

3. HOUSING

Strategic policy considerations

3.1 Environmental constraints and scarcity of land impose limitations on the ability to provide new housing. However, there is a duty and legal requirement to provide people in Torbay with a decent home. This requirement extends to those who are not able to afford market housing. Whilst we are no longer in a regime of ‘predict and provide’, information on population, including its growth and age composition, tells us a great deal about Torbay’s requirements for homes, jobs and all the other facilities which serve the community. These should be provided for in the Local Plan.

Population change

3.2 The Plan preparation and Local Plan Inquiry predated the 2001 Census. Detailed information from this did not become available until mid 2003, which was 8 years into the Plan period of 1995-2011. The population and housing assumptions in the Local Plan are based on mid and late 1990s estimates. Some figures for the 2001 Census are included here for information purposes. However, these will be taken into account in the preparation of the Local Development Framework, which will constitute the first review of the Local Plan. Care should be taken in interpreting the 2001 Census figures, due to differences in methodology. In particular, the 2001 Census is likely to have picked up a formerly unrepresented ‘hidden’ population. The resident population of Torbay’s three towns is as follows:-

3.3 Torbay’s population growth has slowed down since the rapid expansion of the 1960s and the early 1970s as **Figure 5** shows.

3.4 **Figure 5** also shows the most recent ODPM population projections for Torbay up to 2011. Whilst the projected rate of growth is low compared to the boom years of the 1960s, it is an increase on recent years. However, the following factors need to be borne in mind:-

- The strategic framework is the Adopted Devon Structure Plan First Review (1999) and the Local Plan housing provision is in line with this. There is therefore no need to increase the housing provision in this Plan.
- The Government has moved away from ‘predict and provide’ to a ‘plan, monitor and manage’ approach. The projection in **Figure 5** takes no account of strategic planning (including environmental) factors which are accepted by Government, RPG and the Structure Plan to be important in Torbay (see paragraphs 2.10 to 2.20).

One consequence of the ‘plan, monitor and manage’ approach will be that the Local Plan’s housing provision will be reviewed after a few years. By that time, the population forecasts may have changed again.

- It is important, in order to achieve sustainable development, to ensure that there is a balanced provision between economic development (and employment) and housing provision. In future, there needs to be more ‘coupling’ of these two aspects rather than continuing to attract new residents without the corresponding appropriate amount of employment.

Figure 4: Resident population of Torbay

Town	1991 Census	1999 mid year estimate	2001 Census*
Torquay	59,587	61,800	63,998
Paignton	41,442	42,900	48,251
Brixham	18,645	19,400	17,457
Torbay	119,674	124,100	129,706

Source: 1991 and 2001 Censuses - mid-year estimates.

Note:* For information only.

3.5 The average household size in Great Britain had been about 4.6 people for many years until the early 20th Century. **Figure 6** shows the move towards smaller households since 1981, indicating an increase in demand for additional housing. 1998 estimates indicate that the average household size in England is 2.37 people. In the South West it was 2.34 and 2.25 in Torbay. There is every indication that the average household size is set to fall further with the increasing tendency to form single person households (about 30% of households in Devon) with fewer traditional nuclear families, although this is slightly offset by very recent evidence of increasing cohabitation. This, together with the fact that people are living longer, has implications for housing provision in the Local Plan, not only in allocating more dwellings for a given population than hitherto, but also in making provision for an increased number of smaller dwellings to meet the needs of Torbay’s existing and future residents through the Plan period. However, there is even a demand from many smaller households for increased space provision in the form of bedrooms for visitors, storage and space for hobbies, activities or for working from home.

Figure 5: Population growth in Torbay

Source: DETR (now ODPM) population projections 1998 - Census.

	Year	Population	Change (10 year periods)	% increase per annum		
ACTUAL (CENSUS)	1951	85,300				
					+ 5,900	+ 0.69
	1961	91,200			+14,700	+1.61
	1971	105,900			+7,100	+0.67
	1981	113,000			+6,700	+0.59
	1991	119,700*				
	1997**	122,900			(+10,000)	(+0.83)
	(2001)	(129,700)				
PROJECTED	2001	124,700				
	2006	128,600			+8,900	+0.71
	2011	133,600				

Notes:

2001 Census figures for information only (see paragraph 3.2 above).

* Includes for the first time imputed wholly absent households.

** Office for National Statistics mid-year estimates.

Figure 6: Reduction in average household size in Devon 1981-2021

	1981	1991	1996	2001	2006*	2011*	2016*	2021*	% per annum change 1981-2001	% per annum change 1981-2011
Average household size	2.57	2.40	2.33	2.28	2.23	2.17	2.13	2.09	0.29	0.32

Source: Projections of Households in England to 2021 (DETR 2000)

Note: * Projected.

Figure 7: Resident population

Age group	Torbay Residents					
	1971	1981	1991	1997*	1999*	2001++
0-4	6,000	5,075	6,410	6,459	6,515	6,276
5-15	13,725	14,887	13,896	15,558	15,919	15,470
16-retired	55,020	59,700	66,037	68,387	69,382	74,611
Retired	31,325	33,239	33,331	32,457	32,298	33,349

Source: 1971, 1981 and 1991 Censuses.

Notes:

++2001 Census for information purposes only.

* ONS Mid-Year Estimates 1997 and 1990 (figures may not be strictly comparable with Census data).

** males 65+; females 60+.

3.6 Another critical aspect of the population make up is its age structure. **Figure 7** shows the growth of the resident population since 1971 and highlights Torbay’s ‘top heavy’ age structure. The growth of the working age group is also evident.

3.7 **Figure 8** compares Torbay with the average age structures for Great Britain and Devon. The high proportion of the elderly reflects the heavy migration rates, particularly of the retired, experienced over recent decades. There has been and continues to be a net inward migration of people to Torbay in nearly all age groups, without which the population would naturally decline. However, the proportion of the elderly in Torbay has fallen slightly in recent years, from 29.5% in 1971 and 29.4% in 1981 to 27.9% in 1991, to 26% in 1999 and 25.72% in 2001. However, the elderly population is likely to rise in the Plan period, due to the nation’s ageing population structure. In particular, the number of people aged 85+ is likely to increase. **Figure 9** illustrates the population structure changes experienced in Torbay between 1991 and 2001.

Figure 8: Population structure (1991)

Age groups	Torbay %	Devon %	G.B %
Under 16	17.0	18.5	20.1
16-retired	55.1	58.2	61.2
Retired	27.9	23.3	18.7

Source: 1991 Census.

Figure 9: Population structure of Torbay - Change 1991-2001

Age	1991	2001
0-17	19.3%	20.4%
18-44	33%3	0.7%
45-64	23.0%	26.3%
65-84	21.6%	18.9%
85+	3.1%	3.75%

Source: 1991 and 2001 Censuses.

Strategic housing provision: plan, monitor and manage

3.8 The overriding housing aim of the Government is to provide everyone with the opportunity of a decent home. The strategic approach to achieving this in the context of sustainable development stems from the White Paper 'Planning for the communities of the future' (1998) which stated "For too long we have been stuck in a 'predict and provide' approach to meeting demand for new homes. This Government intends to break that mould." The Government's policy document 'Sustainable Communities - Building for the Future' (February 2003), informally known as 'The Communities Plan', reinforces its commitment to developing houses - and especially affordable housing - within a sustainable context.

3.9 'Plan, monitor and manage' is the phrase now given to this new approach, which is set out in PPG3 'Housing' (2000). This links with the six housing objectives as set out in **Figure 3 Strategic statement, aims and objectives of the Local Plan**. It comprises the following elements:-

- The **plan** element includes the need, within a long-term context, to take a realistic and responsible approach to future housing provision - firstly at a regional level which is then cascaded down to structure plans and finally, at a more detailed level, in local plans. There needs to be a balance between housing and economic growth and a reconciliation with social and environmental considerations.
- The **monitor** element includes the need to keep both housing requirements and housing provision under regular review, based on factors such as household projections, economic needs, the capacity of urban areas to accommodate more housing, environmental implications of new development and infrastructural capacity.
- The **manage** element includes the phasing of land releases to ensure that new infrastructure is co-ordinated with new housing development and that the rate of development of brownfield sites is on target and does not lag behind the development of greenfield sites. Managing should also guard against under or over-provision of housing - i.e. in this Local Plan, in relation to the Devon Structure Plan provision to 2011.

Regional Planning Guidance

3.10 The 1994 version of Regional Planning Guidance for the South West (RPG10) set the regional context to 2011. Torbay was identified as a one of the main urban

areas, to accommodate "a substantial proportion of the Region's housing and other development in ways which make the most effective use of land, transport and other services whilst protecting adjoining rural areas". RPG10 also cited Torbay's environmental quality and limited scope for substantial growth, and these environmental limitations have influenced the Structure Plan's constrained housing provision for Torbay.

3.11 The revised RPG10, adopted in September 2001, also acknowledges that environmental and transport constraints restrict the potential for physical expansion of Torbay. However, the need for substantial economic diversification and regeneration is identified in Policy SS16. RPG10 sets out regional objectives of providing everyone with the chance of a decent home; minimising greenfield development by prioritising re-use of previously developed land, bringing empty properties into use and conversion of existing buildings; creation of mixed communities, sustainable patterns of development and well designed residential environments to promote urban renaissance (paragraph 7.1). Policy HO2 promotes the monitoring and management of housing provision, whilst HO3 encourages the provision of sufficient affordable housing. HO5 and HO6 relate to maximising use of previously developed land, and mix of housing types and densities respectively. The Local Plan's preparation period coincided with the preparation of the revised RPG10, the context of which it therefore reflects.

Devon Structure Plan

3.12 The Adopted Devon Structure Plan First Review (1999) is part of the development plan for Torbay and sets out strategic housing provision. The Structure Plan indicates that about 6,200 dwellings are to be accommodated in Torbay during the Plan period (1995-2011), whilst recognising that:

- firstly, land suitable for new housing is becoming an increasingly scarce resource in Torbay;
- secondly, a high level of commitments already exists in terms of planning permissions; and
- thirdly, the extensive urban area of Torbay offers scope for increased housing through the development of small 'brownfield' sites, redevelopment and conversion, without loss of amenity.

3.13 The Structure Plan housing provision is constrained to a far greater degree than is the case for employment land, for reasons set out in Chapter 2. **Figure 10** illustrates the level of housing constraint for Torbay, South Devon and the entire Devon area in

relation to the demographically implied provision. The ‘demographically implied provision’ is the amount of housing provision which would be provided solely on the basis of population estimates, i.e. if environmental constraints had not been taken into account.

3.14 Figure 10 shows that the Structure Plan housing provision for Devon almost equals the demographically implied provision. In fact, South Devon was the only sub-region out of the four Devon sub-regions to receive a constrained housing provision and the Torbay provision is close to the South Devon average.

Figure 10: Structure Plan housing provision for Torbay and South Devon

Area	Demographically implied provision	Structure Plan Provision	Structure Plan constraint
Devon	76,700	75,800	-1.2%
South Devon sub region	18,700	14,900	-20.3%
Torbay	7,500	6,200	-17.3%

Source: Adopted Devon Structure Plan First Review (1999). Accommodating Change in Devon (1996), Proposed Modifications (1998) and Structure Plan demographic work.

3.15 In order for the Local Plan constraint strategy to take effect, the Council considers that, as a first step, it must ensure that the high level of unimplemented planning permissions is not increased even further ahead of the completion rate, and that large sites which already have permission for housing should be targeted for development.

3.16 Policies to control the rate of new approvals are essential to this strategy. They also need to be monitored in relation to completion rates to ensure that they are applied in a responsive and flexible way. The Council considers that, once existing commitments have been reduced, the restraint policy should aim to achieve an average completion rate of about 350 dwellings a year. Towards the end of the Plan period this should be treated as a maximum.

