

Spatial Planning (Strategic Planning and Implementation Team) Performance Report **2013-2014 Annual Report**

Exec Summary

This report provides a summary of the performance of the Strategic Planning & Implementation Team (Spatial Planning) over the 2013-2014 financial year. The report gives members of the Development Management Committee an 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, along with the extent of ambition in Local Plans.

The Council is performing well against those indicators, which helps support the Council's and Torbay Economic Development Company's economic recovery plans. This performance is particularly impressive given the continued economic downturn (and therefore reluctance to invest) and the Council's budget reductions, which have directly impacted on staff resources.

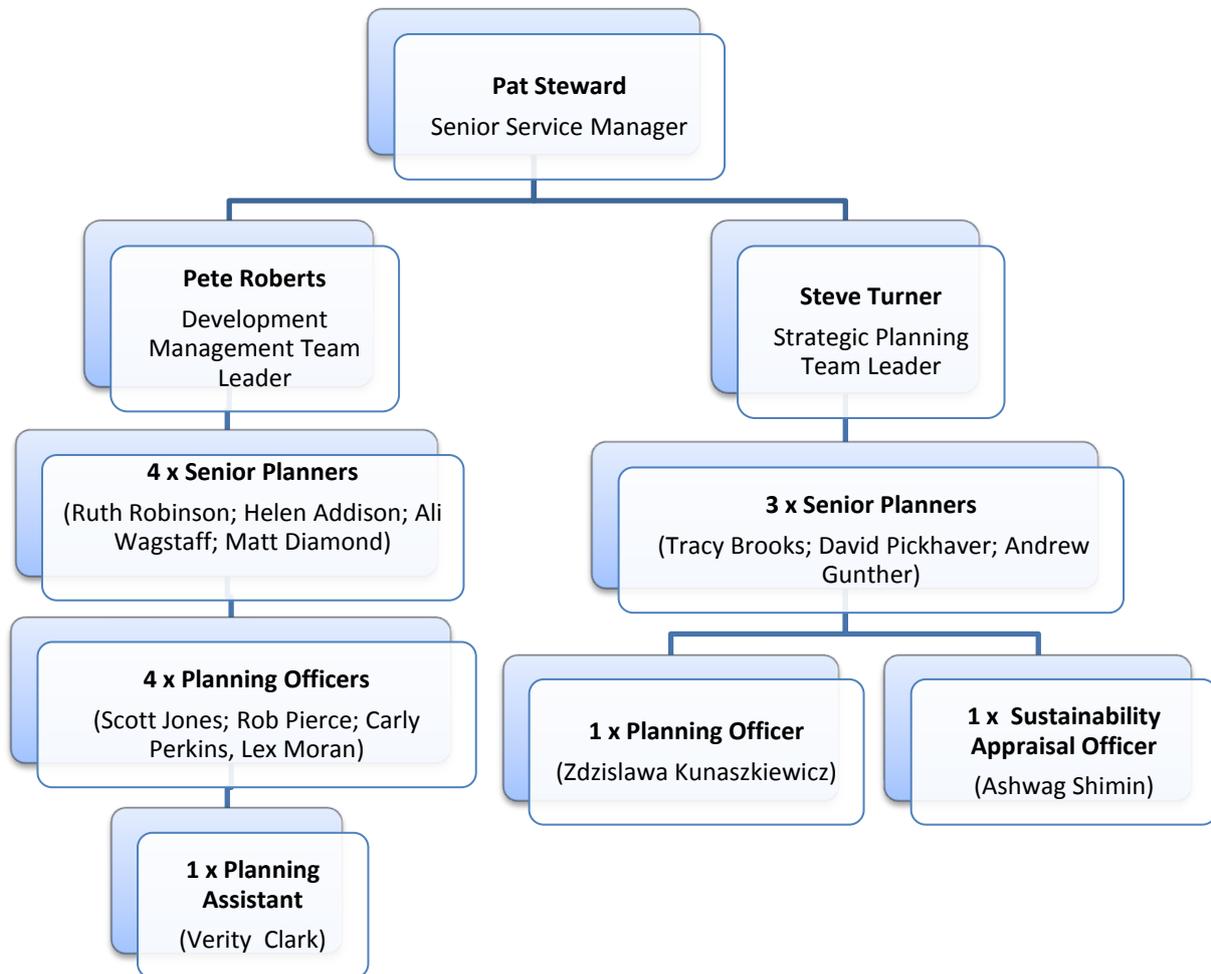
The headlines below set out what has been achieved to date.

