

Spatial Planning (Strategic Planning and Implementation Team) Performance Report

Quarter 1 2013 (April – June)

1. 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.

Headlines: In a number of areas performance is good. This is especially pleasing given that new team structures and processes are still bedding in, following significant loss of staff and changes as a result of restructuring during Q4 2012/13, and more recent changes in legislation (see below). For example:

66% of Major Planning Applications were determined within 13 weeks (most of these incorporating a s106 legal agreement)

91% of appeals have been successfully defended since January 2013.

The performance regarding Major Planning applications represents a significant improvement in performance, when measured against the last 24 months, and has helped ensure the Council is not considered as poorly performing by the Government.

Income: Furthermore, the work of the department is seen in developments on the ground, which are delivering jobs and houses and securing s106 and New Homes Bonus revenue to the Council.

Liaison: This success is due, in large part, to Member: Officer liaison. This includes fortnightly meetings between the Executive Lead (David Thomas) and the Executive Head Spatial Planning (Les Crump); regular member briefings on major development proposals, such as Tesco, Edginswell and Wall Park, Brixham; regular discussions with Members about the new Local Plan; Chair, Vice Chair and Executive Lead briefings before each DMC.

Ongoing Improvement: Strategic Planning & Implementation continues to consider ways of improving performance. 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 peoples 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 a balance of measures is included in this report.

The report covers measures in relation to (2) Local and Neighbourhood Plans, (3) housing delivery, (4) the creation of jobs, (5) planning appeal decisions, (6) performance on Major planning applications, (7) the consistency between officers and the committee in decision making, (8) changes to government policy and procedures, and; (9) forthcoming (pipeline) projects.

2. Local and Neighbourhood Plans

Following a well attended (24 Members were present) meeting of the Place Policy Development Group (on 18 June 2013) and a Council resolution on levels of growth (on 15 May 2013), the Local Plan is now moving towards consultation on the submission version of the Plan in August / September 2013, with a view to submitting the Plan to the Inspectorate in October 2013.

The production of Neighbourhood Plans, led by the community, is also progressing very well. Torquay Neighbourhood Forum has secured £7,000 of Government funding to help produce a draft Neighbourhood Plan. Paignton Neighbourhood Forum has also secured £7,000 of Government funding to enable consultation on a draft Plan. Community Partnerships in Paignton are each developing sections of the Plan, with activities including a very well attended consultation event, on Paignton Town Centre, in a shop in the town centre.

Brixham Neighbourhood Forum has recently produced a cohesive draft Plan, which will be refined over the next few months. Every effort is being made to ensure a strong correlation between the Local Plan and Neighbourhood Plans.

3. Housing delivery

5-Year Housing Supply

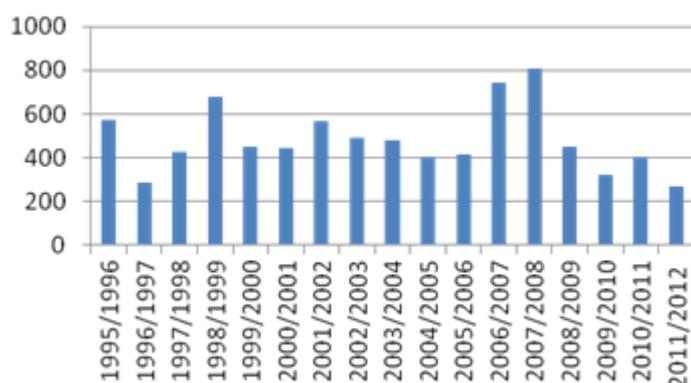
Recent DCLG interim household projections (2013) can be used to show the need to provide for at least 2,200 new homes over the next 5 years. These projections carry a lot of weight, as shown by the Wall Park and Area 4 South Public Inquiries.

