

## Spatial Planning

### Performance Report for the period April 2014 to March 2016

#### Summary of success April 2014 – March 2016

- The new Local Plan has been adopted (December 2015) and published (May 2016).
- Four masterplans, relating to Torquay and Paignton Town Centres, Torquay Gateway and Collaton St Mary have been adopted by the Council
- A Local Development Order has been produced for South Devon College, providing a positive framework for development on the campus over the next 15 years,
- Over the last two years, the Council has determined over **87%** of major planning applications on time. In the last 8 quarterly reporting periods there were five quarters in which 100% of major applications were determined on time. For the 2013 – 2015 reporting period our performance was 85%, so our performance has improved over the last 12 months and exceeds Government targets.
- There has been a considerable improvement in performance in making decisions in time for other applications (**88.72%**) and for minor applications (**72.5%**), with significant increases of 17% and 30% respectively over the last 12 months.
- Four appeals, regarding major development proposals, over the last two years have been dismissed – representing a **100%** success rate for the Council in defending its decisions at appeal, against a Government target of 80% success rate. Just under 70% of smaller applications were successfully defended at appeal.
- Development Management Committee has made **123 decisions**, of which **93.5%** (115) accord with officer recommendations.
- Development Management Committee **approved 83.7%** (103) of the applications it considered. It deferred 10% (12) and refused 6.5% (8).
- Delivery of new homes at Wall Park, Scotts Meadow and Yannons Farm has commenced and there are a number of major development proposals coming forward over the next 12 months.
- This excellent performance was achieved in the context of major changes within the Council and to national policy and guidance e.g. Housing & Planning Act
- The Spatial Planning team is not complacent and continues to find ways to improve its operation as a business unit, including a review of Site Review Meetings, changes to the scheme of delegation and constitution, closer working with applicants and agents.

#### 1.0 Executive Summary and headlines of success

- 1.1 This report provides a summary of the performance of the Spatial Planning Team. The team's performance is assessed against Government targets, against other Local Planning Authorities and in relation to outcomes on the ground. It is also assessed over a two year period (1 April 2014 – 31 March 2016), but particularly the last 12 months (from 1 April 2014 to 31 March 2015).

- 1.2 The Council's good performance in relation to producing new strategy and determining planning applications remains vital to securing investment in the Bay and complement other activities, such as business support provided by the TDA. Investors look , for example, at the strategic planning framework (Local Plan, master plans, neighbourhood plans) to provide clarity and certainty; they look at the Council's speed of decision making and the extent to which officer advice on planning applications is agreed by Members. This allows them to judge the level of risk of investment at an early stage in the development process.
- 1.3 It has been a year of significant progress on strategic planning and transport projects. The new Local Plan has been adopted and published. This, alongside the Economic Strategy, provides a very robust and clear framework for growth, change and investment in Torbay. It is supported by four masterplans, all of which have been adopted as Supplementary Planning Documents within the last 12 months. The delivery work of the town centre masterplans is moving forward to agreed timescales and is already securing investor interest. The three neighbourhood plans continue to move forward, with the expectation of formal drafts being submitted to the Council in September 2016 and independent Examination taking place before end March 2017. Strategic transport projects are being delivered, such as improvements to the Western Corridor and Torre / Torquay Town Centre traffic reversal, and further bids for funding have been submitted for Edginswell Station and the area around Paignton Stations.
- 1.4 The Council continues to make robust, quick decisions on major planning applications. Between April 2014 and March 2016 (i.e. eight quarters) there were five quarters in which 100% of major applications were determined within 13 weeks. Over the last two years, the Council has determined almost 87% of major planning applications on time, which compares favourably with the 85% over the previous two year period (April 2013 – March 2015)
- 1.5 Four appeals, regarding major development proposals, over the last two years have been dismissed – representing a 100% success rate for the Council in defending its decisions at appeal, against a Government target of 80% success rate. Just under 70% of smaller applications were successfully defended at appeal, but the Council is not assessed by Government against performance on smaller applications.
- 1.6 There have been significant changes in national legislation and guidance, which themselves have significant implications for affordable housing and for the way in which a planning service is likely to be delivered in the future.
- 1.7 Spatial Planning, with officers and Members working together, continue to enable the provision of new business space, new homes and new infrastructure to meet the needs of the community. This also helps to meet the financial needs of the Council in the face of diminishing financial support from Government.

## **2.0 Performance Targets**

- 2.1 The Council's planning performance is assessed, by Government, against two key criteria:

- The % of **major planning applications** determined within 13 weeks, with Councils expected to determine at least 60% of applications within 13 weeks. This is an assessment of speed.
- The % of major planning decisions overturned at **appeal**, with the Council expected to ensure that no more than 20% of decisions on major developments are overturned on appeal. This is an assessment of quality of decision making.

2.2 However, the Government intend to extend performance measures to non-major development. No specific criteria have been announced or timescales for this measure, although it is likely to apply to performance levels below 60% or 65%. For the purpose of this report we have used the higher of these assumptions, as set out below. If these new performance measures are introduced by Government it is highly likely they will apply immediately to the previous two years' performance. As such it is important to track performance against these measures.

