

## **Spatial Planning (Strategic Planning and Implementation Team) Performance Report**

### **Issue 3 – 2013/14 (27 Sept 2013 to 20 Jan 2014)**

#### **Exec Summary**

This report provides information on the performance of the Strategic Planning & Implementation Team (Spatial Planning). This gives members of the Development Management Committee the opportunity 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:** 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:

- 78% of Major Planning Applications in this quarter (7 out of 9) were determined within 13 weeks. On the basis of a rolling 2 year performance (in this case the period 20 January 2012 to 20 January 2014) this takes Torbay's performance on Major Applications up to 56%. This is now well above the current threshold for special measures and demonstrates our improving performance when measured against this national indicator.
- 71% of the appeals that were decided in the 2013 calendar year were dismissed. The Council continues to maintain a good performance at appeal, a key indicator of the quality of decision making.
- The one major appeal dealt with in this last quarter, which was the appeal at 250 Babbacombe Road (Morrisons), was in part dismissed and in part allowed. Critically, the main part of the appeal for the proposed supermarket use was dismissed. The Inspector allowed the works to the building, but these are unlikely to come forward in the absence of consent for the open A1 retail use.

#### **Performance against 8 week time period:**

Officers have worked hard to respond to the need to improve performance against 8 week dates and this has been steadily improving over the past 6 months. Whilst annual performance for 2013 is at 47% for Minor application types and 63% for other application types, the performance has improved in each and every quarter of 2013. The final quarter of 2013 (October to December) saw a performance of 56% for Minor and 78% for Other application types.

Performance is projected to continue on this improving trend and officer's target is to exceed the national indicator targets for Minor (65%) and Other (80%) application types in the first quarter of 2014.

## Introduction

The following areas of performance are set out in this report:

- (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, and;
- (5) forthcoming (pipeline) projects.

### **1. Local and Neighbourhood Plans**

The Proposed Submission version of the Local Plan will be published for consultation on 24 February 2014. Consultation will last for six weeks, closing on Friday 4<sup>th</sup> April.

This consultation represents the penultimate stage in the Plan's evolution, with the next main stage being the Examination in Public – which is expected in Autumn 2014.

Neighbourhood Plans are progressing well. Neighbourhood Forums are all agreed that the Local Plan must be put in place, as a priority. This will provide an agreed framework for Neighbourhood Plans. It is intended that all three Neighbourhood Plans will be independently examined early in 2015 and go to Referendum in Spring 2015.

Four masterplans have been commissioned. One for each of Torquay and Paignton Town Centres, a third covering West Paignton / Collaton St Mary and the fourth covering the major site alongside Hamelyn Way, Torquay Gateway. These masterplans will take 6 – 9 months to complete and will be based on a significant amount of community engagement. They will add value and detail to Local and Neighbourhood Plans, as well as providing a very clear framework for investment in the town centres.

### **2. Planning Appeal Decisions**

There is currently one ongoing major appeal (public inquiry) which concerns the refusal of the Council for permission for a Clubhouse and additional golf holes at Churston Golf Club (Application Reference P/2013/0019). The Inquiry opens on 25 March 2014. In addition, it is likely that major appeals will be lodged for both the proposed Tesco store at Edginswell and the proposed residential development at Collaton St Mary (Taylor Wimpey). Neither appeal was lodged at the time of compiling this report.

In relation to appeal decisions the most prominent decision since the last report was the **decision on 250 Babbacombe Road (Morrisons)**. This appeal was in part dismissed and in part allowed.

Importantly the Inspector dismissed the appeal against the variation of the condition that would have allowed the use of the site for open A1 retail use. The Inspector concluded that Torbay has a sequentially preferable site at the Town Hall Car Park (which the Inspector agreed to be suitable, viable and available). He also concluded that the proposal at Babbacombe Road would have had a detrimental impact on St Marychurch and Babbacombe centres.

Whilst the Inspector did allow the works to the building and the car park at Babbacombe Road these are unlikely to take place without the consent for the use of the building. This is

an important decision for the Council and supports the Council's Town Centres first stance, which will be crucial in the determination of any forthcoming appeal for a Tesco at Edginswell.

