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| Housing and Economic Land Availability Assessment (HELAA)  December 2021 | |

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# Torbay Housing and Economic Land Availability Assessment

## Introduction

The Housing and Economic Land Availability Assessment (HELAA) has been carried out in house by the Strategy and Project Management Team in 2021. The HELAA does not allocate sites or make council policy. Rather it is an assessment of the Suitability, Availability and Achievability of development land.

The NPPF requires that “Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment" (paragraph 68).

The HELAA assesses primarily housing land, but Policies SS2 and SS5 of the Local Plan require that major sites be provided as mixed-use development incorporating employment space as well as housing.

The 2021 HELAA refers to, but supersedes, the 2013 Strategic Housing Land Availability Assessment (SHLAA) carried out by Peter Brett Associates.

The findings of the HELAA have been used to inform the Local Plan Growth Options, due to be published in January 2022. It provides information about sites and broad locations, however the HELAA is not policy and the planning judgements expressed are not council policy or the LPA's final assessment of sites or options.

The HELAA has sought to identify as many sources, sites, and broad locations of housing as possible. Some of them have significant constraints, and we have sought to identify the nature of these in the proformas.

## Methodology

The HELAA has sought to follow the methodology used by Neighbouring authorities, particularly Teignbridge District Council and the former Greater Exeter Strategic Plan authorities. This is to try to achieve comparability with our neighbours' assessments of land availability. A full methodology is set out at Appendix 1.

The council carried out two "calls for sites", in 2020 and early 2021. Additional sites have come forward outside the formal call for sites period, and we have added these into the assessment, up to a cut-off point of December 2021. In addition, we have assessed sites with planning permission, pre-application enquiries and refusals. We have also looked at sites which were promoted to previous assessments, such as the 2008 or 2013 SHLAA. Lastly, we have considered "broad locations" i.e., relatively undeveloped areas of Torbay.

### Phase 1 scoping

The HELAA was carried out in two phases. The first phase was to "scope out" sites with "show- stopper" type constraints. These include:

* Special Areas of Conservation, SSSIs, Natura 2000 sites
* Local Green Spaces in Neighbourhood Plans (which have a similar status as green belt).
* Functional Flood Plain (Flood Risk Zone 3B. However, it is noted that some town centre sites with flooding issues are included).

Some sites with significant constraints have not been scoped out. These include urban sites that have flooding issues. Because the likely supply of suitable housing land is almost certainly below the assessed need[[1]](#footnote-2), and many of the town centre sites are already allocated in the existing development plan, there is a strong case to argue that these sites pass the "sequential test"[[2]](#footnote-3) and that the sustainability benefits associated with regenerating town centres and other areas close to transport networks, shops community facilities etc. represents a gain under the "exceptions test”[[3]](#footnote-4). It will however be necessary to show that these sites can be made safe for their lifetime and where possible reduce overall flood risk. Notwithstanding this, sites’ flood risk is taken into account in their suitability and deliverability and is treated as a significant constraint.

In addition, sites which are within the AONB, or South Hams SAC greater horseshoe bat sustenance zone/landscape connectivity zone have not been scoped out in principle. These matters are recorded as "significant constraints" and it is a matter when drafting the Local Plan to decide which if any of these sites may be proposed for development. It is also noted that the in-combination effects of sites on the environment will also need to be considered in the plan making. The Plan will also be subject to a Habitats Regulations Appropriate Assessment, and Sustainability Appraisal, which will assess these in-combination effects.

### Windfalls

The HELAA cannot assess every single site. We have tried to assess the likely yield from sites. Where we consider that they are reasonably likely to yield fewer than 6 net new dwellings (i.e., 1-5 dwellings), we have treated them as small "windfalls"[[4]](#footnote-5).

Similarly, we know that there will be some larger sites that come forward for development on unallocated sites.

However, it is appropriate to assume that some housing will be provided on windfall sites. Paragraph 71 of the NPPF indicates that where a windfall allowance forms part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any windfall allowance should be realistic having regard to the assessment of housing availability, historic windfall delivery rates and expected future trends.

A list of potential windfall sites is included at Appendix 3. Note that this is, by definition, not a comprehensive list but points to examples of "known unknowns" that can be expected to arise over the next few years. Some Neighbourhood Plan sites are counted as “windfalls” where they are likely to deliver fewer than 6 net new dwellings.

Over the current Plan period to date (2012-21) there have been an average of 91 dwellings a year from sites of fewer than 6 net dwellings; and 32 dwellings per year from unallocated sites of 6-9 dwellings; equal to 123 dwellings a year. For future years, it cannot be guaranteed that all of the sites of 6-9 dwellings would not be allocated in future neighbourhood plans, and therefore a conservative figure of 100 windfall dwellings per year is assumed by the HELAA. Adopting a conservative figure should also minimise the risk of “double counting” small sites identified elsewhere.

A different approach would be to count annual permissions granted for non-major sites (i.e., fewer than 10 dwellings). At April 2021 there were 398 not commenced dwellings with planning permission from such sites (not counting permissions where there had been no action for 10 years). In theory non-major permissions should be built within 3 years, but there will be an element of non-completion that would need to be factored into windfall calculations if permissions are used. On this basis, trend data is a simpler and more appropriate approach.