- The % of **minor applications** determined within eight weeks, with Councils expected to ensure that 65% of minor planning applications are determined within this period.
- The % of **other applications** determined within eight weeks, with Councils expected to ensure that 65% of minor planning applications are determined within this period.

2.3 The Spatial Planning team is outcome driven. It wants to ensure the right development happens in the right place, at the right time and secures benefits (social, environmental, economic) for the Bay as a whole. The examples cited in this report (see section ??) show that the Council continues to deliver high quality outcomes.

### 3.0 Major developments

3.1 Major developments are those for 10 houses or more, for 1000 sq metres or more of floorspace or for 1 hectare (0.5 ha's for residential development) or more of land. Major applications requiring an Environmental Impact Assessment (EIA) are excluded from this performance monitoring. Similarly, major applications for which there has been a formally agreed extension of time (e.g. via a Planning Performance Agreement) are also excluded.

3.2 Councils are expected to determine at least 60% of major planning applications within 13 weeks. Councils that fail to achieve this target could be placed in special measures. For the previous two year (2013 – 2015) rolling reporting period the Council's performance was at 85%.

3.3 Table 1 below shows the Council's performance, on a quarter by quarter basis between April 2014 and March 2016, on major development proposals. The Council has received around 39 major planning applications over the last 2 years, with a slight increase in numbers in the last 12 months. This is a lower number than has been the case in previous years, but the number is forecast to increase as the national economy recovers and the confidence provided to investors via the Local Plan and masterplan delivery.

3.4 Table 1 shows that the Council has determined just over 87% of major planning applications within agreed timescales and has only once, over the last 2 years, fallen below 60% of

decisions made within agreed timescales. It is worth noting that the relatively low numbers of major planning applications received by the Council means that a missed deadline on one application can cause a big percentage swing in terms of performance. Nonetheless, and average over the last two years of almost 87% decisions in time is an extremely good performance, especially given the context of staff changes and national policy / guidance changes, and shows continued improvement from 2012, when the Council was at risk of being placed in special measures.

- 3.5 The table below illustrates a strong performance on determining larger planning applications at a rate well above the national target. This data provides a good indication to incoming investors that planning applications are not unduly delayed in their determination and that Torbay Council is efficient and effective. It also ensures that Torbay Council will not be placed in special measures because of its performance on major applications.
- 3.6 As previously reported we continue to actively encourage early engagement with applicants and consultees through the pre application process. Pre application discussions provide an effective opportunity for issues to be addressed at an early stage in the process, for value to be added to the scheme through consultation and understanding, and provides a basis for a swifter determination of subsequent applications.
- 3.7 The Design Review Panel continues to be a valuable part of the process to enhance the quality of proposed schemes. Feedback from applicants and agents is positive that the workshop approach in DRP meetings facilitates a positive outcome. DRP meetings have continued to be held throughout the year.

**Table 1: Majors Performance (April 2014 – March 2016)**

	Target	Percentage In Time	Decisions In time	Total Decisions
2014/15 Q1	60.00%	100.00%	7	7
2014/15 Q2	60.00%	40.00%	2	5
2014/15 Q3	60.00%	100.00%	3	3
2014/15 Q4	60.00%	100.00%	4	4
2015/16 Q1	60.00%	80.00%	4	5
2015/16 Q2	60.00%	75.00%	3	4
2015/16 Q3	60.00%	100.00%	7	7
2015/16 Q4	60.00%	100.00%	4	4
Two year average	60.00%	87.18%	34	39

- 3.8 Between April 2014 and March 2016 the Development Management Committee made 123 decisions, split evenly between the two years. On 115 (93.5%) occasions decisions were made in accordance with officer advice, which underlines the close working relationship between Members and officers, shows Members understanding of planning issues and policies and shows the robustness of officer advice. Commendably, 103 decisions were for approval, which shows the positive approach Members and officers take towards development. A small number of applications were refused (8), mostly in line with officer

recommendation and demonstrating that Members are prepared to refuse applications. Just under 10% (12) of decisions were deferred, often when Members wanted greater clarity and certainty about the proposal before making a decision. Again, this reflects a positive approach and the importance attached to making the right decisions.