3.17 It important that Torbay’s growth does not run out of control. Torbay can meet most of its Structure Plan requirements on committed sites, allocations on previously developed (brownfield) land and a continuation of the existing rate of brownfield windfall development. The Local Plan therefore contains proposals to release only two additional greenfield housing sites which were not previously identified in

the Adopted Torbay Local Plan (1991) which covered the period 1981-1996, (in addition to one mainly brownfield site on the edge of Brixham).

Range of forecasting

3.18 The forecasting of dwelling requirements is not an exact science and standard models to assess the future levels of housing demand probably do not take sufficient account of local circumstances. Even during the comparatively short period since 1981 there has been considerable variation in the completion rate in Torbay. Using completion rates as a guide to future provision over the Plan period, estimates would vary from 4080 (i.e. 104 dwellings x 20 years) at the lowest rate to 12,500 (625 x 20) at the highest rate. Taking the average over the 1981-2001 period, the figure would be 8,350 (417.5 x 20) dwellings.

3.19 Figure 11 shows the number of housing completions for each year from 1981 to 2003. The Local Plan is seeking to achieve a significant reduction in the level of housing development, compared with that achieved during the speculative years of the late 1980s and very early 1990s.

Figure 11: Housing completions

Financial Year	81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93
Completions	204	266	376	518	446	466	274	625	625	566	264	294

Financial Year	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04
Completions	392	469	527	285	432	638	449	448	571	481	354

Source: Torbay Survey of Housing Land 1999, Torbay Housing Land Monitor 2003. Completion returns from HBF and Environment Services.

Note: Figures show numbers of dwellings.

Making provision for completions

3.20 The way in which the Structure Plan requirement of 6200 dwelling completions for the period 1995 to 2011 is to be accomplished is shown in detail in **Figure 12**, see below:-

Figure 12: Meeting the Structure Plan housing requirement

	Category	Potential consents	Certainty of completions	Estimates of completions
1.	Dwellings built 1995 - 2001	2880	100%	2880
2.	Dwellings under construction 2001	251	100%	251
3.	Dwellings with planning permission			
	i) large sites	955	95%	907
	ii) small infill sites	208	75%	56
	iii) small redevelopments	208	75%	154
4.	Brownfield potential			
	i) small infill sites	596	70%	417
	ii) small redevelopments	191	70%	134
	iii) conversions	500	100%	500
5.	Local Plan H1 sites	1041	85%	885
	Total	6827	70-100%	6284

Source: Torbay Housing Land Monitor 2001 and Urban Housing Potential Study 1998. Inspector's Report into Objections to the Plan - Recommendation no. 3.04.

Notes:

1. The percentage completion rates are based on the 1998 data used in the Council's Urban Housing Potential Study with a slightly more conservative estimate of conversions. In updating the figures to 2000/1, the percentage completion rates have been reduced in categories 3, 4 and 5 (except conversions) to reflect the fact that there were two

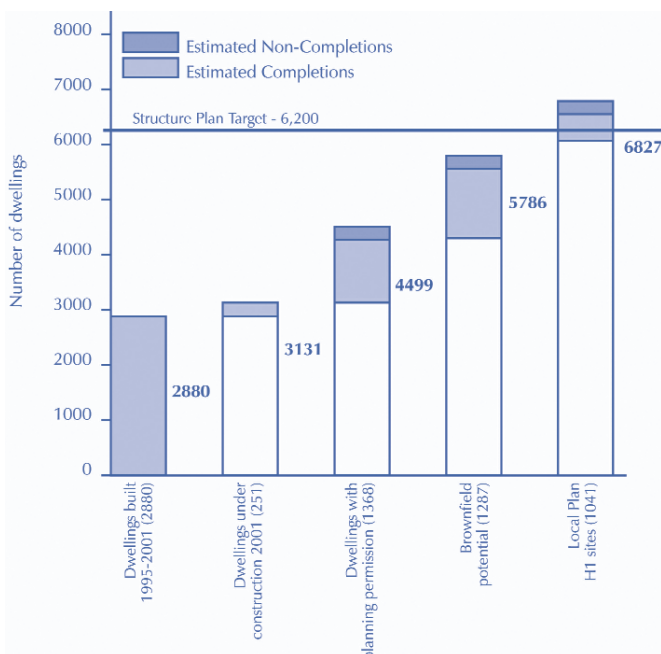
fewer years of the Plan to run. However, a more conservative rate of actual conversions has been applied.

2. See Inspector's Report into Objections to the Plan, Section 3.2.3, Issue (e), pp 23-24 for his comments on certainty of completion assumptions.

3. These figures will be reviewed in the light of further monitoring, e.g. completion rates, expired permissions, etc, when reviewing the Plan and in considering the release of Phase 2 sites.
4. Only H1 proposals which did not have planning permission in April 2000 are included in these figures, i.e there is no double counting with committed dwellings in 3 i).

3.21 Figure 13 is a bar graph which shows at a glance the contribution made by the categories of the previous table (**Figure 11**) and the relationship of consents to completions.

Figure 13: Local Plan housing provision 1995-2011



Minimising greenfield development through a sequential approach to housing provision

3.22 Government advice, in particular PPG3 ‘Housing’ (2000), and the sustainable development agenda in general, encourage Councils to maximise the provision of new housing on ‘brownfield’ or previously developed land within urban areas, subject to proper environmental considerations. This is in order to minimise the loss of countryside and promote sustainable communities, with housing located close to other uses, such as employment land. PPG3 also advocates the application of a sequential approach to the release of housing land and the phasing of land to

ensure that urban areas are targeted first. However, the Government is also determined to promote urban renaissance in which everyone has the opportunity of a decent home. It is important to ensure that the emphasis on housing development within the urban areas does not compromise the quality of life already enjoyed by urban residents through ‘town cramming’.

3.23 Following Government advice and the sustainable development agenda and based on the results of the Urban Housing Potential Study, the aim of the Local Plan is to achieve at least 65% of its housing provision on brownfield sites. This is well above the target of 60% by 2008 set out in PPG3 (paragraph 23). This strategic housing aim will be used by the Council as a basis for monitoring the release of new housing sites.

3.24 Figure 12 shows that a significant proportion of the Structure Plan requirement (70.1% as of 2001) is already built, under construction or with planning permission and estimated to be completed within the Plan period. The Council’s sequential approach to achieve the remainder of the Structure Plan housing requirement, includes:-

- Making best use of existing housing stock.
- Making a realistic allowance of the potential of small urban brownfield sites (below 0.4 hectares/1 acre) based on the Urban Housing Potential Study (see below) and developing land at as high a density as is appropriate (**Policy H10**).
- Identifying large brownfield sites of over 0.4 hectares/1 acre as **Policy H1** housing sites.
- Only identifying greenfield sites of more than 0.4 hectares/1 acre as **Policy H1** housing sites to meet the outstanding residual need not met through the development of brownfield sites.
- Phasing releases in two periods to ensure a 5 year land supply from 2000-2005 and 2006-2011. Whilst the release of the brownfield sites will not be constrained, the release of greenfield sites will be constrained in order to ensure that over-provision does not occur.

3.25 It is important to realise that the granting of planning permission or the inclusion of a proposal in the Local Plan - and to an even greater degree, the identification of an allowance for small ‘windfall’ sites - does not guarantee their development, either within the Plan period or at all. The Structure Plan provision is for housing completions, and for the Plan to be realistic, it is necessary to apply a ‘certainty of completion’ factor to each category of development in

Figure 12. The certainty of completion factor used in the Local Plan is based on experience and on discussions with local developers and was raised at the Devon Structure Plan Examination in Public. It ranges from 70% for small sites identified in the Urban Housing Potential Study, which do not have planning permission, to 95% for larger sites with planning permission. These percentages were supported by the Local Plan Inquiry Inspector, but will be reviewed in the light of further monitoring.

3.26 The implications for Local Plan allocations are that:-

- a) an allowance has to be made for certainty of completion, i.e. the total number of potential consents has to exceed the estimated completions total by a carefully calculated margin; and
- b) it is important to ensure against significant over-provision of completions on greenfield sites which would be detrimental to the Local Plan's environmental policies. It is therefore extremely important to monitor the rate of completions to ensure that significant under or over provision does not occur.

3.27 The Council will monitor the implementation of greenfield sites carefully through the annual Torbay Housing Land Monitor. Major new greenfield releases will be controlled through **Policy H1A** in order to ensure that the development of brownfield sites is on course to meet the Council's 65% brownfield target. Progress towards this will form an important basis of the review of the Plan.

3.28 In the face of rising house prices the Treasury and ODPM commissioned a major study of housing supply in the UK in 2003. The resulting study, the Barker Review of Housing Supply, was published in March 2004. This identified the need to significantly increase numbers of housing completions in order to reduce house price inflation. The Review suggests a national need for between 70-120,000 additional new private sector homes per year and up to 26,000 additional affordable homes per year. The Barker Review is a study intended to inform policy and not in itself a policy document. The Review's findings are likely to influence emerging Planning Policy Statements, particularly PPS3, and will be a material consideration in the review of the Local Plan through preparation of the Local Development Framework. They should not be taken as a justification for varying the plan, monitor and manage strategy outlined above.

Large housing sites

3.29 In accordance with PPG3 and other current Government advice, the Local Plan defines several large housing sites in **Policy H1**, in order to provide a positive lead for development and certainty for both the community and developers about land use changes. Allocating large housing sites also allows the development of mixed communities, served by a range of community facilities and public transport. Some of these sites have planning permission and their identification represents a commitment to renew these permissions during the Plan period and safeguard key aspects, e.g. affordable housing or design considerations. **Policy H1A** phases the release of greenfield sites, in accordance with the plan monitor and manage approach.

3.30 A major change in the Local Plan from the 1999 Deposit Version is the reduction in the number of greenfield housing sites by over 200 dwellings and an increase in provision on brownfield land. In the Adopted Plan about 66% of the H1 sites are greenfield, compared with 75% in the Deposit Version. Moreover, the overall housing provision in the Local Plan represents a major shift in emphasis to providing housing provision on smaller sites, in particular within the urban area, that have been identified by the Urban Housing Potential Study. It is considered that sufficient large sites have already been allocated in the Local Plan and unallocated large greenfield sites will not be granted permission for housing development. Policy H1 clarifies this point. **Policy H1.22A** sets out special considerations applying to the former Dolphin Holiday Camp in Brixham.

Allowance for small sites and the Urban Housing Potential Study.

3.31 In order to maximise urban capacity, PPG3 indicates that local authorities should carry out studies of urban capacity. The Council's Urban Housing Potential (1999) provides a realistic assessment of how much of Torbay's housing requirement can be met from its urban areas through 'windfalls', i.e. brownfield sites which are too small to be identified on the Proposals Map. This includes analysis of infill sites and redevelopment of derelict /rundown buildings. Although it pre-dates the March 2000 version of PPG3, the assumptions contained in the Urban Housing Potential Study are broadly in line with the definition of previously developed (brownfield) land contained in Annex C of PPG3. An estimate of sub-division of residential and conversion of commercial premises has also been made. The Study is a supporting document

Figure 14: Torbay - Potential housing opportunities on previously developed sites 1998 - 2011.

Town	Redevelopments	Infills	Conversions	Total
Torquay	313	379	507	1199
Paignton	123	214	211	548
Brixham	10	156	127	293
Torbay Total	446	749	780	1975
Average per annum	34	58	60	152

Source: Urban Housing Potential Study 1998.

to the Local Plan and explains the methodology and conclusions in more detail. The Urban Housing Potential Study was debated at the Local Plan Inquiry and the Inspector broadly supported its methodology and conclusions (see paragraphs 3.2.3, Issue b, pp 19-20 of the Inspector’s Report).

3.32 The Study estimated that a total of 1975 new housing consents were likely to come on stream over the period of 1998-2011, which translated to about 1677 completions based on certainty of completion estimates. Figure 14 summarises the Study’s findings for each town and by the main types of windfalls.