**Vacant Dwellings**

The Adopted Local Plan seeks to bring 150 vacant dwellings back into use (paragraph 4.5.36). Vacant dwellings are assessed in section 3 of the Housing Delivery Test Action Plan (September 2021) [Evidence Base and Monitoring - Torbay Council](https://www.torbay.gov.uk/council/policies/planning-policies/evidence-base-and-monitoring/) . Whilst Torbay has a higher than national rate of long term (6 months or longer) vacant dwellings at about 2% of housing stock, compared to 1% in England. However, nearly two-thirds of these are Council tax band A and B, most of which will be apartments rather than houses. There is also a significant churn in the stock of long-term vacant homes, with only 10% being vacant for longer than 5 years (roughly 110 dwellings).

Bringing vacant dwellings back into use has very significant benefits, but is also labour intensive. Such dwellings are not counted towards “new” dwellings delivered. As such an allowance for them has not be added into the HELAA. Further assessment is likely to be useful as part of the Local Plan Preparation, if there is evidence that vacant dwellings can be brought back into use.

Note that the conversion of vacant spaces above shops or commercial properties would be counted as part of the windfall allowance. Such conversions are often permitted development, but go through a simplified application process known as “prior approval”. The Council’s Housing Monitor records dwellings created through prior approval.

Site Assessments

All of the HELAA sites from various sources have been assessed by the Strategy and Project Management Team. A series of HELAA panels of stakeholders from the development industry, neighbourhood planning group and adjoining authorities informed the officer judgement. A summary of the HELAA Panels' arguments is set out at Appendix B. In summary the development industry expressed enthusiasm for greenfield housing land, but were dubious about demand for town centre apartments, other than in special “USPs” such as where sea views existed.

Based on officers' assessments, comments from the Panels and other stakeholders, a proforma for each site and broad location has been prepared. These were than categorised into a traffic light system based on their environmental impact, location in terms of transport links and facilities, and other factors. This measures their suitability, availability, and achievability for development.

Because it is clear that the sites already “in the system” or promoted at the Call for Sites would not be sufficient to deliver the Standard Method derived Local Housing Need, we have considered broad locations at this stage of the process.

**Suitability.** A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated.

**Availability** A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from landowners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

**Achievability/ Viability** A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period[[5]](#footnote-6).

**Assessing Yield**

Each site has been assessed by preparing a proforma which considers their location, likely impact etc. Whilst a standard “template” based approach has not been used, we have taken as a starting point that greenfield developments are likely to yield between 20 and 40 dwellings per hectare (gross), depending on location. More landscape sensitive locations are likely to be towards the lower end of the range and areas where more intense urbanisation could be achieved are at the higher end. Where there is previous planning history or details submitted by the applicants as part of a call for sites, these have been taken into account. We have not applied a template to urban sites but tried to assess how many reasonably sized dwellings (i.e., meeting space standards in Local Plan Policy DE3) are realistically achievable.

It is noted that these proformas involve planning judgements and more detailed assessments will be needed before any sites are developed.

**Assessing Timeframe**

An assessment of when sites are likely to deliver homes has also been made. This has been divided up into years 1-5, 6-10,11-15 and 16+. The nominal starting point (year 1) is 2021.

In theory the list of “deliverable” sites counted in years 1-5 should be the same as the council’s five year housing land supply sites. They are not necessarily the same because the NPPF and subsequent interpretation places particular strictures on what may be counted in 5 year housing land supply.

**Assessing Viability.** The Local Plan update will need to be supported by a renewed Whole Plan Viability Assessment. The Council’s current evidence dates from 2016 and 2017. The 2013 SHLAA considered that housing is in principle viable. We have continued to assume that residential development remains in principle viable. However, advice from housebuilders is that apartments of more than 4 storeys would not be viable unless the site has particular selling qualities or additional funding is available. There is likely to be a limited demand for apartments, which will affect their developability, unless wider public subsidy is involved. Similarly, sites that are not flat have viability issues and this is affecting some already allocated land.

We have sought to take into account a site/broad location’s likely viability when assessing its likely deliverability or developability.

**Coding and Neighbourhood Plan Areas**

Each site and broad location has been given an individual number in the HELAA starting with “21” to denote the HELAA date. They have been coded by town/neighbourhood plan area: B= Brixham Peninsula, P= Paignton and T= Torquay, and then a number. The number is applied in no order, although the spreadsheet does record the source of the site.

It is noted that Full Council approved a new Neighbourhood Plan area for the Broadsands, Churston and Galmpton villages area in November 2021. The HELAA was already well underway when this decision was made and therefore sites in the BCG Villages Forum Area are labelled “B” denoting their former status as part of the Brixham Peninsula. The spreadsheet does however split the two areas and the proformas indicate whether the sites/broad locations are in Brixham or the BGC Villages.

Traffic Light Assessment

In assessing sites, the HELAA has adopted a traffic light coding to reflect the degree of suitability and constraints faced. This is:

* Green sites which are allocated in the existing development plan or have planning permission.
* Yellow sites are assessed by officers to have only minor constraints.
* Amber sites have significant constraints.
* Red sites have been assessed by officers as being unsuitable for development and therefore rejected by the HELAA.

It is noted that some allocated sites or sites with planning permission have been assessed to have significant constraints and have therefore been coded yellow or amber in the HELAA. This is intended to reflect realism in considering their deliverability.