We have outstanding planning permissions for around 1950 homes (e.g. White Rock; Yannons; Oldway). There are around 225 units that can be delivered, in the next 5 years, on sites with a pending planning permission (such as Tesco, Brixham) and other sites, such as Great Parks Phase 2, which have yet to submit for planning permission. There are also windfall sites, which generate around 130 units per annum, totaling approximately 650 units over the next five years. Consequently there is land available for around 2825 new homes.

The long term (20 year) average for housing completions is 450 per annum. In the last 3 years (2009/10 – 2011/12) this has dropped to an average of 390 – as shown in the graph below. It is expected that completion of new homes in 2012/13 will be much lower than the average for the three previous years. Delivery rates on major sites have

dropped by about 2/3rds, from 70 homes per annum to 25 homes per annum. This reflects demand in the housing market and is not a consequence of a lack of supply or choice of deliverable housing land.

Table 1: Housing completions in Torbay (195/96 – 2011/12)



Consequently Torbay Council has at least a 5 year housing land supply. This will no doubt be tested at the next public Inquiry. However, the Council is confident of defending an appeal on the basis of existing and emerging evidence.

New Homes Bonus

The following New Homes Bonus (NHB) figure for 2013/14 (i.e. the amount we'll receive this financial year) is a 'rolled-up' figure. In other words it is cumulative, that is to say that a house built in the first year of NHB (2011/12) will have attracted NHB for the last three years and therefore will count in each year to date.

Torbay received approximately £ 600,000 in 2011/12; £1.1M in 2012/13 and £1.6M (£1,623,254) for 2013/14. As established in the comment above on 5 year housing supply, the Council maintains that the lack of a more significant increase in NHB reflects a downturn in building rates (due to market conditions) rather than a lack of deliverable planning permissions.

4. Jobs and investment

Appendix 1, attached to this report, demonstrates that, through projects that the planning department has been involved with, around 3700 FTE jobs and around £139M in construction value has been or will be generated through delivery of those projects in the Bay.

It should be noted that some projects have been implemented (e.g. homes built over the last 5 years), some may not be implemented at all and that others, e.g. White Rock, could take 10 years to complete.

However, the picture overall is of an Authority granting consent for employment led developments. Examples such as Yannons Farm (where the £2million junction has been completed and the new NHS PMU building is being constructed on site) demonstrate that delivery ambitions are being realised.

5. Planning Appeal Decisions

Since the last appeal report in January 2013 there have been 11 appeal decisions made. All of these were dealt with by the Written Representation method. Of the appeal decisions in this period, 10 were dismissed and 1 was allowed, this results in a percentage dismissed of some 91%. This is well above the national average. 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.

A brief summary of the appeals dismissed is set out below, followed by the details of those appeals allowed. If Members require greater detail, please contact the case officer.

Appeals Dismissed (10)

Site:- Craig, Ilsham Marine Drive
Case Officer:- Scott Jones
LPA ref:- P/2011/1343/PA
Ward:- Wellswood
Proposals:- Erection of 5 apartments with pedestrian access
Issues:- Impact on the character and appearance of the area

Site:- 118 Westhill Road
Case Officer:- Scott Jones
LPA ref:- P/2008/1486/PA
Ward:- St Marychurch
Proposals:- Conversion of house to house and cottage with rear extension -two flats (4 units in total)
Issues:- Lack of 106 agreement, Inspector agreed with our justification for the requirement

Site:- Flat 3, 171 Westhill Road, Torquay
Case Officer:- Adam Luscombe
LPA ref:- P/2012/0261/PA
Ward:- St Marychurch
Proposals:- Change of windows from wood to PVCu
Issues:- Impact on character and appearance of the Conservation Area

Site:- Land adjacent to 29 Havelock Road, Torquay
Case Officer:- Adam Luscombe

LPA ref:- P/2012/0484/PA
Ward:- St Marychurch
Proposals:- Proposed new dwelling on site adjacent to 29 Havelock Road
Issues:- Impact on character and appearance of the Conservation Area