Headlines

Performance is good and continuing to improve. Following restructure and staff redundancies in April 2013 a raft of changes have been made to improve the performance of the Development Management Team. Overall this has resulted in:

1. A one-team approach to Development Management (with a total of 9 officers handling planning applications across the Bay). The single team approach has provided opportunity for much greater flexibility and has enabled the backlog of work that was left over from 2012-13 to be completed. In addition, the team now provides much greater consistency for customers, through team peer review meetings, regular reviews of appeal decisions, team meetings and in-house officer guidance.

- The continued integration of Strategic Planning and Development Management helps achieve consistency and clarity, as well as robust policy development and decision making.



- As well as having a positive approach towards sustainable development and economic regeneration, the Development Management Team is commercially driven. For the past 2 years (2012-2013 and 2013-2014) the Development Management team has significantly exceeded its targets for 'one-off' application fee receipts (fees over £4,000). This year and last the team received over £300k in one-off fees for Major applications. This is well in excess of the previous 5 year average of £229k per year. This is a result of a project management approach, seeking to bring forward applications and engage positively with investors and developers.
- The Spatial Planning team is outcome driven and in the past year has negotiated positive outcomes in relation to (amongst others) the following major investments in Torbay:

- A. Palace Hotel, Babbacombe (approved at committee in March 2014 – P/2013/1209) – providing 130 jobs, around £100M investment, £4.5M visitor spend and 137 apartments, along with a total s106 contribution in excess of £1.5M.



Elevation of proposed improvements to Palace Hotel, Babbacombe (Application P/2013/1209)

- B. White Rock, Paignton (Reserved Matters approvals in 2013 and 2014 - P/2013/1009 + P/2013/1229) – providing around 1135 jobs, 350 homes (20% affordable) and an estimated £60M investment.
- C. Palm Court / Abbey Crescent , Torquay (amendments - P/2013/0470) – providing around 70 jobs, £10M investment, public realm improvements and an iconic development.
- D. Continued development at Yannons Farm & Parkbay, Paignton (P/2013/1282 + P/2013/0856) – which included £2.5M investment in Western Corridor improvements and a new Pharmaceutical Manufacturing Unit.
- E. Alfriston Road (Phase 2) Great Parks, Paignton ((Application P/2012/1074 issued on 20 March 2014)) – helping bring forward development on a long standing allocated site and a new community park.

- F. Devon Studio School (development on-site following fast track pre and post application process with officers - P/2013/0369) – providing around 35 jobs and £2.5M investment.



Perspective drawing and photo of ongoing development, Devon Studio School, Newton Road (Application P/2013/0369)

- G. Brixham Hospital (new care home), Brixham (approval followed positive negotiation and has resulted in a vastly improved scheme - P/2013/1342) – providing much needed bed spaces and improved care facilities.
- H. School extensions at Cockington, Coombe Pafford, Roselands and more – providing much needed new classroom space.
5. The new Local Plan is advancing towards Examination and Adoption. The Submission Version of the Plan has been published for consultation (until 7th April). The Plan will then be submitted to the Secretary of State, in July. The intention is to hold an Independent Examination in Autumn 2014, with the Inspector's report expected in late 2014 / early 2015 and formal adoption of the new Local Plan before the end April 2015.
6. Three community-led Neighbourhood Plans are in production, with support from the Strategic Planning Team. The intention is to take these Plans through Independent Examination and Referendum in mid 2015.

7. A masterplan has been completed for Great Parks Phase 2 and four masterplans are underway, covering Torquay and Paignton town centres, West Paignton and Torquay Gateway.
8. In terms of the key indicators (for the Government's special measures provisions) 100% of Major Planning Applications in this quarter were determined within 13 weeks. In the most recent statistics produced by the DCLG Torbay has an annual performance (to September 2013) of 71% for the determination of Major applications within 13 weeks. This is well above the national average according to DCLG statistics for the year to September 2013 (62%). There were only 35 other Authorities (out of 369) who had dealt with as many or more Major applications as Torbay and achieved as high a percentage within the 13 week target.

This is a significant achievement since Torbay was previously (in 2012) being highlighted as an Authority at risk of special measures (with less than 30% of Major applications being determined in time).