Additional broad categories of re-use of holiday accommodation and redevelopment of car parks are assessed separately. These would require a broader shift in policy emphasis and in the case of car parks a wider council review of parking requirements. Additionally, there is likely to be scope for more residential accommodation in town centres. Many town centre sites are specifically assessed for redevelopment in the HELAA, but a decision to contract town centre boundaries could also yield additional housing.

Again, it is noted that the categorisation of sites entails a planning judgement made collectively by the team preparing the HELAA. It does not reflect council policy or imply a wider decision about sies.

### The Site categories in more detail.

Each of the sites and broad locations is categorised in the spreadsheet of sites at Appendix 3. The proformas are collected by category (Green, yellow, amber, red etc) and included at Appendix 4. Because of the number of documents, the HELAA is best viewed as a digital compendium rather than a single document.

A summary of the main categories is set out below. The numbers have been rounded to the nearest 10 dwellings as the HELAA is necessarily an approximation. Note that these figures are correct at December 2021. However further adjustments to sites or the assessment of their deliverability will affect the figures.

Green Sites. These are sites with planning permission/or allocated for development in the Local or Neighbourhood Plan, and not subject to significant delivery constraints.

Where allocated/approved sites have constraints that could delay delivery we have coded them yellow or amber. Constraints include flooding or similar infrastructure issues, site assembly matters etc.

Note that for plan making purposes there is a general expectation that all the approved/allocated sited will be rolled forward and remain allocated. This is particularly the case for urban regeneration sites. Consideration may need to be given to de-allocating sites if there is no prospect of them being developed over the HELAA’s timeframe (i.e., circa 20 years). That is a matter for policy making rather than the HELAA.

The HELAA assesses that a total of around 2,470 dwellings can be achieved on "green" allocated or approved sites, about 2,110 of which are developable in the next 10 years. The most significant areas are the Local Plan's "Future Growth Areas" at Edginswell, Torquay and to the West of Paignton.

Yellow Sites: Where sites are assessed by officers to have relatively minor constraints, we have coded them yellow. This category excludes sites that have significant effects such as being located close to the AONB or SAC. However, some sites do impact on the landscape or natural environment. Again, it is emphasised that this is an officer assessment and not council policy. Unlike the "green" sites a planning judgement needs to be taken when coding sites yellow (or amber etc) and the HELAA does not prejudge a Member decision on whether or not sites are allocated.

As noted above, some sites where the principle of development has been established have been put into the "yellow" category due to uncertainty over their deliverability. Deliverability evidence can change rapidly and the HELAA is a snapshot in time that will evolve.

Capacity on yellow sites for approximately 1,150 dwellings has been assessed, of which the majority (about 800) are developable in the next decade.

Amber Sites: These are sites that are identified as having significant constraints. These include landscape, environmental or infrastructure issues. It includes some sites within the AONB or South Hams SAC greater horseshoe bat sustenance zone. There are very few flat sites in Torbay, and topography can reduce viability and the achievement of affordable housing. Anecdotally we have been advised that neighbouring authorities discount sites with a significant gradient, but that is not in their formal methodologies. However, steep gradients are also likely to increase the intervisibility and landscape sensitivity of development sites and where this has been assessed to be a significant matter, we have coded sites amber.

As such it is recognised that these sites will present challenges. However, the extent of these challenges was not felt by officers to warrant an outright rejection at HELAA stage.

If all of these sites were to be built out, it is assessed that they could provide around 3,880 dwellings. However, not all of the sites have been promoted for development. In addition, there are likely to be in-combination effects on landscape, ecology or infrastructure that would prevent all of the sites being developable. The vast majority of the sites would be likely to take longer than five years before they delivered significant number of homes. It is assessed that out of a total of 3885 potential dwellings, about 1,200 are developable in the next 10 years.

Red Sites: Rejected sites and broad locations. These are sites and broad locations that the HELAA has assessed as being unsuitable for development, for example because it would cause severe landscape or ecological harm. This involves making a planning judgement, but a high bar has been set before rejecting sites. In assessing the HELAA sites, it is noted that some AONB sites have not been rejected outright, whilst some sites outside of the AONB have been rejected, due to their individual merits.

No potential yield has been given to the rejected sites, since officers have assessed that they are not suitable for development.

## Summary of Main Sites

The headline findings of the HELAA site assessments are set out in Table 1. It will be noted that figures may change, and indeed have changed throughout the process as new sites have been put forward or judgements changed. The HELAA is therefore a snapshot in time.

The HELAA strongly suggests that there is insufficient achievable land to meet the Standard Method level of housing of 560-600 dwellings a year, even if all of the sites identified as having significant constraints could be developed.

It is therefore necessary to consider whether there are other options, or sources of housing to boost numbers. These options are necessarily provisional, and may need further policy input.

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|  | **Estimated Delivery** | | | |  |
|  | **Years 1-5** | **Years 6-10** | **Years 11-15** | **Years 16+** | **Total** |
| **Green: Principle of development established.** | 1220 | 480 | 0 | 0 | 1700 |
| **Yellow: Minor constraints only** | 60 | 1140 | 540 | 0 | 1740 |
| **Amber: Significant constraints** | 10 | 1100 | 1630 | 1040 | 3780 |
| **Anticipated windfalls** | 500 | 500 | 500 | 500 | 2000 |
| **Total** | **1790** | **3220** | **2670** | **1540** | **9220** |

## Other Sources of Housing

Holiday Accommodation

Torbay remains a premier Tourist resort and a key policy consideration will be to conserve Torbay’s raison d’etre as a tourist destination. However, with several large purpose-built hotels having been approved in Torbay in recent years including Corbyn Head Hotel, Palace Hotel and a Premier Inn in Torquay, and Park Hotel and the Lighthouse in Paignton, one potential source of housing is the reuse or redevelopment of holiday accommodation[[6]](#footnote-7).

