

PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



c/o 34 Totnes Road
Paignton
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11 April 2018

By email to:

planning@torbay.gov.uk and angharad.williams@torbay.gov.uk
and alistair.wagstaff@torbay.gov.uk

Spatial Planning (FOA Angharad Williams)

Torbay Council

Tor Hill House

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Torquay

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Dear Ms Williams

Planning Application P/2017/1133: Proposed development of up to 400 houses etc on Land South of White Rock, Adjacent to Brixham Road (aka Inglewood), Paignton

I refer to the applicant's amended proposals and request from the Council for any further comment on these to be received by 11 April 2018.

The Forum has considered the amendments and has further representations to make which it is stressed are additional to those in our letter of 5 December 2017 (Appendix A attached).

They relate to procedure as well as to the amendments:

Procedure

The Forum has the following concerns:

- Different closing dates have been given by the Council in the letter sent by email to consultees on 13 March 2018 and in the Herald Express on 21 March 2018. This is of concern because it may have deterred a full response from some consultees, especially those away over the Easter holiday period.
- The amended documents on-line include very large files which have been difficult for some in the community to access before being 'timed-out'. Issues of continuing concern may have been missed as a result.
- A variety of dates have been given by the Council for making a decision on the application, which has created confusion. The latest understanding is a meeting of the Planning Committee (DMC) will still be held and dedicated solely to the application, but will no longer be on 30 April 2018, with no replacement date having yet been identified. We note this takes the application beyond the extended period agreed with the applicant and risk of Appeal on grounds of non-determination within the required time period

- A number of Councillors did not attend the closed session 'Briefing' held by the Council on 28 March 2018. This has implications for natural justice and potential for challenge as not all DMC Councillors currently responsible for making the final decision were present to hear the answers to questions put to the applicant and 8 objecting bodies. The meeting lasted over 2 hours (from 16:30 until 18:45) and the ground covered was significant.
- The planning office has moved recently to Tor Hill House from the Town Hall. Team Leader and Case Officer changes are also in process of taking place. Our concern is the potential for misplacement of information and continuity in detailed consideration of the application.

Having regard to the above and to ensure public confidence in the planning decision, we stress the need for a comprehensive officer report on the application when submitted to the decision meeting that allays these concerns and for the application to be determined by full Council acting in its capacity as the Local Planning Authority, not by DMC.

We consider this to be justified given also the very large number of objection letters from individuals and organisations the Council has received (approaching 600).

The Forum also notes the following since the application was submitted in November 2017:

- The 3 Neighbourhood Plan Regulation 16 consultations ended on 18 December 2018. The outcome and 3 Plans are now at Independent Examination.
- The Joint Local Plan for Plymouth and South West Devon, which includes the application off-site 'mitigation' land within South Hams, is currently at Examination in Public via two Planning Inspectors acting for the Secretary of State.
- Results were published nationally on 29 January 2018 by the Office of National Statistics (ONS/NOMIS) which confirm job numbers in Torbay have not grown since 2012 as required by the adopted Local Plan.
- The Council's consultation on the 5 year housing land supply position ended on 5 March 2018 which has challenged the Council's view that only 3.9 years supply exists.
- The government's Draft Revised National Planning Policy Framework (NPPF) and associated documents have now been published for consultation.

The amended application

Nothing has changed in the Draft Revised NPPF that alters the legal position which requires the Council to determine the application in accordance with the adopted Development Plan (Torbay Local Plan) unless material considerations indicate otherwise.

Nor have the revised proposals resolved key deficiencies in the application as raised in the Forum's previous representations

At the closed session 'Briefing' on 28 March 2018, the Planning Committee Chairman helpfully indicated the application was 'difficult' because it 'offers':

- 373 homes of which 120 would be 'affordable'
- a school
- 70 to 80 jobs
- necessary infrastructure.

The Forum takes this helpful comment to mean these are the perceived ‘benefits’ of the application.

None of these are considered by the Forum to be ‘difficult’ for the following reasons:

The housing position:

- The site is open countryside (not just ‘greenfield’) with up to date Local Plan policies and land use designations in place that very clearly resist use of the site for built development.
- There is no shortage of housing land. The 3 Neighbourhood Plans at Independent Examination provide for a total of 8,534 dwellings. Together with 1,778 dwellings completed from 2012 to 2017 (as confirmed in the Council’s draft land availability assessment) this more than provides for 8,900 in the adopted Local Plan.

