

DRAFT

TORBAY FIVE YEAR LAND SUPPLY STATEMENT 2017/2018

This assessment has been challenged and accordingly the assessment is published as a Draft for a technical consultation. Please can all comments be received at Future.Planning@torbay.gov.uk by noon on Monday 5th March 2018. The consultation is a technical one on the assessment of five year housing supply and not on wider issues.

Please note that the assessment is being published for comments as an exceptional measure and it is not intended to create a precedent whereby the Local Planning Authority's five year housing supply assessment is subject to consultation.

Introduction

The following sets out an officer level assessment of Torbay's five year housing supply position for 2017/18 - 2021/22.

Local planning authorities (LPAs) are required to maintain 5 years supply of deliverable housing land (National Planning Policy Framework (NPPF) paragraph 47). The Government has repeatedly stated that increasing housing supply is a high priority. This document sets out Torbay's five year supply position for the five year period 1 April 2017 – 31 March 2022. This statement will be updated annually or where there is a significant change in circumstances affecting its accuracy.

Housing Targets

The Torbay Local Plan was adopted in December 2015 and provides the up-to-date development plan for the authority, including housing targets. Policy SS12 'Housing' and Policy SS13 'Five year land supply' refer. The housing trajectory of 8,900 dwellings over the Plan period 2012-2030 (including an allowance for windfall sites) is set out as below;

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

Five year supply requirement

During the first five years of the plan period (2012/13 - 2016/17), 1778 units were completed. This is an undersupply of 222 units on the five-year target of 2000. This undersupply is only 11% on the five-year target, and considering that Torbay exceeded housing targets in the previous development plans (Torbay Local Plan 1995-2011 and the Devon Structure Plan) it is not considered that the authority has a "record of persistent under delivery", therefore a 5% buffer is appropriate. The five year supply table is shown below.

Five Year Supply					
Year	1	2	3	4	5
	17/18	18/19	19/20	20/21	21/22
Target	495	495	495	495	495
Target + 5%	520	520	520	520	520
Target + 5% + Undersupply (annualised over 5 yrs)	564	564	564	564	564
Cumulative Target	564	1129	1693	2258	2822

Policy SS13 of the Local Plan sets out a target of 495 dwellings per year over the next five years (2017/18 - 2021/22). When a 5% buffer is applied (in accordance with NPPF para 47), this becomes 520 units per year. The undersupply of 222 units is then added¹, resulting in a five year supply requirement of 2822 units (564 per year annualised over the next five years). As the undersupply is relatively small, it has been annualised over the five year period rather than spread over the Plan period. This ensures that future forecasts remain robust.

Five year supply forecast

Sites included in Torbay's future five year supply calculation are shown in Appendix A. National Planning Policy Guidance (NPPG) states that "deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission...unless there is clear evidence that schemes will not be implemented within 5 years" (Para: 030 Reference ID: 3-030-20140306).

Torbay's case is unusual in that the Local Plan allocates only 'Future Growth Areas (FGAs)' (larger-scale sites due to deliver towards the end of the plan period) and has left the allocation of other sites (particularly those proposed to deliver in the 'middle' years 6-10 period) for Neighbourhood Plans to allocate².

Due to a combination of reasons, it has taken longer than anticipated for the Neighbourhood Plans to reach submission stage³ following adoption of the Local Plan in December 2015. As the next five years covers the Local Plan years 6-10 period, this has left Torbay with a lack of allocated sites to include in the five year supply. This was identified as a risk by the Local Plan Inspector⁴. The five year supply therefore constitutes sites with a net gain of 6 units or more with a permission as at 03.08.17 (the time at which the spreadsheet was compiled)⁵, (parts) of FGAs which are likely to start delivering towards the end of the next five year period and an allowance for windfall sites⁶.

The LPA has reviewed the sites included in its five year supply in the light of recent judicial decisions, particularly that of Lord Justice Lindblom in *St Modwen Developments*⁷ and has included sites where it considers that there is a realistic prospect of the site being delivered in five years.

¹ The backlog of undersupply must be met within five years. This is referred to as the 'Sedgefield Method' and is advocated by Planning Practice Guidance.

² Torbay has 100% neighbourhood plan coverage, provided by three plans; Torquay, Paignton and Brixham Peninsula. In general, these cover larger areas and populations than other neighbourhood plans across the country.

³ This is the current stage which all three neighbourhood plans are at.

⁴ Paragraph 56 of Inspector's Report dated 12 October 2015

⁵ With the exception of the comment added to the South Devon College (Torre Marine) site stating when the most recent application was permitted (prior permission had been implemented therefore this site has been included on previous 5 year supply spreadsheets)

⁶ The annual windfall allowance has been reduced from 130 (in the latest SHLAA) to 100 as a result of averaging windfall completions over the past 5 years (the start of the Plan period).

⁷ Court of Appeal [2017] EWCA Civ 1643

The five year housing land supply is 2232 units against a target of 2822 units, which equates to 3.96 years' worth of deliverable sites.

