

Spatial Planning (Strategic Planning and Implementation Team)

Performance Report - Quarter 2 2013 (22 June to 26 Sept)

Exec Summary

This report provides information on the performance of the Strategic Planning & Implementation Team (Spatial Planning), giving an opportunity for Members of the Development Management Committee to oversee performance against a number of indicators.

The Council's performance against the statutory function of determining planning applications and producing a local plan is vital to investment in the Bay. Investors look at, for example, the degree to which Members follow officer advice, the percentage of approvals on major applications and how quickly those decisions are made. The Council is performing well against those indicators, which helps support the Council's and Torbay Economic Development Company's economic recovery plans.

Headlines: In a number of areas performance is good. The Development Management Team now has 2 new members and now includes 4 Senior Planning Officers, 4 Planning Officers and 1 Assistant Planning Officer. The following areas of performance are highlighted given their importance in national measures of Local Planning Authority's; these indicate a strong and improving picture for Torbay in the national context:

- 83% of Major Planning Applications in this quarter (5 out of 6) were determined within 13 weeks, on the basis of a rolling 2 year performance (in this case taking the period 26 Sept 2011 to 26 Sept 2013) this takes Torbay's performance on Major Applications up to 45%. This is now well above the threshold (30%) for special measures and demonstrates our improving trajectory on an upwards curve.
- All of the 4 appeals that have been decided since the beginning of July 2013 have been dismissed (100%). No major appeals have been dealt with in this last quarter, which maintains Torbay's appeal performance on Major applications at a level well above the special measures threshold.

Performance against 8 week time period: It is recognised that performance against 8 week deadlines has been low since staff losses began to occur in August 2012. Whilst 13 week deadlines remain the focus for the Development Management Team, it is important that customers receive a sufficient level of service notwithstanding cuts to staffing numbers. Now recruitment has taken place, to fill all posts in the new structure, and process improvements are coming on line, we expect to see a return to high standards of performance against the 8 week deadline for minor and other application types. It is intended that this improvement will be evident in the next 2 quarters.

As a note of caution, that performance will need to be considered against the resource requirements of appeals (see details later in this report), such as Morrisons at Babbacombe and Churston Golf Course, and potential appeals re Tesco, Edginswell and Collaton St Mary.

Ongoing Improvement: The Strategic Planning & Implementation Team continues to consider and implement ways of improving performance. There are a number of areas for

improvement and as such the conclusion to this report sets out a number of forthcoming actions that are intended to further improve the performance of the team.

Quality of outcomes: It is noted that Members and Officers consider the quality of the product (that is the outcomes from the department for the people and places of Torbay) to be the number one priority above quantitative measures of performance. However, customers also need to be assured of efficiency and as such, the conclusions to this report set out a number of measures that are being put in place to improve on recent delays caused by staff redundancies and sickness absences.

The report covers measures in relation to (1) Local and Neighbourhood Plans, (2) planning appeal decisions, (3) performance on Major planning applications, (4) the consistency between officers and the Committee in decision making, (5) changes to Government policy and procedures, and (6) forthcoming (pipeline) projects.

1. Local and Neighbourhood Plans

Following discussion with Members, Neighbourhood Forum Chairs and Vice Chairs, publication of the submission version of the Local Plan has been put back two months. This allows time for Neighbourhood Forums to identify sites for jobs and homes, in particular, and helps ensure community support for the Local Plan. It also helps to meet the Planning Inspectorate's expectations for Local Plans and will, as such, be more likely to result in a sound Local Plan. Further meetings with the Planning Inspectorate, Members and Neighbourhood Forums will continue to inform the Local and Neighbourhood Plans.

Consequently, it is now expected that there will be public consultation on the submission version of the Local Plan in January / February 2014, submission of the Plan to the Secretary of State in April 2014 and Public Examination of the Plan in late summer 2014.

There is ongoing work to improve the evidence base for the Local Plan and to provide useful background evidence for Development Management decisions. This work includes a review of employment space provision to meet the need to create 5,000 – 6,000 new jobs over the next 20 years; a refresh of retail capacity across the Bay, which will also inform decisions / appeals on planning applications by food retailers; a refresh of the demand for space for Gypsies and Travellers; Local Plan viability work, to help ensure the Plan does not overload requirements on strategic sites such that they are unviable.