3.33 The Urban Housing Potential Study identifies a high potential for new windfall housing arising within Torbay’s urban areas. Translating this potential into new homes is critical to achieving the Council’s target of at least 65% of all new residential development taking place on previously developed (brownfield) land. This is above the Government’s latest target of 60% and well above the Regional Planning Guidance more modest target of at least 50% for the South West Region to 2016.

3.34 Of course, windfall housing developments by their very nature are not foreseen and any estimate of potential completions has to be extremely cautious. The Local Plan needs to strike a balance between certainty of development, by giving a clear steer to specific sites for development, and placing an emphasis on developing appropriate urban areas, which means relying on windfall sites. **Policy H2** outlines the Council’s policy towards housing proposals on unallocated sites, and its commitment to ensure that an appropriate supply of consents occurs which does not lead to significant under or over housing provision.

Affordable housing

3.35 Government Guidance is clear that the provision of adequate amounts of affordable housing is critical to mixed and balanced communities. The planning system is an important element in the delivery of affordable housing. The delivery of affordable housing is a Corporate Priority of the Council. Poverty and high house prices in relation to incomes is a recognised problem within Torbay, and this generates a need for the provision of affordable housing. Affordable housing is housing that is available to people who cannot afford to rent or buy houses generally available on the open market. PPG3 and Circular 6/98 ‘Affordable Housing’ use the term ‘affordable housing’ to encompass both social (subsidised) and low cost market housing. However, the Government’s consultation document ‘Influencing the size type and affordability of housing’ (2003) indicates that affordability should be defined in terms of local income levels and house prices/rents for different types of housing. Planning policies on affordable housing should be based on an up to date assessment of housing need.

3.36 The Council’s former Housing Needs Survey (HNS) was produced by David Couttie Associates in 1997. The two key issues highlighted by the survey were the problem of affordability, with a large proportion of Torbay’s population living on relatively low incomes, and the level of ‘concealed’ households, i.e. living within an existing household, the vast majority of whom were not recorded on a register of housing need. The survey advocated that up to 30% or 100 new homes per annum of the remaining Structure Plan provision should be for social housing, principally for rent. In addition it identified a need for 35 units of low cost market housing per year.

3.37 The Council's 2003 Housing Needs Survey, carried out by Fordham Research, identified a much higher level of housing need in Torbay than found by the 1997 Survey. It revealed that there was a need for 1816 units of affordable housing per year over the next five years to meet housing need. It found that around three quarters of this need was for social rented housing, due to the gap between house prices and incomes. The level of housing need identified by the 2003 Housing Needs Survey is comparable with inner London, and meeting it is clearly not achievable, as it amounts to over four times the average total house building rate in Torbay. However the figure does indicate an exceptional level of need for affordable housing in Torbay.

3.38 It is envisaged that the Local Plan's affordable housing provision, which aims to provide at least 135 new units of affordable housing a year, will be found over a wide variety of sites. **Policy H5** relates to affordable housing on identified sites. It is also recognised that a number of unidentified (windfall) sites, including some sites where it is proposed to renew extant or lapsed consents, should contain an element of affordable housing. **Policy H6** outlines the criteria for considering whether windfall sites are appropriate for affordable housing.

3.39 Circular 6/98 (paragraph 15 et seq.) advises that Local Plans should ensure that affordable housing is occupied by those who need it and provides guidance for ensuring that affordable housing meets local needs without being unduly restrictive on developers. Further guidance on the provision of affordable housing through planning policy is set out in the Council's **Supplementary Planning Guidance on the Provision of Affordable Housing in Torbay** (Adopted September 2003). Partnership working between planning, housing and registered social landlords is important to the successful operation of affordable housing policies. The Torbay Housing Partnership Strategy (2003-2006) addresses wider issues such as management, stock condition, homelessness and supporting people.

3.40 In order to achieve balanced communities, the Council aims to achieve the development of affordable housing in small clusters rather than in large estates, irrespective of the overall size of the proposed development. This is set out in **Policy H9 Layout design and community aspects**. Moreover, the Council intends to ensure that adequate social infrastructure is provided to support major new housing development (see **Policies CF6 and CF7**).

3.41 It is important to ensure that the Local Plan pays attention to specialised housing needs and these are addressed in **Policies H5 and H10**, as well as **Policy CF15**, which deals with a range of accommodation for people in need of care.

Making best use of the housing stock

3.42 Central to the Council's strategy of minimising greenfield development, is making the best use of the existing housing stock. Torbay has around 60,500 dwellings (April 2004), about one fifth of it dating back to Victorian times. The Council intends generally to prevent the loss of housing to other uses (**Policy H8**) unless this would contribute to other key local plan objectives. The Local Plan also seeks to make optimum use of existing housing stock in order to encourage sustainable urban communities and is pursuing an empty homes strategy to reduce the number of empty properties in Torbay. An important issue for Torbay is the need to provide clear policy guidance on houses in multi-occupation (HMOs), which on the one hand provide much needed affordable housing and yet can present serious environmental health and planning problems. **Policy H7** addresses HMOs.

3.43 In recent years the Council has recognised the increasing problems of under-use of town centre premises and the potential of using this resource for meeting housing needs, as well as the desirability of reintroducing residential communities into our town centres. The involvement of housing associations in schemes such as Living Over the Shop (LOTS) has given added security to the shopkeepers below, thereby enabling this potential accommodation to be realised. **Policy H4** covers the sub-division of properties into flats, whilst **Policy H3** promotes residential accommodation in town centres. Residential accommodation will often be part of town centre mixed use developments (see **Policy S2**).

Rural areas

3.44 The rural areas of Torbay are generally also a working environment for the farming community. The Local Plan restricts residential development in the countryside and sets out the criteria for assessing housing for agricultural or forestry workers (**Policy H12**). **Policy H14** sets out criteria for travelling peoples' caravan sites.

3.45 The effect of the continued and future use of residential caravans in the rural areas of Torbay is addressed by **Policy H13**.

Layout, design and amenity considerations

3.46 The Council intends to encourage the provision of a wide range of housing. However, this must not be at the expense of the environment enjoyed by the residents of Torbay. The Local Plan is supplemented by the Environmental Guide which gives guidance on the layout, design, access, amenity, security and the use of natural features to be taken into consideration in determining applications for new housing development. **Policy H9** also deals with layout, design and community issues. The satisfactory provision of amenity open space is essential to providing greener urban environments and is addressed in **Policy H11**.

3.47 PPG3 stresses that local authorities should increase the density of development at and around places with good public transport accessibility to help minimise the take-up of greenfield sites. Land for housing in Torbay is scarce and the use of land, at densities which are as high as possible whilst being compatible with the character of surrounding areas, is encouraged. It also recognised that a blanket density coverage for the whole of Torbay is neither desirable nor appropriate in design or sustainability terms. PPG3 suggests that developments of less than 30 dwellings per hectare should be avoided (paragraphs 57 - 58). **Policy H10** of the Local Plan covers density considerations. **Policy H15** sets out considerations relating to applications for extensions to domestic properties.

HOUSING POLICIES AND PROPOSALS

HS Housing strategy

A sustainable housing strategy will be promoted which aims to meet Torbay's housing requirements through:-

- (1) giving everyone the opportunity of a decent home and so promote social cohesion, well-being and self-dependence;**
- (2) providing a mix and choice of housing of a balanced range of size, type and location to meet the needs of different types of household;**
- (3) securing a balance between:-**
 - new housing and the protection of environmental quality; and**
 - new housing and jobs;**

- (4) maximisation of the reuse of urban land and buildings with a target of 65% for Torbay of all housing development over the Plan period;**
- (5) implementing a sequential approach to make full and effective use of urban land by:-**
 - ensuring best use of housing stock and supporting new windfall housing developments on previously used urban sites; and**
 - permitting only the remaining part of the residual new housing requirement that cannot be met on previously developed urban land on allocated greenfield sites, subject to phasing over the Plan period; and**
- (6) generating sustainable patterns of residential development at optimum densities in safe and attractive environments, accessible by a variety of means of transport.**

Explanation:

3.48 The Local Plan sets the framework for provision of housing in Torbay, to meet the target of 6200 new dwellings set out in the Adopted Devon Structure Plan First Review (1999).

3.49 The Local Plan housing strategy also incorporates the Government's housing policy set out in PPG3 'Housing' (2000) and 'Planning for the Communities of the Future' (1998). Central to this is a move away from 'predict and provide' to a regime of 'plan, monitor and manage'.

3.50 It is important to conserve greenfield sites, many of which are protected by landscape or nature conservation designations. At the same time it is essential to meet people's need for homes, both for market and affordable housing. Failure to do so would lead to housing shortages and increased social exclusion. Moreover, failure to meet the Structure Plan target could result in planning by appeal and place Torbay's most valuable rural assets at risk.

3.51 The Local Plan housing strategy seeks to meet housing needs whilst minimising greenfield development, by adopting a sequential approach of making the best use of existing housing stock - including empty homes - followed by the development of previously used 'brownfield' land. Annex C of PPG3 defines previously developed land as "land which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development." This definition excludes parks, allotments etc. which may have some structures in them, and previously developed sites that have

become blended into the landscape so that they could be reasonably considered as part of the natural surroundings. The Council has undertaken an Urban Housing Potential Study (a supplementary document to the Plan) to assess the potential from smaller windfall sites.

3.52 Greenfield sites, identified in **Policy H1** are only released to cover the housing need that cannot be met on brownfield sites. It is estimated that 65% of housing provision in Torbay will be achieved on previously developed land. This is above the national target of 60% by 2008 (PPG3 paragraph 23) and 50% for the South West as set out in the Regional Planning Guidance for the South West (RPG 10 - September 2001).

3.53 Release of greenfield sites will be split into two phases (1995-2005 and 2006-2011) and completions of housing will be monitored over the Plan period to ensure that housing development does not outstrip Structure Plan provision (see **Policy H1A**).

3.54 In order to make the best use of urban land, higher density housing is encouraged, where appropriate (**Policy H10**). However residential development will also be expected to provide adequate open space (**Policy H11**) and incorporate a high standard of design (**Policies BES** and **BE1**) to ensure attractive and sustainable living environments.

H1 New housing on identified sites

The policies of this Plan provide the capacity for the completion of 6200 dwellings, in accordance with the Devon Structure Plan, between April 1995 and March 2011, as indicated in Figure 10. As part of this total, housing development will be permitted on the large sites listed in Table 1 below, which have an estimated capacity for 1031 dwellings. Proposals for housing development on these sites will need to have regard to the footnotes to the table. Permission will not be granted for housing on any large greenfield sites other than those identified.

Explanation:

3.55 As noted in **Policy HS**, the Local Plan seeks to maximise the use of urban sites and utilise existing buildings. It has regard to the sequential approach to releasing land outlined in PPG3 'Housing' (2000). However, notwithstanding the importance of this approach, some large housing sites are required to meet the area's housing requirement that cannot be accommodated through conversions or on previously

developed land. **Policy H1** identifies large sites to meet around 48% of the residual housing need (i.e. an estimated completion of at least 885 dwellings as a percentage of the residual housing need of 1852 dwellings as of 2001) after allowance has been made for the number of dwellings already committed, completed or under construction (see **Figure 10**). This total, together with an allowance made for windfall sites (see **Policy H2**), satisfies the Structure Plan housing requirement and continues to ensure a five-year supply of land for house building.

3.56 Some of the sites identified in **Policy H1** have received planning permission. However, it is considered appropriate to include them in this proposal because several sites have remained undeveloped for a considerable period since the granting of planning permission and other sites only have outline consent. All these sites will be due for renewal within the Plan period if implementation has not commenced. The Council is reaffirming through **Policy H1** its commitment towards their satisfactory implementation.

3.57 The release of further large sites for new housing in addition to those identified in **Policy H1** would be contrary to the Devon Structure Plan which proposes a more constrained approach to house building in the Torbay area.