NP	Total	5 yr ‘deliverable’
Torquay NP	3,979	1,588
Paignton NP	3,860	1,331
Brixham NP	695	371
	8,534	3,290

- There is also more than a required 5 year supply of ‘deliverable’ housing land using the assessment definitions correctly applied, as evidenced in the Joint Forum response provided to the Council on 5 March 2018 (summarised above). This is the only comprehensive response the Council received (Appendix B attached). If the conclusion is rejected, justifiable reasons will need to be given by the Council.
- At the ‘Briefing’ it was noted that development of the application site would prejudice the ability to provide a greater number of affordable dwellings (and in perpetuity) as proposed in the Brixham Neighbourhood Plan within which the application site is located
- Nothing in the Draft Revised NPPF and associated consultation documents gives rise to prospect of a higher housing requirement for Torbay. The adopted Local Plan is derived from a 2013 based full objectively assessed need of 615 per annum. The governments proposed ‘standard method of assessment’ results in a reduction for Torbay to 588 per annum, evidencing the adopted Local Plan already over-provides on need. There will remain the requirement to demonstrate, whatever the number, that it ‘physically fits’ within Torbay’s remaining environmental capacity, which currently stands at 495 per annum to 2022. It would not be correct to conclude the current Local Plan 495 would increase to 588. They are ‘chalk and cheese’. The first is the moderated figure the second is the un-moderated total.
- As net job growth has not occurred, the Local Plan Inspector’s conclusions are especially relevant (paragraph 41 final report):

“There will be ample opportunity to increase housing numbers if justified by jobs growth. Alternatively it may be necessary to reduce housing numbers if the Council’s job growth strategy is less successful than is hoped.”

The figure required to be monitored is the number of jobs within the Bay (both employee work place and self employed), not the number of persons employed, as the latter includes those who have to out-commute against the Local Plan and NPPF objective of securing more sustainable development.

The school:

- Nothing in the presentation heard at the ‘Briefing’ meeting was able to show the school is well placed in relation to the community it would serve. Nor is it considered credible that a commitment to public transport provision (for 5 years) will meet ‘school run’ congestion issues.
- In answer to a question raised, it would appear the application in any event provides for no more than a ‘serviced site’ within the first phase, with no commitment that the school itself will be provided either at all or in a timely way.

The Jobs position

- Decision by the Council to allow further housing provision, especially a major departure, must accord with the position reached on the net job growth trajectory as this also forms a key part of the adopted Local Plan. The Local Plan requires net growth in job numbers of not less than 1,375 to have been achieved between 2012 and 2017 (275 minimum per year x 5 yrs). This must be measured from the base of 59,000 in 2012 (Local Plan page 244 top paragraph 7.5.17)

Period	Net Job growth each year Policy SS1	Net Homes each year Policy SS13
2012/17	275-300	400
2017/22	275-300	495
2022/30	275-300	555
Total	5,000-5,500	8,900

(Source: Adopted Torbay Local Plan Dec 2015)

- The results published by ONS/NOMIS on 29 January 2018 confirm that net job numbers in Torbay have dropped from the Local Plan baseline of 59,000 in 2012 to 57,000 in 2016. In other words, job provision in Torbay has fallen by 2,000 below the Local Plan start date of 2012 and is more than 3,000 below where it is required to be by 2017 (59,000+1,375 = 60,375). The inescapable conclusion is that the application has an inadequate provision of jobs, out commuting will be the only way to meet the needs of the occupants, such out-commuting is contrary to the sustainability requirements of the NPPF as well as the Local Plan, and any financial contribution sought to mitigate this will not resolve the problem and will make the imbalance worse.

Necessary Infrastructure

- The ‘Briefing’ raised concern that inadequate account appears to have been taken of off-site traffic flow impact at Windy Corner in particular. The location is on the boundary of the two Neighbourhood Plan Areas where space available is very limited. No account appears to have been taken of additional development proposed in the adjoining Brixham Peninsular Area. Usurping the highway space available to provide only for the needs of the application and natural increase will not be sufficient. Any perceived ‘benefit’ coming from provision of the works as part of the Departure application has implications to the rest of Brixham which appear not to have been considered. The resulting impact will be NPPF ‘severe’.