- 3.9 The Council's good performance in determining major applications is as a result of a team effort, between applicants, Councillors (particular Development Management Committee Members) and officers – from a range of different services, but particularly the Development Management and Technical Support teams. However, there is no room for complacency, especially as the numbers of major applications Torbay determines is relatively small and if a few more applications are determined 'out of time' this would have a dramatic effect on our performance against Government targets. Consequently, even more effort will be placed on productive pre-application work, including Member briefings; Planning Performance Agreements will be used more frequently; evidently poor planning applications will be refused quickly, rather than time spent on trying to negotiate acceptable outcomes (e.g. the redevelopment proposals for Babbacombe Downs Road); DMC Members will be encouraged not to defer too many decisions; and quicker means to complete S106 Agreements will be explored.
- 3.10 Torbay has also performed well in relation to other Councils. A review of DCLG statistics, based on quarterly returns from every Council, shows that in December 2015 (and based on two years of returns, from January 2014) Torbay determined 82.1% of major applications in time and was ranked 155<sup>th</sup> out of 334 Councils. Using the same statistics, Torbay performed well in relation to other Local Planning Authorities:
- Cornwall, ranked 35<sup>th</sup> with 94.2% of decisions in time
  - Plymouth, ranked 44<sup>th</sup> with 92.4% of decisions in time
  - Dartmoor National Park, ranked 46<sup>th</sup> with 92.4% of decisions in time
  - Bournemouth, ranked 96<sup>th</sup>, with 87.1% of decisions in time
  - Mid Devon, ranked 156<sup>th</sup> with 81.8% of decisions in time
  - Torridge, ranked 172<sup>nd</sup> with 80.3% of decisions in time
  - Exeter, ranked 298<sup>th</sup>, with 63.3% of decisions in time
  - East Devon, ranked 323<sup>rd</sup> with 56.1% of decisions on time.

#### **4.0 Other and minor developments**

- 4.1 Minor developments are defined as relatively small scale commercial development (under 1000 sq mts floorspace or 1 ha of land) and for residential schemes of less than 10 homes (or under 0.5 ha's of land. The category of 'Other' applications includes householder applications, changes of use, listed buildings and certificates of lawfulness. There are no penalties as yet for failure to achieve the Government's target of achieving 65% of decisions within 8 weeks for minor and 'other' applications, although this too is likely to change in the near future.
- 4.2 Performance in relation to smaller developments is important, not least because planning application fees, business expansion and new homes bonus all provide valuable income for the Council. Applications for minor residential development (e.g. extensions to domestic properties) are a subset of 'other' planning applications.

- 4.3 Torbay has, historically, relied on small scale developments such as these to deliver new homes and to make a significant contribution to Torbay's 5 year housing supply. It is also extremely important to support local and regional developers, who generally develop smaller, less viable sites than volume home builders for example.
- 4.4 The 65% target has, historically, been difficult to meet due to competing priorities, reductions in staff and restructuring, and because of the time needed to complete Section 106 Agreements within the 8 week period. In the 2012-2014 rolling review period the Council's performance was often below 60%, although there were signs of improvement in the last quarter of 2013/14.
- 4.5 Tables 2 and 3 below show a considerable improvement, when measured over the last two years, in performance in dealing with other (88.72%) and minor applications (72.5%) in time.

**Table 2: Others Performance (April 2014 – March 2016)**

	Target	Percentage In Time	Decisions In time	Total Decisions
2014/15 Q1	65.00%	92.21%	142	154
2014/15 Q2	65.00%	89.21%	124	139
2014/15 Q3	65.00%	87.97%	117	133
2014/15 Q4	65.00%	78.03%	103	132
2015/16 Q1	65.00%	81.21%	134	165
2015/16 Q2	65.00%	86.23%	144	167
2015/16 Q3	65.00%	95.86%	139	145
2015/16 Q4	65.00%	98.69%	151	153
Two year average	80.00%	88.72%	1054	1188

**Table 3: Minors Performance (April 2014 – March 2016)**

	Target	Percentage In Time	Decisions In time	Total Decisions
2014/15 Q1	65.00%	68.09%	64	94
2014/15 Q2	65.00%	81.25%	52	64
2014/15 Q3	65.00%	75.71%	53	70
2014/15 Q4	65.00%	50.68%	37	73
2015/16 Q1	65.00%	62.30%	38	61
2015/16 Q2	65.00%	65.00%	39	60
2015/16 Q3	65.00%	89.80%	44	49
2015/16 Q4	65.00%	95.31%	61	64
Two year average	65.00%	72.52%	388	535

- 4.6 In the previous reports to Members concern was raised about performance in respect of Minor and Other applications which was below target. This area was previously identified as needing improvement. The Development Management team have focused on increasing their performance and have achieved a significant improvement. For Minor applications a 30% increase in performance has been attained when comparing quarters 1 and 2 in 2015/16 with quarters 3 and 4 in 2015/16. This has been achieved by increased emphasis within the team on target dates and management support to meet these targets. Similarly performance on other applications has increased by 17% between the beginning of 2015/16 and end 2015/16. Performance in both categories is now above target. This is a significant improvement that the entire team has worked hard to achieve.
- 4.7 Consequently, Torbay Council is unlikely to be at risk of being placed in special measures on the introduction by the Government of performance targets for other and minor applications. Nonetheless, Spatial Planning continues to look for ways to improve its performance.
- 4.8 When combined, 83.7% of decisions were made in time by the Council for minor and other applications. This compares very favourably with other Local Planning Authorities. DCLG statistics show that, between January 2014 and Dec 2015 (note, a slightly different reporting period), other Local Planning Authorities performed as follows:
- Plymouth, ranked 19<sup>th</sup> with 94%
  - Cornwall, ranked 121<sup>st</sup> with 84%
  - Dartmoor National Park, ranked 136<sup>th</sup> with 82.7%
  - Torridge, ranked 171 with 80.4%
  - East Devon ranked 310<sup>th</sup> with 63.8%
  - Exeter ranked 315<sup>th</sup> with 54.7%

## 5.0 Planning Appeals

**Table 4: Planning Appeals Performance (April 2014 – March 2016)**

Appeals	Majors	Dismissed	Others / Minors	Dismissed
<b>2014/15</b>	3	3	28	22
<b>2015/16</b>	1	1	38	24
<b>Total</b>	4	4	66	46
<b>% dismissed</b>		<b>100%</b>		69.7%

- 5.1 Table 4 above shows the Council's performance on planning appeals over the last two years. Councils are only measured on their performance against major applications and are expected to be able to defend, successfully, at least 80% of decisions. This is used as a measure of quality of decision making.