3.58 All the sites identified should be developed in accordance with the relevant provisions and guidelines set out in the Local Plan, including the Environmental Guide, and those policies relating to design, layout and amenity (**Policies H9, H10** and **H11**). In addition, a number of important considerations are identified in this proposal in relation to the development of individual sites.

3.59 Several sites are allocated for affordable housing development (including social housing), either in their entirety or as part of a mixed development with general needs market housing. Footnote A in **Table 1** indicates where an element of affordable housing will be sought. Where other sites yield significantly larger numbers of dwellings than suggested in **Table 1**, the Council will consider whether it is appropriate to seek an element of affordable housing provision, having regard to current Government guidance and evidence of local need. Developers and others with an interest in these sites are referred to **Policies H5, H6, H9** and the Council's Adopted Supplementary Planning Guidance 'The Provision of Affordable Housing in Torbay' which deal with these issues in more detail.

Table 1: Housing Policy H1 - New housing on identified sites

Site name	Policy implications	Green-field	Brown-field	Total (1999-2011)	Phase 1 (1995-2005)	Phase 2 (2006-2011)
TORQUAY						
1. Scotts Bridge / Barton Phase 2C	BCDEFG	✓		80	-	80
2. Scotts Bridge / Barton Phase 2A	ABCDEFGS*			(257)	(257)	-
3. Hatchcombe Lane, Scotts Bridge / Barton	ABCDEFGS	✓		40	40	-
4. Scotts Bridge / Barton Phase 2B	ABCDEFGS	✓		40	-	40
5. Fore Street, Watcombe	AB*		✓	(60)	(60)	-
6. Haldane, Barton	F		✓	15	15	-
7. Hawkins Avenue	BEFG	✓		30	30	-
8. Palace Grounds	X		✓	(35)	(35)	-
9. The Terrace Car Park			✓	40	40	-
10. Hollicombe Gasworks	BCEFS		✓	50	25	25
PAIGNTON						
11. Great Parks, Phase 2	ABCEFGS	✓		185	-	185
12. Great Parks, Phase 2	ABCEFGS	✓		115	-	115
13. Great Parks, Phase 2	ABCEFGS	✓		65	-	65
14. Station Lane	ABCEFS (See also Proposal TM7)		✓	40	20	20
15. Zoo Car Park	AX		✓	(45)	-	(45)
16. Primley Dairy, Waterleat Road	AC		✓	40	20	20
17. Seafield Hotel, Dartmouth Road	CF		✓	20	20	-
BRIXHAM						
18. Brixham Town Centre	ABCF		✓	20	-	20
19. Paint Station	AX		✓	(15)	(15)	-
20. Mudstone Lane	AFG	✓		(40)	-	(40)
21. St Mary's	ACF		✓	25	-	25
22. Former Dolphin Holiday Camp	ABCDEFG (See Proposal H1.22(A))	✓ [96]	✓ [130]	226	186	40
ESTIMATED TOTAL		651	380	1031	396	635

Notes:

The above table provides for 1031 dwellings, which is 10 dwellings less than shown in Figure 12 'Meeting the Structure Plan Requirement'. This is because Figure 12 includes Livermead, Torquay (former Revised Deposit H1.10) which obtained outline permission during the Plan preparation period and was therefore deleted as an H1 proposal (Modification no. 3.14), but is still counted as an H1 site in the calculation of Figure 12.

- A Subsidised affordable housing, completely or in part (see **Policy H5 Affordable housing on identified sites**)
- B Planning Brief in existence or required
- C Detailed Phasing agreement needed
- D Site of ecological importance, identified in the Torbay Wildlife Survey (1998) (see **Policy NC3 Protected sites - locally important sites**)
- E Physical infrastructure requirement (see **Policies INS Infrastructure Strategy, IN1 Water, drainage and sewerage infrastructure and WS Waste management and disposal strategy**)
- F Community provision requirement (see **Policies CFS Sustainable communities strategy, CF6 Community infrastructure contributions, CF7 Educational contributions, S11 New Local Centres and H11 Open space requirements for new housing**)
- G Strategic landscaping requirement (see **Policy L10 Major development and landscaping**)
- S These sites have been identified by the Environment Agency as requiring care to avoid flooding. Where possible, sustainable drainage measures should be employed (see **Policy EP11 Flood control**)
- * Sites committed at April 2000 (site yields in brackets)
- X Other sites committed at April 2000 which are close to expiry (site yields in brackets)

The potential yields of the committed sites (in brackets) have not been included in the total for Proposal H1 in order to avoid double counting i.e. they are included within the committed dwellings total for Torbay. However, they have been included in Proposal H1 to indicate the Council's commitment to their development and an indication of their phasing has been included.

Note that the housing figures are approximate (to the nearest 5 dwellings) and actual yield from sites may vary depending on detailed site considerations.

Large sites are those of 0.4 hectares (1 acre) and above, as defined in Government Guidance.

3.60 The remaining phases of the two largest sites at Scotts Bridge/Barton and Great Parks only have outline planning approvals for the development areas in their entirety. Where there are no full planning permissions, they have been treated as fresh Local Plan proposals, with their estimated yields included in the H1 total. However, the yields from the other H1 sites which had planning permission in April 1999 have not been included in the H1 total but they are included instead in the planning permission total in **Figure 12**. There has been no double counting.

3.61 The Council has approved planning briefs for Scotts Bridge/Barton and Great Parks, and areas covered by Phase 1 of these briefs - which already have full planning permission and where implementation is well under way - are identified on the Proposals Map. The Council is committed to achieving a balanced community in a safeguarded and attractive environmental setting in these areas, both within the phases which already have planning permission and in those areas which are currently only covered by Local Plan Proposals. The approved briefs provide detailed guidance on

land use, access, phasing, co-ordination of infrastructure and environmental management, and development proposals will be expected to reflect the guiding principles in these briefs.

3.62 At Scotts Bridge/Barton, phasing is needed to secure the provision of physical infrastructure, strategic landscaping, affordable housing as set out in **Policy H5** and an orderly progression of development. Development to the north-east of this site is likely to continue into Phase 2 of the Plan period (**Policies H1.1 - H1.4**).

3.63 At Great Parks, phasing restrictions have been required to ensure that housing is initially restricted to a total which does not overload the existing King Ash Road, with the achievement of greater numbers linked to the implementation of findings contained within the Western Corridor Study (**Policies H1.11 - H1.13**).

3.64 The site of the former Great Parks Lakes would be used as part of the surface water drainage scheme to serve the Great Parks development. It would be able to cope with up to a 1 in 100-year flood. There would be no permanent depth of water, with the exception of a

few shallow pools or ‘teardrop’ lakes for wildlife purposes.

3.65 Particular attention is drawn to the design aspects of several sites in this proposal.

3.66 Haldane, Barton (**H1.6**) contains derelict houses formerly used for educational purposes and offers scope for a small well designed housing scheme.

3.67 The Terrace Car Park (**H1.9**) is located close to Torquay town centre and harbour with good access to facilities. Opportunities exist for a small residential scheme at the north eastern end of the site, on the edge of the car park, subject to the entire area not being required for car parking to serve the Waterfront Scheme (see **Policies TU1** and **TU2**).

3.68 Hawkins Avenue, Chelston (**H1.7**), whilst being a greenfield site, is under utilised and secluded land that has given rise to concerns about public safety. It is important that trees in and around the site which make a major contribution to the setting and character of the area are protected. It is desirable that an existing informal path over the site is retained and that developer contributions are made towards community facilities to serve the development.

3.69 Hollicombe Gasworks (**H1.10**) is likely to become available during the Plan period and is a brownfield site suitable for housing. Any contamination on site will need to be eradicated (see **Policy EP7**) and the site rendered suitable for use. The site is important in landscape terms and development will need to preserve the area’s integrity as a gap between Torquay and Paignton. The valley sides outside this site will be safeguarded from development. In addition, there is scope for part of the site to be used as public open space. Such community gains will be sought through a Section 106 agreement.

3.70 The Seafield Hotel (**H1.17**) is a brownfield site in a highly accessible location close to local community facilities. The housing development should be of a character and density appropriate to the location and surrounding area.

3.71 Residential development in Brixham Town Centre (**H1.18**) is expected to form an integral part of any redevelopment scheme, and design guidelines will be included in the planning brief for the site. The anticipated yield is a reflection of the relatively modest scale of the proposed town centre development scheme, in keeping with the sensitive urban grain of the centre of Brixham.

3.72 New housing is proposed at the former Dolphin Holiday Camp. See **Policy H1.22(A)**.

3.73 The St. Mary’s development (**H1.21**) is expected to include the refurbishment of the existing buildings, which contribute greatly to the character of that part of the town.

3.74 Several sites are known to be of ecological significance and environmental appraisals or full statements will be required in these situations. All or part of Scotts Bridge/Barton and Great Parks are within Local Wildlife Sites (see **Policy NC3**). Where sites are known to contain the habitats of protected species, developers will need to have regard to the provisions of the Wildlife and Countryside Acts 1981 and 1985 and the Badger Act 1991. The Local Authority will consult with relevant bodies such as English Nature and Devon Wildlife Trust to ensure that development schemes make adequate provision to protect wildlife habitats.

3.75 Attention is drawn to sites which have ground contamination or geological problems and developers will need to have regard to **Policies EP7** and **EP8**.

H1.22A Former Dolphin Holiday Camp, Brixham

The development of new housing at the former Dolphin Holiday Camp (H1.22) is proposed for an estimated 226 dwellings, subject to the following:-

- (i) The development shall be implemented in a fully comprehensive manner in accordance with the principles set out in the Planning Brief and the requirements of the two development zones which are identified on the Proposals Map.**
- (ii) In Zone C (coastal fringe of the AONB):-**
 - a) Exceptional design quality is required to ensure that development will be assimilated into the landscape and designed to respect the existing site levels.**
 - b) Natural features should dominate, not built elements.**
 - c) Building colours must be recessive, with natural colour rendering.**
 - d) The maximum density permitted is 20 dwellings per hectare, with buildings situated within a robust landscape setting with large plots or shared landscape framework.**
 - e) Careful control over the height and massing of buildings is required.**
 - f) Lighting must be specially designed with low-level fixtures to avoid light pollution.**

- (iii) In Zone U (urban fringe of the AONB):-
- a) Particular attention must be given to design and layout of the site in this area so that it is compatible with the urban form of Brixham.
 - b) A density of 30-50 dwellings per hectare is considered appropriate for most of this zone.
 - c) Existing natural features should be respected.
 - d) Careful control over the height and massing of buildings is required.
- (iv) The development shall be implemented in two phases, with 186 dwellings in Phase 1 and 40 dwellings (in the West Star field) in Phase 2.
- (v) Sustainable transport penetration, including a loop road, necessary off-site improvements, effective access and circulation for pedestrians, cyclists and buses, is required. The line of the loop road as it passes through the field to the south-west of the area allocated for housing is shown indicatively on the Proposals Map. Specific wildlife conservation measures are required in this field, including the protection and management of foraging areas for bats.
- (vi) A local shopping centre, located on or adjacent to the southern access point of the loop road with Briseham Road, is required to be developed as an integral part of Phase 1, to comprise at least 3 retail units with residential accommodation above.
- (vii) At least 30% of the dwellings in both phases should be developed for subsidised affordable housing, i.e. at least 68 dwellings.
- (viii) Public pedestrian access from Briseham Road to the South Devon Coast Path should be provided as part of the development.
- (ix) Advanced peripheral and other structural tree planting and landscaping is required.
- (x) Development will be permitted only after an AONB recovery and management plan has been approved by the Council.
- (xi) Wildlife protection measures will be required, including corridors for the flight of bats and provision for the protection and management of the field to the south-west of the housing allocation as a foraging areas for bats.