- The revised proposals have confirmed a heavy reliance on the combined sewer network to take surface water that cannot achieve natural run-off. In a designated 'Critical Drainage Area' the scale proposed is wholly unacceptable and places an unjustifiable additional burden on the combined foul and surface water system that runs contrary to the conclusions reached in the strategic sewer assessment undertaken as part of the Local Plan. Nor has the risk of flooding been resolved.
- The 'green' infrastructure elements of the revised application do not overcome the conclusions reached in 1997 by the Secretary of State in his refusal of development on the site (including landscaping). Paragraph 12 of his decision letter clear states:

"The Secretary of State attaches substantial weight to the need to preserve the high quality of the Dart Valley AONB as one of the finest riverine landscapes in the country.....the development itself and the very extensive areas of woodland planting envisaged would have a significantly adverse and wholly unacceptable visual impact....despite the longer term screening effects of the landscaping and mitigation measures."
- No clear presentation has been made that demonstrates the off-site mitigation works within the South Hams area would be deliverable. The works lie outside the jurisdiction of Torbay Council within the adjoining Local Planning Authority area that has objected to the proposed development.

In conclusion

It remains the view of the Forum that refusal of the application is justified without further delay for the reasons above and set out in our previous representation letter of 5 December 2018 which have been brought together into the justified reasons for refusal in [Appendix C](#) attached.

Yours sincerely

David Watts

Chairman, Paignton Neighbourhood Plan Forum

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c.c. Mike Parkes, Forum Secretary

PAIGNTON NEIGHBOURHOOD FORUM

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5 December 2017

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Spatial Planning (FOA Carly Perkins)

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Dear Ms Perkins

Planning Application P/2017/1133: Proposed development of up to 400 houses etc on Land South of White Rock, Adjacent to Brixham Road (aka Inglewood), Paignton

I refer to the Council Notice in the Herald Express on 15 November 2017 calling for comments on the above application to be submitted by no later than 6 December 2017.

This is a short period for such a complex application. However, the Forum was invited to pre-submission meetings with the developer and has examined the application as subsequently submitted.

The conclusion reached is that the proposal

- conflicts significantly and demonstrably with the approved Development Plan and
- harm would result that outweighs any other material planning consideration.

The proposal overall will not secure sustainable development as required by the National Planning Policy Framework (NPPF) and adopted Torbay Local Plan.

The proposal also conflicts with the submitted Neighbourhood Plans for Brixham and Paignton. It is not possible to determine the weight to be given to these Plans until the Regulation 16 consultation period has been completed on 18 December 2017, following which further views may need to be submitted.

However, the extent of conflict with the requirements of the NPPF and adopted Torbay Local Plan are sufficient on their own to show that refusal of the application is justified.

The principal reasons for this conclusion are summarised below:

Prior consultation

The Forum attended the pre-submission consultation exhibitions in May 2017. It is not considered this provided satisfactory answers to fundamental questions raised about conflict with the previous Appeal decision by the Secretary of State, impact on protected

habitat of international importance, drainage infrastructure, highway network impact, and lack of sufficient job provision.

Representatives of the Brixham and Paignton Neighbourhood Forums were also invited to attend a joint meeting with the applicants on 5 May and 23 June 2017. The understanding from these meetings was that an application would not be made until details were available which answered all of the key issues. It is noted this has not been achieved e.g. a sufficiency of foul drainage information has not been provided. It was noted at both meetings that the applicants had difficulty in agreeing the proposal constitutes a Departure from the approved Development Plan.

The decision by the Council to advertise the application as a formal Departure is therefore supported by the Forum as being correct.

Conflict with the adopted Development Plan

In considering the proposal, the Forum has followed the requirement that a decision on a planning application must by law (and NPPF11 and 196), be made in accordance with the approved Development Plan unless material considerations indicate otherwise.

The Development Plan in this instance is the Torbay Local Plan adopted by the Council on 10 December 2015.

