

## **Agenda Item No.**

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|---------------------------------|--|
| Title:                          | <b>Report of the Scrutiny Committee concerning the Planning and Economic Development Portfolio</b> |
| Chairman of Scrutiny Committee: | <b>Cllr Phillips OBE</b>   |
| Portfolio Holder:               | <b>Cllr Osborn – Planning and Economic Development</b>   |
| Reporting Officer:              | <b>Paul Mountford – Policy and Communications Manager</b>  |
| Key decision:                   | <b>No</b>  |

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### **Purpose**

The purpose of this report is to present to Cabinet the recommendations of the Scrutiny Committee concerning the Planning and Economic Development Portfolio.

### **Background**

Councillor Osborn attended the Scrutiny Committee on 19 October to present the current issues and challenges within his portfolio. He provided the Committee with written replies to a number of questions which had been raised by the members of the Committee and consideration of these was deferred to the Scrutiny Committee meeting on 30 November.

### **Main issues**

On 30 November the Scrutiny Committee considered the key issues arising from the information provided by Councillor Osborn. A copy of the report is attached as Appendix A. The Committee reaffirmed it's view of the need to ensure that all PDG is used to support the work of the planning function and not for other purposes.

### **Financial implications**

There are no direct financial implications.

### **Legal implications**

There are no legal implications arising from this report.

## **Human Rights**

The Human Rights implications of the actions recommended in this report have been considered.

## **Background papers**

Report to the Scrutiny Committee 30 November 2005 – see Appendix A.

## **Recommendation**

Cabinet is asked to:

- Support the Scrutiny Committee view about the use of PDG and confirm that the PDG is to be used solely for the planning function.
- Obtain a copy of the specific proposals of the Planning and Economic Development Portfolio Holder for spending the Planning Delivery Grant in the coming year. Also, to confirm the strategy for sustaining planning functions once the PDG has ended.
- Consider how it will take into account the strategic policy and resource implications of the Scrutiny Committee's recommendations.

## Appendix A

|                    |  |
|--------------------|--|
| Title:             | <b>Issues arising from the Planning and Economic Development Portfolio Holder's presentation</b> |
| Portfolio Holder:  | <b>Cllr Osborn – Planning and Economic Development</b>   |
| Reporting Officer: | <b>Marie Lindsay – Policy and Scrutiny Officer</b>   |

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### **Purpose**

The purpose of this report is to enable the Scrutiny Committee to consider any necessary follow up action following Councillor Osborn's presentation to the Committee on 19 October 2005.

### **Background**

Councillor Osborn attended the Scrutiny Committee on 19 October to present the current issues and challenges within his portfolio of Planning and Economic Development. Members of the Committee provided advance notice of the questions they would like to ask and these, together with the written responses of Councillor Osborn, are attached as Appendix 1.

The written responses to the questions were not circulated in advance of the meeting and the Chairman felt that further time was needed in order to give them proper consideration. It was therefore decided to defer the consideration of any further action or recommendations to Cabinet to this meeting of the Scrutiny Committee.

### **Main issues**

The key issues and suggested actions arising from the discussions are detailed below.

#### ***What progress is being made with making enforcement activity more effective?***

Enforcement is a priority within planning and a decision has already been made to set up a task and finish group to look at this issue in due course.  
To be reviewed in six months time.

#### ***What effect has the Planning Delivery Grant (PDG) had on the service and what will be the effect on the planning function and performance when it has ended?***

It was considered important that the PDG is spent wholly on the planning function. The issue of the long term revenue implications of using PDG to fund new posts was also raised. Cabinet is to be asked to confirm that the PDG is to

be used solely for planning and to explain it's strategy for sustaining planning functions once the PDG has ended. Also, to list the specific amounts receivable for 2005-06 and 2006-07 (estimated) and on what they have been or are to be spent.

***Planning applications – the volume of work, staffing levels and performance against national performance indicators.***

At the time of Cllr Osborn's presentation to the Committee, it looked unlikely that by the year end the target time for processing major applications would be met. One reason for this is the large backlog of cases, the processing of which keeps the performance figures down.

This performance indicator (BV109a - % of major applications processed within 13 weeks) has since been highlighted by the Performance Monitoring Group as an area of concern. There are implications for the Council in possibly becoming a Standards Authority and the group have, in a separate report, asked the Scrutiny Committee to draw Cabinet's attention to this matter.

**Financial implications**

There are no direct financial implications.

**Legal implications**

There are no legal implications arising from this report.

**Recommendation**

The Scrutiny Committee is asked to:

- Review the position on Planning Enforcement in six months' time
- Support the work being carried out by the Performance Monitoring Group on BV109a and their separate recommendations to Cabinet
- Ask Cabinet to obtain a copy of the specific proposals of the Planning and Economic Development Portfolio Holder for spending the Planning Delivery Grant in the coming year. Also, to confirm the strategy for sustaining planning functions once the PDG has ended.