There are **two other appeals worthy of particular mention** here. The appeal at 45 Winsu Avenue was dismissed; this followed a committee decision to refuse consent contrary to officer recommendation. The Inspector agreed with the decision of the committee and concluded that the development would have an unacceptable impact on the character and appearance of the streetscene.

The decision at 42 Broadsands Road was allowed, this followed an officer recommendation of approval that was overturned at committee. In this case the Inspector did not agree with the committee decision and concluded that the development sits comfortably in the streetscene and that the impacts on neighbouring living conditions would not be so substantive as to warrant refusal.

In total, since the last appeal report in September 2013 there have been 17 appeal decisions made. Of the appeal decisions reported here, 10 were dismissed (including 1 costs decision), a 59% success rate over the last quarter.

Torbay continues to perform consistently well at appeal, with its annualised appeal performance at **71% dismissed for the 2013 calendar year** as a whole (17 out of 24 appeals).

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 (9)**

Site:- 250 BABBACOMBE ROAD, TORQUAY, TQ1 3TA

Case Officer:- Matt Diamond

LPA ref:- P/2012/1124/VC

Ward:- Wellswood

Proposals:- Variation of conditions to enable use as A1 without restrictions on sale of goods

Issues:- Retail impact, sequential test, retail policy

Site:- 45 WINSU AVENUE, PAIGNTON, TQ3 1QE

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/0166/PA

Ward:- Preston

Proposals:- 2 dwellings

Issues:- (i) the character and appearance of the surrounding area; (ii) the living conditions of the occupiers of 31 and 47 Winsu Avenue with respect to outlook

Site:- 15 LONGCROFT AVENUE, BRIXHAM TQ5 0DS

Case Officer:- Alexis Moran

LPA ref:- P/2013/0498/HA

Ward:- St Marys with Summercombe

Proposals:- Loft conversion with front dormer

Issues:- Impact on streetscene

Site:- AVONLEA HOTEL, 53 BELGRAVE ROAD, TORQUAY, TQ2 5HZ

Case Officer:- Scott Jones

LPA ref:- P/2013/0239/PA

Ward:- Tormohun

Proposals:- Change of use from guest house to HMO

Issues:- Impact on character of the area (adjacent to PHAA) and lack of s106

Site:- SPA VIEW, LOWER WARBERRY ROAD, TORQUAY, TQ1 1QS

Case Officer:- Ruth Robinson

LPA ref:- P/2013/0222/PA

Ward:- Wellswood

Proposals:- Construction of coach house

Issues:- Impact on Conservation Area / streetscene

Site:- JACORANDA, SOLSBRO ROAD, TORQUAY, TQ2 6PF

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/0439/HA

Ward:- Cockington With Chelston

Proposals:- Demolish existing extension and construct new extension and double garage