- 5.2 The major cases in 2014/15 related to Tesco, Edginswell; Churston Golf Course and Morrison's Babbacombe. The 2015/16 appeal relates to the former Gleneagles Hotel. This appeal was dismissed. Consequently the Council has a 100% success rate in defending its decisions, on appeal, for major planning applications.
- 5.3 Whilst this might suggest that the Council is only refusing the most contentious of major applications (i.e. they are relatively easy to refuse and defend at appeal), recent history shows otherwise. Development Management Committee has refused a number of applications, some just on design grounds, including a revised layout by Linden Homes at White Rock and most recently a substantial redevelopment proposal at Babbacombe Downs Road. The outcome of the Gleneagles Hotel appeal demonstrates that the Council is correct to refuse proposals that would result in developments that are poorly designed.
- 5.4 For smaller development proposals, 66 appeals have been lodged and 46 (69.7%) were dismissed. This is a good outcome, again showing that the Council is prepared to push for higher quality development proposals and is prepared to refuse planning applications that do not meet policy requirements. It is worth noting that a 100% success rate at appeal would indicate that the Council is not refusing enough planning applications and therefore would not be performing at the most effective level.
- 5.5 Members received the details on these appeals in performance reports dated November 2015 and April 2015. Consequently those details are not reproduced in this report, but details of the appeal decisions since October 2015 are included in Appendix A of this report.

## **6.0 Development Pipeline Projects**

- 6.1 A steady stream of major planning applications is important to the Council, for a number of reasons. It shows there is continued interest in and investment in Torbay; it supports the delivery of jobs, homes and infrastructure; planning application fees are vital to Spatial Planning as a business unit. Consequently, Spatial Planning is proactive and positive in working with investors and developers, to help deliver the Local Plan and to ensure Torbay continues to meet Government requirements (e.g. has a rolling 5 year supply of housing land).
- 6.2 Table 5 below provides a list of major developments, together with the date (when known) the proposal is expected to be considered by Development Management Committee:



**Table 5: emerging major development proposals**

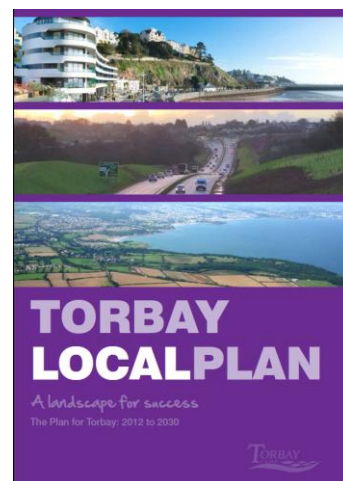
Site Address	Summary proposal	Target DMC / status
Pavillion, Torquay	Hotel, Flats, Car Parking	July/August 16
Yannons Phase D	Residential	August 16
Rossitors Paignton	Residential	August 16
White Rock Local Centre	Retail	August 16
Shedden Hall Hotel	Residential	July 16
Sports Pavillion White Rock	Sports facilities	July 16
White Rock	Residential	July 16
Torbay Motel	Residential	Sept 16
Alfriston Road Paignton	Residential	Appln not valid
Collaton St Mary	Residential	Appln not valid
Claylands	Employment	Appln awaited
Torquay Gateway	Mixed use	Appln awaited

**7.0 Local Pan, Masterplanning and other Strategy work Local Plan**

7.1 The new Local Plan was adopted by the Council in December 2015. This followed a 2.5 day Hearing in November 2014; the production of two interim reports by the Inspector; and further public consultation on the proposed main modifications to the Local Plan.

7.2 The Local Plan includes provision for:

- A strategic framework for growth and change in Torbay to 2030, with regular reviews and assessment against the delivery of new jobs and homes;
- Delivery of 5,500 jobs and 8,900 homes in the Bay to 2030, which reflects Torbay’s environmental quality and capacity;
- A requirement for the Council to produce new site allocation plans, showing the location and type of development over the medium term, if Neighbourhood Forums fail to deliver formal draft Neighbourhood Plans by the end of March 2016.



7.3 Members will recall that the Inspector rejected calls, by the housing industry, for much more development and for higher levels of affordable housing. The Inspector considered that quantum of development to be unrealistic, in such an environmentally sensitive area, and that the level of demand from the market did not justify increased levels of growth. He also firmly rejected Neighbourhood Forums calls for less growth. He said it was right for the Local Plan to be ambitious for new jobs and homes.