9. **Minor and Other applications.** There are no penalties for failing to achieve the Government targets of 65% for Minor and 80% for Other determinations within 8 weeks. However, Torbay is still seeking to meet customer and Government expectations and is aiming to achieve these targets. This has proven difficult over the past 2 years given competing priorities, staff cuts and the desire to obtain s106 contributions for smaller schemes such as individual dwellings.

That being said progress continues to be made against these targets. For the final quarter of 2013-2014 we have achieved 60% for Minor applications and performance continues to increase. Performance for this quarter is around 84% for Other applications, which is above the national target.

10. **Appeals performance** – Torbay had a dismissed appeal rate of 77% in the last Annual Statistical Report from the Planning Inspectorate (2012-2013). The national average was at the time 65% dismissed. As such Torbay was well above that average. In addition, it is noted that there were only 26 Authorities who had dealt with the same number of appeals or more which had a higher percentage than Torbay. That is out of a total of 369

authorities. Recent data from 2013-2014 shows a current dismissed rate for Torbay of 70% and 75% of appeals heard in this quarter report period (21 January to 16 March) were dismissed.

11. **Officer/Member consistency in decision making** – there remains a strong consistency between Officers and Members. Overall consistency of decision making is very high, with Members agreeing 94% of officer recommendations to Development Management Committee.

This annual report now covers in more detail **(1)** Local and Neighbourhood Plans, **(2)** masterplanning, **(3)** planning appeal decisions, **(4)** performance on Major, Minor and Other planning applications, **(5)** performance on Minor and Other applications **(6)** the consistency between officers and the committee in decision making, **(7)** changes to government policy and procedures, and **(8)** approved, commenced and forthcoming (pipeline) projects.

1. Local and Neighbourhood Plans

Local and Neighbourhood Plans have been produced, to date, in parallel. The Local Plan has been informed by Neighbourhood Plans and Neighbourhood Forums, whilst the evidence behind and policies within the Local Plan have informed Neighbourhood Planning. This should ensure significant consistency between Plans, but much depends on the response from Neighbourhood Forums to the latest version of the Local Plan.

In general terms, those parts of the emerging Local Plan that receive support from consultees (or little / no objection) will automatically carry a fair degree of weight in the decision making process. Those policies that are subject to objection / concerns will be fully tested at Examination and will not carry weight, in the decision making process, until the Inspector has published a report and/or the Council has adopted the Plan.

2. Masterplanning

Whilst the Council has commissioned the four masterplans (see Para 7 above), the production of each masterplan will include a strong element of community engagement.



Great Parks Masterplan, Paignton

The town centre masterplans will focus on key sites within town centres and delivery of development to help secure high quality town centres fit for the 21st Century. The masterplans for West Paignton and Torquay Gateway will focus on place making, infrastructure delivery and delivering a mix of jobs and homes.

All four masterplans will be completed before, and will inform, the Local Plan Examination. They will also be used to help secure investment, in sites and infrastructure, and will – it is anticipated – form key elements of Neighbourhood Plans.

3. Planning Appeal Decisions

The Public Inquiry into the decision of the Local Planning Authority to refuse permission for a Clubhouse and additional golf holes at Churston Golf Club (Application Reference P/2013/0019) will be held on 25th March. The appeal is scheduled to last for 6 days.

In addition an appeal has been lodged against the Council's decision to refuse consent for up to 175 dwellings on land at Collaton St Mary (REF: P/2013/0572). The Public Inquiry is likely to be heard in late summer 2014. It is also very likely that an appeal will be lodged against the Council's decision to refuse consent for a Tesco superstore and associated developments at Edginswell in Torquay (REF: P/2013/0677). That Inquiry will likely be held in late summer.

As to Torbay' appeal performance, the Council had a dismissed appeal rate of 77% in the last Annual Statistical Report from the Planning Inspectorate (2012-2013). The national average was at the time 65% dismissed. As such Torbay was well above that average.

In addition, it is noted that there were only 26 Authorities who had dealt with the same number of appeals or more which had a higher percentage than Torbay. That is out of a total of 369 authorities. Recent data from 2013-2014 shows a current dismissed rate for Torbay of 70%, and 75% of appeals heard in this quarter report period (21 January to 16 March) were dismissed.

In relation to appeal decisions, since the last appeal report in February 2014 there have been 4 appeal decisions. All of these were dealt with by the Written Representations method. Of the appeal decisions reported here, 3 were dismissed, a **75%** success rate over the last quarter.

Torbay remains above the national average for its appeal performance during this financial year (April 2013 to 16 March 2014) at **70%** when compared to the last year's (2012-2013) national average of 65%.

