

Background

1. The Overview and Scrutiny Board met on 17 March 2021 to consider the review of the Planning Service.
2. The Board heard from the Cabinet Member for Infrastructure, Environment and Culture, Assistant Director of Planning, Housing and Climate Emergency and Director of Place provided the background to the review of the Planning Service and highlighted some of the actions being taken, as set out in the submitted papers, and responded to questions in relation to:
 - the impact if the Planning Service does not improve and if it could be placed in special measures by the Government – this was not likely to happen as this was based on performance of major applications and due to the use of the extension process this was not currently shown and also appeals which the Council performed well on;
 - where the Cabinet Member and officers saw the Planning Service in the next 12 to 18 months – this was a busy period with lots of applications coming forward from the TDA, Torbay Hospital, South Devon College and there was a need to ensure that this was properly resourced. They were putting in place a number of measures to improve communications both internally with other departments and Councillors and externally with agents and applicants, this included officers giving a ‘heads up’ of upcoming controversial applications to Councillors to help them respond to constituents and would require a cultural change within the Team;
 - the importance of continued Member Development for the Planning Committee Members – a training session was being held the following week on housing delivery and supply and a number of modular sessions were being developed on key areas such as drainage and flooding, heritage, and Members were attending Local Government Association webinars to gain further knowledge on areas such as climate change;
 - the acknowledgement that there were issues with the Planning Service and a need to take action to improve this and concern around lack of progress on some projects and poor communication – officers have large caseloads which had caused a backlog of cases, the Team does not always receive the necessary paperwork on time and some of the officers are struggling with working from home and not being able to access the peer support they would normally receive when working in the office, this had impacted on the timescale for dealing with applications, this needed to be addressed and additional temporary resource together with additional resource funded by the NHS and options working with the TDA should help to improve this. It was noted that options had been explored previously with Plymouth City Council and other authorities for a shared planning service but that this had not worked out;
 - the impact of the Inglewood appeal and how the Torbay Local Plan had been underperforming and failing to deliver the anticipated new homes

for a number of years, partly due to the linkages to new jobs, and the process for reviewing the Local Plan and numbers of new homes needed – each year officers check the effectiveness of policies but no formal review had been undertaken until the current light touch review of the Torbay Local Plan, officers were required to produce an annual assessment of the number of new dwellings and new jobs;

- issues in connection with the housing land supply numbers and links to the Housing Delivery Plan – this had been an ongoing issue and officers had been working hard to achieve the figures required by the Government, but this was impacted by changes in legislation, not being able to use the developments from the Land Release Fund sites and failure of developers to deliver on approved planning permission (referred to as land banking);
- not all Council departments working together with the Planning Department and the lack of a clear vision or strategy for development and growth – work was being carried out with the Senior Leadership Team, Cabinet and ThinkingPlace to develop an overall vision for Torbay and where we want to be as a ‘place’ this would help provide that clarity and lead to the development of open conversations with ourselves and communities on where we see our future;
- what changes could be made to officer reports to help Members make more informed decisions – it was suggested that using clear language and reference to policy issues and context and legislation with clear reasons why applications could be approved that may fall slightly out of the normal policy requirements would be useful;
- consideration on putting a limitation on planning applications being delivered to prevent developers from land banking and being more flexible about the type of acceptable development – this could be achieved by way of a condition placed on the approval for a 12 month implementation rather than the standard three years and consideration may need to be given to higher density of development or creating more residential development within the town centres; there was a need to ensure that the Council could demonstrate that it had considered all options when looking at land supply figures and the Council has been working on developing its relationship with Homes England so that they can understand the issues faced by Torbay Council and help to listen and provide a conduit up to the Government to explain our position;
- Planning Committee Members driving past properties whilst they are unable to attend in person site visits so that they understand the lay of the land and street scene etc. – the Assistant Director agreed to raise this issue with the Chairman of the Planning Committee;
- timing of Planning Committee meetings and number of applications on some of the agendas – the timing was to enable the greatest participation and it had been positive to see the representatives from the Neighbourhood Forums attending to speak both in support and against applications, officers were working with the Chairman to try to achieve a more even spread of applications, previously additional or adjourned meetings had been held but there were limited resources within the Governance Support Team to hold additional meetings;
- out of date planning software – this was an area which needed investment as the current system was not fit for purpose; and

- Members acknowledged the hard work of the Team and welcomed the appetite to make improvements to the system.

3. The Board resolved unanimously:

- (i) that the initial Planning Review Action Plan set out in the submitted report be endorsed;
- (ii) that regular liaison sessions be established with the Scrutiny lead for Place, Cabinet Member for Infrastructure, Environment and Culture and the Assistant Director – Planning Housing and Climate Emergency, these sessions to include an early warning in respect of planning delivery risks;
- (iii) that the Overview and Scrutiny Board reviews the progress in implementing the Planning Review Action Plan at its meeting on 14 July 2021 and explores further options for improvement;
- (iv) that the Assistant Director of Housing, Transport and Climate Emergency be requested to work with the Chairman of the Planning Committee to review the report format for planning applications to ensure that it includes all relevant information and links to policies and legislation to provide balanced recommendations, options and reasons for the recommendations;
- (v) that updated information on land supply be published on the Council's website to enable this information to be publicly available; and
- (vi) that regular update training be provided to members of the Planning Committee to ensure that they are kept up to date with key issues, policy and legislation;

4. The Board also resolved unanimously that the Cabinet be recommended:

- a) to ensure that a dedicated resource is established to work with the TDA to progress new housing development working with the Planning Department to ensure that these projects can be progressed at pace;
- b) to consider providing funding for a temporary additional Planning Officer post to help progress the backlog of planning applications; and
- c) to support a review and investment in appropriate planning IT software to ensure it is fit for purpose.