- Being only 2 years old, it is an up to date Development Plan and cannot be considered by NPPF14 to be *“absent, silent or relevant policies are out-of date”*.
- Nor has evidence been presented with the application that shows a lack of a 5 year housing supply. Nor has the Council found it necessary to bring forward a site allocation Development Plan Document as would be required by Local Plan Policy SS1 in such an eventuality.
- As there is no evidence presented of a 5 year shortage, the *“tilted balance”* approach (in favour of approval) identified by the Supreme Court is *“not engaged”* ([2017] UKSC 37 Judgement 10 May 2017.).
- Even if there were to be less than a 5 year supply the NPPF14 *“presumption in favour of sustainable development”* does not apply in this instance as the site involves *“Likely Significant Effect”* on protected species habitat and *“Appropriate Assessment”* consideration which NPPF119 makes clear rules out any NPPF14 presumption in favour.

The proposal therefore is required to be assessed in relation to the Development Plan (Torbay Local Plan) as adopted on 10 December 2015.

The proposal conflicts directly with the adopted Development Plan *“Policies Map”* (sheets 29/30) which show the site designated for the following purposes:

- Countryside Area – to which **Policy C1** applies. The policy states that development of the nature and location proposed will be resisted. None of the exceptions apply which are listed in the policy.
- Proposed Country Park/ Countryside Access or Enhancement Scheme – to which **Policy SS9** applies. The policy states the objective is to protect the high quality green space. This in turn links with the Council’s approved Green Infrastructure delivery plan proposals for the site, and the site’s *“mitigation”* role for the adjacent White Rock development still under construction.

- Minerals Safeguarding Area (MSA) – to which **Policy M3** applies. The policy resists any proposal that would result in the sterilisation of the finite mineral resource of the site, as would apply in this case.

Other material planning considerations

The application seeks to imply the site would have been included in the Local Plan had it been possible to show the problems raised at the time were capable of being resolved. The fact remains they were of such scale and importance it was found the site could not be included, even as a “*Future Growth Area*”. No weight can be given to this part of the application.

Nor are there other material planning considerations that show there are benefits which “*significantly and demonstrably*” outweigh the adverse effects that will arise.

- There has been no demonstrable housing land shortage presented that justifies setting aside the conflict with Policy **C1**, **SS9** and **M3** referred to above.
- The school will not be well located in relation to the population it would serve
- Jobs in the school and the public house will not meet employment needs of the extra population and will add to the current imbalance within the Bay, leading to further reliance on outward commuting to find work.

In contrast, the proposal will result in “*significant and demonstrable*” harm to material planning considerations that have great weight:

- Loss of countryside and impact on the Dart Valley Area of Outstanding Natural Beauty (AONB) remains as important today as it did when the Secretary of State refused development in the vicinity for this reason in 1997. The difference in site area currently presented does not overcome the Secretary of State’s reason. The importance to the tourist economy of the area has increased still further since then. NPPF115 requires great weight to be given to conserving AONB landscape.
- Impact on internationally important biodiversity will result, as acknowledged by the application. Seeking to provide “*mitigation*” space is insufficient. The site is already the “*mitigation*” area for dealing with the impact of the adjacent White Rock development not yet completed. The “*in-combination*” impact on Cirl Buntings and further loss of Greater Horseshoe Bat sustenance zone from the Special Area of Conservation in particular will lead to unnecessary “*Likely Significant Effect*” and conflicts significantly with the intent of NPPF118-120, Local Plan Policy NC1 and final version of the Habitat Regulation Assessment approved with the Local Plan on 10 December 2015.
- Loss of agricultural land of high grade will result from building on the soil involved (Grade 1, 2 and upper 3). This is irreplaceable and its unjustified and unnecessary loss fails to meet the requirement of NPPF112.
- Transport impact resulting from the proposal will have two harmful effects. First, it is understood that a traffic flow survey was undertaken but of short duration and failed to cover the main tourist periods when holiday makers traditionally use this road to travel to Brixham and Dartmouth. The flow of traffic along Brixham Road will be interrupted to a significant degree where the residual cumulative impact of the development will be “*severe*” in the terms of NPPF32. Second, the location and limited balance of land uses proposed on site will result in occupants having to rely on increased journey lengths for employment, shopping, leisure and other activities elsewhere, contrary to the land use balance sought by NPPF37.