There now follows a brief summary of the appeals determined in this quarter (21 January to 16 March).

Appeals Dismissed (3)

Site:- Land off Penn Lane, Adj 19 & 21 Penn Lane, Brixham

Case Officer:- Scott Jones

LPA ref:- P/2013/0302

Ward:- St Marys with Summercombe

Proposals:- Single dwellinghouse

Issues:- Impact on neighbouring living conditions and the character of the area

Site:- 102 Sandringham Drive

Case Officer:- Helen Addison

LPA ref:- P/2013/1094

Ward:- Preston

Proposals:- Proposed extensions incorporating raising the roof ridge height, plus associated alterations (Re Submission of P/2013/0811)

Issues:- Impact on character and appearance of the host property and on living conditions of the neighbouring occupiers

Site:- Cary Cottage, Cockington Lane, Torquay

Case Officer:- Alexis Moran

LPA ref:- P/2013/1060

Ward:- Cockington with Chelston

Proposals:- Proposed double garage and log store

Issues:- Impact on character of the Conservation Area and over provision of parking

Appeals Allowed (1)

Site:- Thatch Croft

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/1171

Ward:- Wellswood

Proposals:- Redevelopment of existing house to replace roof, to construct a two story extension with under croft to the South East and single story extension North West.

Issues:- Impact on host property and the character and appearance of the area and impact on trees

4. Performance on Major, Minor and Other Planning Applications

Major Applications - determination within 13 weeks

Major applications are those for 10 dwellings or more, for 1,000sqm or more of floorspace or for 1 hectare (0.5 hectare for residential development) or more of land.

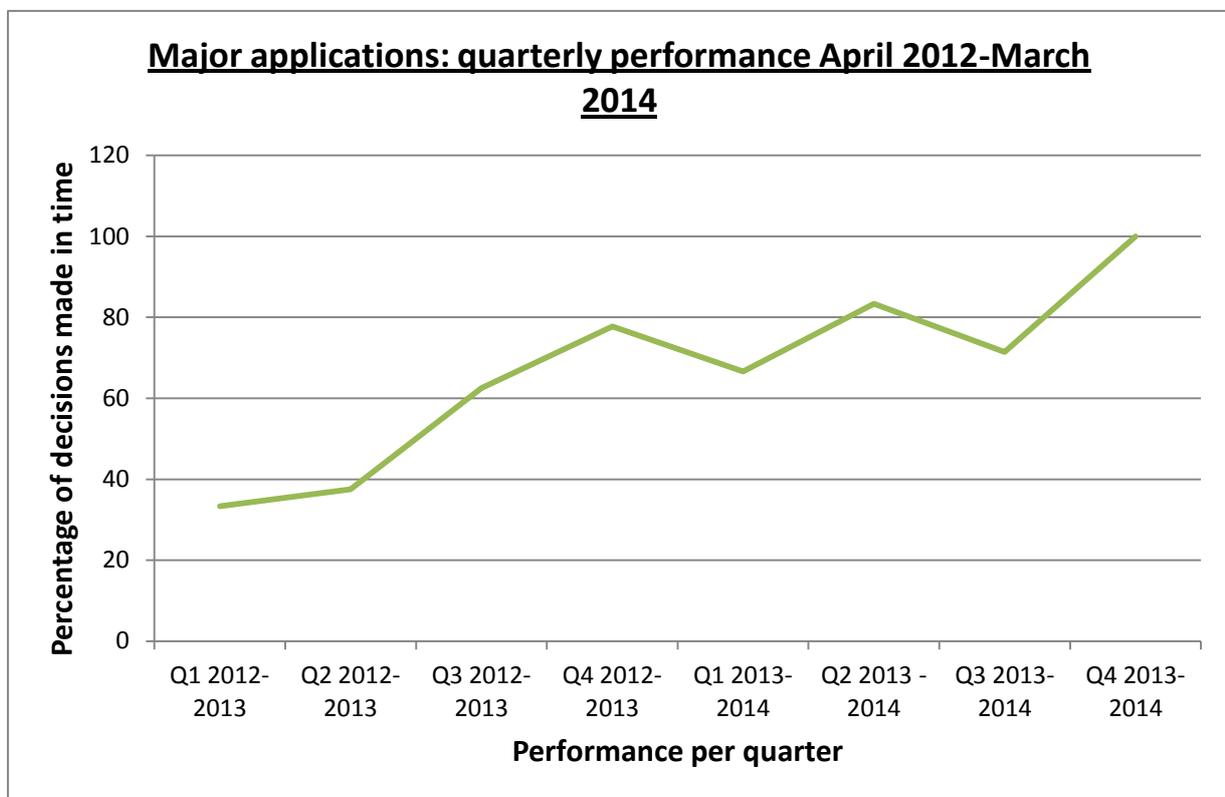
Following the enactment of the Growth and Infrastructure Bill, the Government has made its position in relation to the determination of Major Planning Applications very clear. Namely, Councils are expected to determine at least 30% (likely rising to 40%) of major planning applications within 13 weeks and be able to successfully defend at least 80% of those Major decisions at appeal.