Changes of use within holiday accommodation areas have been subject to policy control both in the previous Torbay Local Plan 1995-2011 through the designation of ‘Primary Holiday Accommodation Areas’ (PHAAs) and in the current Torbay Local Plan 2012-2030 through the designation of ‘Core Tourism Investment Areas’ (CTIAs). In addition, both Paignton and Torquay Neighbourhood Plans have introduced separate policies on holiday accommodation. When holiday accommodation areas were last reviewed in 2011, [the PHAAs were reduced by 80%](https://www.torbay.gov.uk/DemocraticServices/documents/s1729/Review%20of%20Guidance%20on%20PHAAs.pdf), with this review informing the extent of the CTIAs in the current Local Plan. This reduction has meant that some former PHAA sites which are located outside of CTIAs have received permission to change to residential use during the current Plan Period. Such sites will continue to be a source of housing over the next 20 years. If all the remaining holiday accommodation sites that are located in former PHAAs but outside of CTIAs were to be converted or redeveloped for housing, this could yield approximately 760 dwellings, of which 380 would be on sites yielding 6 or more and 380 would be on sites yielding fewer than 6 (and therefore forming a source of windfall sites). However, it is neither likely (in terms of market capacity or viability) nor desirable (in terms of impacts on Torbay’s economy and cultural heritage) for all such sites to be brought forward for housing. With no changes to the existing tourism policies in the Development Plan, it is anticipated that in the region of 50 per cent of these remaining sites would come forward for housing over the next 20 years. This is based on the likelihood of further consolidation and investment into holiday accommodation within the CTIAs as we have seen to date during the Plan Period. Excluding windfall sites, this would equate to approximately 200 dwellings or 10 dwellings per year from holiday accommodation sites located outside CTIAs. As an illustration, this might be 1 medium-sized hotel being redeveloped for permanent residential use every 2 years.

For sites within CTIAs, the broad policy position within the Development Plan is to retain and improve holiday accommodation and tourism uses. Therefore, it is not anticipated that current tourism policies would give rise to any significant housing delivery from within CTIAs. That being said, housing delivery from holiday accommodation areas could be increased if the Council was minded to consider further policy relaxations and reductions to the extent of Core Tourism Investment Area designations. This would be a policy decision that would need to be carefully considered at the plan making stage, with due regard to the impacts that this would have on Torbay’s economy, character and cultural heritage. If all the remaining holiday accommodation sites within CTIAs were to be reused or redeveloped for housing, it is estimated that this would yield a further 690 dwellings, of which 630 would be on sites yielding 6 or more and 60 would be on sites yielding fewer than 6 (and therefore forming a source of windfall sites). As an example, the Council may consider a 25 per cent reduction to the extent of CTIAs. Excluding windfalls, this would unlock a potential yield of approximately 160 homes. If we were to assume that approximately 50 per cent of these sites would come forward within 20 years, this would equate to approximately 80 dwellings or an average of 4 dwellings per year (i.e., approximately 1 medium-sized hotel every 5 years). Using the same method and assumptions, a 50 per cent reduction to the extent of CTIAs would yield approximately 160 dwellings within 20 years or 8 dwellings per year.

It is worth noting that, at the Local Plan Review in November 2020, Cabinet resolved that while policies for the supply of housing needed to be updated, the rest of the local plan policies (including tourism policies) were considered broadly up to date. Any further relaxation of tourism policies in order to increase housing delivery over and above the 10 homes per year that are considered likely to come forward from sites located outside of the CTIAs, would need to be carefully considered at the plan making stage. The potential yield from holiday accommodation areas, as described above, and the suitability of tourism policies in the Development Plan, will continue to be kept under review.

Holiday parks

The 2013 SHLAA considers the redevelopment of holiday camps. Of these Torquay Holiday Parks are allocated in the Torquay Neighbourhood Plan (TNPH1 and 2) and already assessed by the HELAA (TNPH016 and 017). Upton Manor Farm (21B037) is also assessed in the HELAA and subject to a current planning application. Other holiday parks in the Goodrington and Brixham area appear to be in active holiday use and/or subject to landscape constraints such as AONB. It is possible that some holiday uses elsewhere may have been leased off or units have drifted into quasi residential use. This would create a significant site assembly obstacle to redevelopment. Subject to further assessment, there may be scope to regularise their use and achieve a modest boost in official number either through planning permission or Certificate of Lawfulness. They would not in practice be “new” dwellings. This would however require a council commitment and resource to enforcement of an issue that may not currently be perceived as a priority for scarce resources. The equalities implications of such an approach would need to be considered carefully.

Accordingly, no number has been given to the redevelopment of holiday parks beyond the specific sies identified in the HELAA.

Council car parks

The 2013 SHLAA identified a potential yield of 599 dwellings that could be achieved through the redevelopment of council owned car parks (Section 7.6 and Appendix I). It noted that there should be a review of the need for car parking. It is noted that several car park sites are allocated/identified for development including Victoria Square Paignton (PNPH13/ 21P028), Middle Street Brixham (H1.18/ 21B006) and Lower Union Lane Torquay (21T010/ PNPH25).

