

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

Issue 1 – 2014/15 (01 April to 23 June 2014)

Exec Summary

This report provides information on the performance of the Strategic Planning & Implementation Team (Spatial Planning). This gives members of the Development Management Committee the opportunity to oversee performance against a number of indicators.

The Council's performance against the statutory function of determining planning applications and producing a local plan is vital to investment in the Bay. Investors look at, for example, the degree to which Members follow officer advice, the percentage of approvals on major applications and how quickly those decisions are made.

The Council is performing well against those indicators, which helps support the Council's and Torbay Economic Development Company's economic recovery plans.

Headlines: The following areas of performance are highlighted given their importance in national measures of Local Planning Authority's; these indicate a strong and improving picture for Torbay in the national context:

83% of Major Planning Applications in this period (5 out of 6) were determined in time (either within 13 weeks or within the time agreed with the developer). On the basis of a rolling 2 year performance (the period against which LPAs are measured by the Government and in this case the period 23 June 2012 to 23 June 2014) this takes Torbay's performance on Major Applications up to 72%. This is now well above the current threshold, and the proposed threshold, for special measures and demonstrates our improving performance when measured against this national indicator.

80% of the appeals that were decided in the period 01 April to 23 June were dismissed. The Council continues to maintain a good performance at appeal, a key indicator of the quality of decision making.

Performance against 8 week time period:

Officers have worked hard to respond to the need to improve performance against 8 week dates and this has been steadily improving over the past 6 months. Annual performance for 2014 is currently at 57% for Minor application types and 77% for other application types. Performance so far this period (01 April to 23 June) is at 58% for Minor and 83% for Other application types.

Introduction

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

- (1) Local and Neighbourhood Plans,
- (2) planning appeal decisions,
- (3) performance on Major planning applications,
- (4) committee decisions and officer recommendations, and;
- (5) forthcoming (pipeline) projects.

(6) proposed thresholds for assessing performance

1. Local and Neighbourhood Plans

Consultation on the Submission Version of the new Local Plan was completed on 7th April 2014. The consultation exercise secured 142 representations and around 1500 comments.

The headlines of those responses are:

- Support from neighbouring Districts and the County Council;
- Support from the business community and TDA;
- About 50% of the objections were re Broadley Drive – a site identified as a potential development land, but one for the Neighbourhood Plan to allocate;
- Most statutory consultees were very supportive, but some minor changes are needed;
- There was very little comment about tourism policy, showing strong support for Local Plan policies;
- Four key organisations / groups raised objections – Natural England; English Heritage; Paignton Neighbourhood Forum; Housebuilders and Registered Providers.

Further work is underway to complete the evidence base, resolve objections where possible, appoint a Programme Officer and complete a range of submission documents. Work is also continuing on 4 masterplans, one purpose of which is to show how the Local Plan can be delivered.

The Council meeting on 17 July will consider a report recommending submission of the Local Plan, before end July 2014, with minor modifications. A July submission would allow an Examination (Hearing session) to take place, over a 3 week period, in late Oct/ early November.

2. Planning Appeal Decisions

Preparations are currently ongoing in relation to 3 Public Inquiries. These are the appeal by Tesco against the decision at Edginswell Business Park, the appeal by Churston Golf Club and the appeal by Taylor Wimpey against the decision in Collaton St Mary. These Inquiries will mean a very busy Autumn period for the Strategic Planning and Implementation Team with the Inquiries running back to back from the end of September through to the middle of November. This is also likely to overlap with the Examination period for the New Local Plan.

In relation to appeal decisions the most prominent decision since the last report was the decision at Ashlade on Great Hill Road. This appeal was dismissed. The decision is an important one in relation to the Council's approach to development in the Countryside Zone and AGLV. This case is useful in supporting the Council's recent decisions to refuse planning permission for a dwelling at Pine Lodge and to refuse the proposed Taylor Wimpey development at Collaton St Mary.

