

Torbay Council
Spatial Planning
2nd Floor North
Tor Hill House
Union Street
Torquay
TQ2 5QW

Via email: future.planning@torbay.gov.uk

Our Ref: 26-02253
Date: 24 September 2026

To whom it may concern,

Re: Response to Torbay Local Plan Regulation 19 Publication Version

We write on behalf of Vistry Partnership ('Vistry'), in response to the Regulation 19 Publication Version of the Torbay Local Plan, which has been published for consultation by Torbay Council ('the Council').

Vistry owns land at the former Hollicombe Gas Works at Torbay Road, Torquay, which is identified as a 'Proposed Housing Site' under draft Strategic Policy H3 (Ref: H3T.6).

The former Hollicombe Gas Works site represents a highly sustainable, previously developed site adjacent to the built-up area. Whilst Vistry welcomes the allocation of the site for development, it proposes that the site should be allocated for mixed-use residential and retail development either under Strategic Policy H3, or under Strategic Policy H2, which identifies 'Future Growth Areas' comprising mixed use developments allocations.

Table 7: Proposed Housing Sites identifies Site Ref: H3T.6 – *"Hollicombe (former gas works) – all of the site developed for housing or flood alleviation/open space/biodiversity."*

Notwithstanding that as currently drafted, the reference to *"flood alleviation / open space / biodiversity"* in a list of 'Proposed Housing Sites' is unclear and confusing, the proposed allocation does not provide a clear development framework for a deliverable development opportunity at the site.

Table 7 states that the anticipated number of dwellings to come forward at the site is 185 dwellings. It is understood that this quantum of proposed development reflects the extant planning permission at the site, however, it is important to note that planning permission for the 185-unit scheme was granted in October 2012 and that the permission is no longer deemed deliverable (Ref: P/2008/0114).

The aforementioned planning permission was prepared in 2007, submitted in early 2008, and approved by the Council in 2012, following over four years of determination. The approved scheme was designed to meet housing demand in the period before the 2008 financial crisis. Since then, the characteristics of the housing market have changed significantly. Despite making a start on-site, residential development at the site has stalled.

In a response prepared by LRM Planning on behalf of Vistry to the Council's Regulation 18 Growth Options Consultation in February 2022, the Council was advised that the previously permissioned 185-unit residential scheme is no longer deliverable (**see Annex A**).

In the 2022 representation, the Council was advised that a different and more viable form of development would be required, which better reflects prevailing market conditions and can realistically be brought forward on the site. The response affirmed that a flexible approach to stalled sites — including at the former Hollicombe Gas Works — is essential.

In order to be found sound, national planning policy requires Local Plans to be positively prepared and effective over the plan period. This requires there to be a reasonable prospect that site allocations are capable of being deliverable at the time envisioned. Reliance on historic allocations that are no longer viable or deliverable risks undermining the soundness of the emerging Torbay Local Plan.

On Table 5 (page 81) of the Regulation 18 version of the Torbay Local Plan, which was published for consultation between 28 November 2025 and 2 February 2026, the former Hollicombe Gas Works site was identified as a proposed housing site with a lower indicative capacity of up to 50 dwellings (Ref: H3T.29).

It is unclear why, despite the previous representations submitted four years prior to the publication of the Regulation 19 document, advising that the permissioned scheme is not deliverable, that the Council anticipates a greater number of dwellings (185) to come forward at the former Hollicombe Gas Works site – as referenced in Table 7 of the latest Regulation 19 version of the consultation document.

Given that the residential scheme has not been built out in accordance with the planning permission which was granted in 2012, i.e. 14 years ago, it is evident that the approved scheme is no longer viable. Simply, the extant planning permission does not represent a deliverable scheme.

Market conditions have shifted, viability constraints have intensified, and the residential scheme previously envisaged at the former Hollicombe Gas Works site cannot realistically be delivered. A more adaptable policy framework is therefore required, enabling an alternative, market-responsive forms of development to come forward.

In light of the above, Vistry proposes that the former Hollicombe Gas Works site is allocated for mixed-use development, comprising residential and food retail development. The delivery of a new foodstore alongside residential development, would enable a viable and deliverable scheme to come forward on this site. This combined approach would not only contribute positively to meeting local housing needs, but would also enhance consumer choice and strengthen the food retail offer within the surrounding area.