7.4 The Inspector confirmed that the Plan includes enough land for housing for the next 5 years.

7.5 The content of the new Local Plan reflects the huge amount of time and effort spent on its preparation by Members, officers, businesses, communities and other representative organisations. It also reflects the nature of Torbay’s high quality environment. Officers were able to demonstrate, with good evidence, that Torbay’s environment could not

accommodate the levels of growth (10,000 plus homes) that the Inspector wanted us to test and the development industry wanted us to provide. However, whilst that is an extremely positive outcome, the need for new homes (at 12,600) remains high. The Council must continue to work hard, with a range of partners (including housing providers and other Local Authorities), particularly after 2021, to ensure there is sufficient land for homes and that housing need is reduced. Consequently, the Council is working with Plymouth, South Hams, West Devon and Dartmoor National Park authorities on the emerging Plan for South West Devon.

7.6 The new Local Plan provides a positive framework for growth and change in Torbay. This is specifically in relation to the three town centres, which need substantial investment and regeneration in order to ensure they are healthy, vibrant, 21<sup>st</sup> century town centres. It is also in relation to the growth areas, at Torquay Gateway and Collaton St Mary, identified in the Local Plan. This positive framework is extremely helpful in attracting investment, in determining planning applications and securing the best, most sustainable outcomes for Torbay in terms of new development.

7.7 The new Local Plan was published on 31 May 2016.

### **Masterplans**

7.8 To support successful completion and delivery of the Local Plan, four masterplans have been produced. These relate to Torquay and Paignton Town Centres, Torquay Gateway and Collaton St Mary. The emerging Neighbourhood Plan for Brixham Peninsula includes plans for the redevelopment of the Town Centre Car Park and the Harbour Area in Brixham.

7.9 All four masterplans produced by the Council have included a substantial amount of community engagement and consultation.

7.10 The Torquay and Paignton masterplans were adopted by Council in June 2015 as Supplementary Planning Documents. A Masterplan Delivery Programme Board has been set up and, using £150,000 of Council funds, the Programme Board is over-seeing the identification of priority development sites in Torquay and Paignton Town Centres, the testing of viable development options for those sites; and soft market testing of a preferred development option for each site. That work will be complete in July 2016, when more formal marketing of the sites will commence. Further community and business engagement is taking place on the delivery of masterplans in June 2016.

7.11 The priority sites in Torquay include the Town Hall Car Park, Temperance Street (as a longer term, land assembly project) and Montpellier Road / Terrace Car Park. The priority sites in Paignton include Crossways, Victoria Centre, Paignton Harbour and Paignton Stations. These schemes equate to around £110M Gross Development Value and will deliver new commercial space, new homes and new infrastructure for the Town Centres.



7.12 The Torquay Gateway masterplan was adopted by the Council, as a Supplementary Planning Document, in December 2015 following adoption of the Local Plan which identified Torquay Gateway as a Growth Area. This coincided with the opening of the South Devon Highway. The masterplan provides a framework for future development of this substantial and very well located area of land. Officers are working with all the land owners and development industry interest, alongside ATLAS, to ensure comprehensive, co-ordinated and high quality development. An outline planning application, for the main part of the site, is anticipated later in 2016.



7.13 The Collaton St Mary masterplan was adopted by the Council, , as a Supplementary Planning Document, in February 2016 following adoption of the Local Plan which identified Torquay Gateway as a Growth Area. The masterplan provides a framework for ongoing discussions with landowners and developers, as well as a statutory document for determining planning applications – such as the proposal for the Torbay Motel site.

### **Community Infrastructure Levy**

7.14 In April 2016 the Council supported revised Community Infrastructure proposals (Draft Charging Schedule), aimed at supporting the delivery of new homes in town centres and disadvantaged areas. These proposals will be submitted for formal Examination later this year and, hopefully, adoption before Xmas 2016.

7.15 The CIL revised Draft Charging Schedule has been the subject of three rounds of consultation. Members at Policy Development Group in March 2016 made some very useful recommendations about adjusting the CIL proposals to ensure that small developers and desirable developments were not harmed by CIL. They also considered that there are some high value areas, such as in the countryside or coastal areas, where development of small sites is likely to be sufficiently profitable to afford CIL. These recommendations have been taken on board and have been the subject of consultation. 6.16 The proposed approach is to apply CIL to smaller developments whilst using S106 agreements to fund infrastructure from larger sites (of 15+ dwellings) in Future Growth Areas. This will simplify processing smaller applications, since “tariff style” S106 contributions will not be sought from sites paying CIL.

7.16 CIL will not provide an incentive to large greenfield sites at the expense of smaller brownfield sites. Developers of larger sites will be expected to contribute to their direct infrastructure requirements, such as highways, drainage and ecology. They will also contribute towards affordable housing, education, green space, sustainable transport etc. So we expect the contributions for larger developments to be at least as much as if CIL was applied to those sites.