2. Planning Appeal Decisions

Members will be aware that there are currently 2 public inquiries under way. The first inquiry will convene on 08 October 2013 at 10am in the Burdett Room of the RICC. This is the appeal against the Council's decision to refuse two applications (variation of condition to allow open A1 retail and the proposed operational development to reconfigure the building and the car park) for a Morrisons supermarket at 250 Babbacombe Road, Torquay. Matt Diamond is leading on this Inquiry and representing the Council as expert planning witness. In addition, the Council has instructed retail planning experts GVA Grimley to assist in defending the Council's reasons for refusal.

The second public Inquiry concerns the refusal of the Council for permission for a Clubhouse and additional golf holes at Churston Golf Club (Application Reference P/2013/0019). This appeal is at an early stage, but it is likely that the inquiry will be held in February 2014.

In relation to appeal decisions, since the last appeal report in June 2013 there have been 4 appeal decisions made. All of these were dealt with by the Written Representations method. Of the appeal decisions reported here, all 4 were dismissed, a 100% success rate over the last quarter. Torbay remains well above the national average for its annualised appeal performance, with only 1 appeal allowed so far in 2013, resulting in an annualised performance to date of 90%. Success at appeal is a key indicator for the quality of decision making and this most recent period demonstrates again the consistency and quality of the Council's decisions.

There now follows a brief summary of the appeals. If Members require any greater detail on any specific appeal case, then please contact the relevant case officer.

Appeals Dismissed (4)

Site: 212 Teignmouth Road, Torquay

Case Officer: Scott Jones

LPA ref: P/2012/0987

Ward: St Marychurch

Proposals: Formation of one house with 2 bedrooms with vehicular/pedestrian access

Issues: The effect of the proposed development on the character and appearance of the area. Whether it would provide satisfactory living conditions for occupants of the proposed dwelling and those of the existing property at 212 Teignmouth Road. The impact of the proposal on physical and social infrastructure in the area. Whether it is likely to create an unacceptable flood risk. Inspector ruled with the Council in respect of all matters except flood risk, where he concluded if that appeal had succeeded the development would not have had a significant impact on flood risk in the area.

Site: 38 Great Headland Crescent, Paignton

Case Officer: Alexis Moran

LPA ref: P/2012/1249

Ward: Preston

Proposals: Formation of detached dwelling with vehicular and pedestrian access and 2 car spaces for the use of the existing dwelling

Issues: The effect of the proposed dwelling on the character and appearance of the area and its impact in terms of community infrastructure in the area.

Site: 5 Wayside, Brixham

Case Officer: Helen Addison

LPA ref: P/2012/1166

Ward: Berry Head with Furzeham

Proposals: Formation of additional pitched roofed dormer to the south-facing elevation

Issues: The main issues are the effect of the proposal on the character and appearance of (i) the original dwelling, and (ii) the street scene of Wayside.

Costs Decision:

Site: 5 Wayside, Brixham

Case Officer: Helen Addison

LPA ref: P/2012/1166

Ward: Berry Head with Furzeham

Proposals: Request for award of costs

Issues: Inspector dismissed the application for costs

3. Performance on Major Planning Applications

Determinations within 13 weeks

Following recent changes upon the enactment of the Growth and Infrastructure Bill, the Government has made its position in relation to the determination of Major Planning Applications very clear. Namely, Councils are expected to determine at least 30% of major planning applications within 13 weeks and be able to successfully defend at least 80% of those decisions at appeal.

This has resulted in a change of approach across the Department, reverting from a flexible approach to determination time periods and instead determining applications within 13 weeks wherever possible. Developers have very quickly caught up to this changed position and the new process is working well.

The change in approach has led to **last quarter's performance** on Major Planning Applications improving to 83% determined in time (5 out of 6 major applications). The overall performance on a rolling 2 year period (26 Sept 2011 – 26 Sept 2013) is now up to 45% and improving very steadily. This has been as a result of significant team effort on the part of officers, developers and Councillors and it is a position which we intend to continue to improve upon.

Approval rate for Major applications

Over the 2 year period (**26 Sept 2011 – 26 Sept 2013**) Torbay has maintained an **approval rate on Major Planning Applications of 82%**. Over the last quarter (**01 June - 23 Sept , date of report**) **4 of the 6** Major Planning Applications determined were approved (**67%**), it is noted that during this period both Collaton St Mary and Tesco at Edginswell were refused.

4. Committee Decisions and Officer Recommendations

As has previously been reported decisions made at committee are, in the majority of cases, consistent with the officer's recommendation (approx 96% over a 2 year period). That consistency and strong working relationship with the Members has continued over the last quarter (22 June to 26 September, date of report), where 28 decisions have been made at the Development Management Committee. Of that total number 25 have been determined in accordance with the recommendation of officers and only 3 have been overturned by the committee. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions.