Five year supply calculation	2232 / 564 (target + annualised undersupply) = 3.96
------------------------------	---

Discounted Sites

Those sites which the Council did not include in the five year supply spreadsheet are neighbourhood plan sites as, although submitted and consulted on, are yet to be examined; some masterplan sites; sites which were under construction but have less than 6 units left to be built on site; and 'old' sites with an implemented permission which have seen no recent activity."

Consequences of shortfall in five year supply

In the absence of a five year supply, paragraph 49 of the NPPF indicates that policies for the supply of housing cannot be considered up to date. The Supreme Court has held that a "narrow" definition should be applied to what constitutes policies for the supply of housing. However where five year supply cannot be demonstrated the balance is tilted in favour of the grant of permission, except where the benefits are "significantly and demonstrably" outweighed by the adverse effects or where specific policies indicate otherwise"⁸

Potential solutions

Policy SS13 of the Adopted Local Plan sets out that:

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

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

In terms of the solutions set out in Policy SS13 (above), the Council is already seeking to do 1) and 3). Preparing a site allocations development plan document (DPD) (2) (above) would require, at the very least, an updated Strategic Housing and Employment Land Availability Assessment (SHELAA), two rounds of consultation and an examination in public. This would take a significant amount of time (18 months – 2 years) to carry out. Due to the timescales involved, it will be more efficient to undertake an (early) Local Plan First Review (see paragraph below).

Local Plans should be reviewed every five years, therefore a Local Plan First Review is due in 2020. Work on the evidence base for this will begin within the next year, and if necessary and resources allow, an early Review of the Local Plan (ie. prior to the 2020 required date) is a likely option to deal with housing supply issues. This work will also feed in to five year supply calculations where appropriate.

Another opportunity to resolve the lack of supply will be through the adoption of Neighbourhood Plans where they allocate sufficient housing land supply. The three neighbourhood plans (covering Torquay, Paignton and Brixham Peninsula) have been formally submitted to the Council and were publicised for

⁸ As per paragraph 14 of the NPPF. Lords Carnwath and Gill in Suffolk CDC, Hopkins Homes Ltd, etc. [2017] UKSC 37

(Regulation 16) consultation between Wednesday 1 November and Monday 18 December 2017. They are currently awaiting examination by an Independent Examiner. Both Torquay and Brixham Peninsula Neighbourhood Plans propose site allocations, Paignton does not.

Once neighbourhood plans have completed the process to become adopted ('made'), sites allocated within them will become available to be used as part of Torbay's five year supply⁹. We have not yet assessed whether the inclusion of 'deliverable' allocated sites in Neighbourhood Plans would enable the Council to have a five year supply at the current time, since this would be pre-judging the outcome of the Neighbourhood Plan Examinations.