It is vital that appropriate provision is made within the emerging Local Plan so that food retail needs can be met in a way that is aligned with the wider development needs of the borough. This may include locations which are outside of existing town centres, in locations which are easily accessible to existing or planned residential neighbourhoods, such as at the former Hollicombe Gas Works site.

Summary

In order to be considered sound, the emerging Local Plan should be modified to identify the former Hollicombe Gas Works site as a mixed-use allocation either under Strategic Policy H3, or under Strategic Policy H2. This change is necessary to reflect the fact that the site has failed to

come forward as a deliverable residential-only scheme by Vistry – a national housebuilder – despite planning permission for a solely residential development being granted 14 years ago.

The prolonged non-delivery clearly demonstrates that a residential-only approach is not viable, and that a mixed-use scheme — incorporating a foodstore alongside new housing — represents the most realistic and effective route to unlocking development at this site.

Rapleys hopes that the comments made in this representation are helpful as the Council progresses its emerging Local Plan. Please contact us should you have any queries or would like to discuss any of the matters raised in this representation.

Yours faithfully,

Rapleys LLP

Rapleys LLP

Enclosure:

- **Annex A** – LRM Planning / Vistry Partnerships Response to Regulation 18 Growth Options Consultation, dated 25 February 2022.



25 February 2022
Our Ref: JRAH/22.115

Torbay Council - Local Plan Consultation
Spatial Planning
2nd Floor North
Tor Hill House
Union Street
Torquay
TQ2 5QW

By email: future.planning@torbay.gov.uk

Dear Sir / Madam,

**Regulation 18 Growth Options Consultation
Response prepared on behalf of Vistry Partnerships**

Torbay Council are consulting on five potential growth options following the commencement of their Local Plan review in November 2020. We hereby provide a response to the Regulation 18 Growth Options Consultation on behalf of our client, Vistry Partnerships. Vistry Partnerships control land at Hollicombe Gas Works, Torquay, which is currently included in all five potential growth options.

Whilst the Local Planning Authority has identified its objectively assessed level of housing need, the current consultation assesses the potential benefits and disbenefits of either partially meeting or meeting in full, the identified housing need. These representations confirm that whichever growth option the Local Planning Authority adopts in future versions of the emerging Plan, it should, for the reasons set out herein, temper the anticipated housing yield that can be relied upon from the Hollicombe Gas Works site.

Executive Summary

Summarily:

- We agree that there is a need to review the adopted Local Plan, as for varying reasons, its housing policies are out of date.
- The starting point for considering any growth option is to establish housing need in accordance with Government's Standard Method.
- Any deviation from the figure identified will need to be justified in accordance with national policy and guidance.
- Whichever growth option is adopted, land at Hollicombe Gas Works should not be relied upon to deliver 185 dwellings. Such a quantum of development would result in a form of

development that would not be a viable proposition to deliver. This is evidenced by the lack of housing delivery on the site in the decade since planning permission was granted.

- A reduced capacity is more realistically achievable at Hollicombe Gas Works. Accordingly, the shortfall resulting from this reduced housing yield will need to be identified elsewhere.
- The Local Plan Review should cover a 15 year period from adoption.

The need for a Local Plan Review

The National Planning Policy Framework (“NPPF”) sets out the Government’s planning policies for England and how they should be applied.

Para. 33 of the NPPF outlines that policies in local plans should be reviewed to assess whether they need updating at least once every five years and then, depending on the outcome of that process, updated as necessary. The Framework confirms that this is a legal requirement¹.

The National Planning Practice Guidance (“NPPG”) provides further guidance on plan-making. Importantly, it confirms that a plan does not automatically become out-of-date on its fifth birthday and that policies age at different rates, depending on local circumstances².

The NPPG sets out a list of considerations that can be taken into account when determining whether there is a need for the plan or policies to be updated, or not³. For Torbay, the following considerations would indicate that an update of the policies for the supply of housing are required:

