the South Devon AONB unit. As a result, changes were made to the layout to address visual impacts from Waddeton Lane (VP16). However, the AONB unit maintained its objection in the most recent correspondence<sup>1</sup> for the following contended reasons:

1. The proposal does not conserve or enhance the landscape setting of Torbay;
2. The proposal does not conserve or enhance the AONB or its setting; and
3. The proposal would lead to the loss of open countryside.

2.7 In advancing these contentions the AONB unit's response refers to:

1. AONB Special Quality of: Iconic wide unspoilt expansive panoramic views;
2. AONB Special Quality of: Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement<sup>2</sup>;
3. The South Devon AONB Planning guidance<sup>3</sup>;
4. Torbay Local Plan policies SS8 and C1; and
5. South Devon AONB Management Plan policies PLAN/P2 (Great weight), LAN/P1 (Character), LAN/P5 (Skylines and Visual Intrusion) and LAN/P7 (Setting to the AONB).

**June and July 2018 Jacobs Report (CD1.41, 1.42)**

2.8 A further report was commissioned by Torbay Council in June 2018. The report contends that:

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<sup>1</sup> 10<sup>th</sup> May 2018

<sup>2</sup> AONB Special Qualities are detailed in the AONB Management Plan annex 1 (Planning Guidance) section 3.4 and Annex 4 (Understanding the Special Qualities of the South Devon AONB).

<sup>3</sup> Annex 1 of the South Devon AONB Management Plan. Sections 4.6, 8.10,

1. There would be significant residual adverse visual effects from representative viewpoints within AONB. Including from Firebeacon Hill (VPs 6 and 7) and from the John H Musgrave Trail (VP8);
2. There would be significant adverse visual effects from the westward extension to the urban edge of Paignton;
3. There would be significant cumulative effects (although the report notes that no independent assessment of cumulative effects was undertaken by Jacobs);
4. There would be adverse effects on the special qualities of the AONB, specifically upon what it perceived to be iconic wide panoramic views, tranquillity and the AONB hinterland comprising rural largely undeveloped countryside (i.e. the setting of the AONB);
5. The proposal was inconsistent with the Torbay Landscape Character Assessment; and
6. There would be harm to the openness and local landscape character in closing the settlement gap between Paignton and Galmpton (The report referred to policy E3 of what was at the time the unadopted Draft Neighbourhood Plan).

**June 2018: NPA issued a rebuttal to the points raised in the Jacobs Report (CD1.43)**

2.9 A summary of the points made by NPA include:

1. The TLO has agreed, not only with the NPA methodology and process, but also with the LVIA conclusions; and
2. The AONB Unit has agreed the LVIA methodology and process.
3. In the Jacobs assessment, some of the conclusions reached agree with NPA but others are different and are considered to be significant.

2.10 The Jacobs assessment, while using the NPA criteria, has used a different approach to assessing the visual effects of the proposals. Jacobs assessed the visual effects on a limited and selected number of representative viewpoints and assessed the effect only on that static view, looking towards the site. Viewpoints were agreed with the Council and the AONB as part of the EIA scoping process (Scoping Opinion, ES App3 - **CD1.38**

**pp14 – 15 and App3 of that appendix, p29).** NPA have assessed the visual effects on visual receptor groups which recognises that receptors/viewers move through a landscape and views gained are not static. For that reason, the NPA assessment is considered to represent the visual receptors' experience more closely than the alternative approach taken by Jacobs.

- 2.11 It is considered that the conclusions reached in the submitted LVIA and Addendum remain valid. It is recognised that, once operational, the development would have some minor to negligible adverse impacts on landscape and visual receptors in the AONB but it is considered that the residual effect would not be significant (Effects are summarised in the submitted LVIA Addendum App.1 **CD2.22 and CD2.46**). The NPA assessment does not underestimate the indirect effect of the proposals on the local AONB landscape, the special qualities of the AONB, or on the visual amenity of the AONB.

**July 2018: David Wilson Partnership (DWP) Comment (CD 2.31)**

- 2.12 In the light of observations from the AONB unit and the Jacobs report, the appellant felt it prudent to commission an independent, critical review of landscape issues regarding the AONB. Peter Leaver, a director at David Wilson Partnership, has been retained by the North Devon AONB to advise on landscape matters since 2009. It was considered that he was suitably qualified and experienced to provide an independent comment on the likely impact of the proposal on the AONB. The DWP report concluded that:

1. The change to local landscape as a result of land management proposals highlighted as a concern by the TLO in their January consultation response had been addressed through the revised LEMP and farm management plan (March 2018 – **CD2.21**);
2. The development presents an opportunity to redefine the urban edge of Torbay from one that is determined by road networks to one that is based on the principles of green infrastructure planning and
3. Whilst the proposal would be a noticeable addition to the setting of the AONB, changes to the landscape character or special qualities of the AONB would be minor in nature, as described in the submitted LVIA.

**November 2018: Michelle Bolger Expert Landscape (MBEL) Comment (CD5.1):**

2.13 A further assessment was commissioned by local residents<sup>4</sup>. It opined that the landscape and visual effects of development would be significant and adverse. In particular:

1. There would be a loss of open countryside and would not conserve protect and enhance local landscape character (TLP policy C1);
2. There would be an unacceptable impact on the special landscape qualities of the AONB (TLP policy SS8);
3. The proposed development would not protect skylines and open views out of and into AONB (AONB Management Plan policy LAN/P5); and
4. Would not maintain quality and character of deeply rural character of land within the setting of the AONB (AONB MP policy LAN/P7).

**January 2020: LVIA Addendum – Visualisations (CD2.46)**

2.14 In the period between the submission of the LVIA and the date of this appeal, there have been significant changes both in best practice guidance on the presentation of visualisation for development proposals, and to the visual baseline, due in particular to new development to the north of the site. The MBEL comment (**CD5.1**) also highlighted an issue that the submitted VVMs anticipated a white or light coloured render throughout the development. Updated visualisations have been prepared to account for these changes. For the sake of completeness and clarity, a selection of the submitted photographs and visualisations have also been reconfigured to allow for variety in cladding materials and colour. Detailed methodology, rationale and comment are described further in the LVIA Addendum (**CD2.46**).

### 3.0 Anticipated LPA Concerns

3.1 A number of issues in relation to landscape and visual impact have been raised by the LPA, most recently in a letter of 28 August 2019, which refers to impacts on the AONB and highlights in particular views from vantage points at Firebeacon Hill, Dittisham and Galmpton. Whilst the application has not been determined (and there is no officer's report

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<sup>4</sup> Michele Bolger Expert Landscape Consultancy 18 November 2018

or reasons for refusal) it is inferred that the LPA position will have been informed by the comments noted in section 3 (above). These raise the following issues that might form the nature of the LPA's concerns:

1. Whether there would be an unacceptable impact on the special landscape qualities of the AONB (Policy SS8) and on the natural beauty of the AONB (NPPF paragraph 172);
2. Whether there would be an adverse effect on the conservation and enhancement of distinctive landscape character of Torbay (TLP Policies C1, SS8, SS9); and
3. The consequence of a loss of open countryside (Policy C1) and the potential for merging of urban areas and surrounding settlements to the detriment of special character (BPNP policy E3).

#### 4.0 Whether there would be an unacceptable impact on the special landscape qualities of the AONB (Policy SS8) and on the natural beauty of the AONB (NPPF Para 172)

- 4.1 Local Plan Policy SS8 notes that it is important that development outside the AONB does not have an unacceptable impact on the special landscape qualities of a nearby AONB. We note that while the AONB Management Plan is not a Development Plan document, it does provide guidance on the nature of special qualities that might inform interpretation of policy SS8. "Special qualities" are described in the AONB Management Plan (Annex 1 and Annex 4 **CD 6.10** p9<sup>5</sup>). The document sets out 10 special qualities of the AONB. In describing the qualities, the annex notes the rationale for their inclusion as a special quality and their contributing distinctive characteristics. (**CD 6.10**)

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<sup>5</sup> AONB Management Plan p3 and Management Plan Annex 4 p9: *Ten special qualities summarise the unique 'natural beauty' for which the South Devon AONB is designated as a nationally important protected landscape* "**Natural Beauty** covers everything, including landscape quality, scenic quality, relative wildness, relative tranquillity, natural heritage features and cultural heritage, that add together to make an area distinctive. It is a high level, over-arching term. **Special Qualities** are a subset of Natural Beauty, distilling the key attributes that make the area special and worthy of designation as an AONB. They apply to large areas or all of the AONB. **Distinctive Characteristics** are those components that define what it is that gives South Devon its sense of place. They generally apply to areas smaller than the AONB as a whole. **Key Features** are specific and detailed locations, places, landmarks, occurrences, events etc. that are of particular significance to South Devon and help illustrate how or where the special qualities, distinctive characteristics and natural beauty can be seen.

4.2 The appeal site is not within or directly adjacent to the AONB boundary. It sits within the wider setting of the South Devon AONB in an area that includes the upper slopes of the Dart Valley and the Torbay conurbation. As a result, the special qualities that relate to physical features and characteristics within the designated area are not of relevance. Consultees have drawn attention to three qualities that could be susceptible to change as a result of external influences<sup>6</sup> (there has been no indication that other qualities are of concern):

**A. Iconic wide, unspoilt and expansive panoramic views**

4.3 The AONB Management Plan in its description of this special quality notes that open and uninterrupted panoramic views offer a sense of remoteness, wildness and scale and that vantage points that only contain natural features are a highly valued resource (AONB Management Plan Annex 1 p24 **CD6.10**). This description does not fit views of the appeal site from the AONB (the agreed viewpoints in the AONB are VPs 6,7,8 & 9, contained in the submitted LVIA Figures **CD 1.22 & CD2.46**). Views of the site include the presence of the existing built up areas of Torbay as a significant element and cannot be described as containing only natural features. The characteristic of the special quality relating to unspoilt (i.e wild or natural) views is not readily appreciated in the area of the AONB from where the site is visible.

4.4 It is accepted that wide and expansive panoramic views over Torbay and its urban area are available from VPs in the AONB. The introduction of the proposed development would result in only a minor change in the character of those views and would cause no undue harm to the special quality (DWP report **CD2.31** p12-13). The proposal would have no effect on unspoilt views that only contain natural features.