- Surface water and Foul water impacts from the proposal are stated to rely on part of the surface water run-off going into the existing combined foul/surface sewer network that is known to be overloaded. Additionally it states, the foul water solution requires a pumping station to reach an off site point of connection downstream where network restrictions exist that it is being assumed in the application will be resolved by making “*a contribution*” to South West Water. The Supreme Court in 2009 ([2009] UKSC 13 Judgement 9 December 2009) made it clear that where constrictions of this type are involved, it needs to be the local planning authority that ensures the drainage solution is satisfactory before granting any consent. Sufficient detail to satisfy this requirement has not been provided with the application and it is not appropriate to deal with it by condition given that it has such a fundamental relationship to the drainage problems of the area and potential impact on constraining other sites in appropriate locations.

Request for further consultation

Given the scale, location and complexity of the proposal, It is reasonable to believe that further detail may be requested by the Council before it is possible to come to a fully considered decision.

Should this be the case, the Forum requests the opportunity to be consulted further on any changes made to those matters raised in this representation.

Yours sincerely

David Watts

Chairman, Paignton Neighbourhood Plan Forum

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c.c. Mike Parkes, Forum Secretary



Torbay Housing Land Supply 2017/2022

1. Introduction

1.1 These are the views of all 3 Neighbourhood Forums on the Draft Land Supply Statement published by Council officers for comment by noon on 5 March 2018.

1.2 We do not agree with the Draft for the following reasons:

- The requirement identified for the 5 year period has not followed the advice contained in National Planning Practice Guidance (PPG). As a result, the requirement specified of 2,822 dwellings has been over stated;
- The supply of land identified for the 5 year period has excluded sites able to be included. As a result, the supply identified of 2,232 has been under stated.

1.3 In consequence, we do not agree there is only a 3.9 year land supply in Torbay. It is our finding there is a not less than 6.1 years land supply for the following reasons.

2. The Requirement

2.1 We have considered the validity of each part of the calculation in the Draft:

a) Local Plan trajectory

2.2 To ensure there is a sustainable balance of development in Torbay there are two trajectories required to be met in each 5 year period, a housing trajectory and a net job growth trajectory as summarised below (Table 2.1):

Table 2.1: The Local Plan trajectories

Period	Net Job growth each year Policy SS1	Net Homes each year Policy SS13
2012/17	275-300	400
2017/22	275-300	495
2022/30	275-300	555
Total	5,000-5,500	8,900

(Source: Adopted Torbay Local Plan Dec 2015)

2.3 The Draft only takes into account the housing trajectory. There is also a requirement in the Local Plan to review the soundness of the trajectory in 2020/21, which falls within the 5 year period of 2017/2022 covered by the Draft.

2.4 National Guidance makes it clear that an up to date Local Plan should be used as the starting point for calculating the 5 year supply and given considerable weight “*unless significant new evidence comes to light*” (PPG Para 030 Ref ID 3-30-2014-0306).

2.5 Two pieces of “*significant new evidence*” have “*come to light*” which have not been taken in account in the Draft:

- Net job growth required by the Local Plan has not occurred. The opposite has occurred with 2,000 job losses compared to the start of the Local Plan period and 3,000 job losses compared to the forecast position by 2017, even though additional dwellings have been approved and built and the new South Devon Highway completed in 2015 (Source ONS/NOMIS job information confirms Torbay at 59,000 in 2012 falling to 57,000 in 2016).
- At the same time, dwellings vacant for 6 months or more have increased significantly, with no more recent evidence that shows the situation has improved. (Source: Paignton Neighbourhood Plan Supporting Evidence Document 3 page 17).

2.6 These two pieces of “*new evidence*” call sharply into question it being rational in the Draft for continuing with the move from 400 dwellings per annum for 2012/2017 to the next step up of 495 dwellings per annum for 2017/2022 (Table 2.1 above).