However, in addition to this it seems likely that town centre surface level car parks could provide an additional source of brownfield housing, particularly if parking is retained at ground floor level. To avoid double-counting car parks that are included in wider regeneration schemes elsewhere in the HELAA, it is suggested that 10 dwellings a year could be achieved through the reuse of car parks not already given a yield in the HELAA, i.e., 100 over a 10-year period.

**Conservation Areas**

The 2013 SHLAA considered the possibility of densifying conservation areas, particularly the Warberries and Lincombes (section 7.2), but rejected this due to its impact on the character of these areas. The NPPF and separate legislation[[7]](#footnote-8) provide protection for conservation areas and other heritage assets. Where sites have previously been considered for redevelopment, they have been reassessed in the HELAA and their heritage value is considered as part of this assessment. In addition to the heritage issues, there would be very significant site assembly issues with a policy of densifying conservation areas, and the Local Planning Authority’s focus is most likely to be on sites within the town centres.

Accordingly, no additional yield has been given in the HELAA, consistent with the 2008 and 2013 SHLAAs.

**Increase densities**

As noted above, the HELAA has sought to give a realistic site yield based primarily on a desktop assessment and officer knowledge and site visits to key sites/broad locations. A starting point of 20 dwellings a hectare for sensitive locations and 40 for less sensitive greenfield locations has been used. This is consistent with neighbouring authorities’ HELAAs.

Applying higher densities to greenfield sites is unlikely to encourage higher quality development. The HELAA Panels noted that the demand is for houses rather than apartments, and shortage of parking in some recent developments is cited by the Police Architectural Liaison Officer as a source of community tension.

There may well be scope to significantly increase town centre densities, and the HELAA assumes that around 75 dwellings per hectare is suitable in town centres. There could be scope to increase the yield on such sites, particularly if Policy DE4 of the Local Plan were relaxed to encourage taller buildings. In some instances, additional floors can be built above flats under permitted development.

Such an approach would need to be weighed up against the impact on conservation areas and other heritage assets, as well as the residential amenity of neighbours. Such an approach will also not provide family housing and many sites have complex site assembly or infrastructure issues. Construction costs increase dramatically for development of more than 4 storeys, which the Panels advised was a constraint to just going up. Urban regeneration schemes have not all been easy under the current development plan, for example the Pavilion Torquay[[8]](#footnote-9).

The HELAA has assessed urban regeneration sites, and some of these could have scope to provide tall buildings, particularly where sea views etc could increase demand for apartments as part of mixed-use developments. This is reflected in the HELAA proformas. Such landmark buildings take time to achieve.

**Reducing Town Centre Boundaries**

Retail has changed significantly since the 2013 SHLAA. The introduction of a broad commercial Class E and extension of permitted development/prior approval rights has introduced additional flexibility into town centres. However, most dwellings to come from these sources are likely to be windfalls, and will be apartments rather than houses. “Living above the shop” type initiatives have been around for many years, and the limited take up reflects design, access and similar complexities.

The existing Local Plan does contain significant town centre redevelopment proposals, and these are recorded in the HELAA. An option for the Local Plan Update would be to significantly draw back town centre areas and allow ground floor residential use. Comprehensive town centre developments take many years and involve complex land ownership issues. Incremental change is therefore more likely. Nevertheless, it seems likely that a drawing back of town centre boundaries to allow redevelopment could increase housing supply in sustainable locations.

The forthcoming Retail Study being carried out by Avison Young will provide further advice about the scope to reduce town centre boundaries.

A hypothetical yield of 10 dwellings a year is suggested, although this will need to be kept under review and care taken not to double count with windfalls.

**Review of Employment Land**

Notwithstanding the existence of permitted development rights to change some (former Class B) employment uses into residential, there is concern form the TDA about insufficient serviced employment land in Torbay. The number of workplace jobs in Torbay has been relatively static at about 59,000 since 2000, despite growth in the overall population. The most significant housing sites developed in the Twenty-teens were formerly allocated for employment development in the previous Local Plan (1995-2011). This includes Yalberton Road/Wilkins Drive/Berry Acres, Devonshire Park and White Rock. This was the “dividend” from the substantial deindustrialisation of Torbay in the early 2000s.

The conversion of smaller “lock-ups” etc. for housing would generally provide windfall housing. There is concern about the quality of the accommodation that this provides as well as the loss of small premises.

Based on advice from the TDA, the further reduction in employment spaces is not likely to provide a significant source of new housing in the HELAA. Indeed, the Local Plan seeks to provide an element of employment uses on major sites as part of mixed use development.

**Specialist Accommodation**

Torbay has a significantly older population than the national average, and this is forecast to increase. Whilst there is a policy to minimise the use of class C2 Care Homes, a range of specialist accommodation can help people live independent lives for longer. Such accommodation can frequently be provided at higher densities than general needs dwellings, and can assist people to “downsize” and thereby free up other housing.

As part of the Council’s “Duty to Cooperate” with neighbours, a policy of increasing the provision of specialist accommodation could be offered to meet wider needs, in return for some of Torbay’s generalised need being met by neighbours.

There are drawbacks with this approach. For individuals and families there is often a reluctance to give up the “family home” particularly when houses are a valuable and rising asset. At a council level there are the implications of increasing social care costs associated with an aging population. There are also questions about whether the approach will genuinely free up housing for younger people, or whether it will increase the already aging demographic profile. There are also issues about how far specialist accommodation provides affordable housing and other contributions.