The Inspector states:

'In the circumstances described, I find that the proposed development would lead to the unwarranted intensification of existing sporadic development along Great Hill Road, beyond the settlement limit. This would have an undesirable urbanising effect on the junction, thereby eroding the soft edge of the settlement. This leads me to conclude on the main issue that the proposed development would cause significant harm to the form and setting of Torquay. The proposal is therefore contrary to saved LP Policies LS, L2 and L4.'

Importantly the Inspector also looked at para 55 of the NPPF and concluded that 'the special circumstances listed in paragraph 55 of the National Planning Policy Framework' *do not* 'apply'. Furthermore, the Inspector acknowledges 'the efforts made to minimise the visual impact of the proposed development by adopting a low-lying design incorporating a green roof and landscaping of the site', however, he confirms that 'these considerations are not sufficient to outweigh the harm' identified.

This appeal decision reaffirms the Council's Local Plan policy for development in the Countryside Zone and AGLV and will be a useful reference for future decision making.

In total, since the last appeal report in April there have been 10 appeal decisions made. Of the 10 appeal decisions reported here, 8 were dismissed, an 80% success rate over the last quarter. Torbay continues to perform consistently well at appeal, with its annualised appeal performance at 69% dismissed for the period 23 June 2013 to 23 June 2014 (22 out of 32 determined appeals).

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

Appeals Dismissed (8)

Site:- Merton Lodge, Middle Lincombe Road Torquay Case Officer:- Alexis Moran

LPA ref:- P/2013/0087 Ward:- Wellswood

Proposals:- Formation of dwelling with vehicular and pedestrian access

Issues:- Effect on the setting of Merton Lodge (Grade II Listed), impact on the Lincombes Conservation Area, effect on trees

Site:- 8 Sandringham Gardens, Paignton

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/0296 Ward:- Preston

Proposals:- Erection of dwelling land rear of 8 Sandringham Gardens

Issues:- the effect on the character and appearance of the surrounding area; and the effect on the living conditions of the occupants of neighbouring dwellings

Site:- Green Mantel 253 Torquay Road Paignton

Case Officer:- Alexis Moran

LPA ref:- P/2013/0818

Ward:- Preston

Proposals:- Alterations and extension to first floor residential dwelling

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

Site:- Flat 2 6 Courtland Road Paignton

Case Officer:- Robert Pierce

LPA ref:- P/2013/0863 Ward:- Roundham With Hyde

Proposals:- Demolish section of wall and reinstate pillars and gates to provide off road parking

Issues:- The main issue in this case is the effect on the character and appearance of the Conservation Area

Site:- 51 Barn Owl Close Torquay

Case Officer:- Scott Jones

LPA ref:- P/2013/1214 Ward:- Shiphay With The Willows

Proposals:- Rear extension & Internal alterations and additions to create 2 further bedrooms and additional living accommodation

Issues:- (a) the effect of the proposed development on the character and appearance of the area; (b) the impact of the scheme on living conditions in an adjoining dwelling.

Site:- Ashlade Great Hill Road Torquay

Case Officer:- Robert Pierce

LPA ref:- P/2013/0991

Ward:- Watcombe

Proposals:- Proposed dwelling in lower garden

Issues:- This is the effect of the proposed development on the form and setting of Torquay

Site:- Land Adjacent To 1 Cavern Mews And 8 Mount Pleasant Road Brixham

Case Officer:- Helen Addison

LPA ref:- P/2013/0377

Ward:- Berry Head With Furzeham

Proposals:- Construction of 6 terraced houses with access by a car lift service from Mount Pleasant Road with access road parking and revision to approved dwelling adjacent to 8 Mount Pleasant Road and North of Bolton Street, Brixham.

Issues:- These are the effect of the proposed development on (a) the character and appearance of the Brixham Conservation Area wherein the site lies; (b) the free and safe flow of traffic on an adjoining public highway; (c) flooding risks in the area; (d) the provision of community services; (e) nature conservation interests.