Explanation:

3.76 This special policy has been introduced in the light of the importance of the AONB, the site's proximity to a candidate Special Area of Conservation and landscape, flora, fauna and other sustainability considerations in the development of the former Dolphin Holiday Park site. Nevertheless, it represents a significant brownfield opportunity, which if properly developed, will help relieve pressure on greenfield sites elsewhere in Torbay. Development for housing on this site will only be acceptable as part of a package of sustainable development measures which include protection of the area's landscape and wildlife value. This includes the recovery of some of the AONB from derelict chalet development to its natural state. In addition, ongoing management measures, affordable housing provision, sustainable transport penetration, appropriate community facilities (including a new Local Centre - see **Proposal S11.3**) will be required. The Council is seeking the reclamation of the most sensitive part of the AONB which currently contains derelict chalet development for open space and public access. The site is the habitat of the horseshoe bat which is a protected species (see **Policies NC1, NC2 and NC5**).

3.77 A Planning Brief will be prepared as Supplementary Planning Guidance within the terms of this policy to ensure that the site is developed in a comprehensive manner. The Brief will set out:-

- a) the design, landscaping and density requirements of the main residential areas, based on the two zones set out in this policy;
- b) main pedestrian circulation, cycle routes, parking provision, road layout, and sustainable transport arrangements;
- c) traffic calming measures/closure of the central section of Briseham Road to vehicular traffic;
- d) provision of infrastructure, including water supply, sustainable drainage and energy;
- e) provision of the local centre; and
- f) the provision of amenity open space and recreational/play areas and facilities.

The Brief will also set out detailed requirements for any development proposal to meet the provisions of **Policy H1.22**.

3.78 A Section 106 Agreement under the Town and Country Planning Act 1990 will be required to secure necessary off-site highway improvements, off-site

landscaping and recovery/management of the AONB, affordable housing, education contributions, leisure contributions and bus subsidy.

H1A The management of housing provision through phasing

Development on the greenfield sites listed in Table 1 of Policy H1 (noted in the third column) will be phased. Permission will not be granted for the second phase (commencing April 2006) unless there is evidence of a likely material under-provision of dwellings measured through the monitoring of completions in accordance with Policies HS, H1 and H5.

If monitoring reveals a materially higher capacity for development on previously-developed (brownfield) land than assumed in the Plan (Figure 10), including on those sites annotated B in Table 1, permission will not be granted for the development of Phase 2 sites unless and until there is a requirement for the development of Phase 2 sites to achieve the total Local Plan housing provision required by Policy H1.

However, permission may otherwise be granted for the whole or part of a second phase site where this would facilitate sustainable development, including the provision of community facilities, affordable housing or for access by public transport.

In addition, consideration will be given to the serving of completion notices on greenfield sites where development has ceased and where planning permission would not be granted for the renewal of any permission in accordance with the policies of this plan.

Explanation:

3.79 As noted in paragraph 3.55 of **Policy H1**, some large housing sites are required to meet the area's housing requirement that cannot be accommodated through conversions or on previously developed land. The greenfield sites allocated for housing in the Plan under **Policy H1** are noted in the third column of Table 1. These are divided into two phases for the completion of dwellings (1995-2006 and 2006-2011). Completions of housing will be monitored over the Plan period in order to:-

- (i) ensure that enough dwellings are built to meet the total Local Plan housing provision of 6200 new dwellings completed between 1995 and 2011; and

- (ii) enable the Local Plan to meet its target of 65% of new housing provision on brownfield sites, as stated in Policy HS(4), by regulating the release of greenfield sites for new housing development.

3.80 In keeping with the spirit of PPG3 and the sustainable development agenda, it is important to ensure that the greenfield sites allocated in **Policy H1** are not implemented at a disproportionately faster rate than the brownfield sites in Torbay. The Council therefore intends to monitor the situation carefully and planning permissions for new greenfield sites will not automatically be granted if there is a serious risk of the Local Plan target of 65% of new housing provision on brownfield sites not being implemented, as set out in paragraph 3.23, unless significant community advantages can be demonstrated by the developer to the satisfaction of the Council.

3.81 The phasing strategy will be monitored on an annual basis. If this monitoring suggests a persistent and significant difference between the actual rate of housing completions and that assumed in the Plan, on both brownfield and greenfield land and in the balance between them, then action will be taken in accordance with Policy H1A. It is expected that the results of the annual Housing Land Survey and a new Urban Capacity Study will permit a review of the phasing strategy before the critical date of April 2006 when it might be expected that planning permission would be forthcoming for the phase two sites. At that date it might be expected that there have been 3880 housing completions since 1995 of which 2520 should have been on previously developed land. Any re-assignment of sites between phases, prior to any review of this Local Plan, will be the subject of Supplementary Planning Guidance which will be made available on public consultation before approval.

3.82 Any existing planning permissions for housing development on greenfield sites, should they lapse, will be re-assessed in accordance with the policies in this plan. In some cases, a minimal amount of development may take place in order to keep such permissions 'alive'. In those circumstances the effect of the serving of a completion notice under s.94 of the 1990 Act (subject to approval by the Secretary of State) is to cause the permission to lapse should development not be completed by the specified date.

H2 New housing on unidentified sites

Proposals for new, and the renewal of existing, permissions for new housing on unidentified sites, will be determined by the following considerations,

in the interests of promoting sustainable development:-

- (1) the need to prevent significant over or under completion in relation to the Structure Plan provision of 6200 new dwellings in Torbay over the Plan period;
- (2) the contribution made to the provision of a full range of house types and needs, including the need for affordable housing;
- (3) the sequential approach to maximising re-used urban land as outlined in Policy HS;
- (4) maximisation of densities, especially at places with good public transport accessibility and which enjoy good pedestrian access to shops, schools and other community facilities;
- (5) ensuring good access to adequate physical and social infrastructure, including community provision, which has sufficient capacity to accommodate the proposed development satisfactorily;
- (6) the need to avoid physical and environmental constraints, including poor ground conditions, and areas at risk from instability, flooding and coastal erosion; and
- (7) promotion of good design and a high quality 'green' residential environment, incorporating open space and providing for community safety, crime prevention and energy efficient dwellings.

Explanation:

3.83 Policy H2 applies to applications for new housing on sites of less than 0.4 ha (1 acre) which are too small to be identified as allocations under **Policy H1**, and to larger brownfield sites which unexpectedly become available during the Plan period. Such sites are termed windfall sites (PPG3 'Housing' (2000) paragraphs 35-36). They will predominantly comprise previously developed land and include infills, redevelopments and conversions. Between 1981 and 1999, completions from windfall sites provided about half of Torbay's new dwellings, averaging 128 per year. At April 1999, unimplemented consents existed for 582 dwellings on small sites (excluding conversions) with an estimated completion rate of 56 pa to 2011. (The completions and unimplemented consents statistics are set out in more detail in the Urban Housing Potential Study, Figures 1 and 2).

3.84 The Urban Housing Potential Study indicated that a total of 1975 brownfield dwelling consents are

likely to come on stream over the period 1998-2011, which would yield approximately 1677 likely completions. This would allow approximately two thirds of Torbay's housing target to be met from brownfield and urban land. It was estimated that potential for about 1160 dwellings existed in Torquay; with 530 in Paignton and 280 in Brixham. This would make a major contribution to reducing the need to encroach on green fields in Torbay. It can also compensate for any unforeseen slippage in the development of H1 sites and adds to the ongoing identification of the housing land bank.

3.85 Within the overall windfall category, there are some sites with potential for an element of affordable, including social, housing. This is particularly the case for sites of over 15 units and may include sites with unimplemented or lapsed planning consents, as well as new approvals (see **Policy H6**).

3.86 The ethos of Government guidance and Council Policy is to encourage development on previously developed land within the built up areas. PPG3 makes it clear that no allowance should be made for greenfield windfalls as part of their assessments of urban capacity (paragraphs 35-36). Although **Policy H2** generally precludes new housing on unallocated greenfield sites, it does not absolutely exclude them, where sites score well on other sustainability criteria. Unallocated greenfield housing sites of more than 0.4 ha / 1 acre will not be approved, as set out in **Policy H1**.

3.87 Approval of applications, including those on brownfield sites, will be subject to the sites being suitable for development. In particular, town cramming, loss of neighbouring amenities and adverse impact on wildlife, landscape or townscape will be resisted. It is important that these 'green' aspects of the residential environment are protected and, where possible, enhanced. Development will be expected to protect or enhance the environment. More detailed policies are set out in the Environmental Protection Chapter. There is a particular need to resist the loss of public open space, as this would conflict with other Plan policies. Particular attention is drawn to **Policy R5 Protection of public open spaces and playing fields** and **Policy R8 Allotments**. Care must be also taken to ensure that new development harmonises with conservation areas or listed buildings.

3.88 The management of housing provision so as to ensure an appropriate stream of new dwellings will be considered in dealing with applications on windfall

sites. On the one hand there is a need to have regard to the availability of social and physical infrastructure. Conversely, there is a need to ensure that housing needs are met. Where a problem of ‘stock piling’ of unimplemented consents occurs either at a bay-wide or local level, it may be appropriate to seek speedy implementation through, conditions or legal agreements. Where appropriate, the Council may use Completion Notices to secure partially completed developments.

H3 Residential accommodation in town centres

The provision of additional residential accommodation within the town centres and the district and local shopping centres, and in particular the re-use and conversion to residential accommodation of vacant upper floors in shopping, commercial and office areas, will be permitted subject to relevant Local Plan policies.

Explanation:

3.89 The provision of residential accommodation within the town, district and local centres helps to maintain the character and vitality of these areas. Small units of accommodation also contribute towards meeting local housing needs, and also reduce the pressure on greenfield sites, both of which contribute to sustainability.

3.90 The change of use of premises above shops (Class A1) and financial offices (Class A2) into single flats may be permitted development under Part 3, Class F2 of the Town and Country Planning General Permitted Development Order 1995. Advice about permitted development can be obtained from the Council’s Development & Conservation Services Division.

3.91 The Council has successfully gained Government financial support for its Living Over the Shop (LOTS) Scheme and several suitable properties have been identified in the main shopping centres of Brixham, Paignton, Torquay and St. Marychurch, for the development of social housing in partnership with local housing associations.

3.92 The Urban Housing Potential Study sets out the advantages arising from town centre housing schemes in more detail.

H4 Conversion and sub-division into flats

Permission will be granted for the conversion and sub-division of houses and other buildings into flats where:-

- (1) the scale and nature of the use does not adversely affect residential amenity or the environment and character of the area;**
- (2) the flats are self-contained;**
- (3) there is a satisfactory aspect;**
- (4) there is adequate provision for amenity space, having regard to the surrounding area;**
- (5) the premises provide a satisfactory residential environment; and**
- (6) satisfactory car parking provision is made, having regard to the location of the site and the Council’s car parking standards.**

Explanation:

3.93 It is accepted that many larger buildings can no longer function as single residences and the conversion into smaller units can help meet the needs of single people and smaller households. However, the conversion, and often extension, of smaller family houses to create a greater number of units, may be less acceptable, due principally to the additional demand for car parking, the loss of garden area and the general intensification of activity within an area.

3.94 The 1991 Census accepts occupancy in excess of 1.5 persons per habitable room as serious over-crowding; such densities give rise to problems and it is therefore inappropriate to sanction such a level of over-crowding.

3.95 Clearly, planning applications for conversions of houses into smaller units will need to demonstrate that they provide a satisfactory standard of accommodation, including an acceptable visual outlook for occupants. The Council’s car parking standards set out in **Policy T25** will usually be applied. However, these may be relaxed in appropriate cases such as in town centre locations close to facilities and public transport.

H5 Affordable housing on identified sites

The provision of around 1350 new units of affordable housing - equal to 135 units per year - over the remainder of the Plan period (2001 - 2011) are proposed to meet the identified need.