7.17 It’s proposed to use CIL to help pay for the South Devon Link Road, and help mitigate the effects of development on the Berry head Special Area of Consultation. Torbay has many pressing infrastructure needs, but it’s recommended that the CIL charging schedule is kept short , since this will allow the Council to seek S106 contributions for non CIL matters. It’s

easy to add matters to the Reg123 List of infrastructure that receives CIL funding, should the need arise.

### **Section 106 Agreements**

- 7.18 Work is underway to review the current Section 106 & Affordable Housing Supplementary Planning Document (SPD), which was last reviewed in 2011 (Update 3). A review is required in the light of new legislation, Torbay's new Corporate Plan (with priorities for a healthy and prosperous Torbay), the new Local Plan and the emerging CIL Charging Schedule.
- 7.19 The Council will consider proposals for a new S106 SPD over the next few months, but it is likely to follow a similar prioritised approach to the existing SPD, namely:
- Site acceptable matters – essential site specific matters (such as drainage and biodiversity) needed to mitigate the impact of development and without which the development would not be acceptable, then
  - Affordable housing, health and employment infrastructure, then
  - Sustainable development infrastructure from larger developments – such as education, open space, town centre management, waste management.

### **Brownfield Land Register**

- 7.20 The Council is a pilot for development of a new Brownfield Land Register. A Brownfield Land Register is a Government initiative, within the Housing & Planning Act. The Council will publish a new, interactive / on line register of brownfield sites in Torbay by end June 2016. This will be a useful monitoring and marketing tool.
- 7.21 The use of brownfield sites helps reduce the pressure for development of sensitive Greenfield sites, supports the regeneration and revitalisation of urban communities and makes best use of limited land supply. There are a number of more Torbay specific reasons for supporting the development of brownfield sites, namely:
- Since 1995, 75% of new homes in Torbay have been on brownfield sites – such as Abbey Sands, Torquay and Foxhole Road, Paignton (see images below). Torbay Council wants to continue that performance.
  - Since 2005, about 90% of new residential development on brownfield sites has been in the form of apartments. The Council wants to explore the potential for more family homes on these sites.
  - The Council expects to deliver at least 130 homes per annum on windfall sites. The Council wants to help secure that delivery by identifying brownfield sites.
  - Brownfield sites tend to be developed by local or regional housebuilders. This supports the local economy. The Council wants to identify brownfield sites to promote directly to local and regional housebuilders.
  - The Local Plan has established that 1500 new homes need to be delivered in Torbay's town centres – Torquay, Paignton and Brixham. The Council wishes to identify brownfield sites to help achieve that.

- The Local Plan identifies a range of sites for Neighbourhood Forums to consider for allocation in Neighbourhood Plans. A large number of these are brownfield sites, providing space for around 1600 homes. The Council is keen to help these sites come forward for development.



### **Local Development Order for South Devon College**

- 7.22 An application for a LDO for South Devon College has been determined and the decision will shortly be issued. This is a progressive method of providing planning consent for a 15 year period at the college, as any development proposals within this period will be subject to a 'light touch' consultation with the Council. The LDO provides the college with a greater level of certainty on whether development proposals will be acceptable and reduces the timescales for agreeing such proposals with the Council. This provide additional certainty to the College with bidding for funds for new development.

### **Strategic Transport Projects**

- 7.23 Spatial Planning (Strategy & Project Delivery) leads on strategic transport issues for the Council. This includes the submission of transport projects for funding, through various funding bids, the initial management of delivery of those projects and partnership working with a number of transport operators and the Local Enterprise Partnership / Local Transport Board. It also includes a range of transport schemes, across different modes of transport – walking, cycling, public transport and road schemes. Over the last year, the following projects have secured funding and /or are being delivered:

- Western Corridor improvements (continued delivery)
- Torre / Torquay Town Centre Traffic reversal (funding and delivery)
- Torquay Gateway improvements (funding, for junction and road improvements)
- Edginswell Station (funding, planning permission and further bids for funding)
- Improvements to Torquay Station (funding, but not yet delivered)

### **Strategic Pipeline Projects**

- 7.24 Over the next 12 months, the following work will need to be undertaken:
- Assessment of Neighbourhood Plans, their Examination and potential referendum;
  - Annual review of Local Plan performance
  - Sustainable Drainage Supplementary Planning Document / Guidance

- Planning and Health SPD

## 8.0 Outcomes

- 8.1 This section of the report highlights some of the outcomes that have resulted from a positive strategic planning framework, plus a proactive and positive approach to securing development in Torbay (of the right sort, in the right place, at the right time and benefitting communities), in addition to a productive, professional relationship between officers, Members and applicants. On the latter point, of 123 decisions made by DMC during 2015/16, a very 83.7% were in line with officer recommendations. This level of consistency shows a very good understanding between Members and officers, a good knowledge and use of planning policy by Members and shows the benefit of briefings on major development schemes.
- 8.2 Torbay's independent Design Review Panel has been influential in securing high quality outcomes in the Bay, with many of the schemes sited below having been Design Reviewed.
- 8.3 It remains the case that a huge amount of work is needed between approval of a development proposal, by Development Management Committee, and completion of development. It is the role of Development Management to help deliver development, so work on development proposals does not stop on issue of a decision notice. That work includes completion of S106 Agreements, submission and consideration of details of pre-commencement conditions and consideration of amended drawings. The Council continues to work with developers and agents to reduce the number of pre-commencement conditions and the time taken to comply with planning conditions.
- 8.4 Examples of projects that have been approved or delivered within the last 12 months are as follows:



The Council has supported a Local Development Order for **South Devon College**, providing a framework for development of the campus over the next 15 years.