**Councillor Jeff Osborn - Planning and Economic Development  
Portfolio  
Responses to Scrutiny Committee – 19 October 2005**

**1. What progress is being made with making the enforcement activity more effective? (Cllr Bower)**

Enforcement team restructured – two enforcement officers dealing with complaints and two compliance officers to secure implementation of development in accordance with approved plans, conditions and agreements.  
All posts filled with the replacement for a member of the team who retires in November joining on 20 October 2005.  
Planning enforcement policy being considered by Cabinet on 26 October 2005.  
Introduction of Caps Uniform I.T module on schedule for December.  
Inroads being made into backlog cases.  
Performance criteria being established.

**2. Explain the planning process in ten words (Cllr Manasseh)**

Application - policy / material considerations - planning decision - refuse / defer / permit - implement

**3. What effect has the Planning Delivery Grant had on the service?  
What will be the effect on the planning function and performance when it has ended? (Cllr Phillips)**

Planning Delivery Grant (PDG) has enabled the section to improve its performance in most areas and to sustain and build on those improvements. This has involved funding the greater use of external consultants and some posts within the section. Work that has been funded by PDG to introduce new IT systems and build on existing systems, notably in terms of data handling will be of continuing value in the future and to fund Planning Policy projects in areas such as affordable housing, open space and urban design will be of considerable benefit to the section in the future.

PDG is scheduled to last until 2008 and from the planning press it seems that discussions are beginning about some form of continuing or replacement funding at the end of this period. Nevertheless, this is the time to begin putting together a PDG exit strategy given the uncertainty that exists beyond 2008.

**4. What is the volume of work being generated from planning applications this year compared with last year?  
What are the figures when split into major and minor planning applications?  
Are staffing levels adequate?  
Are performance indicator targets being met?  
(Cllr Tony Phillips)**

2004 – Applications – 2235  
Major – 66  
Minor - 466  
Other - 1424  
Notifications etc – 279

2005 – Applications – 2180  
Major – 55  
Minor - 475  
Other - 1384  
Notifications etc – 266

Figures are based on decisions made in the year. Numbers for 2005 are a projection based on first nine months of year.  
We sought to restructure the team to give an average case load of 150 applications and notifications per case officer. For this year we are running at about 165 applications and notifications per officer.  
Performance indicator targets for the first six months of the current municipal year point to the targets being met for minor and other applications. Majors remain a difficulty as resolving backlog cases continues to hold down performance figures.

**5. It has been suggested that from November 2005 there will be four planning enquiry meetings each month.  
How will this be managed?  
Are there adequate resources to cover the other work which will still need to be carried out within the Planning Department?  
(Cllr Phillips)**

There will be six planning hearings or enquiries in November and early December. This is unusual and reflects part of a national which saw a substantial increase in the number of planning appeals during 2004 / 5.  
This has been managed by combining the use of WWDC staff and consultants. Three of the appeals are being handled by a consultant acting on behalf of the council. The other three have been taken forward by different officers from the Development Control team (in one case with the support of planning policy and housing officers) spreading the additional workload through the team. Legal advocacy on the enquiries is from outside the council.  
Much of the work on these appeals – the preparation of appeal papers etc - has been completed already.

The department's staff levels take account of appeal work but it is inevitable that major cases for example one of these appeals and the recent enforcement case involving gypsies in Melksham will have some effect on other work. It is felt that these impacts have been minimised in these cases.

Planning Delivery Grant has helped enable use to be made of consultants and outside advocates

**6. What are the implications in respect of the reduced legal support now that the Legal and Democratic Services Manager is only available three days per week?**

**(Cllr Phillips)**

The reduced time that the Legal and Democratic Services Manager is available is offset by higher staff numbers in the legal section than was the case a year ago. New working arrangements, particularly identifying the priority areas of planning agreements, appeals and enforcement are being looked into.

On balance I do not feel that legal support to planning will be reduced.

**7. Are there still the same volumes of work within the Consortium?**

**What is the current position regarding fee income?**

**(Cllr Phillips)**

For the six month period to end of September the number of submissions has increased compared to the same period last year although the fee income is down.

| <b>Year - (Apr - Sep)</b> | <b>No. of Submissions</b> | <b>Income</b> |
|---------------------------|---------------------------|---------------|
| 2004 - 05                 | 597                       | £207,560      |
| 2005 - 06                 | 701                       | £198,221      |

This is also reflected across the Wessex group of authorities. It is likely that this is due to the general economic slowdown. It should be noted that there has not been an increase in the number of projects being controlled by 'Approved Inspector' competitors.

**8. What affect is the recent new legislation, e.g., the LDF having on the work of the Planning Policy team? (Cllr Phillips)**

The new planning legislation has had a significant impact upon the work of the Planning Policy team, defining the future programme of policy work and determining the immediate priorities, for example, the production of the Local Development Scheme by March 2005 and the Statement of Community Involvement by September 2005. The setting up of the new LDF requires the development of an evidence base which has resource implications. The Planning Delivery Grant has enabled these requirements to be met to date.