## Summary of Main Findings

The HELAA has sought to assess sources of housing land from identified sites and broad locations. It has also sought to assess options for boosting supply within the built up area. The findings are set out below. The “amber” sites have been separated from the other sources, as these sites have been assessed as having significant constraints.

The HELAA will need to be kept under review, as additional sites may come forward and deliverability evidence changes. It should be read in conjunction with the council’s annual housing monitoring data.

Again, it is emphasised that the HELAA provides a menu of options for policy makers. It does not represent policy or the Local Planning Authority’s final view of a site.

However, it does seem to confirm a dilemma that whilst there are significant urban regeneration opportunities, these sites have site assembly issues and there is limited demand for apartments. Conversely, whilst there is demand for greenfield housing, the opportunities for this are finite and come at an increasing environmental cost.

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|  | **Estimated Delivery** | | | |  |
|  | **Years  1-5** | **Years 6-10** | **Years 11- 15** | **Years 16+** | **Total (20 year period)** |
| **Green: Principle of development established.** | 1220 | 480 | 0 | 0 | 1700 |
| **Yellow: Minor constraints only** | 60 | 1140 | 540 | 0 | 1740 |
| **Amber: Significant constraints** | 10 | 1100 | 1630 | 1040 | 3780 |
|  |  |  |  |  |  |
| **Windfall sites** | 500 | 500 | 500 | 500 | 2000 |
| **Holiday Accommodation**  **(10 dwellings a year)** | 50 | 50 | 50 | 50 | 200 |
| **Council car parks (10 dwellings a year)** | 50 | 50 | 50 | 50 | 200 |
| **Conservation Areas** |  |  |  |  | 0 |
| **Increased densities** |  |  |  |  | 0 |
| **Reducing town centre boundaries (10 dwellings a year)** | 50 | 50 | 50 | 50 | 200 |
| **Reviewing employment land** |  |  |  |  | 0 |
| **More specialist accommodation** |  |  |  |  | 0 |
|  |  |  |  |  |  |
| **Total** | **1990** | **3420** | **2870** | **1740** | **9820** |

## Next Steps

The HELAA has been used to draft growth options as part of the Local Plan Update. A Consultation Draft Local Plan Update Reg 18 Options published in January 2022.

Broadly speaking, all of the urban regeneration and already allocated sites are proposed in all growth options. This is because, as a policy consideration, it is highly likely that the Council will continue to promote these as development sites, even though the HELAA acknowledges deliverability difficulties. The remaining options introduce sites with increasing degrees of constraint. Maps showing how these were considered are included at Appendix 5. Two Maps are produced: one is a “policy off” map showing the unaltered HELAA coding. The second reflects that urban regeneration sites are likely to remain allocated. Note that second map is the same as Option 5 in the Regulation 18 Local Plan Growth Options. The maps are best viewed electronically.

The Growth Options Consultation is available at [Local Plan Update - Torbay Council](https://www.torbay.gov.uk/council/policies/planning-policies/local-plan-update/)

# Appendices

1) Methodology

2) HELAA Panel Summary of findings

3) HELAA Spreadsheet of Sites

4) Site proformas

5) Map of Sites and broad locations considered by the HELAA (Note that this is the same as Local Plan Update Regulation 18 Option 5.

**Appendix 1. Methodology**

**Torbay Housing and Employment Land Availability Assessment (HELAA)**

**Draft Assessment Methodology**

This paper sets out a broad methodology for assessing site and broad location suitability for housing and employment land development. In practice there have minor variations from the methodology noted in the main text above. These were made to tailor the study to Torbay’s circumstances. Therefore, the following should be read as the “draft”. It follows the similar Housing and Employment Land Availability Assessment (HELAA) methodology prepared for the (former) Greater Exeter Strategic Plan (GESP), and Teignbridge District Council. Advice is also set out in paragraphs 68-71 and glossary of the NPPF and chapter ID-3 of the online National Planning Practice Guidance (PPG). Because Torbay is a much more urbanised area than much of the Greater Exeter housing market area, a wider range of densification measures will need to be taken into account.

To be considered developable, sites should be in a suitable location for housing or employment development, with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

A two stage approach is applied to determining whether potential sites are in suitable locations for housing and economic development. Stage A eliminates sites with clear “showstoppers”.

The following locations will be considered unsuitable and removed from the process under Stage A. Stage B assesses sites for suitability against a series of criteria. Sites that have not been ruled out under Stage A will then be considered against further criteria within Stage B. The site criteria take into account policy restrictions, physical problems or limitations, potential impacts, and the environmental conditions which would be experienced by prospective residents.

**Stage A assessment criteria**

**Locations considered to be unsuitable for housing and economic development**

Where the majority of the site impacts upon the following sites of biodiversity or geodiversity importance:

• Designated Site of Special Scientific Interest (SSSI)

• Designated or possible Special Area of Conservation (SAC)

• Designated, listed, or proposed Ramsar site (wetlands of international importance)

• Designated or potential Special Protection Area (SPA)

• Sites identified or required as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs and listed or proposed Ramsar sites.