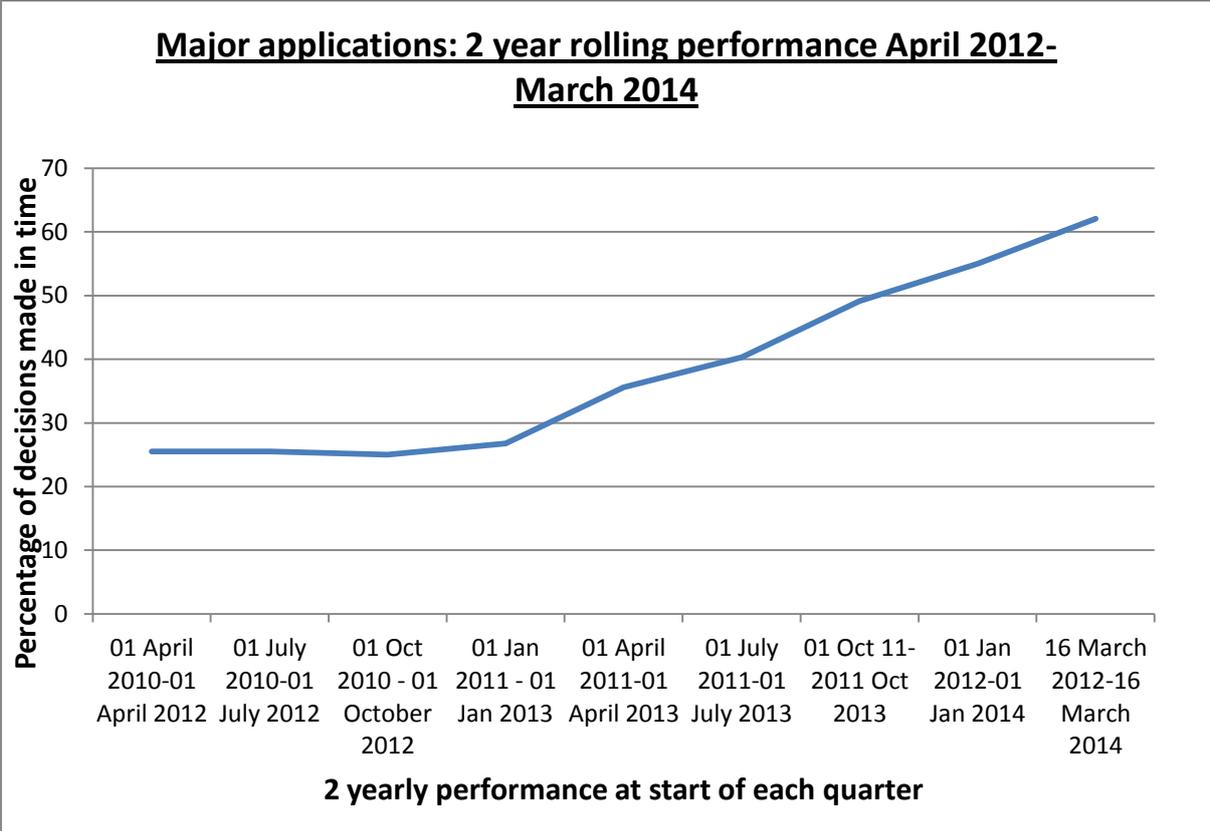
This has resulted in a change of approach across the Planning Service, determining applications within 13 weeks wherever possible whilst also securing high quality outcomes.

The change in approach has led to last quarter's performance on Major Planning Applications improving to 100% determined in time (4 out of 4 Major applications). The overall performance on a rolling 2 year period (16 March 2012 – 16 Mar 2014) is now up to 63% and improving very steadily, with the 12 month performance to September 2013 being up at 71%.