**9. Please provide an update on the Regional Spatial Strategy.  
What is the affect on the number of houses and the implications for S106  
agreements? (Cllr Phillips)**

The County Council has recently submitted its detailed proposals for future Regional Spatial Strategy housing distribution between the Wiltshire districts to the Regional Assembly. Cabinet considered a paper on this in September 2005 and resolved to support the County's proposals. These envisage a gradual reduction in housing levels at West Wiltshire between 2006 and 2026, but would not require any de-allocation of current sites to meet these figures.

On 11 October 2005, officers from the Regional Assembly met members and officers from the Wiltshire authorities to brief them on the contents of the first draft of the Regional Spatial Strategy.

The draft Strategy includes some positive statements; such as references to Trowbridge as a strategically significant town; recognition of the interdependence of some settlements and the need to work together - Bath/Trowbridge/Frome; references to meeting the needs of market towns and references to encouraging strategic employment sites at strategically significant centres. However, a number of issues remain of concern to Wiltshire authorities; particularly the very low level of housing proposed for the Wiltshire districts which in the case of West Wiltshire would require the deallocation of housing sites, and the high level proposed in Swindon; the lack of references to how the region will help to deliver infrastructure - e.g. no mention of regional investment in areas outside the principal settlements; no targets or new mechanisms for affordable housing delivery; some confusion over the extent of sub regions and in particular the relationship between West Wiltshire and "the West of England" (i.e. Bristol/Bath/Weston).

The Assembly will be voting on the first draft RSS on 21 October 2005. Further stakeholder meetings and technical work will take place in November, with further Assembly meetings in January 2006 and on 10 March 2006, when the final draft RSS has to be submitted to Government for consideration and examination.

**10. What is the position regarding affordable housing policy in rural areas  
and the requirement for a contribution of up to 50%?**

**What affect will this have?**

**Is it sustainable?**

**(Cllr Phillips)**

Affordable housing policy in rural areas was approved by Council in March 2004 when the District Plan was approved for adoption. Supplementary planning guidance was considered and approved by Cabinet in August 2005, to help applicants meet the requirements of affordable housing policy.

The implementation of affordable housing policy is currently being monitored and results to date will be reported in the Annual Monitoring Report, produced by the



Planning Policy section in December 2005. The affordable housing policy is due to be reviewed during 2006 following the completion of a Housing Needs Survey which should be completed by spring 2006.

A key part of achieving sustainable development, is delivering balanced and mixed communities. The affordable housing policy is part of the way that these mixed communities can be delivered.

#### **11. Please give your perspective on the progress of 'Transforming Trowbridge' (Cllr Phillips)**

- Moving forward very positively
- Progress around a number of the key projects
- It is important to understand that “Transforming Trowbridge” is the overall project - there are a number of projects under the overall umbrella being taken forward
- We have been making good progress across the board with permissions being granted, work starting on site in a number of cases and pre-application discussions on other sites
- The Partnership continues to work positively together – we have recently appointed a new Chair, Chris Macer – Chris’s appointment continues the strong links with the private sector around this project. I know that Chris is determined to focus on positively promoting Trowbridge.
- There has and continues to be a positive response from the market and commercial developers, continuing the strong interest in Trowbridge as a location
- We have recently had a well received re-launch as we move from Vision to Transforming
- Key projects such as the Waterside Project are moving forward positively with strong and continuing support, we are making progress and remain very positive, but of course there can still be no guarantees

#### **12. What are the timescales for progressing the project?**

There are many timescales involved as there are now a number of projects running under the main umbrella of ‘Transforming Trowbridge’

So a few of the key dates for some of the main developments.....

##### St. Stephens Place (Old Tesco’s)

|   |              |
|---|--------------|
| Commencement on site                            | 31 May 2005  |
| Commercial units are available to let on/before | 30 Sept 2006 |

##### Castle Place

Application lodged

31 May 2005

Commercial units available to let

30 Sept 2009

Waterside Project (Land opposite County Hall, Cinema Project)

The Project is now entering Phase 3 which is the subject of a report to Cabinet next week, key dates and stages in the process from now are;

- The submission of an Outline Planning Application in November, assuming that this month's meetings of Council's Cabinet give their approval.
- It is hoped that planning consent will be granted early in the first couple of months of next year.
- Following which the site will be offered on the open market with a preferred developer selected around July 2006. This would enable contracts to be exchanged by the end 2006.
- Detailed Planning Consent secured by April 2007.
- Development on site would commence shortly thereafter.

**13. How much involvement will the Council have in the project in the future?**

The Council will continue to be a partner on the overall "Transforming Trowbridge" Steering Group.

Officers from the District will continue to work with developers and develop other key projects within the town.

In terms of our involvement in the Waterside Project we are involved in a number of ways

- as a landowner, as the Court Street Car Park is an integral element in the overall project
- as planning authority ensuring that the standards in the UDF are met and complied with
- as a partner on the Project Partnership Board which is shortly to be establish to take forward Phase 3 of the this project.