⁹ Providing they meet the requirements of NPPF paragraph 47

Appendix A: Torbay 2016/17: 5 year housing land supply

Site	Comments	5 YR YIELD	1	2	3	4	5
			2017/18	2018/19	2019/20	2020/21	2021/22
TORQUAY							
South Devon College (Torre Marine), Torquay	75 units (P/2016/1047 permitted 17.11.17).	75			20	20	35
Scotts Meadow	P/2010/1388 allowed at appeal 01.06.12 (155 units). On site. 40 units complete.	115	40	35	20	20	
Hollicombe Gas Works	P/2008/0114 permitted 11.10.12. P/2015/0999 permitted 18.11.15 refers (C of L for section of road built in accordance with original application implements permission). 185 units in total. Site remedial works completed.	70				35	35
Land at (adj 84) Grange Road, Torquay	P/2013/0374 6 units permitted 25.02.14. On site.	6	6				
Queensway, Torquay	Part under construction P/2007/2095 permitted 20.05.08	16	2	4	10		
Tor Manor, 11 Tor Church Road, Torquay	P/2012/0632 C of L completion of foundations. P/2016/0348 9 dwellings permitted 04.01.17	9			9		
English House Hotel Teignmouth Road Maidencombe	P/2011/0361 permitted 12.01.12 (6 units). 1 complete.	5	2	3			
Spa View Stitchill Road	P/2012/1107 (8 units) permitted 27.08.13. P/2015/0983 (9 units) permitted 19.05.16. On site.	9	9				
Seven Hills Nursing home, St Margarets Rd	Extend time limit P/2013/0255 permitted 01.05.13. On site.	6	6				
Shedden Hall Hotel, Shedden Hill	P/2016/0305 permitted 31.05.17 11 units	11			11		
Roebuck House, Abbey Road	P/2016/0531 - prior approval. 71 units.	71		71			
59 Rock Road	P/2014/0634 permitted 07.01.15	10			10		
1st & 2nd Floors, Union House, Union St	P/2015/0674 prior approval 29.09.15	15		15			
Commerce House, 97-101 Abbey Road	P/2015/1245 permitted 01.03.16 & P/2017/0308 permitted 18.05.17. On site.	26		26			
Gleneagles Hotel, Asheldon Road	P/2015/0836 permitted 10.12.15. On site	32	32				
53 Fleet Street	P/2015/0587 permitted 18.12.15	9			9		
101 Braddons Hill Road East	P/2015/0897 permitted 17.12.15. On site.	9			9		
La Rosaire, Livermead Hill	P/2014/1182 permitted 01.10.15	7		7			
Former B&Q, 41 Tor Hill Road	P/2016/0730 permitted 15.03.17	19			10	9	
Torre House, Falkland Road	P/2016/0882 permitted 23.11.16 & P/2016/1356 permitted 15.02.17	8		8			
Former Zion Chapel, Zion Road	P/2016/0914 permitted 17.03.17	7			7		
42-45 Fleet Street	P/2016/1211 permitted 03.02.17	9		9			
Hotel Blue Conifer, Higher Downs Road	P/2016/0571 appeal allowed & P/2016/1354 permitted 16.02.17	9		9			
1-2 Kents Road	P/2016/1316 permitted 27.04.17	12			12		
Land R/O 107 Teignmouth Road	P/2016/0599 permitted 31.05.17	12				12	
8-18 Tor Hill Road	P/2017/0290 permitted 28.04.17	19		19			
The Nightingales, Furzehill Road	P/2017/0218 permitted 04.05.17	7			7		
18 Babbacombe Road	P/2017/0178 permitted 05.05.17	9			9		
Laburnum Garage, Laburnum Street	P/2016/0581 permitted 24.05.17	6				6	
Palm Grove Hotel, St Marks Road	P/2016/1107 permitted 19.01.17	6			6		
Future Growth Area							
Edginswell Future Growth Area	Total units circa. 550 (Local Plan SDT3 & Masterplan)	80				40	40
Torquay Totals		704	97	206	149	142	110
Torquay Total over 5 years							704
Plus windfalls							
PAIGNTON							
White Rock, Paignton	P/2013/1229 permitted 17.04.14 - 310 units. 94 units complete @ 2017. 200 units only shown in 5 yr supply - proposed completion rate of circa 40 per year.	216	45	45	46	40	40
Yannons Farm, Brixham Rd	Apps still to be implemented/completed; P/2014/0983 192 units plus P/2016/0610 140 units. Total 332 units. 27 units Comp, 43 units U/C & 262 units N/S @ 2017. 200 units only shown in 5 yr supply - proposed completion rate of 40 per year.	200	40	40	40	40	40
Devonshire Park, off Brixham Road	P/2014/0947 255 units in total permitted 22.03.16. 160 units only shown in 5 yr supply - proposed completion rate 40 per year.	160		40	40	40	40
Great Parks Phase 2 (CDSP6)	80 units permitted 09.12.16 (P/2016/0462).	80	10	35	35		
Silverlawns, 31 Totnes Road	P/2015/0908 permitted 21.12.15 & P/2016/0555 permitted 18.08.16. On site.	19	19				
5 Broadsands Road	P/2014/0899 - 8 units permitted 28.01.15. On site.	8	8				
Roseville, Marine Gardens	P/2014/1017 - 8 units permitted 31.03.15. On site.	8	8				

Appendix A: Torbay 2016/17: 5 year housing land supply

Site	Comments	5 YR YIELD	1	2	3	4	5
			2017/18	2018/19	2019/20	2020/21	2021/22
Barton Pines, West Lane	P/2014/0470 permitted 09.07.15.	9	9				
Former Rossiter, 13-17 Palace Avenue	P/2016/0585 permitted 12.05.17	32				15	17
Future Growth Area							
Totnes Road (Motel Site)	P/2015/0709	33		33			
Council owned land/Ocean BMW		60				30	30
Paignton Totals		825	139	193	161	165	167
Paignton Total over 5 years							825
Plus windfalls							
BRIXHAM							
Brixham Paint Station, Kings Drive	H1.019 P/2006/1066 permitted 30.08.07 (35 units in total) Part built. CN/2016/0086 permitted 11.01.17	22		11	11		
Dolphin (Sharkham Village), Brixham (Former H1.22)	P/2015/0003 permitted 09.10.15. On site.	31	14	17			
Wall Park, Wall Park Road	P/2013/0785 permitted 05.06.15 - 165 units total PLUS P/2016/0057 additional 8 units. On site. 43 units complete @ 2017.	130	35	30	30	35	
Land R/O Broadway, Dartmouth Road	P/2014/0687- 10 units permitted 30.10.14 (in outline) P/2016/0206 (Reserved Matters) permitted 30.06.16.	10			5	5	
Land R/O 16-26 Castor Road	P/2016/0947 allowed at appeal 03.08.17	10				10	
Brixham Totals		203	49	58	46	50	0
Brixham Total over 5 years							203
Plus windfalls							
Torbay Total (identified sites)			285	457	356	357	277
Windfalls / Small sites (fewer than 6 dwellings)		500	100	100	100	100	100
Total Projected Completions		2232	385	557	456	457	377

Notes:

Windfalls/small sites figure taken from recent trends.

Not entire yield of some large sites are assumed to be deliverable in the 5 years due to build out rates.

There are other planning applications made some time ago, which have not yet been determined (mainly due to viability issues) which have not been included in the 5 yr supply, such as Bishops Court and the Pavilion (Torquay), Luscombe Road and Yalberton Road (Paignton).

The delivery of housing will need to be subject to plan monitor and manage on the basis of development plan requirements and allocations and annual monitoring.