**B. Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement**

4.5 The AONB Management Plan in its description of this special quality notes that responses to the landscape, particularly its sense of timelessness, wilderness, remoteness and peacefulness are significant in much of the AONB. Dark night skies are particularly valued

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<sup>6</sup> AONB comment CD 4.17, Jacobs Comment CD 1.42 p7 MBEL comment CD 5.1



(AONB Management Plan Annex 1 p28 **CD 6.10**). The characteristics that are distinctive to this quality include:

1. Features and perceptual factors perceived as being natural.
2. High tranquillity away from main population centres, main roads, tourist hot spots.
3. Wild and rugged coast with few signs of human presence.
4. Dark night skies, in locations away from intrusive nightglow produced by Torbay and Plymouth.

4.6 Key to assessment of the effect of development on this special quality is an understanding of what is meant by tranquillity. The South Devon AONB unit use two definitions that are helpful (AONB Management Plan **CD6.10** Glossary p49 and Annex3 p46). NE Guidance for Designation (**CD7.2** Appendix 1) provides indicators of contributors to and detractors from tranquillity (as well as indicators for factors of wildness, remoteness and openness).

4.7 The effect of the development on the sense of tranquillity perceived by receptors in the AONB would be indirect, as the site is outside the AONB boundary. The factors that contribute to tranquillity are already heavily affected by the influence of the conurbation of Torbay on the AONB, traffic noise and light pollution (DWP report **CD2.31** p13). The characteristics (noted above) that contribute to the quality of tranquillity are absent in views of the site from the AONB.

4.8 The development would be a noticeable addition to some views from the AONB towards Paignton, but the extent to which receptors in the AONB would experience any change to the sense of remoteness or tranquillity would be minor at worst (Submitted LVIA Addendum **CD2.22** App1 and **CD2.46**, DWP report **CD2.31** p13-14).

**C. A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and the southern Dartmoor**

4.9 The AONB Management Plan in its description of this special quality notes that the setting of the AONB provided by surrounding areas of land, sea and urban settlement is of great significance and that distant views include significant features not in the AONB (AONB Management Plan Annex 1 **CD6.10** p29). Distinctive characteristics of the quality include:

1. That Torbay and Plymouth are important components of the AONB setting and contrast strongly with the area's deeply rural nature.
2. Away from Torbay and Plymouth City, the principal character of neighbouring inland areas forming the setting of the AONB is one that is sparsely settled and deeply rural in nature.
3. That rural largely undeveloped countryside, farmland and woodland is significant as setting for the AONB.

4.10 The site is within an area that displays the first characteristic of the special quality (a rural area contrasting strongly with surrounding urban character). The proposal would modestly alter the balance of rural and urban landscape in the setting, but the change to the character of the setting as it affected the AONB would be minor.

4.11 The setting of the AONB in the area of the site cannot be described as deeply rural or largely undeveloped (LVIA **CD2.22** and **CD2.46**, viewpoints 6 and 8), DWP report **CD2.31** pp14-16). Those characteristics do not contribute to the special quality of setting in the case of the appeal site.<sup>7</sup>

### Summary:

4.12 It is accepted that the development is within the setting of the South Devon AONB. Statutory and other consultees have identified the special landscape qualities that could be sensitive to development outside the AONB. In each case, the site makes no or only a small contribution to those qualities. The appeal proposal would cause no or only minor adverse impacts on those qualities and is considered acceptable in terms of policy SS8 part 2.

4.13 The first part of NPPF para 172 is relevant to the appeal. The site is some distance from the AONB although it is within the setting of the designated area. In giving great weight to conservation and enhancement of scenic beauty, the Inspector is asked to consider the results of the submitted LVIA addenda (**CD2.22 Appendix 1 and CD2.46** ) which

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<sup>7</sup> The site sits within the Torbay Hinterland Devon Landscape Character Area (DLCA **CD 6.3**). The DLCA assessment includes a list of distinctive characteristics, special qualities and features. It mentions the landscape's role as setting for Torbay, but not as setting for the AONB. The landscape strategy includes for protection of setting of Torbay, but not of AONB. By comparison, the DLCA of Plymouth and Modbury Farmlands (just north of the S Devon AONB - **CD 6.3**) refers to setting of the South Devon AONB as both a special quality and as an attribute for protection.

predicts minor or negligible effects on receptors within the AONB as a result of the proposal. That conclusion is borne out by the independent assessment of the proposals carried out by DWP (**CD2.31**).

## 5.0 Whether there would be an adverse effect on the conservation and enhancement of distinctive landscape character of Torbay

- 5.1 The local planning context requires the promotion of change within Strategic Delivery Areas in a manner that also delivers landscape protection and enhancement. The evidence will demonstrate how the scheme delivers this, how the scheme was adjusted in response to public and stakeholder consultation feedback and why the landscape and visual impacts of the scheme would not be significant, overall. Whilst the scheme has been shaped by feedback received, it is noteworthy that the TLO has previously also confirmed in correspondence (**CD4.25**) that it was his view that ‘the impact on landscape is not of significance’.

### **Local Landscape Character Assessments and the Sensitivity of the Landscape**

- 5.2 The principal published landscape assessment which is relevant to this appeal is the assessment of LCA10 the North Galampton Rolling Farmland, as identified in the Torbay Landscape Character Assessment (TLCA) (**CD6.1 and 6.2**). Other published character assessments relevant to the site and the study area include the assessment of the Torbay Hinterland LCA and Landscape Character Type 3B Lower rolling farmland and settled valley slopes (Devon Landscape Character Assessment - DLCA **CD6.3**), and at a broader scale the South Devon NCA Profile 151 (**CD6.4**).
- 5.3 Evidence relating to the site and local landscape’s sensitivity will demonstrate that the application site and its more immediate context is not currently designated for its landscape value at any level. In these circumstances NPPF paragraph 170a identifies that these areas of landscape should be afforded protection ‘in a manner commensurate with its statutory status or identified quality in the development plan’.
- 5.4 The appeal site study area, as defined in the submitted LVIA, and the assessment of LCA10 in the TLCA both identify a visual interrelationship between the landscape of the appeal site and the South Devon AONB to the south and west. Whilst there are no direct effects on this area, Local Planning Authorities have a duty under the CROW Act 2000 to

have regard to effects of proposals on the AONB. There has been detailed consideration of the effects on the published special qualities of the AONB and the current AONB Management Plan by the appellant as summarised in Section 4 above.

- 5.5 Whilst it is recognised that, historically, the Torbay LCA10 was located within an Area of Great Landscape Value (a County level designation), this area was extensive and identified as covering the whole of the fringe of Torbay. As a result of this, it inevitably would have included areas of variable landscape character and quality and areas that could potentially accommodate change. Against this background, a landscape character assessment based approach, as referenced in the Natural Environment section of the PPG (Landscape, Paragraph 037 Reference ID: 8-037-20190721, Rev date 21 07 2019 **CD6.11**) is now recognised as a more appropriate means of assessing landscape and visual sensitivities and capacity for change at a local level. The submitted scheme LVIA baseline includes a landscape and visual assessment.
- 5.6 It is recognised that countryside has intrinsic character and beauty, as identified in NPPF paragraph 170b.
- 5.7 The TLCA is the local plan reference for an assessment of landscape sensitivity. On page 35 in Part 2 of the TLCA (**CD6.1 and 6.2**) assessment concludes that LCA10 the North Galmpton Rolling Farmland is a landscape with a high sensitivity.
- 5.8 Evidence for the landscape in which the appeal site is located being of no more than moderate community value and of limited susceptibility to the type of development proposed and medium sensitivity overall, is summarised below:

### **Landscape Value**

- 5.9 The value of this landscape is judged to be moderate at a community level overall, including on the basis that:
1. This is a landscape which is not recognised by a formal landscape designation, at any level, but some parts of it have an interrelationship with parts of the South Devon AONB;
  2. Whilst this landscape was historically identified as part of an Area of Great Landscape Value this was a wide-ranging designation covering the whole fringe of Torbay, including landscape of variable value within it;

3. This local landscape includes areas and features which are valued at a community level, some parts of which contribute to the setting of existing settlement and/or to local visual amenity; and
4. This landscape does not provide any public access or recreational value.

### **Landscape susceptibility**

- 5.10 The ability of this landscape to accommodate development of the type proposed is judged to be moderate including on the basis that:
1. This landscape is able to accommodate the type of development proposed without undue negative consequences;
  2. Attributes that make up the character of the landscape offer some opportunities for accommodating the change without loss or detriment to key positive features; and
  3. This landscape also has potential for landscape, natural capital and access enhancement, in combination with the type of development proposed.

### **Overall sensitivity**

- 5.11 **Medium** – the assessment noted that this is a local landscape that:
1. Comprises commonplace elements and features creating a generally unremarkable character but with some sense of place; and
  2. Has no statutory landscape designation, with areas of variable quality and condition but which has some limited intervisibility albeit at some distance with the surrounding wider AONB landscape;
  3. Includes some features valued due to their perceptual qualities, however, these are away from the existing urban edge as the land falls away more steeply, in places that are more secluded;
  4. Contains some features and elements that cannot be replaced.
- 5.12 Furthermore, there is evidence in a comparative assessment of LCA1P South Galmpton and Lupton on pages 36 and 37, in part 2 of the TLCA (in **CD6.2**) that there appears to be an inconsistency of approach in reaching conclusions on levels of sensitivity, in this

part of the local plan evidence base. That particular LCA is within the AONB, has predominantly grading of substantial/high alongside landscape quality/condition, value and visual sensitivity and yet is concluded with the same sensitivity level as LCA10. This brings the conclusions for LCA10, which is being relied on by the Local Plan, into question.