These units are to be delivered through a subsidy at below the open market rate. Where appropriate they will be secured by a Section 106 Agreement and involve a Registered Social Landlord. An element of supported housing will be sought. The following locations have been identified as sites to

meet part of this need. Negotiations about the amount of affordable housing will be governed by the indicative targets set out in Table 2 below:

Table 2: Housing Policy H5 - Target subsidised affordable housing provision on identified sites

Site name	Proposals Map reference	Target provision
TORQUAY		
1. Scotts Bridge / Barton Phase 1	Phase 1 designated area	In accordance with the approved Planning Brief and Torbay Agreement, at least 66 units are sought as part of an overall target of 30% of the dwellings in Phase 1 - target 170 dwellings. Note that a large proportion of this has been committed (43 units)
2. Scotts Bridge / Barton Phase 2	H1.2 and H1.3	A minimum of 30% of the Phase 2 dwellings are sought - target 110 dwellings
3. Beechfield Avenue Extension	H1.4	100% of dwellings - target 40 dwellings (land in Council ownership)
4. Fore Street, Watcombe	H1.5	Note that this has been built (40 units)
PAIGNTON		
5. Station Lane	H1.14	50% of development is sought - target 20 dwellings
6. Great Parks Phase 1	Phase 1 designated area	In accordance with the approved Planning Brief and Great Parks Agreement and Further Agreement, 20-25% of the Phase 1 dwellings are sought - target 110 dwellings (partly built)
7. Great Parks Phase 2	H1.11, H1.12 and H1.13	A minimum of 30% of the Phase 2 dwellings are sought - target 110 dwellings
8. Zoo Car Park	H1.15	A minimum of 30% is sought - target 14 dwellings
9. Primley Dairy, Waterleat Road	H1.16	A minimum of 30% is sought - target 12 dwellings
BRIXHAM		
10. Brixham Town Centre	H1.18	100% is sought - target 20 dwellings
11. Paint Station	H1.19	A minimum of 50% is sought - target 10 dwellings
12. Mudstone Lane	H1.20	A minimum of 30% is sought - target 10 dwellings
13. St Mary's	H1.21	A minimum of 30% is sought - target 10 dwellings
14. Former Dolphin Holiday Camp	H1.22	A minimum of 30% is sought - target 68 dwellings
TOTAL: 422		

Note: all the targets indicated should be viewed as the minimum affordable housing provision from the above sites. These proposals seek to achieve around 30% of new housing as affordable housing. The balance will be sought from windfall sites - see **Policy H6**.

- Target from locations 1 - 14 : 422 dwellings (i.e. 31% of total)
- Balance from windfalls: 928 dwellings (i.e. 69% of total)
- Total: 1350 dwellings (average of 135 per annum 2001 - 2011)

Explanation:

3.96 In the Government's view affordable housing can be divided into two main groups:-

- a) **Subsidised housing** is necessary for people whose income/means of financial support generally deny them the opportunity to purchase on the open market. It includes social rented housing, which is usually managed by a registered housing association or similar organisation. Subsidised housing also includes shared ownership/joint equity schemes. The Council secures nomination rights, which usually vary from 70% to 100%.

Such housing is delivered at a subsidy below prevailing open market prices, usually involving a Registered Social Landlord (RSL) and secured through a Section 106 Agreement.

- b) **Low cost market housing**, which is provided at prices affordable to people at the lower end of the market range. Starter homes fall into this category. This category of housing is sometimes called lower quartile housing (because it is priced in the bottom quarter of the market range), or 'entry level' housing (because it allows first time buyers and similar people to enter the housing market).

3.97 All these schemes can involve an element of cross subsidy by house builders from other developments and it is therefore necessary to have regard to the need to permit an adequate range and level of housing development. There is also a need for other types of housing to meet specialised needs such as single persons' accommodation, sheltered housing and specially designed dwellings for people with limiting long term illness or disability.

3.98 PPG3 'Housing' (2000) (paragraphs 14-17), together with Circular 6/98 'Planning and Affordable Housing' (1998), note that the need for affordable housing is a material consideration and should be taken into account in Local Plan policies (paragraphs 13-14). PPG3 indicates that failure to provide affordable housing on a site could justify the refusal of planning permission (paragraph 17). The Government's consultation paper 'Influencing the size, type and affordability of housing' (2003) also recognises the importance of affordable housing. The Government's Housing Green Paper 'Quality and Choice: A Decent home For All' (2000) advocates a closer link between planning and housing policy. Partnerships with social landlords and other organisations are recommended. The Council's replacement Housing Strategy 'The Future of Housing

in Torbay - A Partnership Strategy 2003-2006' is published by the Social Services Directorate and deals with social housing and related housing management issues. It seeks to deliver improved access to good quality affordable homes and related services for the people of Torbay by way of a balanced, community based and inclusive partnership.

3.99 It is commonly accepted that there is a serious shortage of affordable housing throughout Britain and estimates of need in excess of 100,000 additional dwellings a year are suggested by research bodies and housing agencies. Various research and other indicators have revealed that the shortage of social housing is especially severe in Torbay and have demonstrated that the level is higher than both the national and South West average. The following factors are significant in contributing to this situation:-

- the 1997 Housing Needs Survey carried out by David Couttie Associates found that incomes in Torbay were significantly lower than the national average; it also found around 1040 'concealed households' (5.8% of households) of people who could not afford to be in the housing market and living within another household whilst seeking accommodation elsewhere. 190 of these concealed households contained 2 or more people;
- the 1997 Housing Needs Survey estimated that about 550 of these concealed households required affordable housing, principally for rent, but also for some shared ownership; it estimated the need to provide 100 new dwellings annually to 2001 to meet this need, which required a minimum negotiation of 30% of the (then) remaining Structure Plan allocation;
- a high level of homelessness exists; in 1999/2000 there were 1035 homelessness enquiries made to the Council and 601 to Factory Row Direct Access Hostel;
- the high proportion of families on low incomes - Torbay's average earnings are only 72% of the average for England and Wales (2002). Nearly a third of the workforce in Torbay earned less than £250 a week in 2002, compared with 17.1 for England and Wales;
- 18% of the population are in receipt of the Income Support - the highest of all the urban authorities in the South West, compared to the South West average of 11%;
- seven of Torbay's (former) 12 wards were in the 20% of England's most deprived UK wards in England in the 2000 DETR Indices of Multiple

Deprivation. The English Indices of Deprivation 2004 ranks Torbay as the 97th (out of 354) most deprived local authority area in England. Twelve super output areas (SOAs) are within the most 20% deprived in England, and of these, 4 are ranked within the 10% most deprived in England;

- unemployment in Torbay is consistently 25-35% above the national rate. Torbay experienced a decline in full time service sector employment during the 1990s, whilst there have been over 5000 job losses from the former Nortel, since 2000;
- a large number of houses in multi-occupation: 4.5% of the total housing stock in 1991;
- relatively high house prices: Between 1999-2004 house prices in Torbay rose by an average of 26% a year, compared to an average national house price inflation rate of 19.2% per year;
- the low percentage of local authority and housing association stock, which at 7% is below the south west average of 16% and national average of 24%;
- the use of holiday accommodation for winter letting to occupants who are made homeless at the start of the summer season; and
- the stimulation of housing demand by relatively wealthy people moving to Torbay who have sufficient capital to buy a property outright or outbid most of the local population.

3.100 The 1997 Housing Needs Survey, subsequent assessment by the Council and national findings of the 2003 Joseph Rowntree Report strongly indicate that a large part of Torbay's housing need comprises people who are unable to achieve a decent home without some form of subsidy. The 2003 Housing Needs Survey commissioned from Fordhams Research indicates a much higher level of housing need than these previous surveys.

3.101 In addition to the need for subsidised housing, the 1997 Housing Needs Survey identified a need for 300 units of low cost market housing to satisfy the aspirations of new forming households with incomes of £18,000 - £25,000 p.a. (as of 2001) and not requiring a subsidy to access the local market. In particular, key workers such as health and education professionals are likely to be in this position. The Council's informal target for low cost market housing is a minimum of 35 units per annum, based on the 1997 Survey. At present the Torbay Housing Monitor indicates an adequate supply of small units coming through flat conversions and there is therefore no particular need to intervene to provide bottom quarter of the market

unsubsidised housing (as opposed to the pressing need for subsidised housing). However this situation will be monitored throughout the Plan period.

3.102 The Council's Housing Strategy (2003-2006) contains an analysis of waiting list figures and affordability (based on market prices). The Council has also carried out extensive discussions with housing organisations and other bodies. It is considered that the Council's Housing Strategy, which links in closely with the Local Plan, should aim to increase affordable housing provision by 50% from its recent rate of around 90 dwellings p.a. to around 135 dwellings p.a., of which 100 dwellings p.a. should be developed for social housing, with the balance of 35 dwellings p.a. to be developed for low cost market housing. This equates to approximately 35% of the total Local Plan provision or around 1620 dwellings over the period 1999-2011. The proposal includes social housing targets for each site, which together account for 60% of the Council's social housing requirement of 1200 dwellings over the period 1999 - 2011. The balance of 40% is expected to come from windfalls (see **Policy H6**).

3.103 The most up to date income levels and house prices or rents will be taken into account in deciding the types of affordable housing most appropriate to a particular site. On several sites it is envisaged that subsidised housing and low cost market housing will be included as part of mixed developments including other general needs housing. The Council will adopt a flexible approach in determining the appropriate mix of affordable housing through negotiations, planning conditions or Section 106 Agreements. The provision of affordable housing sought on individual sites is considered to be realistically achievable. It is important to see this figure as a minimum that should not be reduced if there is an increase in demand for general needs housing later in the Plan period. Developers will be expected to enter into Section 106 Agreements to ensure that the scheme targeted in this proposal are developed for the intended occupants.

3.104 It may be appropriate to ensure occupancy by local people or those employed within Torbay. The Council recognises that house price inflation since the late 1990s has had the effect of reducing the affordability of housing for many key workers such as junior healthcare and education professionals. Policy H5 is intended to meet this need. A cascade system, allowing occupancy on more relaxed criteria if accommodation remains un-let for a specified period, may be appropriate (as set out in Circular 6/98, paragraph 19).

3.105 Whilst Government policy favours mixed tenure developments, it is important that differences in tenure should not be apparent from the layout or design of dwellings.

3.106 A significant contribution towards meeting the Council's affordable housing needs is expected to come from the two major expansion areas at Scotts Bridge/Barton and at Great Parks, both of which have approved planning briefs to guide their detailed development and which set out the social housing requirements for these two growing communities. The Phase 1 areas covered by these two planning briefs are shown on the Proposals Map. In addition, development at the former Dolphin Holiday Camp (H1.22) is expected to make a considerable contribution to the provision of affordable housing. This site is the subject of a planning brief, as set out in **Policy H1.22 (A)**.

3.107 Joint ownership schemes with registered social landlords may also be included as subsidised housing. In such instances it is usually appropriate for the provision of 'stair casing' agreements to allow for full ownership over time.

3.108 The provision of subsidised affordable housing will be monitored through planning consents, s.106 Agreements and RSL returns to the Council's Housing Division, and will form part of the Council's Annual Housing Land Monitor.

3.109 Particular attention should be given to providing energy efficient design in affordable housing (see **Policy EP1**).

H6 Affordable housing on unidentified sites

The Council will seek to secure an element of affordable housing on all sites for residential development that meet the minimum threshold requirements permitted by Government.

The appropriate level and type of provision will be for negotiation between the Council and the developer. In the assessment of proposals, consideration will be given to:-

- a) **the accessibility of the site to local services and facilities and public transport;**
- b) **the particular costs associated with development of the site;**
- c) **whether the provision of affordable housing would prejudice the realisation of other planning objectives; and**

d) the need to create a successful housing development.

The current minimum site size threshold permitted under Circular 6/98 is developments of 15 units or more, or 0.5 hectares or more in area. These thresholds may change during the Plan period.