2.7 Nevertheless, for the purpose of evidencing the robustness of our assessment we have not adjusted the trajectory shown in the Draft of 495 for the period 2017/2022. However, it is relevant to note the increase of 475 over the 5 year period for 2017/2022 ($95 \times 5 = 475$) is

significant and is more than the equivalent of adding a further year supply to the previous rate for 2012/2017.

b) Addition for past under delivery

2.8 We accept the figure given in the Draft for dwellings built in the period 2012/2017 and the figure of 222 as the shortfall when compared with the target of 2,000. We also agree there is no evidence of persistent under delivery and it is correct to apply the addition of 5%, not 20%.

2.9 However, we do not agree it is rational to require the catch-up to be achieved over the next 5 years of 2017/2022. To do so perpetuates, and makes worse, the imbalance which now exists between job growth and housing growth. This is not sustainable development and conflicts fundamentally with the intent of the Local Plan and requirement of the National Planning Policy Framework (NPPF).

2.10 Until review of the Local Plan has been completed in 2020/21, the catch-up needs to be spread over the remaining 13 year life of the Local Plan, not concentrated into the next 5 years.

2.11 This produces the following Table in place of the Draft:

Table 2.2 Supply requirement for 2017/2022

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 rest of plan period)	537	537	537	537	537
Cumulative Target	537	1074	1611	2148	2685

3. The Supply

3.1 We have reviewed each of the parts used in the Draft:

c) Site availability

3.2 We do not accept the assumption made in the Draft that underperformance in housing completions and inactivity on sites is occurring due to a shortage of supply. It is clear from

market signals that the lack of job growth is the principal issue. Without an income by prospective occupants neither home rental nor purchase are possible, which in turn affects build out rates.

3.3 There is clarity in the PPG, NPPF and Court decisions referred to in the Draft that sites are able to be included where they are capable of being delivered within the 5 year period. A certainty that they will be delivered is not the criteria as implied in the Draft.

3.4 A major failing of the Draft is the absence of any account taken of the 3 Neighbourhood Plans formally submitted to the Council in 2017 which identify land for more than 8,200 dwellings compared with the claimed shortfall in the Draft of 590 dwellings (2,822 required less 2,232 supply). While not all sites in the Neighbourhood Plans are presented as deliverable in the next 5 years, their total exclusion from consideration is a major and irrational omission.

3.5 Taking account of the Neighbourhood Plans, a supply of 2,640 has been identified for the period covered in the Draft from 2017/2022. Apart from the Future Growth Area at Edginswell, this retains all other sites shown in the Draft.

d) Windfall allowance

3.6 The evidence clearly shows that since the start of the Local Plan period in 2012, the approved allowance of 130 per annum has been exceeded significantly by permissions granted.

Table 3.1 Windfalls (of 5 or less dwellings)

Year	Local Plan approved allowance	Actual
2012/13	130	150
2013/14	130	167
2014/15	130	175
2015/16	130	142
2016/17	130	136
Total	650	770

Source: Torbay Council planning consents granted.

3.7 We do not accept there is justification for this to be reduced from 130 approved in the adopted Local Plan to 100 per annum as shown in the Draft. To do so artificially suppresses the supply available.

4. Conclusion

4.1 For the period 2017/2022 it is our finding that there is a requirement, at most, for 2,685 dwellings and site availability, at least, of 3,290 as shown in Appendix 1.

4.2 At the resulting rate of 537 per annum (Table 2.2 above), this represents at least a 6.1 year supply (3,290 / 537). Even at the higher rate of 564 in the Draft, the supply still provides for at least 5.8 years (3,290 / 564)