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.

The following graphs illustrate clearly this improvement in both quarterly returns and 2-yearly performance figures:





Major Applications Approval Rate

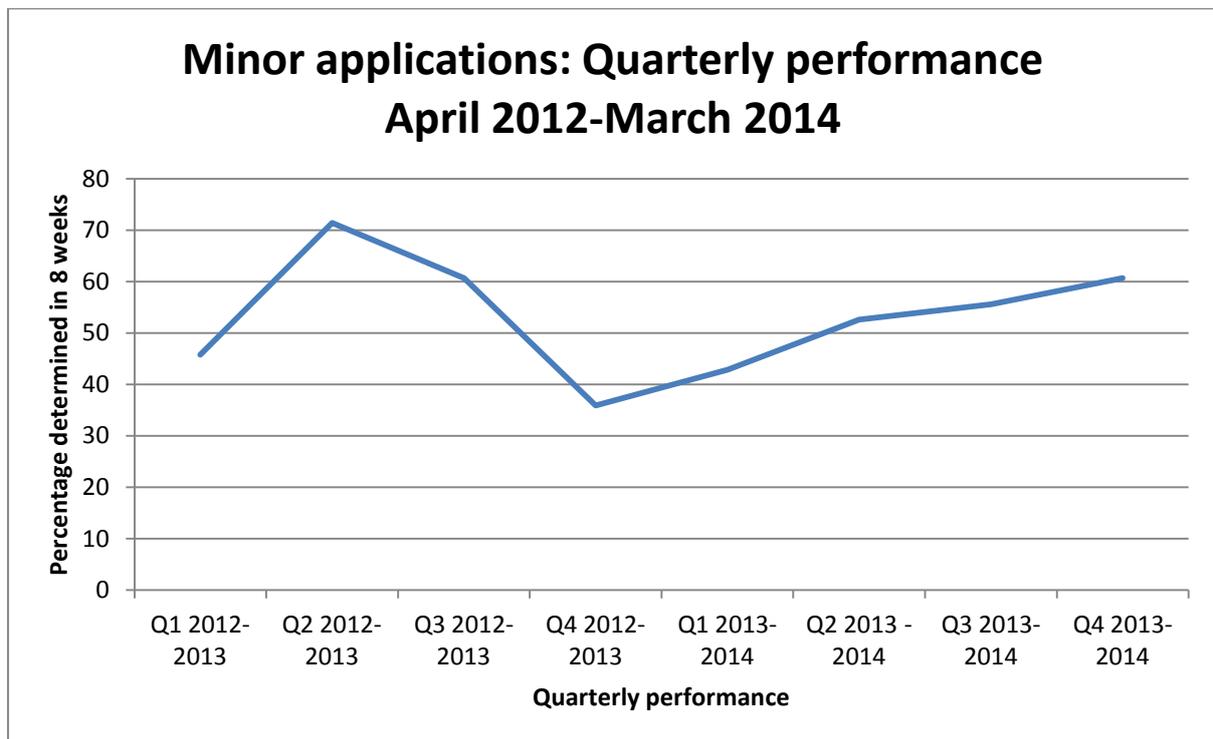
Over the 2 year period (16 March 2012 - 16 March 2014) Torbay has maintained an approval rate on Major Planning Applications of 83%. Over the last quarter (01 January to 16 March) all 4 of the Major Planning Applications determined were approved (100%).

Minor Applications

Minor applications are for small scale commercial development (under 1,000sqm / 1 hectare of land), and for residential schemes of less than 10 dwellings (under 0.5 hectare of land).

There are no penalties for failing to achieve the Government target of 65% determinations within 8 weeks for Minor Applications. However, Torbay is still seeking to meet customer and Government expectations and is aiming to achieve at least 65% for Minor applications determined in time. This has proven difficult over the past 2 years given competing priorities, staff cuts and the desire to obtain s106 contributions for smaller schemes such as individual dwellings. These applications are therefore often difficult to determine in 8 weeks, especially if there are objections or there is a need to draw up a s106 legal agreement.

That being said progress continues to be made towards the 65% target. The graph below shows how the team has responded following a dip in performance that is attributable to the redundancies and sickness absence that took place between August 2012 and April 2013. For the final quarter of 2013-2014 we have achieved 60% and performance continues to increase. Whilst it has taken longer than hoped to get towards the 65% target (due to out of date applications having to be issued to preserve levels of customer satisfaction), it is envisaged that within the 2014-2015 year, the 65% target will be reached and exceeded.