Explanation:

3.110 Unidentified sites are sites that are not allocated in **Policy H1** but occur as windfalls throughout the Plan period. As such they will mostly be on previously developed land and include redevelopments and conversions of existing buildings. As the Table forming part of **H5** indicates, the Local Plan relies on windfall sites to achieve around 70% of its target affordable housing provision. This reflects the wider Local Plan strategy of relying increasingly on windfall sites in order to limit the amount of greenfield development. Moreover, windfall sites can present major opportunities for increasing the supply of affordable housing in sustainable locations.

3.111 Torbay has a shortage of large sites, coupled with a very low stock of social housing in Torbay and high house prices relative to income. These constitute exceptional local circumstances which justify seeking an element of affordable housing on sites that meet the minimum site size threshold allowed by Government. This is currently 0.5 ha or 15 or more dwellings (i.e. the lower threshold set out in paragraph 10 of Circular 6/98). It is important that opportunities to achieve a proportion of affordable housing on windfall sites are maximised because of the acute nature of local housing need and therefore the Council will review site size thresholds should Circular 6/98 be revised. Where windfall sites meet the criteria set out in the policy, it is considered appropriate to seek a target provision of around 30% of the development as affordable housing.

3.112 Within the context of Torbay, the Council considers that affordable housing is a range of housing delivered at a subsidy below the open market rate. The main need in Torbay is for social rented housing, however the definition also encompasses a range of intermediate housing, such as shared ownership and discounted market housing. However, starter homes and other unsubsidised forms of open market housing are unlikely to be considered to be affordable housing within the context of Torbay's need. The relationship between house prices and rents, and local income levels will be monitored during the Plan period to assess the contribution that low cost market housing can make to meeting housing need.

3.113 Circular 6/98 indicates that in exceptional circumstances it may be desirable to seek developer contributions for off-site provision rather than requiring on-site provision. Such instances, which will be the exception rather than the rule in Torbay, can occur where the site is suitable for affordable housing but the proposed development would not be. An example of this could be a single block of flats not suited to separate tenures. Other instances where commuted payments may be appropriate relate to the nature of local housing need and the desirability of creating mixed and balanced communities. Commuted sums will be calculated on the equivalent cost of on-site provision (often based on Housing Corporation Total Cost Indicators) and be ring-fenced for the provision of affordable housing elsewhere in Torbay. Further details of developer contributions are contained in Policies CF6 and CF7. More detailed information on the implementation of the Local Plan policies on affordable housing is set out in Supplementary Planning Guidance.

3.114 The Council's overall affordable housing target, broken down into social and low cost market housing, is set out in **Figure 15**.

Figure 15: Torbay affordable housing targets 1999-2011

Housing type	Dwellings 1999 - 2011	Annual target
Social housing	1200	100
Low cost market housing	420	35
Total affordable housing	1620	135

Source: Torbay Local Plan and Housing Strategy.

H7 Houses in multiple occupation (HMOs)

Applications for the sub-division of buildings into bedsits or non self-contained residential units (Houses in Multiple Occupation or HMOs) will be permitted provided that:-

- (1) the property is located within easy reach of public transport and community facilities;
- (2) the scale and nature of the use does not adversely affect neighbouring residential amenities (by way of noise and general disturbance);
- (3) the car parking requirement for the proposed development does not generate an unacceptable level of traffic and adverse environmental impact;

- (4) the development would not lead to loss of holiday accommodation within a Principal Holiday Accommodation Area (PHAA);
- (5) the development would not lead to an over-concentration of similar uses which would harm the amenity and character of the area;
- (6) a suitable standard of accommodation can be provided;
- (7) adequate storage facilities can be provided for recycling and refuse collection; and
- (8) there is supervision by a resident owner/manager or an alternative appropriate level of supervision.

Explanation:

3.115 A House in Multiple Occupation (HMO) can be defined as a house which is occupied by a number of persons who do not form a single household. The definition includes, most typically, bedsits and other single room accommodation where sharing of basic facilities takes place. In many instances, the HMO will be of long standing operation and not have the benefit of planning consent

3.116 HMOs are similar to hostels, which are dealt with in **Policy CF3**. The major distinction between HMOs and hostels is that hostels imply a shorter term residency and a degree of care for residents.

3.117 HMOs can represent an important source of inexpensive housing which is clearly needed in Torbay. Torbay has an estimated 3,000 shared houses, which make it the 26th highest authority in England and Wales and the 3rd highest in the South West, after Bristol and Plymouth.

3.118 The Council recognises, however, that HMOs can cause planning, fire, safety and environmental health problems, which need to be addressed. The majority of HMOs are not authorised in planning terms, being without the benefit of Certificates of Lawfulness or planning permission and, in many cases, need substantial improvements to meet current minimum standards. HMOs without appropriate planning consents, and where the owner is unable to demonstrate that the use has endured for more than 10 years, may be subject to planning enforcement action.

3.119 Several existing HMOs are in need of special attention in order to improve their standard to a satisfactory level. The Council is undertaking surveys of areas known to require special attention and containing large numbers of HMOs. However, it is

envisaged that an entire HMO improvement programme for the whole of Torbay could not be completed in less than 10 years. In accordance with the Audit Commission’s recommendations, a priority strategy of inspections has been established to identify and remedy unsatisfactory HMOs. This is a key element in the Council’s Housing Strategy.

3.120 It is envisaged that many of the occupants of HMOs will not be in a position to run a private car and therefore locations near public transport routes and community facilities are important. Conversely, isolated locations, situated well away from these facilities are unlikely to be acceptable as they would encourage the increased use of private cars.

3.121 HMOs have often given rise to complaints from nearby residents who feel that the character of the area and the quality of their amenities have suffered as a result of HMO development. Developers must therefore demonstrate to the satisfaction of the Council that their impact on the surrounding areas will be acceptable, paying special regard to any design considerations arising from locations within Conservation Areas.

3.122 HMOs are likely to cause increased activity and traffic generation. Where this would be out of keeping with the character of an area, it can constitute a disturbing effect on a neighbourhood and in these circumstances, HMOs are not appropriate. This is especially true in more established traditional residential areas geared to family accommodation and which are often situated away from public transport routes and community facilities.

3.123 HMOs are not usually appropriate in Principal Holiday Accommodation Areas (PHAAs). In particular, conversion of holiday accommodation into HMOs can be detrimental to the character and appearance of areas and lead to conflict between residents and holidaymakers. The protection of PHAAs from inappropriate development is covered in **Policy TU6**.

3.124 It is accepted that many larger buildings can no longer function as single residences and their conversion into smaller units can help meet the needs of single people and smaller households. However the conversion, and often extension, of smaller family houses to create a greater number of units is usually less acceptable, due principally to the additional demand for car parking, the loss of garden area and the general intensification of activity within the area.

3.125 Inadequate accommodation in HMOs can have serious repercussions for the health and welfare of

residents. Therefore, proposals for HMOs should demonstrate that a satisfactory standard of accommodation can be provided for residents. Matters such as amenity space, storage facilities and refuse provision will be material considerations.

3.126 Poor management is often a key factor leading to nuisance and complaints from HMOs. Therefore, proposals must indicate that satisfactory management will be provided either by an on site manager or appropriate alternative provision. Applicants should demonstrate that such provision will be enforceable.

H8 Change of use from housing to other uses

Change of use from housing to other uses will not be permitted where the proposed use would cause harm to, or conflict with:-

- (1) **existing living conditions or standards of accommodation; conservation, architectural or historic interests, including the retention or renovation of buildings;**
- (2) **the residential character of the area;**
- (3) **the satisfactory provision of self-contained accommodation with separate access; or**
- (4) **the achievement of other objectives of the Local Plan.**

In all cases, the proposed development must not adversely affect the amenities of adjoining properties or the character of the area.

Explanation:

3.127 Reduction in Torbay’s housing stock is generally considered unacceptable in view of the area’s housing needs, and would cause additional pressures for increased land take for residential development in the countryside to make good the loss. The existing housing stock is considered to be a valuable resource which should be protected in order to reduce pressure on greenfield sites to a minimum. In addition, the change of use of part of a building can result in harm to the amenities of remaining residents. Exceptions may be made where substantial environmental, economic or community benefit would be achieved, subject to compliance with other policies of the Plan. In addition, the redevelopment of housing, which may be suffering from poor environmental conditions or which is irredeemably unfit, may also be considered.

3.128 Ancillary uses in residential areas, such as community facilities, places of worship, doctor’s surgeries, dentists, chiropodists and other community

or health uses, which are considered to be beneficial to urban regeneration and community cohesion, will be allowed, subject to local amenity considerations. However, care will be taken to ensure that the introduction of other non-residential uses into predominantly residential areas will not result in a loss of local amenity, especially from uses generating vehicular traffic, noise, etc.

H9 Layout, design and community aspects

All new residential schemes should demonstrate a high standard of design which will take account of the defining characteristics of the existing environment and, where possible, enhance it. The prime considerations are the overall scale, density, massing, height, landscape, layout, access, privacy, crime prevention and amenity in relation to neighbouring buildings and the local area generally.

Where affordable housing is proposed, it is anticipated that a suitable mix of house types will be provided in clusters of not more than 40 dwellings. Accommodation for people with physical disabilities will be encouraged.

Explanation:

3.129 The Council wishes to promote the highest standards of design in new housing schemes and it is particularly anxious to ensure that new development or redevelopment enhances the architectural and landscape qualities of its setting rather than detracting from them. This is especially important in an area whose principal industry, tourism, relies on an attractive environment to a considerable degree. Moreover, the emphasis on maximising the use of previously developed land will only be sustainable if a high standard of design is secured (see PPG3 'Housing' (2000) paragraphs 54 - 6).

3.130 PPG1 'General Policy and Principles' (1997) states that the appearance of proposed development and its relationship to its surroundings are material considerations and that planning authorities should reject poor designs which are out of scale or character with their surroundings.

3.131 The **Environmental Guide** gives more detailed guidance in relation to considerations such as house design, layout, daylight, internal privacy, private open space, amenity open space and play areas, relationship to natural features and residential roads. In addition, special consideration should be given to energy efficient design (see **Policy EP1**).

3.132 The Council aims to encourage the development of mixed and balanced communities in order to avoid areas of social exclusion (Circular 6/98, paragraph 1). Research has suggested that clusters of more than 40 dwellings of social housing should be avoided, as this can hinder the achievement of mixed communities and cause management and amenity problems. Lord Rogers' Urban Task Force suggested a lower figure of 25 units.

H10 Housing densities

New housing schemes should be developed at maximum densities consistent with key environmental objectives, both natural and built. In particular, high densities should be developed on urban sites which have good access to public transport and community facilities, and in these circumstances, car parking provision should be reduced. There should be adequate provision of public open space, including play and amenity areas. Proposed developments of a scale, level or intensity which are considered likely to cause problems such as serious access difficulties for emergency vehicles, harm to residential amenities, the loss of significant landscape, townscape or ecological features and/or the erosion of the character of an area, will not be permitted.

Explanation:

3.133 PPG12 'Development Plans' (1999) states that the scale and character of new development in relation to existing development is a material consideration in dealing with planning applications and that Local Plans should address the issue of improving the physical and natural environment. These objectives are set out in Aim 1 of the **Local Plan Strategy** and in policies in the **Built Environment Chapter**. PPG3 'Housing' (2000) states that Local Authorities should increase the density of development and that densities of less than 20-30 dwellings per hectare (8 - 12.5 dwellings per acre) should be avoided. Developments of 30-50 dwellings per hectare (net) should be encouraged and a greater intensity of development should be sought in places with good public transport accessibility, such as town and district centres and along public transport corridors (paragraph 58). Similarly, the Government's 'Planning for the communities of the future' indicates that densities should be increased where possible.