Leon Butler
Chair of Torquay
Neighbourhood Forum

David Watts
Chair of Paignton
Neighbourhood Forum

Jackie Stockman
Chair of Brixham
Neighbourhood Forum

4 March 2018

Attachment

Appendix 1 - Torbay 2016/17: 5 year housing land supply spreadsheet

Appendix 1 - Torbay 2016/17: 5 year housing land supply

			1	2	3	4	5
Site	Comments	5 YR YIELD	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		
Neighbourhood Plan							
Bishops Court Hotel	NP site CDST2813025	42					42
Country House 62 Ellacombe Rd – 1	NP site CDST2113016	8			8		
Country House 62 Ellacombe Rd – 2	NP site CDST2213016	6			6		
Pavilions/Marina Car Park	NP site CDST35T833	45				20	25
18 Torbay Palace Hotel	NP site T761CDST (new scheme of fewer units)	60			20	20	20
39 Abbey Road	NP site TNPH3513001	12				12	
Melville St Joinery Works	NP site R232TNPH40	6				6	
Pimlico	NP site TNPH3313229	50				10	40
Town Hall Car Park regeneration	NP site M2TNPH21	50				40	10
Torquay Holiday Park	NP site T738TNPH2 (150 units not all in 5 years)	50					50
Holiday Park, Kingskerswell Rd	NP site 13232TNPH1	45					45
TGGS Shiphay Manor	NP site T814TNPH10	20					20
Lee Hotel, Torbay Road	NP site T893TNPH50	6			6		
Old Cockington School	NP site NP1 (recently out to tender)	20			20		
Dairy Crest site (Parkfield Road)	NP site NP3 (pre-app 67 units)	67				40	27
Bancourt Hotel	NP site NP4	25				25	

Nightingales Furzehill Rd	New site P/2018/0103 pending decision.	7		7			
Former Stoodley Knowle Convent School, Anstey's Cove Road	Aquired by new owners. Potential for 165 units not all in 5 years.	120			40	40	40
Future Growth Area							
Edginswell Future Growth Area	Total units circa. 550 (Local Plan SDT3 & Masterplan) Unlikely in next 5 years.	0					
Torquay Totals		1263	97	213	249	315	389
Torquay Total over 5 years							1263
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				
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
Neighbourhood Plan							
2 Courtland Rd	NP site P/2014/0803 On site.	15	15				
Great Parkes Phase 2 (H1.011)	NP site CDSP3 Kings Ash highway widening nearly complete. Potentially 185 units not all shown within 5 years.	120		10	20	40	50

Yalberton	NP site T843 Application P/2014/0983 pending for 192 units not all shown within 5 years.	65				30	35
Former Divisional Police HQ (T744)	NP site CDSP9. Site now cleared of HQ. P/2017/1117 in outline for 46 units pending decision.	46				10	36
Future Growth Area							
Totnes Road (Motel Site)	P/2015/0709	33		33			
Council owned land/Ocean BMW		60				30	30
Paignton Totals		1071	154	203	181	245	288
Paignton Total over 5 years							1071
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	
Neighbourhood Plan							
Northcliffe Hotel	NP site H3-I4 / BNPH5 Currently derelict	15			15		
Waterside Quarry	NP site H3-I10	10			10		
Knapman's Yard	NP site H3-I11 / BNPH13	6			6		
Torbay Trading Estate	NP site H3-I5 / BNPH6 Former factory site currently a car park	15				15	
Former Jewson	NP site H3-I8 empty building for sale.	20			20		
St Kilda	NP site H3-I3 Former residential home now closed.	12		12			
St Mary's/Old Dairy	NP site H3-I2 / BNPH11	25					25
Brixham Totals		306	49	70	97	65	25
Brixham Total over 5 years							306
Plus windfalls							

Torbay Total (identified sites)	2640	2640	300	486	527	625	702
Windfalls / Small sites (fewer than 6 dwellings)		650	130	130	130	130	130
Total Projected Completions	3290	3290	430	616	657	755	832
<p>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 Luscombe Road (Paignton). <i>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.</i></p>							

Appendix C

Reasons for refusal – Planning Application P/2017/1133

- 1) The Secretary of State determined that built development and landscaping in the location proposed would have a significant adverse and wholly unacceptable visual impact on the high quality of the Dart Valley AONB which he expressly decided needs to be preserved as one of the finest riverine landscapes in the country. There has been no change in material circumstances that justify departing from this decision and the need to protect important landscapes accords fully with paragraphs 109 and 115 of the National Planning Policy Framework.
- 2) The development proposed departs from the policies of the adopted Torbay Local Plan which is the Development Plan for the area and designates the site:
 - a) as 'Countryside Area' to which Policy C1 applies. The policy states that development of the nature proposed will be resisted. None of the exceptions apply that are listed in the policy;
 - b) for a 'Country Park / Countryside Access or Enhancement Scheme' to which Policy SS9 applies. The policy states the objective is to protect the high quality green space. This in turn links with the Council's approved Green Infrastructure delivery plan for the site and the site's "*mitigation*" role for the adjacent White Rock development still under construction. The form and scale of open space in the development proposed would not meet the extent of enhancement required;
 - c) a 'Minerals Safeguarding Area' (MSA) to which Policy M3 applies. The policy resists any proposal that would result in the sterilisation of the finite mineral resource of the site, as would apply in this case.