- 5.13 The above evidence draws upon the submitted LVIA and published sensitivities, opportunities, capacity statements and strategies identified for this landscape character area (LCA10) within the Torbay Landscape Assessment (**CD6.1 and 6.2**), Devon Landscape Assessment (**CD6.3**), NCA151 South Devon (**CD6.4**), in combination and has been prepared with the benefit of a detailed site assessment.
- 5.14 The above appraisal demonstrates that the sensitivity of the local landscape is assessed as no more than medium with potential for protection and enhancement of positive landscape characteristics and features. The proposed scheme includes a range of on and off site measures that would indeed protect and enhance some of the positive features of the local landscape. On site measures include hedgerow strengthening and planting woodland blocks, as described in the Design and Access Statement (**CD2.23**) and the LEMP (**CD2.21**). Whilst there is a relationship between this landscape and parts of the surrounding South Devon AONB of recognised high sensitivity, these sensitivities are capable of being effectively addressed through site design and mitigation measures, as described in the DAS and the LVIA addendum (**CD2.22**).
- 5.15 The National Character Profile (NCA 151 **CD6.4**) identifies opportunities for landscape and natural capital enhancement that the scheme helps to deliver in the Torbay area. These opportunities include integration of new areas of development on the edge of Torbay into the wider landscape and the creation of new areas of accessible greenspace.

### **The Capacity of the Landscape to Accommodate the Proposal**

- 5.16 The submitted PDAS/Urban Design Framework (**CD2.24**) and Urban Design Regulatory Plan (UDRP) (**CD2.27**) will be referenced to provide evidence:
1. That early identification of the landscape and ecological issues and opportunities informed a scheme that has been developed sensitively, taking landscape and ecology issues as central considerations (See **CD2.21** and **CD2.12**);

2. That the scheme includes a strategic framework which is responsive to the landscape and visual capacity of Torbay LCA10 (**CD6.1 and 6.2**) and the strategy and guidelines contained within the Devon County Landscape Character Assessment (DCLCA) (**CD6.3**) for the Torbay Hinterland and those of the Torbay Green Infrastructure Delivery Plan (**CD6.7**); and
3. That the scheme is compliant with TLP Policy C1, SS8, SS9, DE1(17) and the BPNP Policies E1, E3, E6 and BH5.

5.17 Despite part of the land being open to view from the south, submitted photomontages in LVIA Addendum January 2020 Appendix 5, Parts 1 to 3 (**CD2.46**) will be referenced to demonstrate the effectiveness of the scheme proposals in mitigating the potential visual effects on the South Devon AONB. VVM Viewpoints 3, 5D, 6A, 7A, 7D, 8C, 9A, 19 will also be used to demonstrate that the appeal site does not sit within an area of undisturbed skyline in these key views and instead would be seen from the south on land set down below existing housing on rising ground to the east and against a backdrop of proposed woodland at White Rock on more elevated rising ground to the north.

5.18 Furthermore, although the urban edge will extend beyond the existing edge of Goodrington it will be demonstrated that a new settlement edge can be effectively defined to integrate the new development by strengthening existing field boundaries. It will also be shown that the new development would avoid intruding onto the topographic ridge around this edge of Torbay (identified in **CD6.3**, under the DCLCA profile for the Torbay Hinterland). It will also be demonstrated that the scheme does not extend onto steeper local slopes and valley areas which will conserve existing 'green fingers' connecting town and country in this part of the Torbay Hinterland (also identified in the profile for this DCLCA in **CD6.3**).

5.19 The LVIA Appendix 5 Addendum visual representations (in **CD2.46**) demonstrate that the limited extent and the scale of the proposed scheme within LCA10 in the TLCA and within the White Rock extension area, identified in BPNP Aecom Housing Assessment 2017 (**CD6.5**), will enable this development to be accommodated whilst minimising wider impact.

5.20 Submitted photomontages (**CD2.46**) and the submitted Green Infrastructure Plan (**CD2.12**) will be used to demonstrate how the proposed scale of development within a

discrete area north of Galmpton minimises the loss of open countryside, is sensitively sited with respect for the Galmpton and Waddeton Conservation Areas, avoids identified valued landscape characteristics and features and how the scheme is responsive to the context of the South Devon AONB. The scheme effects on the special qualities of the AONB and accounting for the AONB Management Plan and Planning Practice Guidance supplement have specifically been addressed in detail in **Section 4** of this SoC.

- 5.21 Scheme mitigation measures, (including areas of conserved open land, conserved and created views, and strengthened field boundaries that have been incorporated following a landscape and visual impact assessment and refined in response to stakeholder feedback), will be referenced on the submitted Green Infrastructure Plan and scheme masterplan. Design principles underpinning the sensitive siting of the development, for conserving long distance views in and out from this area and for strategically placed planting measures in combination with the reinforcement of hedgerow boundaries, will be highlighted in line with the Torbay Landscape Assessment recommendations for this character area.
- 5.22 The submitted landscape and GI strategy for the scheme is focussed on enhancement of the existing hedgerow network whilst integrating the existing and new urban edge effectively in views from the AONB to the west. The proposals also effectively integrate with the proposed planned strategic planting around the extension to the site at White Rock, also in line with the strategy recommendations in the TLCA, for this area. BPNP Policy E6 views and vistas (BPNP, page 55), have also been accounted for and effects on these mitigated by the proposals, as evidenced in VVMs in the LVIA Appendix V Addendum (**CD2.46**).
- 5.23 The development of the scheme included consideration of landscape sensitivity as a central tenet of the design strategy. The scheme respects the BPNP Settlement Gap policy and criteria, by maintaining clear visual and perceptible separation between Galmpton, the scheme and White Rock. The scheme respects the valued functions of the settlement gap by avoiding valued local features and by preserving the discrete identity of Galmpton, and the White Rock development which is adjacent to the application site. A conserved local valley feature and open farmland to the north of Galmpton and the green spaces and buffers incorporated within the scheme would maintain an open characteristic which also draws in views of distant landscape to the south and west. In addition, the distinct conserved local landscape features of a local



valley alongside Galmpton and an intervening hill top south of White Rock would maintain perceived separation when moving between these places, preventing coalescence or merging of these places with this new edge to Goodrington. Furthermore, the restricted scale and extent of the proposed scheme would conserve valued corridors or 'green fingers' which physically connect to and interact with the wider countryside. The effects on the Settlement Gap Policy E3, which also refers to Torbay Local Plan Policy C1, are addressed in further detail in Section 6 of this SoC.

### **Conclusions from submitted LVIA**

- 5.24 The evidence will draw upon the submitted LVIA, which forms part of the submitted Environmental Assessment to summarise the conclusions of that assessment based on consideration of the scheme design strategy, identified above. The findings demonstrate the effectiveness of the scheme mitigation proposals in reducing landscape and visual effects so that they would not be significant overall.
- 5.25 An additional response will be made in the evidence to the comments received to date, on the LVIA, made by consultees and third parties, drawing on and expanding on the previously submitted NPA rebuttal and DWP report. This will confirm that the judgements reached are sound and that it is a robust LVIA assessment, prepared in accordance with industry guidelines (GLVIA3, **CD6.8**).
- 5.26 This part of the evidence will conclude, with reference to the PDAS (**CD2.23**) and LVIA (**CD1.22, 2.22, 2.46**), that the sensitive and/or important landscape and visual aspects of this local landscape, identified in the Torbay LCA, and the BPNP Settlement Gap between Galmpton and Torbay would be protected and any adverse effects minimised, such that this development would not result in adverse effects which would preclude the granting of planning permission on landscape and visual grounds.

## **6.0 Loss of open countryside (Policy C1) and merging of urban areas and surrounding settlements to the detriment of special character (BPNP policy E3)**

- 6.1 The Torbay Landscape Assessment (TLCA Pt2 **CD 6.2** pp34-35) considers that the existing urban edge of Torbay is well integrated into the landscape and that further development would extend into open countryside. It concludes that there is only limited

potential for landscape change and suggests that development could impinge on the quality of views from the AONB<sup>8</sup>. The TLCA was written almost 10 years ago and is now outdated. It does not take account of more recent development on the edge of Torbay that has altered the character of the landscape east of the conurbation. The relevance of Brixham Road as a development boundary has been reduced as a result of built and consented development.

6.2 The Brixham Peninsula Neighbourhood Plan (BPNP policy E3) identifies a settlement gap between Galmpton and Whiterock which encompasses most of the proposal site.<sup>9</sup> Three purposes of the settlement gap are identified in the policy:

1. to provide an open characteristic to the area, drawing in distant views;
2. to provide separation to prevent coalescence between settlements (in this case between Galmpton and Paignton);
3. to protect corridors that physically connect and interact with the wider countryside.

6.3 It is noted that while the site has been identified in policy E3, land closer to the northern edge of Galmpton and between Galmpton and Broadsands is not included in the policy<sup>10</sup>. A Brixham Landscape Strategy was prepared as part of the evidence base for the BPNP. It considers in detail areas of settlement gap around the edge of Brixham, but its study area stops short of the site.

6.4 In relation to the first two purposes of policy E3: The rural gap between Galmpton and Whiterock and between the site and Whiterock would be reduced in size as a result of the proposal. The function of the settlement gap as set out in BPNP E3 would still be met in that there would still be substantial areas of open countryside to the south of the developed part of the site separating Galmpton and the proposal site. Extensive landscape treatment would filter views of both the proposed development and of existing urban extensions in views from Galmpton, such that in travelling between areas, there would be a clear and distinctive experience of leaving one settlement behind, passing

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<sup>8</sup> Torbay Landscape Character Assessment pp34-35. The TLA was undertaken at a time when Torbay's Local Plan contained an Areas of Great Landscape Value policy. This is no longer the case.

<sup>9</sup> Draft Brixham Neighbourhood Plan (BNP) policy E3.

<sup>10</sup> BNP Policy Maps

through another quite different area (the Gap) before entering another quite separate settlement.

- 6.5 In relation to the third purpose of policy E3: Brixham Rd currently defines the edge of the urban area, but it is a harsh boundary that does not assimilate well into the landscape. It forms a physical barrier to access from Paignton to the countryside – a fast road with no footpath on the western side. Torbay’s Local Plan, evidenced by the Green Infrastructure Strategy (GIS) (**CD6.7** Map 2 and p10), recognises the role of the road as a barrier and assesses the housing on Hunters Tor Drive as being an Accessible Greenspace Focus Area, “where there is a clear need to improve accessible greenspace”<sup>11</sup>. The GIS and Local Plan Policy SS9 propose (subject to landowner consent), a country park and improved access on land to the west of Brixham Road in the vicinity of the development site.
- 6.6 The proposal will, in conjunction with recent developments to the west of the road at White Rock, redefine the edge of Torbay on its south west boundary. The approach to development outlined in the appeal proposal will address issues of urban sprawl on the edge of Paignton and contribute to the enhancement of green infrastructure.