Site:- 52/54 Belgrave Road Torquay

Case Officer:- Scott Jones

LPA ref:- P/2013/0876

Ward:- Tormohun

Proposals:- Change of use from hotel to 8 holiday apartments and 2 residential units.

Issues:- Lack of s106 agreement, including holiday restrictions clauses and contributions

Appeals Allowed (2)

Site:- 31 Grosvenor Avenue Torquay

Case Officer:- Scott Jones

LPA ref:- P/2013/1190

Ward:- Shiphay With The Willows

Proposals:- 2 rear dormers in roof

Issues:- the effect of the proposed development on the character and appearance of the host property, the pair of which it forms a part and the area. (b) the effect of the proposed development on the living conditions of neighbouring occupiers with regard to privacy

Site:- 29 Grosvenor Avenue Torquay

Case Officer:- Scott Jones

LPA ref:- P/2013/1199

Ward:- Shiphay With The Willows

Proposals:- New dormer to rear elevation

Issues:- the effect of the proposed development on the character and appearance of the host property, the pair of which it forms a part and the area. (b) the effect of the proposed development on the living conditions of neighbouring occupiers with regard to privacy

3. Performance on Major Planning Applications

Determinations within 13 weeks

Councils are expected to determine at least 60% of major planning applications within 13 weeks. Last quarter's performance on Major Planning Applications was 83 % determined in time (5 out of 6 major applications). The overall performance on a rolling 2 year period (23 June 2012 to 23 June 2014) is now up to 72%. This is not only well above the national indicator target, but substantially clear of the threshold for special measures, which is currently set at 30% and set to rise to 40% in the near future.

Approval rate for Major applications

Over the 2 year period (23 June 2012 – 23 June 2014) Torbay has maintained an approval rate on Major Planning Applications of 80%. In addition, over the last quarter (01 April to 23 June 2014) all 6 of the Major Planning Applications determined were approved (100%).

4. Committee Decisions and Officer Recommendations

As has previously been reported decisions made at committee are, in the majority of cases, consistent with the officer's recommendation (approx 95% over a 2 year period).

That consistency and strong working relationship with the Members has continued over the last quarter (01 April to 23 June 2014), where 9 out of 10 decisions have been made in accordance with the recommendation of officers. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions. This level of consistency in decision making provides applicants with a high level of certainty that the eventual decision will be likely to tally with the advice they have received through the negotiation process.

5. Forthcoming (pipeline) projects

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

Site Address	Summary proposal	Status
Lansdowne Hotel	14 Flats	July DMC
Pavillions	Hotel, Flats, Car Parking	Sept DMC
Scotts Meadow	155 Dwellings (RM)	July DMC
Torwood Street	Hotel, Offices, Commercial	App Awaited
Sharkham Village	31 Dwellings	App Awaited
Riviera Bay	Holiday Lodges	August DMC
Wall Park	Dwellings, Caravans, Sports etc	August DMC

6. Proposed thresholds for assessing performance

Following consultation earlier this year on planning performance and continued planning reform, the Government has issued a response and guidance on new thresholds for assessing performance. The headlines of this are as follows:

- LPAs should determine at least 40% of major applications (not requiring an EIA) in 13 weeks;
- No more than 20% of decisions on major applications should be overturned on appeal;

- LPAs that have determined two or less major applications during the two year monitoring period will be exempt from special measures

These recommendations have not yet been enacted.

These proposed changes also require this Council to put in place a more formal mechanism (a Planning Performance Agreement) for dealing with major applications that are likely to take more than 13 weeks to determine.

Conclusion

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

However, the proposed changes to the thresholds for assessing performance mean that the Council needs to maintain and, if possible, improve its performance. There is no room for complacency. The loss Pete Roberts, as Team Leader for Development Management will make it harder for the LPA to maintain its performance over the next 6 – 9 months.

Members are always keen to see approved development implemented 'on the ground'. To that extent, Strategic Planning & Implementation will be looking at ways it can support delivery of development following issue of decisions. For example, the team will seek to make quick decisions on pre-commencement conditions and on amended drawings.