The Development Plan is up to date and there are no other material planning considerations that show there are benefits which significantly and demonstrably outweigh the adverse effects that will arise:

- i) there is no demonstrable housing land shortage that justifies setting aside the conflict with Policy C1, SS9 and M3 of the adopted Development Plan;
 - ii) the school will not be well located in relation to the population it would serve
 - iii) jobs proposed in the development will not meet employment needs of the extra population and will add to the significant and unsustainable jobs/homes imbalance of 3,000 net additional jobs that exists within Torbay. This will lead to further reliance on outward commuting to find work, contrary to the policies of the adopted Development Plan (Torbay Local Plan) and would not be sustainable development required by the National Planning Policy Framework.
- 3) Further significant and demonstrable harm to material planning considerations would arise that have great weight
 - a) Impact on internationally important biodiversity will result. The provision of "*mitigation*" space is insufficient. The site is already the "*mitigation*" area for dealing with the impact of the adjacent White Rock development not yet completed. The "*in-combination*" impact on Cirl Buntings and further loss of Greater Horseshoe Bat sustenance zone from the South Hams Special Area of Conservation in particular will lead to unnecessary "*Likely Significant Effect*" and conflicts significantly with the intent of NPPF118-120, Local Plan Policy NC1 and

final version of the Habitat Regulation Assessment approved with the Local Plan on 10 December 2015. Enforceability of the mitigation proposals on the land outside the jurisdiction of Torbay have not been shown to be deliverable.

- b) Loss of agricultural land of high grade will result from building on the soil involved (Grade 1, 2 and upper 3). This is irreplaceable and its unjustified and unnecessary loss fails to meet the requirement of NPPF112.
 - c) Transport impact resulting from the proposal will have two harmful effects. The flow of traffic along Brixham Road, especially during the tourist season, will be interrupted to a significant degree where the residual cumulative impact of the development will be “severe” in the terms of NPPF32. Second, the location and limited balance of land uses proposed on site will result in occupants having to rely on increased journey lengths for employment, shopping, leisure and other activities elsewhere, contrary to the land use balance sought by NPPF37.
 - d) Surface water and foul water impacts from the proposal rely on a significant part of the surface water run-off going into the existing combined foul/surface sewer network within a designated “Critical Drainage Area” with no evidence shown which demonstrates that flooding will be avoided. The foul water solution requires a pumping station to reach an off site point of connection downstream where network restrictions exist that it is being assumed in the application will be resolved by making “a contribution” to South West Water. The Supreme Court in 2009 ([2009] UKSC 13 Judgement 9 December 2009) made it clear that where constrictions of this type are involved, it needs to be the local planning authority that ensures the drainage solution is satisfactory before granting any consent. Sufficient detail to satisfy this requirement has not been provided with the application and it is not appropriate to deal with it by condition given that it has such a fundamental relationship to the drainage problems of the area and potential impact on constraining other sites in appropriate locations.
- 4) Having regard to paragraph 50 and 51 of the Draft Revised National Planning Policy Framework published for consultation by the Secretary of State for Housing, Communities and Local Government, the development proposed would be prejudicial to the consideration of the Neighbourhood Plans for Brixham Peninsular and Paignton currently at Independent Examination stage and the Joint Local Plan for Plymouth and South West Devon currently at Examination in Public stage. The Neighbourhood Plan for Brixham does not support development of the site and the Paignton Neighbourhood Plan contains a policy (Annex 3 to Policy PNP11) for satisfactory drainage information to be provided at initial application stage, not via conditions. The off-site ‘mitigation’ proposals of the application are within the adjoining South Hams part of the Joint Plymouth and South West Local Plan where South Hams Districted Council has objected to the application and the importance of the landscape and ecology in this part of the Joint Plan area are currently being considered by two Inspectors appointed by the Secretary of State.