## 7.0 Planning Policy Compliance

- 7.1 The following paragraphs summarise how the proposed scheme complies with the local plan and other planning policy in a landscape context.

### **National Planning Policy Framework para 172**

- 7.2 The development is not within the AONB, so the second part of para 172 does not apply. Residual landscape effects, effects on special qualities and effects on visual receptors are to be given great weight, but these effects are indirect (as the site is outside the AONB) and the overall effects are not judged to be significant.

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<sup>11</sup> Torbay Green Infrastructure Delivery Plan,

### **Torbay Local Plan Policy C1**

- 7.3 The proposals will conserve landscape character, include the provision of green infrastructure and adhere to planning guidance associated with Greater Horseshoe Bats and Cirl Bunting in Policy NC1. This proposal positively addresses these issues.
- 7.4 Alongside the requirements of Policy C1, although the scheme will lead to some loss of open countryside, the loss would be modest and the proposal well related to the existing urban edge. The proposal has been developed with the conservation of landscape character as a core consideration, avoiding the creation of urban sprawl. The Green Infrastructure scheme (which aligns with Policy SS9a) has located and integrated the development proposal in a manner that avoids the merging of urban areas and surrounding settlements and safeguards area of special rural character. Under Criteria listed under Policy C1 it is considered that in landscape terms there are limited grounds for resisting this proposal.

### **Torbay Local Plan Policy SS8**

- 7.5 The 2<sup>nd</sup> part of Policy SS8 notes the importance of ensuring that development outside the AONB does not have an unacceptable impact on the special landscape qualities of the AONB. The site makes no or only a small contribution to those qualities that are sensitive to development within the setting of the AONB. The appeal proposal would cause only minor adverse impacts on those qualities and is considered acceptable in terms of policy SS8 part 2.
- 7.6 Policy SS8 requires that all development should have regard to its setting and positively contribute to the conservation and enhancement of natural assets, biodiversity and the setting of the bay. The Green infrastructure strategy for this scheme will safeguard, conserve and enhance valued attributes commensurate with their importance, outside of the AONB, an approach to development which is supported by the local plan at Policy SS8, part 3. In this case the following landscape attributes will be safeguarded and enhanced: hedges and hedge banks, mature trees, woodland copses and belts, views out from the development, areas of valued open land.
- 7.7 Furthermore the scheme is underpinned by a robust on and offsite biodiversity strategy delivering 'net gain' in compliance with SS8 Part 1 and includes a Framework Landscape and Ecological Management Plan (**CD2.21**), Farm Management Plan (**CD1.19**) and EIA

based landscape mitigation strategy (**CD1.17 and CD1.18**) which complies with SS8 Part 4.

### **Torbay Local Plan Policy SS9**

- 7.8 Green Infrastructure Criteria (a - f) listed under policy SS9 are all incorporated and reflected in the scheme design. The scheme has been designed with the provision of green infrastructure as a central consideration. Multifunctional greenspace, public open space and access were incorporated into the scheme from day one. Safety, amenity and usability of open space and wildlife corridors have also been considered and green infrastructure is incorporated to mitigate for loss of foraging habitat and/or any linear features, and existing tree planting is maintained and increased in various forms. The scheme also delivers and effectively integrates the local plan countryside access and enhancement scheme, identified at policy SS9.3. The scale and extent of the proposed development otherwise limits the effect on a mineral safeguarding area and areas of best and most versatile agricultural land.

### **Torbay Local Plan Policy DE1 (17) and DE4**

- 7.9 Policy DE1 (17) Design under the category Visual Appeal requires the protection of important local and longer- distance views and impact on the skyline, from public vantage points, having regard to the location and prominence of a site. The extent and layout of the scheme has been shaped to maintain the distant long views from the A3022 across to elevated parts of the South Devon AONB to the south and new public views out to the south and west would be created. The extent and layout of the scheme is such that it avoids the topographic ridge, identified in the DCLCA (**CD6.3**) for the Torbay Hinterland when viewed from public view points in the AONB and from within Torbay and from its coastline. The detailed form of the scheme has been refined in response to detailed consultation to protect a local skyline viewed from Waddeton. Furthermore, in response to DE 4 Building Heights, rooflines have been given sensitive consideration and respect skyline and positive long-distance views across the site and buildings have been sited away from maintained open buffer greenspace areas to protect these attributes.

### **Brixham Peninsular Neighbourhood Plan Policy E3**

- 7.10 The functions of the Settlement Gap identified in Policy E3 of the BP Neighbourhood Plan will continue to be provided. The scheme extent and design strategy maintains views to

distant landscapes and open characteristics where they are most important and will create new positive open spaces and provide other distant views from an extended public access network. The extent of the proposed development avoids and safeguards the hill which provided separation between this area and White Rock to the north and the valley finger of open space between the site and Galmpton. This valley and the, to be wooded, hill top/ridge alongside White Rock maintain positive GI corridors which physically connect the urban area to and interact with the surrounding countryside. Furthermore, the principle is that they provide a clearly defined physical and visual feature which provides *‘a clear and distinctive experience of leaving one settlement behind, passing through another quite different area (the Gap) before entering another quite separate settlement’*<sup>12</sup>, a principle established through local plan policies elsewhere in the UK and upheld in a number of Decision Letters (such as the Fareham Landscape Assessment Part 3, 2017, (CD6.9) LDA and Mead Park Appeal CD9.1).

### **Brixham Peninsular Neighbourhood Plan Policy E6 and E1**

- 7.11 Policy E6 in the Neighbourhood Plan highlights that views to and from the sea or the River Dart and public views of the townscape, seascape, landscape and skyline are valued by residents and visitors alike. This proposal which has been founded on a formal landscape and visual assessment, accounts for and safeguards public views out across the site toward Fire Beacon Hill in the South Devon AONB from a northern stretch of the A3022. The extent, layout, design and mitigation proposals for the scheme respect views over the site towards Torbay from the AONB. The scheme design minimises these effects and also establishes a well-defined new settlement edge in a manner that is responsive to the capacity and strategy for this landscape (North Galmpton Rolling Farmland LCA10) as defined within the TLCA, May 2010 (CD6.2, Part 2, Page 35). Specific indirect landscape and visual effects on the South Devon AONB and Policy E1.3 have been addressed in detail in the previous section.

### **Brixham Peninsular Neighbourhood Plan Policy BH5**

- 7.12 Submitted Photomontages (in CD2.46, the LVIA Appendix 5 Addendum CD2.22) illustrate how the scale of the proposed development, the building height strategy and subsequent building finishes in combination with the green infrastructure framework

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<sup>12</sup> Quote taken from the Fareham Landscape Assessment Part 3, 2017, (CD6.9)

would deliver a scheme that enables sensitive visual integration in this location, in a manner which respects the character and appearance of the surrounding area. At the same time the proposed material finishes indicated, would also sensitively respond to Policy BH5 Good Design, by reflecting the building material palettes and finishes which are typically found representing the local vernacular.

### **The Government's 25 Year Environment Plan**

- 7.13 From a landscape and visual perspective the recommended design and mitigation measures for the scheme perform multiple functions and have been located in the submitted Urban Design Regulatory Plan (**CD2.27**) where they can maximise the delivery of targets associated with clean air, water quality management, thriving plants and wildlife habitat (including off site habitat for Greater Horseshoe Bats and Cirl Buntings and tree planting - enhancing carbon sequestration), sustainable use of resources, enhancing engagement with the natural environment, mitigating and adapting to climate change, thereby delivering net gains and enhancing natural capital.
- 7.14 In this way the scheme introduces environmental benefits which would not exist without it and which reflect the Government's Environment Plan objectives.

### **Overall**

- 7.15 In conclusion, the scheme before the Inspector, whilst resulting in some change in land use, is underpinned by design principles and an approach which aligns with the proposed landscape capacity judgements and strategy identified for this specific landscape character area in the DLCA and TLCA. It also demonstrates accord with Policy C1, SS8 and SS9 of the local plan. Furthermore, the scheme would deliver beneficial landscape interventions including delivery of the identified SS9.3 local plan Green Infrastructure and countryside access enhancement, alongside a net gain in biodiversity and natural capital. This also aligns with the approach set out within NPPF 2019 paragraph 170d, the PPG on the Natural Environment and the Government's 25 Year Environment Plan.
- 7.16 The BPNP housing site allocation approach (set out on pages 82-84 for Brixham Road, White Rock (White Rock Extension) in **CD6.6**) rejects the site from further consideration. That approach does not reflect the findings of the Aecom Update Site Appraisal - a key part of the evidence base for the neighbourhood plan (**CD6.5**) nor its recommendation

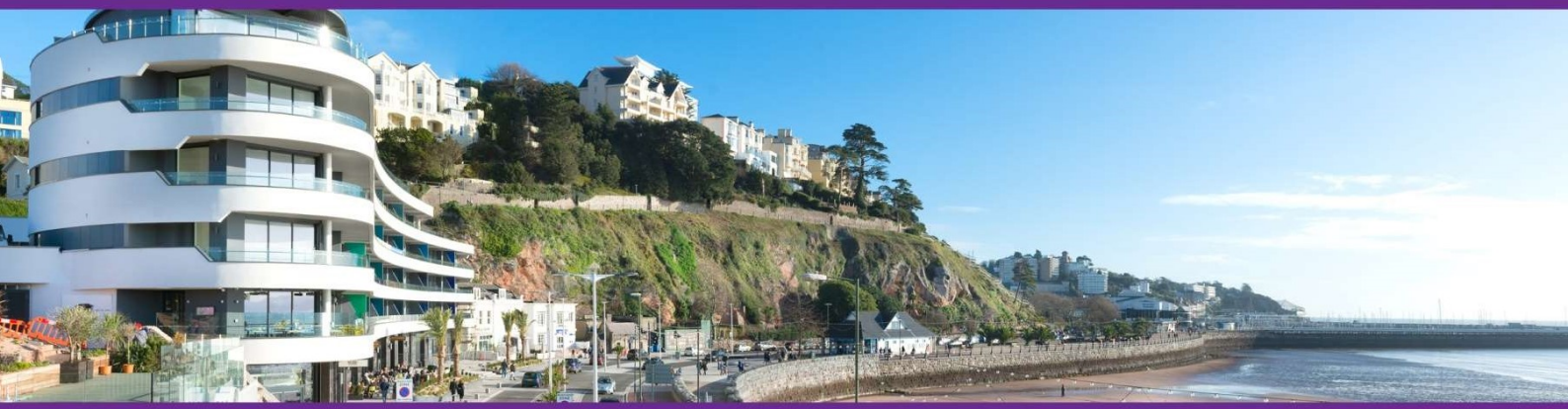
that the land was 'Potentially Appropriate' for housing. The scheme design identifies how a suitably scaled and sensitive proposal would be appropriate in this location.