Work on the **former Lansdowne Hotel** site in Torquay is almost complete, with the delivery of 14 apartments. 50% of the apartments have been sold within 1 month of marketing. Additional monies spent on ensuring a high quality development have been recouped in the sales.





Bloor Homes have started work on the delivery of new homes at the former Pontin's Holiday Park in Brixham.

Cavanna Homes continue to deliver new homes at Yannons Farm, West Paignton.



The Council gave permission for, and work has started on, the demolition and redevelopment of the Gleneagles Hotel, Torquay. 32 retirement flats are being build

Development Management Committee has resolved to grant outline planning permission for 192 homes and up to 9,200 sq mts of employment space off Yalberton Road, West Paignton



Cavanna Homes have started building homes on the former Scotts Meadow site, now known as Primrose Hill.

## 8.0 Changes to policy and legislation

- 9.1 There have, over the past 12 months or so, been a substantial number of changes to national policy, guidance and legislation – and there are more to come. Central to this is the Housing & Planning Act, with a range of provisions. The Housing and Planning Act 2016 was passed on 12<sup>th</sup> May. Many of the Act's provisions will not come into force until the making of a commencement order. There are a number of provisions in the order that Members should be aware of, including:
- 9.2 **Provision of Starter Homes** - Starter homes are defined as new dwellings available for purchase by qualifying first time buyers only, which are sold at a discount of at least 20% of the market value. There will be a general duty on local planning authorities to promote the supply of starter homes when carrying out their planning functions. A starter homes requirement will be introduced, meaning that local planning authorities may only grant planning permission for residential development if the starter homes requirement is met.
- 9.3 **Duty to grant planning permission for self build and custom housebuilding** - requires LPAs to grant sufficient suitable development permission of serviced plots of land to meet the demand based on the register of individuals and associations of individuals who are seeking to acquire serviced plots of land in order for those individuals to occupy as homes.
- 9.4 **Permission in principle** - introduces a new route for obtaining planning permission. It is designed to separate decision making on 'in principle' issues such as land use, location and amount of development from matters of technical detail such as what the buildings will look like. Permission in principle will be granted in two ways a) on allocation in a locally supported qualifying document that identifies sites as having permission in principle, and b) on application to the LPA. It is intended to reduce the upfront costs to developers of submitting planning applications with a significant amount of supporting documentation.
- 9.5 **Privatisation of development management services** - at this stage it is proposed that where this occurs it will only be on a temporary basis as a pilot scheme in particular areas to test the practicality and desirability of competition in the processing (but not determining) of applications to do with planning. It is unlikely that Torbay will be selected as a pilot authority by DCLG. It is intended to give applicants choice about who might process their planning application, but there is no intention to change the decision making role of the Local Planning Authority.
- 9.6 In May, the Court of Appeal upheld the Government's appeal and ruled that **small sites** (of 10 homes or less) **should not contribute towards affordable housing** or pay tariff style S106 contributions. The Government has subsequently updated the Planning Policy Guidance to bring it in line with the Court of Appeal decision. The effect of this is that Policy H2 of the new Local Plan will need to be amended and, in the meantime, affordable housing contributions from developments of 10 homes or less, on greenfield sites, will not be required.



## **10.0 Planning Enforcement**

10.1 Members will be aware that there is one FTE Planning Investigation officer who is responsible for addressing breaches of planning control. The data below shows that a low level of formal enforcement action has been undertaken in the past two years. This is largely because it is preferable to resolve complaints through negotiation rather than using direct action. This approach has been an effective method of resolving the majority of complaints.

### **Service of Enforcement Notices**

- 2014/15: 2 notices served
- 2015/16: 0 notices served

### **Service of Planning Contravention Notices**

- 2014/15: 0 notices served
- 2015/16: 5 notices served

10.2 Following a period of extended absence of the Planning Investigation Officer which caused in an operational challenge to ensure that the enforcement service was delivered, a review has been undertaken on how robust the Planning Enforcement Service is. It was concluded that the planning investigation post should be incorporated into Community Safety to work alongside other posts undertaking the same, very similar or related work. The benefits of this are:

- It increases the capacity of the Council's corporate enforcement team;
- It improves integration between similar services;
- It will increase the efficiency and effectiveness of the Council's enforcement service, making best use of a diminishing staff resource;
- It broadens the skill set of the corporate enforcement team;
- It reduces isolation and issues related to 'lone working' on planning enforcement;
- It increases integration and opportunity for skills / experience development

10.3 It is important to note that the Planning Investigation Officer will continue to work closely with and get support from the Spatial Planning Team. Decisions on whether to proceed with planning enforcement action will remain with the Head of Spatial Planning.