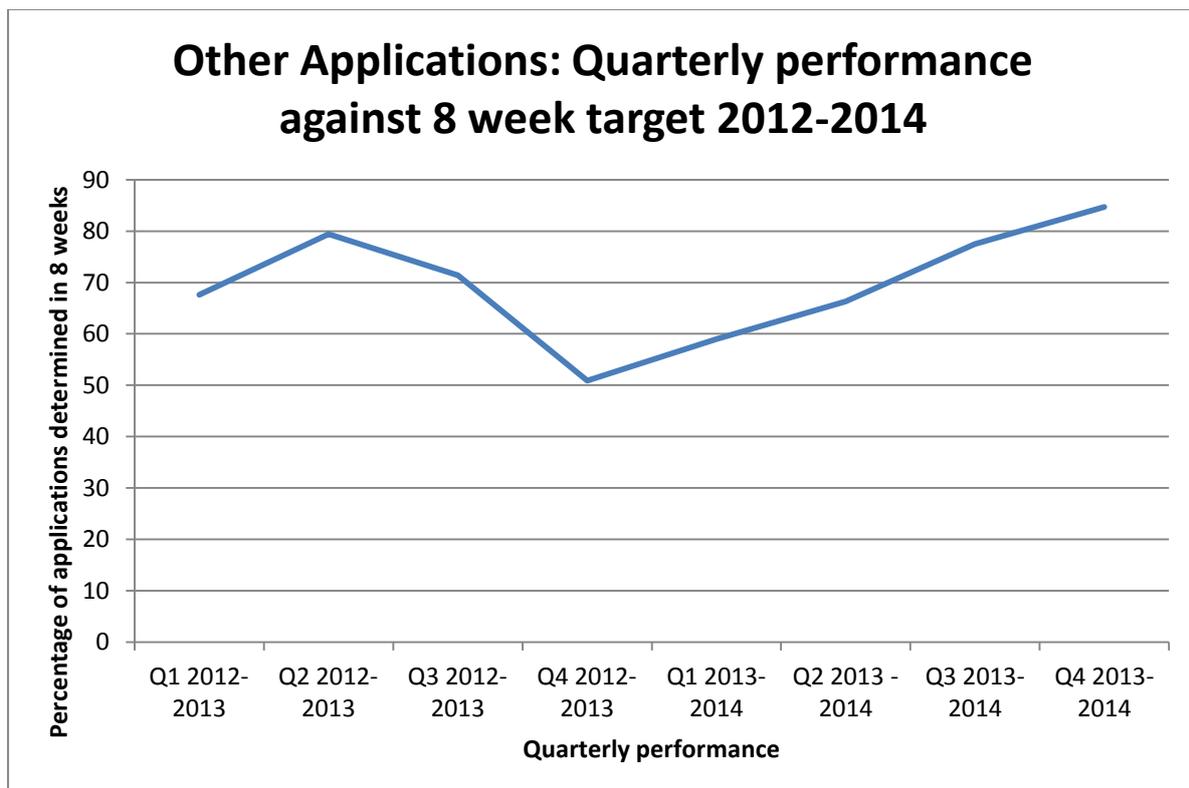
A number of changes have now been introduced to speed up decision making on Minor applications. These include encouraging more upfront payments, securing s106 information before validation and seeking withdrawal and resubmission of applications where revisions are needed to the plans. With these and further process improvements combined with a continual reduction in the number of out of date applications being determined, the team is confident about achieving the 65% target mid-year.

Other Applications

The remaining application types fall within the 'Other' category set by DCLG. These include, for example, householder applications (for extensions etc), changes of use, advertisements and listed building alterations.

Torbay has always performed well in determining these application types within 8 weeks. Recent figures show that, following a drop in performance attributable to staff losses at the end of 2012 and early 2013, the quarter to April 2014 is likely to reach more than 84%, which is now above the national target of 80% for Other applications.

The graph below shows Torbay's performance against this measure. The graph shows how the team has responded following a dip in performance that is attributable to the redundancies and sickness absence that took place between August 2012 and April 2013. For the final quarter of 2013-2014 we have achieved over the national target of 80% and performance continues to increase.