## 8.0 Conclusion

- 8.1 The appeal site is not within the designated AONB. The development would not result in unacceptable harm to the special landscape qualities of the AONB and complies with Local Plan Policy SS8 in that regard. There would be no direct changes to the landscape of the AONB and only minor changes to those elements of scenic beauty defined by setting (NPPF para 172).
- 8.2 The proposal landscape and green infrastructure strategy has been developed to minimise adverse effects on distinctive landscape character of the countryside to the west of Torbay. The proposal delivers local plan countryside access and enhancement scheme, identified at policy SS9.3 and incorporates Green Infrastructure criteria listed in policy SS9.
- 8.3 The proposal will lead to some loss of open countryside, the loss would be modest and the proposal is well related to the existing urban edge (Policy C1). The purposes of the settlement gap defined in the Brixham Peninsula Neighbourhood Plan policy E3 would be met by the proposed development.
- 8.4 Given the above, the scheme is consistent with the objectives of the Local Plan, the Neighbourhood Plan, the NPPF and other relevant legislation in landscape terms.



## Appendix 3: Revised draft Five Year Housing Supply, October 2019



# TORBAY FIVE YEAR HOUSING SUPPLY 2019

October 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:

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

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# 1. INTRODUCTION

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- 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

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- 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

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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.

Five year housing land supply calculation	$1,504/602 = 2.5 \text{ years}$
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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.

- 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 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.*

- 6.4 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 review will begin in the Autumn of 2019.

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## TORBAY FIVE YEAR LAND SUPPLY

Site	5 Yr Yield	2019/20	2020/21	2021/22	2022/23	2023/24	Notes
<b>A. Major Sites (10+ dwellings) with Detailed 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.
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.
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
Land R/O 16-26 Castor Road	10		5	5			P/2018/0852/RM permitted 23.01.19
							P/2016/0947 allowed at appeal 03.08.17
	<b>450</b>	<b>205</b>	<b>151</b>	<b>94</b>	<b>0</b>	<b>0</b>	

<b>B. Major Sites with Planning Permission approved or submitted and demonstrated intent shown</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.
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.
Dairy Crest Site, Parkfield Road	43				43		TNP allocated site. P/2019/0283 outline application approved at committee for up to 43 units. Developer has proven track record of delivery. Site investigation works have taken place.
Palace Hotel, Babbacombe Road	38					38	TNP allocated site. P/2019/0716/MPA submitted. Community consultation undertaken.
<b>Total</b>	<b>381</b>	<b>0</b>	<b>40</b>	<b>80</b>	<b>133</b>	<b>128</b>	

<b>C. Minor Sites (Under 10 dwellings) Planning Permission</b>							
N/S SITES (SITES OF 6-9)	49						Sites with no 'activity' within the last 10 yrs (this could be a partial completion or where the site has remained stagnant, with a permission which is at least 10 yrs old) are not included in box 'C' above.
N/S SITES (SITES OF UNDER 6)	120						
U/C SITES (SITES OF 6-9)	41						
U/C SITES (SITES OF UNDER 6)	109						
<b>Total</b>	<b>319</b>						

<b>D. Minor Sites (Under 10 dwellings) without Planning Permission</b>							
SITES OF 6-9	84						Figures in box 'D' are calculated based on an average delivery rate over the plan period
SITES OF UNDER 6	270						
<b>Total</b>	<b>354</b>						

FIVE YEAR REQUIREMENT	3009
AVERAGE ANNUAL REQUIREMENT	602
FIVE YEAR SUPPLY	1504
<b>SUPPLY (YEARS)</b>	<b>2.50</b>

**Appendix 2 Torbay Housing Monitoring Site Details (Complete/Loss/Under Construction/Not Started)**

Confidential

Complete 2019

Site_no	Site_name	TOWN	G_or_B	Units_Proposed	Units_U_C	Total_Built_81_to_date	Comp_81_91	Comp_91_95	Comp_95_05	Comp_05_06	Comp_06_07	Comp_07_08	Comp_08_09	Comp_09_10	Comp_10_11	Comp_11_12	Comp_12_13	Comp_13_14	Comp_14_15	Comp_15_16	Comp_16_17	Comp_17_18	Comp_18_19	Anticipated_19_20	Anticipated_20_21_22	Anticipated_22_23_24
536	Orchard Works, Orchard Road, Ellacombe	TQY	B	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0
940	Ridgeway Heights, Ridgeway Road	TQY	G	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
988	Area 4 South, Scotts Meadow	TQY	G	0	0	155	0	0	0	0	0	0	0	0	0	0	0	0	0	12	28	46	69	0	0	0
1056	Country House 62 Ellacombe Road	TQY	B	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0
1057	Land off Plantation Way	TQY	G	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
1065	Edginswell Paddock, Edginswell Lane	TQY	G	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
1077	42 Whidborne Avenue	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1108	84 Babbacombe Road	TQY	B	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
C1109	2 Whidborne Close	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1217	24 Tor Hill Road	TQY	B	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0
C1222	53 Fleet Street	TQY	B	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0
C1285	193 Union Street	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1286	1-2 Kent's Road	TQY	B	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0	0
C1288	8-10 Berachah Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1289	The Nightingales, Furzehill Road	TQY	B	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0
C1294	260-262 Union Street	TQY	B	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
C1295	172-174 Barton Hill Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1323	Montpellier House, Montpellier Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1328	20/20A Tor Hill Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1331	Units 1-3 Mount Warren, St Lukes Rd	TQY	B	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
C1333	1 Western Rd	TQY	B	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
C1335	100A Fore Street	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1337	100 Newton Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1338	The Cottage, 164 Avenue Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1339	Flats 1&2 15 Studley Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1340	Rondawson Place, St Marks Road	TQY	B	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
C1342	Flats A & B 52A Vane Hill Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1343	24A Lower Shirburn Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1345	32 South Street	TQY	B	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
C1350	Elmsdale Guest House, 70 Avenue Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1367	96 Lyme View Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C757	59 Upton Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C956	Country House 62 Ellacombe Road	TQY	B	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0
R762	Spa View, Lower Warberry Road	TQY	B	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	1	0	0	0
R805	9 Lower Ellacombe Church Rd	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
R809	41 Woodville Road	TQY	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
R818	Hotel Blue Conifer, Higher Downs Rd	TQY	B	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0
						263	0	0	0	0	0	0	0	0	0	0	0	0	0	12	28	55	168			
																							263			
23	2 Badger Close	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
576	Flat top floor, 139 Marldon Rd	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
977	Curt of Little Preston, Brixham Road	PTN	G	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0

Complete 2019

Site_no	Site_name	TOWN	G_or_B	Units_Proposed	Units_U_C	Total_Built_81_to_date	Comp_81_91	Comp_91_95	Comp_95_05	Comp_05_06	Comp_06_07	Comp_07_08	Comp_08_09	Comp_09_10	Comp_10_11	Comp_11_12	Comp_12_13	Comp_13_14	Comp_14_15	Comp_15_16	Comp_16_17	Comp_17_18	Comp_18_19	Anticipated_19_20	Anticipated_20_21_22	Anticipated_22_23_24
1003	Land adj 45 Stanley Gardens	PTN	G	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
1086	Land North of 2 Gibson Rd	PTN	G	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1055	APT 10, Belvedere, 37 Marine Drive	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1134	58 Torbay Road	PTN	B	0	0	4	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2	0	0	0
C1138	18 Victoria Street	PTN	B	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0
C1276	Cherra Hotel, 15 Roundham Rd	PTN	B	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0
C1301	1/2 Bishops Place	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1306	36 Church Street	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1308	17 Grosvenor Road	PTN	B	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0
C1310	2 Southfield Road	PTN	B	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
C1311	89 Kingsway Avenue	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1336	1 Hayes Road	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1351	40 Winner Street	PTN	B	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
C1352	61 New Esplanade Court, Esplanade Rd	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1355	141-143 Winner Street	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1356	9 Dartmouth Rd	PTN	B	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0
C1357	Spinners Moon, Elm Park	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1360	30 Conway Road	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1361	Mandalay Apts 7 Cleveland Rd	PTN	B	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
C1369	34-36 Hyde Road	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1370	GFF 24B Woodland Park	PTN	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C794	First & Second Floor, 22 Hyde Road	PTN	B	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
R711	Silverlawns, 31 Totnes Road	PTN	B	0	0	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0	0	0
R824	Former Rossiters, 13-17 Palace Ave	PTN	B	0	0	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	32	0	0	0
	1 Falcon Park, Totnes Road	PTN		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
						100	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	98			
																						100				
915	9 Stoneacre Close	BXM	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
948	16 Penn Meadows	BXM	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
1037	Land R/O 71 King St Off North View Rd	BXM	G	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
1076	27 Southdown Avenue	BXM	G	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
782/H1.22	Sharkham (Former Dolphin Holiday Camp), Briseham Road	BXM	B	0	0	188	0	0	0	3	48	59	6	14	5	4	18	0	0	0	14	6	11	0	0	0
C1014	63 Bolton Street	BXM	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C115	68 Fore Street	BXM	B	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1314	1 Greenswood Road	BXM	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
C1315	Bolton Court, Windmill Hill	BXM	B	0	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	0	0	0
C1317	The Flat, Ashleigh, 1 Parkham Road	BXM	B	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
R779	Walcot, Higher Furzeham Road	BXM	B	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0
R820	Land to the R/O 39 Wall Park Road	BXM	B	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
						218				3	49	59	6	14	5	4	18	0	0	0	14	6	40			
																						218				
																							306			