Flood zone 3b

**Minimum site size for inclusion**

The threshold for housing is:

* 6 dwellings (net) or 0.15 hectares (whichever is less)

It is noted that other authorities’ HELAAs have used 5 new dwellings gross. However, all of Torbay’s housing monitoring, and the 2013 SHAA is based on 6 net new dwellings as the cut-off between sites treated as windfalls and potential allocations. I was more practicable to retain this threshold. In practice, due to the urban nature of Torbay, most sites were assessed on their likely yield rather than site size per se.

The threshold for economic development is:

* 0.25 hectare (or 500m sq. of floorspace)

**Sources of Assessment**

A HELAA is intended to assess the capacity of an area for housing or employment development. It does not indicate that land should, or will, be allocated for development (PPG 3-001-20190722).

Where possible the HELAA will identify specific sites. However, as a highly urbanised area, it may be necessary to rely on broad locations. Care will need to be taken not to “double count” windfall sites.

The following sources will be used to identify potential sites:

* The 2013 SHLAA
* The Council’s annual housing monitoring
* Pre-application enquiries
* Town Centre and other Masterplans (Torquay Gateway, Collaton St Mary, Great Parks.
* Neighbourhood Plan assessments
* The result of the Call for Sites carried out in 2020 and ongoing.
* OS Map assessments (with site visits and Land registry checks) to assess broad locations.

**Types of sites**

An assessment of the following is carried out as part of the HELAA. Where possible specific sites will be identified, otherwise a yield from broad locations may be assessed (being careful not to double count windfalls).

**Identified sites**

* Existing allocations (Future Growth Areas etc.) in the Local Plan and neighbourhood plans.
* Town Centre Redevelopment opportunities (conversion or redevelopment).
* Other sites within the built up area
* Sites adjoining or outside settlements
* Increased densities in some Conservation Areas.
* Redevelopment of holiday parks
* Former holiday accommodation areas (Principal Holiday Accommodation Areas/Core Tourism Investment Areas). Conversion and redevelopment.
* Car parks
* Reuse and redevelopment of care homes and former health care buildings.
* Broad locations and sites adjoining or outside settlements.

Site Templates (using the GESP/Teignbridge templates) are set out at Appendix 1.

**Achievability factors**

The HELAA is primarily a “supply side” exercise, i.e., it considers how much land is available for development. However, demand side factors such as viability and market capacity are relevant particularly in relation to how quickly sites are likely to come forward for development (i.e., achievability).

The HELAA will consider achievability over three time frames:

* Within five years (deliverability)
* Within the next 10 years (Similar to the Adopted Torbay Local Plan Period)
* Longer term e.g., by 2040.

The HELAA intended to use the Greater Exeter Strategic Plan “Market Conditions Model” as a starting point to assess housing delivery rates. Whilst this was used as a starting point, Torbay has no sites of 500+ dwellings. Alternative figures were used where we had other information, e.g., from developers. In practice, delivery rates in Torbay are likely to be slightly more modest that for Exeter, due to market conditions

Table

Description automatically generated

**Estimating the development potential for each site**

The whole area of a proposed site may not all be developable. This is because the area for development on larger sites may be reduced through the provision of access roads, strategic open space, or landscaping. The development potential of individual sites may also be affected by constraints such as biodiversity, protected trees, or heritage assets.

The **gross** development area is taken to be the whole of the required site area for a

development, excluding any unsuitable land such as that identified as flood zone 2/3, that which is crossed by high voltage powerlines, or is of such steep topography as to be considered unusable unless it is integral to the site (i.e., surrounded by suitable development land within the site area).

The **net** developable area is taken to be the site area which remains for the delivery of housing / employment and ancillary development (e.g., garages, gardens, driveways, amenity space, parking, amenity etc.), after subtracting other required land uses such as highways infrastructure, sports pitches, allotments, parks, Sustainable Urban Drainage Systems (SUDS), schools and other infrastructure requirements.

To reflect the realistic developable site area, indicative ‘gross to net ratios’ will be applied to all sites. The ratios to be used are:

**Housing**

|  |  |
| --- | --- |
| **Site size** | **Gross to net ratio** |
| Up to 0.4 hectare | 100% |
| 0.4 to 2 hectares | 80% |
| 2 hectares and above | 60% |

In order to calculate the potential housing yield for each site, density assumptions will be applied to the net developable area:

|  |  |
| --- | --- |
| **Location** | **Density (dwellings per hectare, net)** |
|  |  |
| Town centre | 51 to 100 \*75 mid |
| Planned urban extension | 31 to 40 \*35 mid |
| Suburban / rural settlement | 20 to 30 \*25 mid |
|  |  |

These densities will be taken as a starting point. Different densities may be applied where these become apparent through site assessments.

**Stage B assessment criteria**

Potential for impact on:

* Air quality
* Biodiversity, the historic, cultural & built environment
* Employment land
* Landscape - including setting of AONB and Undeveloped Coast
* Marine Conservation Zones
* Mineral resources
* Open space and recreation facilities
* Water Source Protection Zones

**Other considerations:**

* Access to public transport, services, and facilities
* Compatibility with existing and / or proposed surrounding uses, including Waste Consultation Zones
* Constraints to delivery, including flood risk
* Highway access, pedestrian, and cycle links
* Infrastructure capacity
* Land status

**Target Dates**

A call for sites took place in 2020

A further “call for evidence” will take place in March 2021.

HELAA panels considered draft sites in July 2021. The HELAA being finalised and used to develop Local Plan Growth Options in the second half of 2021.