- The Local Plan was prepared against the framework provided by the 2012 version of the NPPF. Since then, the NPPF has been updated three times, with the latest version being published in 2021. There are a number of alterations to the Framework as they relate to housing need, supply and delivery that did not form part of the 2012 version of the Framework and were therefore not reflected within the current Local Plan.
- The 2021 Housing Delivery Test result for Torbay Council was 75%. There has therefore been a ‘significant’ under delivery of housing over the previous three years. In line with para. 74 of the Framework, a 20% buffer is required to be applied in the housing land supply calculation. Should the Housing Delivery Test result reduce by 1% next year (i.e. to below 75%), the presumption in favour of sustainable development would apply for this reason alone.
- The Torbay Five Year Housing Supply report published in July 2020 demonstrates that there are 2,039 dwellings which could have a realistic prospect of being delivered between April 2020 and March 2025. Against a target of 3,395 (average of 679 dwellings per year over five years), this equates to a five year housing land supply of 3 years. A Five Year Housing Supply report has not yet been prepared for the period 2021 to 2026, however the working spreadsheet indicates that this supply figure has since dropped to 2.75 years.
- As set out within this representation, there are allocated sites where issues have arisen that have impacted on their ability to come forward for residential development at the levels anticipated.
- In April 2021, the Inspector allowed an appeal for a residential led development of up to 373 dwellings on land to the south of White Rock, adjacent to Brixham Road, otherwise known as ‘Inglewood’. In the Appeal Decision, dated April 2021, the Inspector found that

¹ Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.

² Para. 64 Ref ID: 61-064-20190315, NPPG, Plan Making.

³ Para. 65 Ref ID: 61-065-20190723, NPPG, Plan Making.



the Council was not able to demonstrate a five year supply of deliverable housing sites, and therefore the “**most important policies for determining the application are out of date**”(para 94 refers).

Given the context provided above, LRM Planning agrees that there is a need to review the housing related policies within the Local Plan.

So that the Local Plan Review provides a genuine solution to the housing supply and delivery issues within Torbay, there is a need for it, amongst other things, to adopt realistic delivery assumptions about sites that will be relied upon to meet its housing requirement. Hollicombe Gas Works is one such site.

Establishing Local Housing Need

Having established that there is a need for the housing policies within the Local Plan to be updated, there is a need to consider how many homes should be planned for.

Para. 11 of the NPPF confirms that plans should apply the presumption in favour of sustainable development, which means that they should promote a sustainable pattern of development that seeks to, amongst other things, meet the development needs of the area.

Moreover, para. 11b confirms that as a minimum, strategic policies should provide for the objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas, unless:

“i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para. 35 confirms that in order for a plan to be considered as being sound at Examination, it is required to be positively prepared, which means providing a strategy, which, as a minimum seeks to meet the area’s objectively assessed needs. Para. 61 confirms that when determining the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the Standard Method, unless exceptional circumstance justify the need for an alternative use to be taken forward.

In February 2021, Torbay’s Cabinet resolved to accept the Government’s Standard Method for housing need in Torbay.

The PPG confirms that during the plan-making process the housing need figure will need to be reviewed and revised where appropriate, as inputs are variable. It should only be deemed as being ‘fixed’ on submission and even then it should only be relied upon for a period of 2 years from the time that a plan is submitted for Examination⁴.

We are aware that the Local Planning Authority has undertaken several assessments of local housing need over the past 12 months, which include:

- The Call for Evidence and Sites Regulation 18 Consultation, which calculated the Standard Method housing need in March 2021 as being 586 dwellings per year; and

⁴ Para. 008 Ref ID: 2a-008-20190220, NPPG, Housing and Economic Needs Assessment.



- The Housing and Economic Land Availability Assessment (“HELAA”) published December 2021, which indicated that the housing need figure was **559 dwellings per year**.

More recently, LRM Planning have undertaken the Standard Method calculation using the latest available figures⁵, which has provided a more up-to-date minimum Local Housing Need figure of 552 dwellings per year.

Implications for the Growth Options Consultation

As set out above, the NPPF expects local Planning Authorities to, as a minimum, provide for their objectively assessed needs for housing. Should a local planning authority wish to not provide for the established housing need figure, it would be necessary for them to engage para. 11(b) (i) and/or (ii).

The evidence base required to inform a planning judgement as to whether the circumstances exist to plan for a lower level of housing than the objectively assessed need, will need to be extensive and go well beyond the evidence base put forward for the current consultation.

This is recognised in the consultation paper⁶, wherein an extensive list of evidence that needs to be prepared has been identified. This includes work relating to physical infrastructure, the environment and the impacts of development on Special Areas of Conservation, other biodiversity and landscape. Such evidence is required by the NPPF⁷ and will be necessary in order for the Local Planning Authority to demonstrate that the Local Plan Review is a sound proposition.