Loss 2019

LOSSES

Site_No	SiteName	TOWN	Notes	Total_Loss	GorB	Housing_Units_Loss	Housing_Units_UC	Total_Loss_81_to_Date	Loss_11_12	Loss_12_13	Loss_13_14	Loss_14_15	Loss_15_16	Loss_16_17	Loss_17_18	Loss_18_19	Anticipated_19_20_21	Anticipated_21_22_23
LOSS	Flat 3&4, 85 Bolton St	BXM		1		0	1	0	0	0	0	0	0	0	0	0	0	0
LOSS	127 &127A Berry Head Rd	BXM		1		0	1	0	0	0	0	0	0	0	0	0	1	0
LOSS	Greenbriar, Victoria Road	BXM		1		0	1	0	0	0	0	0	0	0	0	0	1	0
LOSS	St Johns Court, Littlegate Rd	PTN		7		0	0	7	0	0	0	0	0	0	0	7	0	0
LOSS	Cary Castle, 32 Cary Castle Drive	TQY		5		0	5	0	0	0	0	0	0	0	0	0	5	0
LOSS	The Flat, 8B Victoria Parade	TQY		1		0	0	1	0	0	0	0	0	0	1	0	0	0
LOSS	41 Braddons Hill Road East	TQY		1		0	0	1	0	0	0	0	0	0	1	0	0	0
LOSS	Daleside Court, Lincombe Drive	TQY		3		3	0	0	0	0	0	0	0	0	0	0	0	3
LOSS	40 Cary Park Rd	TQY	0	1		1	0	0	0	0	0	0	0	0	0	0	0	1
LOSS	91 Marldon Rd	TQY	B	1		0	0	1	0	0	0	0	0	0	0	1	0	0
				22		4	8	10	0	0	0	0	0	0	2	8	4	

Confidential

Under Construction 2019

Site_No	SiteName	TOWN	Total_Capacity	Housing_Units_Proposed	Housing_Units_UC	Total_Built_81_to_Date	Comp_between_81_91	Comp_between_91_95	Comp_between_95_05	Completions_05_06	Completions_06_07	Completions_07_08	Completions_08_09	Completions_09_10	Completions_10_11	Completions_11_12	Completions_12_13	Completions_13_14	Completions_14_15	Completions_15_16	Completions_16_17	Completions_17_18	Completions_18_19	Anticipated_19_20	Anticipated_20_21_22	Anticipated_22_23_24	
11	Rainbow Estate	TQY	66	6	6	54	24	0	18	0	0	0	6	0	0	6	0	0	0	0	0	0	0	0	6	6	
628	Land adj 36, 38, 40 Hillesdon Rd	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
832	South Devon Hotel, St Margarets Road	TQY	30	0	20	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	20	0	0	
864	Land adj 84 Grange Road	TQY	6	1	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	1	
957	Sunnyvale, 31 Loxbury Road	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
963	107 Coombe Lane	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
1009	Land adj 79 Glebeland Way	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
1020	22 Collaton Road	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
1049	62 Victoria Park Rd	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
1061	Land R/O 107 Teignmouth Road	TQY	12	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0	
1063	29 Brunel Avenue	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
781a	R/O Edinburgh Villas, off McKay Avenue & Newton Road	TQY	75	0	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	75	0	0	
985/H1.10	Hollicombe Gas Works, Torbay Road	TQY	185	185	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35	150	
C1112	3 Edinburgh Villas, Upton Road	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1113	Cary Cottage, Cockington Lane	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1126	37-38 Fleet Street	TQY	8	3	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	3	0	
C1156	First Floor at Imperial House, 5-52 Torwood Street	TQY	5	0	2	3	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	2	0	0	
C1182	Roebuck House, Abbey Road	TQY	43	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	43	0	0	
C1216	R/O 36 Walnut Road	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
C1227	13 Parkhill Rd	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
C1228	Commerce House, 97-101 Abbey r	TQY	22	6	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	0	4	2	
C1250	Lorrens, Guestland Rd	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1254	Lee Hotel, Torbay Rd	TQY	2	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
C1255	123 St Marychurch Rd	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1258	Former MMA Academy, 37 Tor Hill Rd	TQY	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	
C1259	Former B&Q, 41 Tor Hill Rd	TQY	19	0	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0	0	
C1260	Serendipity, Great Hill Rd	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1287	18 Babbacombe Road	TQY	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0	0	
C1290	Lincombe Court, Lincombe Hill Road	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
C1291	22A Victoria Parade	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
C1296	Rutland Hotel, Daddyhole road	TQY	8	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	
C1298	140 Newton Road	TQY	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	
C1299	44 Tor Hill Road	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
C1321	8-18 Tor Hill Road	TQY	19	0	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0	0	
C1322	FFF, 83A Fore St	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1324	2 The Terrace	TQY	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	
C1325	13-14 Fleet Street	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1326	Sparkle Launderette, 63 Princes Rd	TQY	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	
C1330	69 St Marychurch Rd	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1332	31 Fleet Street	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C1344	2 Haslam Road	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C143	Builders Store, R/O 18 Walnut Road	TQY	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
C453	Former Social Club, 11 Tor Church Road	TQY	9	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	
C817	English House Hotel, Teignmouth Road	TQY	6	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	3	0	0	





**Under Construction 2019**

Site_No	SiteName	TOWN	Total_Capacity	Housing_Units_Proposed	Housing_Units_UC	Total_Built_81_to_Date	Comp_between_81_91	Comp_between_91_95	Comp_between_95_05	Completions_05_06	Completions_06_07	Completions_07_08	Completions_08_09	Completions_09_10	Completions_10_11	Completions_11_12	Completions_12_13	Completions_13_14	Completions_14_15	Completions_15_16	Completions_16_17	Completions_17_18	Completions_18_19	Anticipated_19_20	Anticipated_20_21_22	Anticipated_22_23_24							
163/H1.19	Paint Station	BXM	35	22	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22						
C1199	The Royal British Legion, Bakers Hill	BXM	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0						
C1247	R/O 8-14 Castor Rd	BXM	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0						
C1364	FF Offices, Eric Lloyd & cO, 42 Fore St	BXM	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0						
C1365	The Tallet, Burton St	BXM	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0						
C605	Torhaven, King Street	BXM	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0						
R798	Riviera Bay Holiday Park, Mudstone Lane	BXM	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0						
R800	Land at R/O 97 King Street, adj Ranscombe Steps	BXM	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	BXM SITES UNDER 6 NOT ON 5YS	23				
R825	2 Greenswood Road	BXM	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	BXM SITES 6-9 NOT ON 5YS	0				
			234	25	41	168	0	0	0	0	0	0	0	13	0	0	0	0	0	3	0	43	46	63	41	3	22						
																														168			
																																233	
																																441	
																																113	
																																248	
																																361	
																																TOTAL UNDER 6 NOT ALREADY ON 5YS	109
																																TOTAL 6-9 NOT ALREADY ON 5YS	41

Confidential

Not Started 2019

Site_No	SiteName	TOWN	Total_Capacity	Housing_Units_Proposed	Housing_Units_UC	Total_Built_81_to_Date	Comp_between_81_91	Comp_between_91_95	Comp_between_95_05	Completions_05_06	Completions_06_07	Completions_07_08	Completions_08_09	Completions_09_10	Completions_10_11	Completions_11_12	Completions_12_13	Completions_13_14	Completions_14_15	Completed_15_16	Completed_16_17	Completed_17_18	Completed_18_19	Anticipated_19_20	Anticipated_20_21_22	Anticipated_22_23_24
232	Viewpoint, Kingskerswell Rd	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
244	Adj Cedar Bank, Watcombe Heights Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
754	Curt. Mandalay, 23 Lydwell Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
766	Curt of Grange Cottage, Babbacombe Downs Rd	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
1043	Limestone Court, St James Rd	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
1045	Land adj Pine Lodge, Sladnor Pk Rd	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1050	The Brambles, Ridgeway Rd	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1060	Land between 129 & 137 Lymington Road	TQY	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
1062	Site East of Montserrat Rise	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1064	Birdsong, Water Lane	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1066	Oddicliff, Higher Downs Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1067	Land adj The Lodge, Ridgeway Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1078	Land at Plot 53 Rock End Ave	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1079	Branksome, Torbay Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1080	Land adj 14 St Vincents Close	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1081	Site East of Montserrat Rise	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1082	Land south of 27 Empire Rd	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
1083	Land between Merrimead and Chantry Lodge, Longpark Hill, Maidencombe	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1211	Elephant Restaurant, 3-4 Beacon Terr, Victoria Par	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
C1253	Meeting Hall, Queensway	TQY	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
C1261	Torre House, Falkland Rd	TQY	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
C1262	Former Zion Chapel, Zion Rd	TQY	7	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
C1263	Palm Grove Hotel, St Marks Rd	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
C1265	42-45 Fleet Street	TQY	9	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
C1292	36 Fleet Street	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1297	55-57 Havelock Road	TQY	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
C1319	14 Fore Street, St Marychurch	TQY	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
C1327	33 Fleet Street	TQY	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0
C1329	15 B,C,D Magdalene Rd	TQY	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
C1334	Kenton Lodge, Croft Hill	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1341	Opticians, 65 Union Street	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1346	5 Tor Hill Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1347	The Lodge, 423 Babbacombe Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1348	24-26 Newton Rd	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
C1349	Yardley Manor Hotel, Museum Road	TQY	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
C1366	26 Berachah Road	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
C171	497 Babbacombe Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C811	Suite Dreams Hotel, Steep Hill, Maidencombe	TQY	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0
C959	53 Abbey Road	TQY	2	1	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
R297/H1.8	Gdns Palace Hotel, Babbacombe Road	TQY	137	137	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	137
R701	72 Mallock Road	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
R742	Villa Coolins, Thatcher Avenue	TQY	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
R780	Land adj 130 Teignmouth Road	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
R821	108 Avenue Road	TQY	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0
R822	Stoneco, Edginswell Lane	TQY	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
			238	237		1																		0	68	169