4. Committee Decisions and Officer Recommendations

Decisions made at committee are in the majority of cases consistent with the officer's recommendation. That consistency and strong working relationship with the Members has continued over the last quarter (21 January to 16 March), where 16 decisions have been made at the Development Management Committee. Of that total number 15 have been determined in accordance with the recommendation of officers and only 1 has been deferred by the committee. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions. Consistency over the past 12 months is now at over 94%.

5. Planning law and policy update

Nick Boles MP, has made it clear that the undersupply of housing does not, in itself, trump other policies in the NPPF. He made it clear that Green Belt policies continue to stand irrespective of a lack of 5 year housing supply. Paragraph 49 of the NPPF indicates that "relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a 5 year supply of deliverable housing sites". As such, the other policies of the Local Plan and the NPPF remain relevant to a decision even in the event of an under supply of housing land.

The Government has also announced further changes to permitted development and a full review of the General Permitted Development Order. This came out in the 2014 Budget speech. The intention is to provide a clear 3-tier system, where certain types of development are permitted, others are permitted subject to prior notification and the remainder (large scale applications) will need consent. In addition, changes are being considered that would enable shops outside of key retail areas to be converted to residential use without the need for permission. The same is suggested for warehouses and light industry structures. It is also stated that agricultural buildings could be converted to residential use without the need for planning permission.

6. Approved, commenced and forthcoming (pipeline) projects

The Spatial Planning team is outcome driven and in the past year has negotiated positive outcomes in relation to the following major investments in Torbay:

1. Palace Hotel, Babbacombe (approved at committee in March 2014 – P/2013/1209) – providing 130 jobs, around £100M investment, £4.5M visitor spend and 137 apartments, along with a total s106 contribution in excess of £1.5M.



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3. Palm Court / Abbey Crescent , Torquay (amendments - P/2013/0470) – providing around 70 jobs, £10M investment, public realm improvements and an iconic development.



- Continued development at Yannons Farm & Parkbay, Paignton (P/2013/1282 + P/2013/0856) – which included £2.5M investment in Western Corridor improvements and a new Pharmaceutical Manufacturing Unit.

Local Centre in Context



1112 Yannons Farm, Brixham Rd., Paignton



- Alfriston Road (Phase 2) Great Parks, Paignton ((Application P/2012/1074 issued on 20 March 2014)) – helping bring forward development on a long standing allocated site and a new community park.
- Devon Studio School (development on-site following fast track pre and post application process with officers - P/2013/0369) – providing around 35 jobs and £2.5M investment.



- Brixham Hospital (new care home), Brixham (approval followed positive negotiation and has resulted in a vastly improved scheme - P/2013/1342) – providing much needed bed spaces and improved care facilities.



8. School extensions at Cockington, Coombe Pafford, Roselands and more – providing much needed new classroom space.

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

Site Address	Summary proposal	Status
Scotts Meadow	Details for 155 dwellings	Pre-application
Wall Park Brixham	Revised scheme	Live application
Pavilions, Torquay	Hotel, car park, residential apartments	Pre-application
Riviera Bay, Brixham	Redevelopment to form new holiday lodges	May committee
Jewsons, Torquay	Redevelopment to provide 30 flats	Live application
Torwood Street	Revised scheme for hotel, offices and A3 uses	Pre-application

7. Conclusion

The Strategic Planning & Implementation team has demonstrated continued improvements over the past year in relation to Development Management. This has seen 100% of Major applications approved in time during the last quarter, a strong performance on drawing in planning fees (over £300k per year for the last 2 years), along with a strong (comparative to other Authorities) appeals performance. The team has played a pivotal role in the delivery of major investment in Torbay and continues to strive towards economic regeneration through the delivery of sustainable development.

Similarly, the Strategic Planning Team has made significant progress on the Local Plan, at a time when the sands of national policy are shifting. The robustness of the Local Plan has been backed by new evidence, commissioned and managed by the team. Real progress is also being made on Neighbourhood Plans, although the response of Neighbourhood Forums to the Local Plan will provide a true assessment of the conformity between neighbourhood plans and the Local Plan. The production of masterplans has enabled progress to be made on delivery at Great Parks and will support delivery of high quality outcomes in other areas of significant change within the Bay.

What are we doing to continue to improve the service?

- Further changes to support business growth and job creation in the Bay
- Procedural improvements to reduce the time taken to determine applications
- Forthcoming changes to the Local Validation List to make submitting a valid planning application easier

Report Authors: Pat Steward (Senior Service Manager) and Peter Roberts (Team Leader, Implementation Team)