However, in the absence of this up-to-date evidence, it is somewhat surprising that the Local Planning Authority is able to reach such definitive conclusions about the effects of differing growth options. For instance, in relation to Option 5 (meeting the full local housing needs), despite a lack of environmental evidence being prepared, the Local Planning Authority assert that the level of growth would cause *“very severe environmental harm”* that *“is unlikely to be compatible with Habitats Regulations and other legal requirements”*⁸.

In the absence of evidence, this cannot be a *justified* conclusion at the present time.

We are also aware that the Local Planning Authority, through the plan-making process, has a track record of placing overly optimistic assumptions about sites that are located within existing settlements, whilst adopting pessimistic assumptions about potential greenfield development.

Whilst the following section of this representation concerns the Local Planning Authority’s overly optimistic assumptions about a site that is located within the settlement envelope of Torquay, we also note that in the past the Local Planning Authority have made pessimistic assumptions about the ability of greenfield sites to accommodate development.

For instance, as identified above, the Planning Inspectorate recently allowed an Appeal at Inglewood,

⁵ The calculation is as follows: Household Projections (2014 based) 2022 = 63,882, 2032 = 68,475 i.e. a growth of 4,593 households over 10 years. This gives a **baseline figure of 459.3 dwellings per year**.

Adjustment factor. The latest published (2020) median affordability ratio for Torbay is 7.23 (that is median house prices were 7.23 times median work-based earnings). This gives an adjustment factor of 1.2 $\left(\frac{7.23-4}{4} \times 0.25\right) + 1 = 1.201875$. The baseline of 459.3 multiplied by the adjustment factor of 1.201875 indicates a figure of **552 dwellings per year**. This is the minimum Local Housing Need figure.

⁶ Page 8.

⁷ Para. 31.

⁸ Page 31.



Paignton. However, the 2012 Strategic Housing Land Availability Assessment, which formed part of the evidence base underpinning the current Local Plan, concluded that Inglewood was “*will not be appropriate for development as a whole.*”

Consequently, it will be necessary for the Local Planning Authority to undertake a robust and realistic assessment of the ability of sites to accommodate residential development. That work, which will need to be based on up-to-date evidence, will need to ensure that realistic assumptions that reflect current market conditions are adopted for ‘urban’ sites and robust assessments are undertaken to consider the ability of greenfield sites to accommodate residential development.

Absent this level of analysis, there is a real danger that the Local Plan Review will fail to deliver its objectives and the trend of persistent and significant under delivery of housing within Torbay will continue. This will continue to have significant adverse social effects for those seeking open market and affordable housing provision.

Unmet Housing Need

Should the Local Planning Authority engage para. 11(b) of the NPPF and conclude that there is a need to plan for a lower level of housing than their objectively assessed need, there will be a requirement for them to maintain effective cooperation with neighbouring authorities under the Duty to Cooperate in order to determine whether the unmet needs could be met elsewhere.

In that regard, we are aware that neighbouring Authorities are currently undertaken a review of their Local Plans.

Hollicombe Gas Works, Torbay Road

Vistry Partnerships own land at the former Hollicombe Gas Works, Torbay Road, Torquay. The latest HELAA confirms that the site can accommodate 185 dwellings.

It is assumed that the yield identified in the HELAA has been derived from the planning permission that exists on the site; planning permission was granted in 2012 for the construction of 185 residential apartments and associated works (Ref: P/2008/0114). Despite not being delivered in full, the scheme was implemented following clearance works and ground preparation, with a section of vehicular access being built in accordance with planning permission P/2008/0114. The planning permission therefore remains extant, which has been confirmed by a Lawful Development Certificate (Ref: P/2015/099) granted in November 2015.

Planning application P/2008/0114 was prepared in 2007 and was submitted in early 2008. Whilst planning approval was not obtained until October 2012, the approved scheme was prepared in a manner to meet housing demand in the period before the financial crash of 2008. It was therefore a high-density scheme, comprised of 6-7 storey high buildings with undercroft parking, with significant associated construction cost. The proposal also had a number of other significant constraints that added to the costs of construction, including those related to remediation and flood risk.

In the intervening period, the characteristics of the housing market have changed considerably and it is considered that the scheme, as approved, is no longer viable. This is clearly apparent by the fact that despite being controlled by a national house builder, who is delivering housing schemes within the South West, the development has not come forward since its approval 10 years ago.