Pat Steward

Head of Spatial Planning, June 2016

## Appendix A: Details of appeals (November 2015 to March 2016)

### Appendix A

#### Summary of Appeal Decisions November 2015 to April 2016

##### Appeals dismissed – 15 cases

1. Primley Lodge, 190 Totnes Road, Paignton

LPA ref- P/2014/0380

Date of decision -20.11.15

Proposals – outbuilding

2. Greycliffe Manor Care Home, Lower Warberry Road, Torquay

LPA ref- P/2014/0804

Date of decision -27.01.16

Proposals – 2<sup>nd</sup> storey extension

3. Gleneagles Hotel, Torquay

LPA ref- P/2014/1062

Date of decision -12.11.15

Proposals – Demolition and Redevelopment to form 36 retirement apartments for the elderly including communal facilities, access, car parking and landscaping.

4. 27 Empire Road AndR/O 120A Forest Road, Torquay

LPA ref- P/2014/1252

Date of decision -10.11.15

Proposals – 3 x Terraced 3 bed houses, plus a single 3 bed bungalow

5. Meldon, Dartmouth Road, Brixham

LPA ref- P/2014/1259

Date of decision -29.01.16

Proposals – Construction of 1 no. 2 bedroom bungalow, associated driveway, garden and amended access from Dartmouth Road

6. Three Burrows, Preston Down Rd, Paignton

LPA ref- P/2014/1312

Date of decision -12.10.15

Proposals – Demolition of existing detached pool building & hardstanding to form new dwelling with detached garage building

7. Land Adjacent 86 Nut Bush Lane, Torquay

LPA ref- P/2015/0054

Date of decision -19.01.16

Proposals – Proposed dwelling

8. 6 Rowley Road, Torquay

LPA ref- P/2015/0245

Date of decision -26.11.15

Proposals - Demolition of wall between 4 and 6 Rowley Road

9. Pendower, Wheatridge Lane, Torquay

LPA ref- P/2015/0471

Date of decision -11.11.15

Proposals -Two storey (plus basement) pitched roof extension to northern side

10. Ocean Court, Vanehill Road, Torquay

LPA ref- P/2015/0479

Date of decision -26.01.16

Proposals - Construction of additional storey

11. 48 Ocean View Drive, Brixham

LPA ref- P/2015/0498

Date of decision -19.01.16

Proposals - Single storey flat roof detached garage and storeroom

12. 77 Laura Grove, Paignton

LPA ref- P/2015/0650

Date of decision -25.01.16

Proposals - Extension to form additional accommodation at first floor level and installation of dormer to front

13. Valetta, 28 Kents Road, Torquay

LPA ref- P/2015/0727

Date of decision -16.03.16

Proposals - Rebuild side extension with garage under (Re-Submission of P/2014/0698)

14. 16 Broadsands Road, Paignton

LPA ref- P/2015/0774

Date of decision -20.01.16

Proposals - Front dormer extension and two storey side extension.

15. 11 Rock Close, Paignton

LPA ref- P/2015/0820

Date of decision -10.02.16

Proposals - Loft Conversion including dormers and raising roof. (Re-submission of P/2015/0026)

**Appeals Allowed – 8 cases**

1. Plot 14, Watcombe Heights Road, Torquay

LPA ref- P/2014/0896

Date of decision -30.11.15

Proposals - Dwelling and Garage (resubmission of P/2008/0688/PA & P/2011/0652)

2. 62 New Esplanade Court, Esplanade Road, Paignton

LPA ref- P/2014/1202

Date of decision -19.01.16

Proposals - Alteration and extension to increase the living area

3. 2 Duchy Drive, Paignton

LPA ref- P/2015/0021

Date of decision -03.02.16

Proposals - Raised balcony/deck for disabled access to the rear of the property

4. Oleron, Lower Manor Road, Brixham

LPA ref- P/2015/0151

Date of decision -29.01.16

Proposals - Detached dwelling with integral garage. Car space for the use of the existing dwelling.  
Re-submission of P/2014/0887/PA

5. 5 - 7 Ilsham Road, Torquay

LPA ref- P/2015/0428

Date of decision -16.12.15

Proposals - 2 internally illuminated fascia signs, 1 projecting sign and 1 internally applied ATM surround sign

6. Union Square Shopping Centre, Union Street, Torquay

LPA ref- P/2015/0607

Date of decision -18.03.16

Proposals - Illuminated signage

7. 55 North View Road, Brixham

LPA ref- P/2015/0637

Date of decision -27.01.16

Proposals - Dormer extension

8. 31 Berry Head Road, Brixham

LPA ref- P/2015/0726

Date of decision -20.01.16

Proposals - Rear dormer extension

**Split Decision- 1 case**

1. 19 Fore Street, Barton, Torquay

LPA ref- P/2014/1180

Date of decision -10.12.15

Decision- appeal dismissed relating to windows. Appeal allowed for replacement of front door frame and door.

Proposals - Replace single glazed windows with like-for-like wooden framed double glazed windows; Replace front door and frame with like-for-like wooden frame and door with new door furniture.