Issues:- Impact on trees and impact on streetscene

Site:- 11 GRANGE AVENUE, PAIGNTON, TQ4 7JY

Case Officer:- Robert Pierce

LPA ref:- P/2013/0178/HA

Ward:- Goodrington With Roselands

Proposals:- Extension to existing balcony

Issues:- Impact on neighbouring living conditions

Site:- 23 CHESTNUT DRIVE, BRIXHAM, TQ5 0DB

Case Officer:- Alexis Moran

LPA ref:- P/2013/0829/HA

Ward:- St Marys With Summercombe

Proposals:- Extension to form garage and bedrooms

Issues:- Impact on streetscene

Site:- 93 BROADLEY DRIVE, TORQUAY, TQ2 6UT

Case Officer:- Scott Jones

LPA ref:- P/2013/0978

Ward:- Cockington With Chelston

Proposals:- Formation of off road parking and alterations to garage to form room

Issues:- Impact on streetscene and neighbouring living conditions

**Costs Decision Dismissed (1):**

Site:- 42 BROADSANDS ROAD, PAIGNTON, TQ4 6HH

Case Officer:- Alexis Moran

LPA ref:- P/2013/0630

Ward:- Churston and Galmpton

Proposals:- Request for award of costs

**Appeals Allowed (6)**

Site:- 250 BABBACOMBE ROAD, TORQUAY, TQ1 3TA

Case Officer:- Matt Diamond

LPA ref:- P/2012/1123/MPA

Ward:- Wellswood

Proposals:- Alterations to building and car park

Issues:- Design and appearance

Site:- 12 MARINA COURT, WARREN ROAD, TORQUAY, TQ2 5TP

Case Officer:- Scott Jones

LPA ref:- P/2013/0253/PA

Ward:- Tormohun

Proposals:- Installation of glass stainless steel balcony to apartment 12

Issues:- Impact on streetscene

Site:- 6 HOYLES ROAD, PAIGNTON, TQ3 3PH

Case Officer:- Rob Pierce

LPA ref:- P/2013/0616/HA

Ward:- Blatchcombe

Proposals:- Extension to side of property

Issues:- Impact on streetscene

Site:- 40 MEAD ROAD, TORQUAY, TQ2 6TF

Case Officer:- Scott Jones

LPA ref:- P/2013/0885/HA

Ward:- Cockington With Chelston  
Proposals:- Extension and alterations to front  
Issues:- Impact on streetscene

Site:- 42 BROADSANDS ROAD, PAIGNTON, TQ4 6HH

Case Officer:- Alexis Moran

LPA ref:- P/2013/0630

Ward:- Churston With Galmpton

Proposals:- Two storey front extension, new integral garage under, new pitched roof with dormer to rear.

Issues:- (i) The effect of the development on the character and appearance of the area; and (iii) the effect of the development on the living condition of the occupants of neighbouring dwellings.

Site:- 21 SANDPIPER WAY, THE WILLOWS, TQ2 7GJ

Case Officer:- Scott Jones

LPA ref:- P/2013/0949/HA

Ward:- Shiphay With The Willows

Proposals:- Extension to rear and side of property

Issues:- Impact on streetscene

### **Split Decision (Part Allowed, Part Dismissed) (1)**

Site:- IMPERIAL HOTEL, PARK HILL ROAD, TORQUAY

Case Officer:- Ruth Robinson

LPA ref:- P/2012/1238/PA

Ward:- Wellswood

Proposals:- Removal of balconies

Issues:- Impact on character of the building and the area

### 3. Performance on Major Planning Applications

#### Determinations within 13 weeks

Councils are expected to determine at least 30% of major planning applications within 13 weeks.

The change in approach instigated in 2013 has led to **last quarter's performance** on Major Planning Applications being **78% determined in time** (7 out of 9 major applications). The overall performance on a rolling 2 year period (20 Jan 2012 to 20 Jan 2014) is now up to **56%**.

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 will continue to improve upon.

#### Approval rate for Major applications

Over the 2 year period (20 Jan 2012 – 20 Jan 2014) Torbay has maintained an **approval rate on Major Planning Applications of 74%**. Over the last quarter (27 Sept 2013 to 20 Jan 2014) 3 of the 5 Major Planning Applications determined were approved (60%), it is noted that during this period the original Snooty Fox application was refused and this has now been resubmitted in revised form and approved subject to the signing of a 106 agreement.

### 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 95% over a 2 year period).

That consistency and strong working relationship with the Members has continued over the last quarter (27 September 2013 to 20 January 2014), where **28 out of 29 decisions** have been made in accordance with the recommendation of officers. The only one that has been overturned by the committee was the original Snooty Fox application, which has subsequently been successfully amended and approved. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions.

This level of consistency in decision making provides applicants with a high level of certainty that the eventual decision will be likely to tally with the advice they have received through the negotiation process.

### 5. Forthcoming (pipeline) projects

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

Site Address	Summary proposal	Status
The Pines	14 Flats	February committee
Brixham Hospital	36 bed residential care home	February committee
Old Paignton Library	38 sheltered flats	February committee
White Rock	Details for 350 homes	February committee



Palace Hotel	Hotel and residential development	February committee
Yannons Farm	Local centre and affordable houses	March committee
Wall Park Brixham	Revised scheme	Application submitted
Scotts Meadow	Details for 155 dwellings	Pre-application
Pavillions Torquay	Hotel, apartments, car parking	Pre-application
Riviera Bay	Replacement of chalets with lodges	Pre-application

## 7. Conclusion

The Strategic Planning & Implementation team has seen recent success in relation to key indicators, including an improvement in determination timescales for all application types. In addition, the Council continues to perform well at appeal and the relationship between officer advice and the decisions of the committee are consistently in line with one another.

**A full report covering performance for the 2013/14 financial year will be provided to the April/May committee**

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