Indeed, the impacts of the financial crash are acknowledged in the Local Planning Authority’s 2021 Housing Delivery Test Action Plan⁹. Similarly, the Local Planning Authority’s work also recognises the

⁹ Paras. 2.6 and 2.7.



changing dynamics of the housing market since 2008. Para. 3.20 of the 2021 Housing Delivery Test Action Plan confirms that:

“most people who can afford one want a house rather than an apartment. This is a long-term issue, but the effects of the Covid-19 lockdowns and issues surrounding cladding, fire safety and leaseholders’ liability have all boosted the desire for a house rather than an apartment.”

Recognising these differing trends, the Action Plan identifies the Gas Works site as one of the sites that it is seeking to unlock. Vistry Partnerships welcome this commitment and are similarly keen to bring the site forward for much needed housing.

However, for the reasons set out by the Local Planning Authority in their Action Plan, there is a need for a different and more viable form of development to be delivered on the site. The high-density scheme proposed in 2008 simply is not viable in today’s market. This is a position that we understand that the Local Planning Authority is receptive to, having identified that the adopted Local Plan’s focus on flats (more than 1 in every 2 homes allocated within the Local Plan was proposed to be a flat) was one of the reasons as to why the Housing Delivery Test was not met.

Inevitably, there is a need for a scheme to be delivered on the site which better reflects prevailing market conditions. Torbay must apply a flexible approach to stalled sites including at Hollicombe Gas Works, especially if the emerging plan is to be positively prepared and effective in a way that is aspirational yet deliverable as per NPPF requirements on plan making.

Indeed, the NPPG notes that actions to boost delivery could include, *inter alia*, engaging regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed¹⁰.

In Torbay’s Action Plan the Hollicombe Gas Works site is recognised as being a major stalled site to be unlocked and refers to the Council’s intentions for unlocking development through meeting Homes England and entering pre-application discussions with our client, the developer in control of the land. In those discussions our client has stressed to the Council that the consented scheme of 185 units on the site is not achievable and that an alternative approach to delivery must be explored in line with prevailing market conditions that will likely result in a lower quantum of homes.

Consequently, for the reasons set out above, whichever option or options is pursued, the Local Planning Authority should not, as they currently have, suggest that the site is capable of accommodating 185 dwellings. This is an over inflated assumption based on a historic consent that would result in a high-density and unviable form of development. The Council must adopt a more pragmatic and flexible approach to what can be viably delivered at this site.

Length of the Plan Period

Whilst not the focus of these representations, we draw attention to para. 22 of the NPPF, which states that strategic policies should look ahead over a minimum 15 year period from adoption. Policies for the supply of housing are identified at para. 20 of the NPPF as being strategic in nature and therefore it follows that the Local Plan Review should cover a plan period that it at least 15-years from the date of its adoption.

Conclusion

This response confirms that policies relating to housing delivery are considered out-of-date, and therefore Vistry Partnerships agree that there is an urgent need to review the Local Plan. The

¹⁰ Para. 51 ID: 68-051-20190722, NPPG, Housing supply and delivery



significant under delivery of housing within the Torbay and the persistent lack of a 5 year-housing land supply are the two principal reasons that a Review is required.

National planning policy is clear that as a minimum, the Local Plan Review should provide its objectively assessed housing need, which is determined using the Standard Method, unless the operation of para.11(b) of the NPPF would suggest that there were a greater level of resultant harm than the benefits provided. At the present time, the Local Planning Authority have not produced an adequate quantum of evidence to determine whether this is the case or not. Vistry Partnerships therefore are unable to conclude which growth option would be the most acceptable.

In the absence of this necessary evidence, there is a genuine concern that the Local Planning Authority could be overinflating the delivery from some sites and incorrectly dismissing the ability of other sites to accommodate residential development. If the Local Planning Authority is serious about addressing the lack of persistent housing delivery and supply, it will need to draw upon robust and credible evidence.

Taking this forward, we note that land at Hollicombe Gas Works is identified as being able to accommodate 185 dwellings in all five options. This level of housing is based on a historic planning permission and would result in a high-density apartment led scheme, which is unviable. Whilst the Council could accommodate some of the site yield in their calculations, they should not include 185 homes. A more flexible approach is required, engaging with our client to agree a realistic approach to the delivery of this major stalled site.

We hope that our comments are found to be helpful to the consultation, and we look forward to being notified about the further progress of the Local Plan review.

Yours sincerely,



John-Rhys Davies MRTPI
Principal Planner
LRM Planning