The HELAA Panels contained developers, land agents, Neighbourhood Forum and Parish Council members as well as other stakeholders from the Housing Board and TDA.:

**Site Assessment Templates.** (Reference to the development plan, NPPF etc. are added in accordance with PPG 3-015-20190722. Reference to “Strategic Policy” has been removed from the GESP template, as this is considered more appropriate as a “stage B” consideration. Reference to development plan policies is included as part of the stage B assessment.

HELAA – Example of Site Assessment. In practice some variations were made to some proformas. For example, less detail is required for sites where the principle of development has been established through allocation in the development plan or the grant of planning permission.

|  |  |
| --- | --- |
| **SITE OVERVIEW** | |
| **HELAA Reference no.** |  |
| **Customer Reference no.** |  |
| **Source of Site (call for sites, Local Plan allocation etc.).** |  |
| **Group HELAA Map** | **Map** |
| **Site name** |  |
| **Current use** |  |
| **Site descriptions** |  |
| **Total site area (ha)** |  |
| **Gross site area (ha)** |  |
| **Min/Mid/Max yield** | *DPH / 0 ha employment* |
| *Map* | |
| **SUITABILITY ASSESSMENT: STAGE A** | |
| **Strategic potential:** | |
| **Housing?** |  |
| **Employment?** |  |
| **Biodiversity- Within SAC/SSSI** |  |
| **Flood Zone 3b** |  |
| **Other NPPF Showstoppers (not policy constraints)** |  |
| **Conclusion** |  |
|  |  |

|  |  |
| --- | --- |
| **SUITABILITY ASSESSMENT: STAGE B** | |
| **Access** |  |
| **Flood risk, water quality and drainage** |  |
| **Heritage and Archaeology** |  |
| **Infrastructure** | Highways:  Education: |
| **Landscape** | Landscape Sensitivity Level |
| **Ecology** |  |
| **Safety related constraints** | None. |
| **Soils (Agricultural Land classification) and contamination** | . |
| **Local Plan** |  |
| **Neighbourhood Plan** |  |
| **Development progress (where relevant)** |  |
| **Other** |  |
| **Site potential** |  |

|  |  |
| --- | --- |
| **AVAILABILITY ASSESSMENT**  The site promoter(s) has confirmed that the site will be available for development within: | |
| The next 5 years | Yes |
| A 6-10 year period |  |
| An 11-15 year period |  |
| Later than 15 years |  |

**Appendix 2. HELAA Panel Summary of findings**

A total of 18 participants across 3 days in July 2021 representing the house building industry, Torbay strategic housing board, agents, neighbouring local authorities, and neighbourhood planning bodies. The meeting was held virtually due to Covid.

The following themes were raised during discussions:

* Strong demand for houses in Torbay - the building industry confirmed that they could sell houses.
* A key issue is not the demand for housing, but whether Torbay’s environment can withstand the required level of delivery.
* Much weaker demand for flats unless in highly popular locations/with sea views. Flats would be predominantly for the private rental market.
* Viability problems with developments of more than four stories. Only developments for apartments in best locations i.e., with sea views likely to attractive to developers.
* Many of the HELAA sites are tricky and have constraints – very few “easy” development sites left in Torbay.
* Industrial areas were not considered appropriate for housing allocations.
* Large sites with topography greater than 1/6 tend to be un-viable for larger schemes that need to deliver affordable housing and community gain elements. Smaller/private developments can be viable on sloping sites.
* Protection of AONB and landscape viewed as very important, and allocations should be carefully scrutinised to avoid landscape impacts. However, it was raised that the AONB was designated some time ago and some of the sites within the AONB area could be less sensitive than other sites located outside of it.
* Open spaces with footpaths which are important to the community were not popular with developers as they are considered a challenge to deliver.
* The importance of ensuring that sites are available before allocation was raised several times.
* It is difficult and costly to create a viable scheme for the re-development of car parks where parking provision is retained.
* Where nothing has happened on an allocated site for a number of years, a proposal to de-allocate the site could be used to unlock it or to remove it from the housing supply if it is un-deliverable due to viability.
* Assessments of the capacity of sites should consider land required to deliver biodiversity net gain.

1. At 2021 the Standard Method local housing need figure stands at 559 dwellings per year. [↑](#footnote-ref-2)
2. NPPF paragraph 160. [↑](#footnote-ref-3)
3. NPPF paragraph 163 [↑](#footnote-ref-4)
4. It is noted that neighbouring authorities used a windfall threshold of 5 dwellings (i.e., sites of 1-4 are windfalls). Whilst using a 5 dwelling threshold was considered, this would be a change from the 2013 SHLAA and the basis for Torbay’s housing monitoring and 5 year supply assessments. On this basis a threshold of 6 net new dwellings has been used. [↑](#footnote-ref-5)
5. More detailed advice on suitability, availability and achievability is contained in the online Planning Practice Guidance at Housing and economic land availability assessment - GOV.UK (www.gov.uk) [↑](#footnote-ref-6)
6. ‘Holiday accommodation’ is used here as an umbrella term referring to hotels, guest houses, B&Bs, and holiday apartments. Holiday parks (including caravan parks and camp sites) are excluded as they are considered separately in the next section of the HELAA. [↑](#footnote-ref-7)
7. Planning (Listed Buildings and Conservation Areas) Act 1990 [↑](#footnote-ref-8)
8. Planning applications P/2015/0961 and P/2015/0962. [↑](#footnote-ref-9)