TQY NOT ALREADY ON 5YS 6-9  
TQY NOT ALREADY ON 5YS 1-5

24  
66

Not Started 2019

Site_No	SiteName	TOWN	Total_Capacity	Housing_Units_Proposed	Housing_Units_UC	Total_Built_81_to_Date	Comp_between_81_91	Comp_between_91_95	Comp_between_95_05	Completions_05_06	Completions_06_07	Completions_07_08	Completions_08_09	Completions_09_10	Completions_10_11	Completions_11_12	Completions_12_13	Completions_13_14	Completions_14_15	Completed_15_16	Completed_16_17	Completed_17_18	Completed_18_19	Anticipated_19_2	Anticipated_20_21_22	Anticipated_22_23_24
775	Curt of 30 James Avenue	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1034	Land @ Waterside Road	PTN	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
1054	Land off Bxm Rd (DevonshirePk)	PTN	255	255	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	155	100
1069	Land adj 5 Cecilia Road	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1070	25 Headland Park Road	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1072	2 Bowland Close	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1084	Land off Luscombe Rd	PTN	68	68	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	38	30
1085	Land South of Yalberton Road	PTN	192	192	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	192
1087	Land R/O 144 Southfield Ave	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1090	Redlands, Totnes Rd	PTN	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
1091	Land R/O 188-190 Torquay Rd	PTN	9	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
1092	6 Cleveland Road	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1093	Curt. 1 Laura Grove	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1269	42 Church Street	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1275	28 Northleat Ave	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
C1279	24 Orient Road	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
C1280	326 Torquay Road	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
C1281	35 New Street	PTN	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
C1302	53 Palace Avenue	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1307	44 Winner Street	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1353	6 Crown and Anchor Way	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1358	Astoria Court, 5 Belle Vue Rd	PTN	9	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0
C1359	40 Church Street	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C1362	131 Winner Street	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
C876	71 Torbay Rd	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
R775	South Devon Police Station, Southfield Rd	PTN	46	46	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46	0
R794	314 Torquay Road	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
R823	286-288 Totnes Road	PTN	7	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0
R827	The Nook, Mead Lane	PTN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
R828	12 Eugene Road	PTN	5	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0
			618	618																					275	343
362	R/O 190 Northfields Lane	BXM	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
406	12 South Furzeham Rd	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
885	Curt Pensilva, off Bascombe Road	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1039	13 Greenway Road	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1042	Land R/O Broadway, Dartmouth Road	BXM	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0
1059	5 Higher Warborough Road	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1073	Grounds of Furzeacre, Higher Furzeham Road	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1074	Land R/O 16-26 Castor Road	BXM	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0
1075	Land R/O 57 Fore Street	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1094	Orchard House, Bascombe Rd	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1096	21 Nut Tree Orchard	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1097	Land R/O 53-55 Fore Street	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
1098	15 Queens Crescent	BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0

PTN NOT ALREADY ON SYS 6-9  
PTN NOT ALREADY ON SYS 1-5

25  
32

Not Started 2019

Site_No	SiteName
C1283	Golden Lion, 65 New Road
C1312	Latitude Clothing, 42 Middle Street
C1318	28-32 Fore Street
C1366	10A Bolton Street
C1367	71 Berry Head Rd
R829	Devon Industries, 74-76 New Road

TOWN	Total_Capacity	Housing_Units_Proposed	Housing_Units_UC	Total_Built_81_to_Date	Comp_between_81_91	Comp_between_91_95	Comp_between_95_05	Completions_05_06	Completions_06_07	Completions_07_08	Completions_08_09	Completions_09_10	Completions_10_11	Completions_11_12	Completions_12_13	Completions_13_14	Completions_14_15	Completed_15_16	Completed_16_17	Completed_17_18	Completed_18_19	Anticipated_19_2	Anticipated_20_21_22	Anticipated_22_23_24			
BXM	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	BXM NOT ALREADY ON 5YS 6-9	0
BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	BXM NOT ALREADY ON 5YS 1-5	22
BXM	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0		
BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0		
BXM	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0		
BXM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0		
	42	42																					0	37	5		
																							380	517	TOTAL N/S 6-9 NOT ALREADY ON 5YS	49	
																										TOTAL N/S UNDER 5 NOT ALREADY ON 5YS	120
																								897			

Confidential

## Appendix 4: Representations submitted on the July 2019 five year land supply consultation



## Torbay Five Year Housing Supply 2019: Draft Statement for Consultation

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

22 July 2019

Prepared by: Simon Fitton

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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)



## 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 July 2019 Consultation Paper against the nationally prescribed methodology.
- 1.2 The Paper already establishes that the Council cannot identify a robust five year supply and estimates the supply to be 3.28 years. Paragraph 7.1 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. Torbay is however in a unique position where it is theoretically afforded protection under the terms of NPPF paragraph 14 given that the entirety of the LPA area is covered by recently made Neighbourhood Plans (NPs). Whilst the Paignton NP fails in the sense that it does not contain policies and allocations to meet its identified housing requirement<sup>1</sup>, in respect of the other two NP areas one of the other tests of paragraph 14 is that the strategic policies are not deemed out of date in a recently made NP area if the LPAs supply is over three years.
- 1.3 For the reasons set out below, Alder King does not consider the 3.28 years estimate to be a robust position.

## 2.0 The Housing Requirement

- 2.1 Alder King (AK) largely agrees with Torbay Council's (TC) methodology for the calculation of the five year housing requirement, save for two important matters. Firstly, AK queries the level of completions achieved in 2018/19. Paragraph 1.3 references a Housing Land Monitor completed in April 2019 but this has not been made publicly available. The NPPG is clear in respect of what constitutes a housing completion:

*"For the purposes of calculating 5 year land supply, housing completions include new build dwellings, conversions, changes of use and demolitions and redevelopments. Completions should be net figures, so should offset any demolitions."*<sup>2</sup>

- 2.2 The level of completions should be a simple matter of fact. AK is however surprised at the extent of completions when compared against TBCs supply position as set out as recently as December 2018. In its draft position statement, the supply anticipated at December 2018 for 2018/19 was 295 dwellings. It is not clear how in the intervening three months to 31 March 2019 the number has increased by 236 dwellings to 531 (an 80% uplift). The December 2018 report appeared a robust record and trajectory of all those planning permissions that could contribute to the supply. It is acknowledged that this number could have increased by virtue of a higher rate of delivery on various sites, but it is a remarkable increase nonetheless.
- 2.3 The information as presented in the Consultation Paper makes it impossible to compare the 2018 trajectory for 2018/19 to the 531 completions now claimed. The 298 small sites figure as presented in this Paper

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<sup>1</sup> NPPF Paragraph 14b

<sup>2</sup> Paragraph: 029 Reference ID: 68-029-20190722

(sites not started and under construction) are not listed in full as they were in 2018, so it is impossible to understand what sites in the 2018 trajectory have over-delivered. The information should have been made available as part of this exercise. Whilst it is reasonable to assume that those 298 dwellings should form part of the five year supply, there is still merit in allowing the public to scrutinise those sites, albeit it is readily recognised that the onus is on any objector and not the Council to demonstrate any concerns in respect of delivery and the trajectory.

2.4 It is important that this figure is transparent and AK reserves its position on this matter until such time as the evidence is made publicly available.

2.5 Secondly, AK does not agree with the statement at paragraph 3.5 that *“the LPA does not consider a buffer should be applied to the backlog, since this would be double counting unmet supply.”* That stance is not reflected in the NPPG:

*“To ensure that there is a realistic prospect of achieving the planned level of housing supply, the local planning authority should always add an appropriate buffer, applied to the requirement in the first 5 years (including any shortfall), bringing forward additional sites from later in the plan period. This will result in a requirement over and above the level indicated by the strategic policy requirement or the local housing need figure.”<sup>3</sup>*

*“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied.”<sup>4</sup>*

2.6 It is not a question of ‘double counting unmet supply’. That is not the purpose of the exercise; the purpose is not to amend the overall housing requirement, it is simply to ensure that LPAs ‘catch up’ such that there is a realistic prospect of the housing requirement being met by the end of the plan period. It is seeking to achieve a boost in housing delivery at the earliest practicable opportunity. If the LPA meets its five year requirement, then the completions are discounted from the overall requirement on a rolling annual basis. There is no double counting.

2.7 If the issue over 2018/19 completions is satisfactorily proven then the 5% buffer should be applied to the shortfall of 271 dwellings as well as the Local Plan requirement. This would give rise to a five year requirement of 3,009 dwellings.

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<sup>3</sup> Paragraph: 022 Reference ID: 68-022-20190722

<sup>4</sup> Paragraph: 031 Reference ID: 68-031-20190722

## 3.0 The Housing Supply

- 3.1 Paragraph 5.2 correctly identifies the relevant section of the NPPG relating to the tests of deliverability. Nothing stays still and the Government produced revisions to the Housing Supply and Methodology section of the NPPG on 22 July. The new paragraph is reproduced in full below:

*“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:*

- *have outline planning permission for major development;*
- *are allocated in a development plan;*
- *have a grant of permission in principle; or*
- *are identified on a brownfield register.*

*Such evidence, to demonstrate deliverability, 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.<sup>5</sup>*

- 3.2 In some respects the paragraph 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 5.3 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.

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<sup>5</sup> Paragraph: 007 Reference ID: 68-007-20190722

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, Essex<sup>6</sup> 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 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.

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<sup>6</sup> APP/Z1510/W/16/3162004

## 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 queries the following sites:

- **South Devon College (Torre Marine):** This site does not have full planning permission. P/2016/1047 is an outline permission for which no reserved matters have been submitted. Clear evidence is required as a consequence and 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 four provides no confidence. The fact that the commentary states that, 'discussions are underway on how to deliver the site' provides no confidence whatsoever.
- **Hollicombe Gas Works:** It is accepted that the site is subject to full planning permission and has been implemented. However, the consent was granted in 2012. It is acknowledged that the permission has been implemented, as clarified by the certificate of lawful use in 2015 but this relates to the construction of an access. It is not uncommon for developers to implement consents in this manner to prevent them from lapsing, but provides no certainty as to when residential development will take place. The consent is seven years old and no residential development has taken place. The permission is for 185 dwellings but only half are in the trajectory. Those 92 units fall into the last two years of the five year period. There can be no confidence that this consent will be delivered in line with the proposed trajectory.
- **Brixham Paint Station, Kings Drive:** Notably this site did not feature in the 2018 trajectory despite being subject to an implemented consent. The consent dates back to 2006. It is not clear what form application reference CN/2016/0086 is as it is not on the planning register. It is not appropriate to rely on a part implemented consent from 2006 without any evidence of delivery.