3.134 The Council recognises that there is a need to make full and efficient use of sites for new residential development in order to keep land take to a minimum, particularly in respect of greenfield sites. The strategy of minimising use of greenfield land is set out more

fully in **Policy HS**. The Structure Plan density of 30 dwellings per ha (12 dwellings per acre) (net) should be regarded as a general yardstick only and the onus will be on developers to make the best use of the site in the context of the surrounding area and subject to environmental considerations.

3.135 Clearly, there is an appropriate balance to be struck between development on urban land and on greenfield sites; this balance is especially important in Torbay, which has little scope for outward expansion without conflicting with landscape, wildlife, agricultural and countryside zone policies. Sensitive planning control is necessary to ensure that the cumulative effects of redevelopment do not damage the character and amenity of established residential areas. This should seek to maximise the capacity of urban areas without resorting to 'town cramming' or unacceptable loss of public open space within urban areas.

H11 Open space requirements for new housing

Where appropriate, amenity open space, play areas, wildlife areas and suitable landscaping should be provided in residential developments, to meet the needs arising from the proposal. The Council will seek to secure, through Section 106 Agreements, contributions to playing field provision. Failure to secure such provision will be regarded as a material consideration in determining the application.

Explanation:

3.136 PPG3 'Housing' (2000) places emphasis on 'greening' the urban environment and notes that local plans should contain policies for the creation of open space to serve new development. The provision of an adequate amount of open space for recreation is an essential component in the well-being of communities. Current Government guidance states that it is the responsibility of local planning authorities to ensure that sufficient land is allocated both for organised sport and for informal recreation.

3.137 There is also evidence that school leavers are demanding higher standards of recreation than their predecessors. The working age population has increased in recent years and therefore it is even more important than in the past to ensure that sufficient land comes on stream to meet future needs.

3.138 The Council is concerned that new residential areas are designed to high environmental standards, which will require the inclusion of landscaped areas

and play areas. Most sites are therefore likely to require such provision; however, one or two dwellings occupying small infill sites or areas of low density housing with adequate private landscaping, may not necessarily require such provision. Housing for the elderly will generally require some amenity open space and suitable landscaping.

3.139 The level of amenity open space required by the Council will be determined by a number of factors, including the availability of nearby open space, site, size and location. The South West Biodiversity Action Plan sets a target for each home to have public green space within 300 metres. The Local Authority will seek to meet this target where it is reasonable to do so.

3.140 With regard to formal play areas, survey work shows that there are significant deficiencies in all three towns in the amount of playing areas, in the quality of provision and in the extent of residential area lying outside a 1,000 metre radius from public playing fields and pitches. PPG17 'Sport, Open Space and Recreation' (2002) requires standards to be set locally based upon assessment of needs for open space. This will be addressed through the Council's Sports Strategy and forthcoming assessment of playing fields. As an interim measure, until such detailed assessments are available, the Council will use the National Playing Field Association (NPFA) standards as a guideline for provision, as appropriate for the proposed development. They suggest a minimum play space standard of 6 acres per 1000 population. This can comprise the following play areas: playing fields and other active recreation pitches for youth and adult use at 10 - 11 ha (4.0 - 4.5 acres) per 1,000 population; alternatively, equipped/adventure play grounds for children of whatever age at 0.2 - 0.3 ha (0.5 - 0.75 acres) per 1,000 population; or finally casual play space for young children within housing areas at 0.4 - 0.5 ha (1.0 - 1.25 acres) per 1,000 population. In the case of proposals for small infill sites, of 5 dwellings or more, where the requirement for play space cannot reasonably be met on site, the developer may be expected to make a payment in lieu of direct provision.

3.141 The value of these amenity areas will be minimised if they are not adequately maintained, and all new amenity open space must either be vested in the Council with a commuted payment equal to seven years' maintenance or managed by a specific individual or group who shall be responsible for the maintenance of the amenity open space to the satisfaction of the Council.

H12 New agricultural dwellings in the countryside

New dwellings in the countryside for agricultural or forestry workers will only be permitted if:-

- (1) they are required to satisfy a proven agricultural or forestry need in the locality;
- (2) no other dwellings, or buildings capable and suitable for conversion, are available which could accommodate the need;
- (3) there will be no undue adverse impact on the landscape or ecology of the area;
- (4) the proposals are sited satisfactorily within the agricultural or forestry holding, preferably in association with an existing group of buildings;
- (5) evidence can be demonstrated of the viability of the holdings; and
- (6) the proposed dwellings are of a size appropriate to the needs of an agricultural or forestry worker.

Explanation:

3.142 PPG7 'The Countryside, Environmental Quality and Economic and Social Development' (1997) states that isolated houses in the countryside require special justification and that speculative development, by implication, cannot be justified. In assessing each case on its merit, it is necessary to establish that the needs for a new dwelling are genuine and whether the business is sustainable and capable of supporting the dwelling. PPG7 (Annex I) stipulates that a functional test will be necessary in all cases to establish whether it is essential for one or more workers to be readily available at most times. A financial test may also be required if further evidence is needed of the genuineness of stated intentions to engage in farming or forestry or the size of the dwelling which the unit can sustain. In addition, the proposal should be acceptable in the terms of its impact on wildlife and the countryside. Attention is drawn to the nature conservation and landscape policies of this Plan. The Council may impose a condition removing permitted development rights, to ensure that the dwelling is not extended beyond a size that is reasonable for the scale of the agricultural operation. All applicants will be expected to submit independent agricultural appraisals in support of their applications.

3.143 In order to maintain such a dwelling as 'agricultural', the Council will impose a condition restricting the occupation of the dwelling to someone directly connected to agriculture. Where a second or

further dwelling is proposed, the Council will insist that all dwellings are agriculturally tied to the farm.

H13 Residential caravans in the countryside

The introduction or intensification of land for residential caravans, or the change of use of existing residential caravan sites, chalet, caravan and camping sites, and other tourist facilities to permanent residential accommodation in the countryside will not be permitted when it would harm the character of the countryside, or extend the urban area.

Explanation:

3.144 The principle of residential caravan sites has been long established in Torbay, and the environmental and residential quality of life on the sites is closely controlled by the Council. The relevant legislation is Section 3 of the Caravan Sites and Control of Development Act 1960, plus the Caravan Sites Act 1968, and Mobile Homes Act 1983.

3.145 Most of the existing sites are small and well landscaped and fit acceptably into the urban fabric without serious damage to the residential quality of life. However, some of these sites are in remote / urban fringe / ribbon locations where countryside protection policies often apply. In these environmentally attractive surrounds to Torbay, the introduction, or intensification of such sites will not be encouraged.

3.146 Should the use of these rural or urban fringe sites for caravans, at some time in the future, prove inappropriate to the owner(s), the replacement with permanent, traditionally built dwellings will not be acceptable, as this would conflict with landscaping and countryside policies and promote an unsustainable pattern of out of town development.

H14 Caravan sites for travelling people

Applications for caravan sites, including residential sites for settled occupation, temporary stopping places and transit sites, for travelling people will be determined in accordance with the following criteria:-

- (1) sites will be acceptable within the built-up area, provided that their operation is not to the detriment of the visual amenities of adjoining areas, and subject to satisfactory landscaping;
- (2) sites should not be to the detriment of the amenities of adjoining areas in respect of noise and other disturbances arising from the

movement of vehicles to and from the site, the stationing of vehicles on the site, and any on-site business activities (which should at all times be incidental to the residential use of the site);

- (3) sites should be provided with a satisfactory means of vehicular access, together with adequate provision for turning and parking;**
- (4) sites should be provided with a reasonable level of essential services including access to drinking water, refuse collection and sewage disposal;**
- (5) sites should be located within reasonable distance of local services and facilities (e.g. shops, schools and hospitals);**
- (6) temporary stopping places and transit sites may be acceptable on temporary vacant/unused land, subject to the above criteria; and**
- (7) sites will be acceptable outside the built-up area only if they are well screened and do not conflict with prevailing landscape, nature conservation, countryside and agricultural protection policies.**

Explanation:

3.147 The term ‘travelling people’ includes a diverse range of groups of people for whom travel forms an essential part of their lives. Circular 1/94 ‘Gypsy Sites and Planning’ defines gypsies as “persons of nomadic habit or life, whatever their race of origin.” The Council recognises that their particular land-use requirements for accommodation and work need to be met, just as for the settled population. Many of these people are self-employed, either on a permanent or seasonal basis, in activities specifically associated with their itinerant lifestyle.

3.148 On the basis of the Council’s very low returns to the six-monthly counts of gypsies and other travelling people during recent years, and the relatively small number which passes through the area in the intervening periods, it is not considered that a need exists for the allocation of specific sites for travelling people in the Local Plan.

3.149 Changes in Government policy concerning the repeal of the statutory duty of local authorities to provide accommodation on caravan sites for gypsies, and the withdrawal of related funding arrangements, could result in new applications for privately owned and operated sites.

3.150 It is envisaged that a demand could occur for one or more of the following types of site:-

- 1. residential sites for settled occupation (with infrastructure including provision of sanitation and other services);
- 2. temporary stopping places (with normally only basic facilities); and
- 3. transit sites (with possibly limited facilities).

3.151 Clearly, the nature of individual sites will vary in terms of location, size, characteristics and services provided according to the type or site required.

3.152 The criteria put forward attempt to reflect the variety or circumstances which might surround any applications which may be submitted. At present, there are no sites within Torbay which accommodate travellers and no sites with the benefit of planning permission.

3.153 There may be circumstances where planning conditions can be used to overcome objections to particular proposals. The range of issues which the Council might seek to address in this manner include screening / landscaping and restrictions on the business use of site, in order to limit the effect of visual impact and noise on neighbours and surroundings. Conditions limiting development for a specific period may be particularly relevant where temporary sites are proposed on vacant land and sites awaiting development.

3.154 Current Government Guidance set out in Circular 1/94, outlines in more detail a range of facilities which are likely to be appropriate for each type of site. In addition, a caravan site may require a site licence under the Caravan Sites Act, which specifies how sites should be regulated and equipped.

H15 House extensions

Proposals for house extensions will not be permitted where:-

- (1) the plot is not large enough to accommodate the extensions without resulting in a cramped or over-developed site;**
- (2) the extension would dominate or have any other adverse effects on the character or appearance of the original property or any neighbouring properties, or on the street scene in general;**
- (3) the extension would cause harm to the amenity of nearby properties, e.g. through overlooking, overbearing impact, loss of light or privacy;**
- (4) the extension would take existing or potential garage and/or parking space where no**

alternative exists to serve either the existing or proposed development; or

(5) highway safety would be impaired.

Extensions to listed buildings and buildings in Conservation Areas, and in certain landscape and policy areas, are also subject to other relevant policies in the Local Plan.

Explanation:

3.155 Although the majority of house extensions are relatively small in scale, they can cause problems for adjoining properties due to loss of privacy or overbearing impact.

3.156 It is also important that house extensions respect the character of the original building and the surrounding area and should therefore be of an appropriate scale or design. Resultant loss of off-street parking provision can also lead to loss of residential amenities for neighbouring properties.

3.157 Not all house extensions require planning permission; in some situations they may be permitted development under the Town and Country Planning General Development Order. However, permitted development rights are complicated and affected by many factors. In some cases normal permitted development rights have been taken away by planning condition or legal agreement. Permitted development rights relate largely to dwelling houses and therefore other types of property, such as flats, require planning permission for most alterations and extensions.

3.158 For the above reasons, it is usually advisable to contact the Council before any work is undertaken. The Council's Development and Conservation Services Division is able to advise on such matters.

3.159 Each planning application will be judged on its merits against the above criteria and more detailed guidance is given in the **Environmental Guide**. It should be noted, however, that not all properties are capable of extension due to their design, site characteristics and relationship with other properties.

3.160 Policies in the **Built Environment Chapter** seek to ensure a high standard of design, in particular **Policies BE1** and **BE2**. Other relevant Local Plan policies include those affecting listed buildings (**BE6-BE7**), conservation areas (**BE5**) and landscape (**L1-L10**).