This provides applicants with a high level of certainty that their scheme will be dealt with consistently and that the officers involved in detailed negotiations and in preparing recommendations are also able to provide a clear steer as to the likely direction of members given the understanding between the committee and its officers.

5. Planning law and policy update

The following headlines from the DCLG confirm the most pertinent upcoming changes in planning legislation (due to come into force on 01 October 2013).

Changes to the requirement for Conservation Area Consent from 1 October 2013

Significant changes to planning regulations in respect of Conservation Areas are set to be made under the Enterprise and Regulatory Reform Act, which received Royal Assent on 25 April. The need to obtain Conservation Area Consent will be removed from 1 October and, instead, such works will require planning permission.

The changes aim to reduce red tape and remove the separate consent regime for demolition of unlisted buildings in conservation areas. This will affect all types of applications requiring conservation area consent including conservation area consent on its own, householder planning permission with conservation area consent and planning permission with conservation area consent.

New Fees to be adopted from October 1 2013

An amendment to the Development Management Procedure will come into force from October 1st 2013. These changes include:

- Refunds for non-determination within 26 weeks

The planning fee will be refunded for valid applications which are not determined within 26 weeks. Please note that the requirement to refund the planning application fee after a period of 26 weeks will only be applied to applications which are made following the coming into force of the regulations on 1st October, 2013.

- Fees for Change of Use under Prior Approval

A fee of £80 will now be charged for changes of use made under the prior approval scheme that came into force in May of this year.

In relation to changes that came into force in May of this year, the LPA has seen a number of prior notifications for changes of use of office buildings to residential. These have, for the most part been for vacant office space and to date no prior approval requests have been made by officers. We have also received a number of prior notifications in respect of householders seeking to extend their properties; once again these have been relatively straightforward and have not, to date, resulted in a requirement to undertake the prior approval process.

6. Forthcoming (pipeline) projects

The following is a list of forthcoming Major projects and their current status:

Site Address	Summary proposal	Status
Bishops Court	13 apartments and 18 houses	Live application
Scotts Meadow	Details for 155 dwellings	Pre-application
Wall Park Brixham	Revised scheme	Live application
White Rock	Details for 350 homes & employment buildings	Pre-application
Palace Hotel	Hotel and residential development	Pre-application
White Rock	Detailed submission for employment units	October Cttee
Snooty Fox	Residential redevelopment	October Cttee

In addition to the above projects, there are a good number of Major projects in pre-application discussions. For reasons of commercial sensitivity we are not able to discuss

these publicly at the present time, but progress on these other Major development schemes will be updated for members at the earliest opportunity.

7. Conclusion

The Strategic Planning & Implementation team has seen recent success in relation to key indicators, 100% of appeals were dismissed for the period from 22 June 2013 to 26 September 2013, and 90% have been dismissed so far in 2013. The percentage of Major Planning Applications determined within the 13 week statutory period is now well above the 30% measure set out in the Growth and Infrastructure Bill. This demonstrates a strong team effort, reverting from a wholly flexible approach to determination periods on Major Developments to one which encourages more front loaded discussions and incentivises developers to sign legal agreements quickly in time to deliver a 13-week consent.

What are we doing to continue to improve the service?

- Spatial Planning has now filled the remaining 2 planning posts in the agreed new structure. This follows recent redundancies and moves within the department and will now enable the team to improve its performance and work effectively. The restructure of the department and the creation of a single team dealing with applications has provided a flexible, approach, which will, with the new staff resource now in place, enable work to be completed in a more timely fashion.
- The local validation list for planning applications is proving important in securing 'right first time' submissions and has proven successful in its use to date
- Revised processes in relation to the validation and allocation of applications will be implemented in the near future, targeted specifically at smaller applications, and providing a smoother front end of the system for customers and officers
- In relation to s106 agreements, a new s106 calculator has been designed and implemented. Incentives to pay by card or bank transfer aim to avoid delays against 8 week determination dates on smaller applications
- The Development Management team continues to hold regular peer review meetings, which includes key consultees, to ensure consistency in decision making across the Bay
- Around 80% of the costs of the Development Management service is covered by fee income, hence keeping the cost of the service to the Council to around 20%. With increasing pressure to reduce costs it is important for the Development Management team to continue to draw in fees, via pre-application advice and encouraging planning applications.

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