Site:- 56 Treliissick Road, Paignton
Case Officer:- Alexis Moran
LPA ref:- P/2012/0460/HA
Ward:- Blatchcombe
Proposals:- Alterations and extend garage by 1.8m and formation of extension over garage to form 2 bedrooms
Issues:- Impact on the character and appearance of the area

Site:- 10 Brantwood Crescent, Paignton
Case Officer:- Robert Pierce
LPA ref:- P/2012/1043/HA
Ward:- Goodrington with Roselands
Proposals:- Extension to existing garage
Issues:- Impact on the character and appearance of the area

Site:- 10 Langford Crescent, Torquay
Case Officer:- Jamie Staples
LPA ref:- 2010/0117/EN
Ward:- Watcombe
Proposals:- ENFORCEMENT CASE: Creation of a front dormer not approved and raising the roof line.
Issues:- Impact on the character and appearance of the streetscene

Site:- 20 Marcombe Road, Torquay
Case Officer:- Alix Cathcart
LPA ref:- P/2012/0505/PA
Ward:- Cockington with Chelston
Proposals:- Change of use from single dwelling house to dwelling house and independent ground floor flat - (retrospective)
Issues:- Whether satisfactory living conditions exist in terms of the accommodation provided, the daylight entering the rooms and the outlook from the flat and whether adequate 106 is provided

Site:- 2 Gillard Road, Brixham
Case Officer:- Robert Pierce
LPA ref:- P/2012/1291/HA
Ward:- Berry Head with Furzeham
Proposals:- Formation of a garage within driveway to the front of the existing property
Issues:- Impact on the character and appearance of the area

Site:- Beecroft Lodge, 10 St Andrews Road, Paignton
Case Officer:- Robert Pierce
LPA ref:- P/2012/0776/PA
Ward:- Roundham with Hyde
Proposals:- Replace existing wooden framed windows and doors to white UPVc double glazed windows and doors
Issues:- Impact on the character and appearance of the Conservation Area

Appeals Allowed (1)

Site:- 47 The Terrace, Torquay
Case Officer:- Alix Cathcart
LPA ref:- P/2012/0785/VC
Ward:- Tormohun
Proposals:- Variation of condition 3 - for the terrace to be used until 01:00hrs for the consumption of alcohol and until 02:00hrs for smoking.
Issues:- Impact on neighbouring living conditions (noise and disturbance)

6. 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 **66%** determined in time (4 out of 6 major applications). In addition, the **overall performance for the 2 years period** under which the Government will measure Authorities (30 June 2011 – 30 June 2013) is now at **37%** for Torbay. This **takes Torbay above the 30% threshold**.

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. We cannot afford for Major Planning Applications to be determined over time unless there are exceptional circumstances and only where we have written agreement from the developers (in which case the negative statistic will not be counted against us).

Approval rate for Major applications

Over the same 2 year period (**30 June 2011 – 21 June 2013, date of report**) Torbay has maintained an **approval rate on Major Planning Application of 84%**. Over the last quarter (**01 April – 21 June, date of report**) all of the 6 Major Planning Applications were approved (**100%**). These statistics give developers confidence that in working with the Council and entering into negotiations to deliver investment in Torbay, they are likely to obtain a favourable outcome except in circumstances where the development is clearly contrary to the Council's policies.

7. Committee Decisions and Officer Recommendations

Over the past 2 years (30 June 2011 - 21 June 2013, date of report) 269 decisions have been made at the Development Management Committee (include decisions to repeat acceptance of 106 terms and to extend approval time periods). Of that total number, 258 have been determined in accordance with the recommendation of officers and 11 have been overturned by the committee. This means that as much as **96% percent of committee decisions went with the recommendation**. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions.

This once again provides all 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.

8. Planning law and policy update

The following headlines from the DCLG confirm the most pertinent recent changes in planning legislation. In addition to this, changes that came into force on 25 June will make it easier for applicants to submit valid planning applications by reducing the requirement to include a Design and Access Statement (now only to be required for major development or development within Conservation Area s/ affecting Listed Buildings). In addition, validation changes from the 25 June will enable applicants to challenge an Authority's failure to validate an application.