4.2 AK does not consider that the above three sites should contribute to the supply and has discounted them as a consequence.

## 5.0 Part B: Allocated and other 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, all 747 dwellings 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 In respect of those sites where clear evidence might allow for inclusion:

- **Land South of Yalberton Road:** In accordance with the SoS decision making process, where RMs are submitted then it is appropriate for such sites to be included in the supply. However, there needs to be clear evidence of delivery and there is nothing available at present. None of the NPPG tests are met. There are objections to the RM on the planning file and no applications have been made in respect of discharge of conditions attached to the outline consent. The trajectory has no basis in evidence and the site has to be discounted on that basis.
- **Devonshire Park, off Brixham Road:** The same applies here as above. In respect of both sites TC has applied an annual rate of 45 dwellings per annum (dpa) despite mentioning in the commentary a rate of 40 dpa. Notably the 'standard completion rate' in the 2018 report was 35 dpa. There is no evidence presented to justify a further 10dpa. It is a moot point in any event; under no circumstances should a standard rate of completions be used. There must be clear evidence of a robust trajectory presented on a site by site basis.

5.3 In respect of all other sites in Part B, none are the subject of either outline or full planning permission. In many 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, whether that is in part or at all, or in the timescales originally envisaged.

5.4 Of the residual 447 dwellings in Part B (once the above two sites have been discounted), 215 are identified within the Local Plan as Future Growth Areas. It is worth exploring the status of this 'designation' further and whether it is appropriate to include such sites within the five year supply.

### **Future Growth Areas**

5.5 The Torbay Local Plan was adopted in December 2015 and covers the period 2012-2030. Policy SS1 sets out the growth strategy for Torbay and Policy SS2 identifies 'Future Growth Areas'.

5.6 Policy SS1 states that the Plan seeks to identify land for the delivery of an overall average of around 495 homes per annum, equating to about 8,900 new homes over the Plan period. The first 5 years of supply was to come forward through committed sites whilst the supply for years 6-10 was to come forward through committed sites and developable sites identified in Neighbourhood Plans (NPs).

5.7 Policy SS2 relates specifically to 'Future Growth Areas' (FGAs) and identifies three locations where they are proposed. The Policy states that the FGAs shown on the Policies Map show broad locations in which the Council, community and landowners will work together, through neighbourhood planning and / or masterplanning, to identify in more detail the sites, scale of growth, infrastructure (including green infrastructure) and delivery mechanisms required to help deliver the Local Plan.

5.8 The supporting text for Policy SS2 recognises that 'it is not expected that all land within these Areas will be developed. This is unlikely to be sustainable or to meet with the requirements of Policy SS2. Rather they represent a broad canvass on which the adopted Masterplans and three Neighbourhood Plans will work up detailed proposals for sustainable growth, in partnership with developers, local communities and infrastructure providers.'

5.9 AK recognises that there is an adopted masterplan in place for the Paignton/Collaton St Mary growth area, giving it a further level of status than the somewhat vague designation in the Local Plan. Of those sites that feature in the five year supply:

- **Little Blagdon:** 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.
- **Land north of Totnes Road (Bloor), Land north of Totnes Road (TW) and Former Torbay Motel:** All three sites share a similar context insofar as they are all subject to undetermined outline applications that run contrary to the adopted Masterplan. Clearly the LPA does not necessarily support the departures from the adopted Masterplan as it only makes provision for the units advocated in the Masterplan document, not that which has been applied for. All three applicants are seeking planning permission for more units than that contained within the Masterplan. Two out of the three sites have been subject to withdrawn applications and resubmissions suggesting genuine problems with viability. Applications are often withdrawn and resubmitted to overcome planning issues – it is quite unusual for resubmitted applications to make significant uplifts in numbers as the planning issues are exacerbated. Viability is at the heart of these sites yet no evidence of how these matters are going to be overcome has been presented.

In that sense there is no real status to the applications insofar as their ability to contribute to the five year supply. It would be doing a huge disservice to proper procedure and public scrutiny to suggest that these sites will secure consent when they are contrary to policy. It is not appropriate to 'fall back' to the masterplan figures given there is no indication whatsoever that the developers plan to respect the masterplan process. No reliance on these sites can be proved until such time as they are subject to outline consent. No reliance on them in terms of a five year supply can be realised until such time as they are subject to RM submissions.

### Neighbourhood Plan Sites

5.10 Three Neighbourhood Plans have been 'made' that together cover the full extent of the Torbay area. The Torquay and Brixham Peninsula Neighbourhood Plans both include site allocations to meet the housing need identified for that area within the Torbay Local Plan. The Paignton Neighbourhood Plan does not

include any site allocations and does not meet the Local Plan identified housing need. The Paignton NP area is not therefore 'protected' under the terms of NPPF paragraph 14.

- 5.11 Where NPs do not identify sufficient sites to provide the housing requirement of the Local Plan, Policy SS1 identifies that the Council will bring forward sites through site allocations development plan documents. The Council has not progressed a site allocations development plan document in light of the failure of the Paignton Neighbourhood Plan to make any site allocations.
- 5.12 In respect of the Brixham Peninsula Neighbourhood Plan, it is notable that only 3 of the committed or allocated sites listed within Policy BH3 are contained within this consultation paper. These sites combined provide just 43 dwellings of the 660 required over the plan period.

- **Hatchcombe Lane, Palace Hotel, Conway Court, Westhill Garage, and St Kildas:** 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 is in relation to '2019 pre-app discussions'. 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. It is not clear even whether any pre-application submission has been made and is simply anticipated?

The commentary falls woefully short of national requirements. When considered against the SoS criteria, there is no possibility that these sites should be included within the supply. All these sites feature only in year five of the trajectory, which tells its own story. There is no compelling evidence to demonstrate that these sites will deliver in five years or the numbers anticipated.

- **Dairy Crest site:** This site differs from the above insofar as an outline application has been 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.

### **Brownfield Register Sites**

- 5.13 Only one such site is included in the supply:

- **Victoria Centre:** the 60 dwellings fall within year five giving rise to doubt. 60 dpa is not contemplated on any other site in the trajectory. There is no certainty of delivery even though the principle of development might be acceptable. The Design Brief has not been approved. No application has been submitted nor even anticipated. No clear evidence has been provided; whilst a successful bid for funding might have been achieved this in itself is not sufficient.

This is a complex site that needs to go through the planning application and consent process before any reliance in five year supply terms can be placed upon it.



## Summary

- 5.14 Not one site within Part B meets the necessary tests. All 747 units should be discounted from the supply until such time as clear evidence as required by the NPPG is provided.

## 6.0 Part C: Small Sites

- 6.1 Please see commentary set out under paragraphs 2.3 and 2.4 of these representations.

## 7.0 Part D: Windfall Allowance

- 7.1 Paragraph 67 of the NPPF requires planning policies to identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

- 7.2 The NPPG goes on to advise that,

*“A windfall allowance may be justified in the anticipated supply if a local planning authority has compelling evidence as set out in paragraph 70 of the National Planning Policy Framework.”<sup>7</sup>*

- 7.3 Paragraph 70 of the NPPF is written in the context of plan-making. Further clarity is provided by the NPPG in relation to how windfalls should be treated in that sense:

*“Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance (using the same criteria as set out in paragraph 67 of the National Planning Policy Framework).”<sup>8</sup>*

- 7.4 The NPPG does not suggest that it is appropriate to rely on a windfall allowance within the first five years. Given the sentiment of guidance set out above, it is little surprise that reliance on a notional figure (where the tests for identified sites are so stringent) that it would be appropriate to incorporate a windfall allowance into the five year supply.

- 7.5 It is accepted that Policy SS13 of the Local Plan references inclusion of a windfall allowance within the first five years. Nevertheless, this was prepared against ‘old’ paragraph 48 of the 2012 NPPF which has been replaced by the wording above; the new wording does not allow for windfalls to feature in the first five years.

- 7.6 In any event it is not clear how the 283 homes figure has been derived. There is no compelling evidence presented to support it. In December 2018 the figure was 200 homes.

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<sup>7</sup> Paragraph: 023 Reference ID: 3-023-20190722

<sup>8</sup> Paragraph: 023 Reference ID: 3-023-20190722

7.7 The windfall allowance should be discounted from the five year supply.

## 8.0 Conclusion

8.1 In respect of paragraph 7.3 of TCs 5 year Housing Supply Statement, we consider that in light of changes in local circumstances, namely the increase in local housing need established through the NPPF standard methodology and updates to national policy particularly in respect of deliverability, the Torbay Local Plan should be reviewed, a new housing requirement established and additional site allocations made. The wording in paragraph 7.3 is disappointing insofar as there is no urgency expressed. Indeed, it suggests that there may not need to be a review; this cannot possibly be right given the need to move towards the use of the standard methodology. By December 2020 the strategic policies will be out of date and the standard method will apply; to suggest that there is no need to have a new Local Plan to deal with the effect and that of a new plan period (whether it be an additional five or ten years) is irresponsible at best given the paucity in supply.

8.2 In theory in the 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 reality is that the tests for any residential application are those set out in the NPPF and NPPG.

8.3 A summary of Alder King’s position is set out below:

Component	Dwellings
TBLP Housing Requirement 2012-19	2,990
Completions 2012-2019	2,719
Shortfall 2012-2019	271
Five Year Requirement 2019 to 2024	2,595
<b>Plus Shortfall and 5% Buffer</b>	<b>3,009</b>
Part A Supply (sites with full planning permission)	450
Part B Supply (allocated and other)	0
Part C Supply (small sites)	298
Part D Supply (windfall)	0
<b>Total Supply</b>	<b>748</b>
<b>Number of Years Supply</b>	<b>1.25 years</b>

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

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