The following summary text from the DCLG sets out the changes to permitted development that came into force on 30 May 2013:

"Communities Secretary Eric Pickles said the measures would ensure the very best use is made of empty and underused buildings, to provide much needed homes and businesses.

Home extensions

The measures include increasing the size of single-storey rear extensions which can be built under permitted development for a period of three years between 30 May 2013 and 30 May 2016. These larger extensions will be subject to a 'light-touch' neighbour consultation scheme.

Agricultural Buildings

Other measures will allow High Street premises to be used for new types of business without permission and existing agricultural buildings, under 500 sq m, will be able to be utilised for a range of new uses such as shops or offices, to provide more chances for rural businesses to diversify.

Businesses

People looking for premises to test new business ideas and other pop up ventures will find it easier to identify sites and open quickly: new retail ventures, financial and professional services, restaurants, cafes and businesses will be able to open for up to 2 years in buildings designated as A1, A2, A3, A4, A5, B1, D1 or D2 classes (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly).

Thresholds for permitted development rights for change of use from B1 (business) or B2 (general industry) to B8 (storage and distribution) classes and from B2 (general industry) or B8 (storage and distribution) to B1 (business) will increase from 235m² to 500m².

Schools

And in a move to assist the government's free schools agenda, a series of measures will also facilitate the conversion of existing buildings to become new state-funded schools."

9. Forthcoming (pipeline) projects

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

Site Address	Summary proposal	Status
Pgn Police Station	57 sheltered housing units	Live application, Aug DMC
Bishops Court	7 apartments and 18 houses	Live application, Sept DMC
Tesco Edginswell	Revised submission	Submitted 21 June
Scotts Meadow	Details for 155 dwellings	Pre-application
Wall Park Brixham	Revised scheme	Pre-application
White Rock	Details for 350 homes & employment buildings	Pre-application

In addition to the above live and imminent 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 other Major development schemes will be updated for members at the earliest opportunity.

10. Conclusion

Torbay is in a stronger position in relation to 5 year housing land supply than it was at the recent appeals at Wall Park and Scotts Meadow. Jobs are being delivered through planning consents and the flexible way in which schemes are being dealt with.

The Strategic Planning & Implementation team has seen recent success in relation to key indicators, 91% of appeals were dismissed for the period from Jan 2013 to end May 2013, well above average. The percentage of Major Planning Application determined within the 13 week statutory period is now 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 advertised for 2 new planning posts to fill positions in the agreed new structure. This follows recent redundancies and moves within the department and is required in order to return to satisfactory levels of performance in terms of delegated decision making and customer service.
- 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
- The restructure of the department and the creation of a single team dealing with applications has provided a flexibility in approach to enable work to be completed in a more timely fashion. Once vacant posts are filled it is envisaged that the department will be in a strong position to perform well against all relevant measures of performance.
- 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 to ensure consistency in decision making across the Bay

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Appendix 1: Estimated Economic benefit, Jobs and Homes through Planning Permissions

Place	Site	Specifics	FTEs	Construction value
Torquay	GA Building, St Marychurch	Retail, commercial units and residential	50	5,000,000
	Torwood St	Hotel and commercial space	203	15,000,000
	Palm Court Hotel Site	Apartments and commercial units	70	10,000,000
	Devon Studio School		35	2,600,000
Paignton	White Rock	Commercial, residential, POS	1135	60,000,000
	Part of Yannons Farm	Pharmaceutical manufacturing unit	15	1,000,000
	Oldway Mansion	Hotel and residential	70	14,000,000
	SDC Energy Centre	Education	416	5,000,000
	White Rock Innovation Centre	Business growth	220	6,000,000
	Sutton Seeds		10	250,000
Brixham	Tesco, Brixham	Retail, residential and parking	130	20,000,000
Torbay	New homes built	Approx 2400 homes over last 5 years	1150	
Total			3704	138,850,000