

Title: **Development Control Performance update - April to December 2008**

Portfolio Holder: **Cllr Michael Mounde**

Reporting Officer: **Robert Young – Interim Development Control Manager**

1.0 PURPOSE

This report summarises the performance of the Development Control Service in the previous three quarters i.e. from April- December 2008. It assesses the activity of the Development Control service in respect of planning applications, against the new National Indicator 157 (appendix 1) as amended by the Department for Communities and Local Government (CLG) and Appeals Performance(local indicator only) . Reference is also made to a Development Control Performance Action Plan formulated in October 2008 (appendix 2) in response to the need to focus the unit upon the main issues of application backlog reduction and improving the level of overall Development Performance. The report considers the positive impact which has resulted from the recent allocation of additional resources through central budget review and utilisation of the housing and planning delivery grant for 2008/9. It also identifies the key bottlenecks and constraints which have mitigated against WWDC achieving the required national targets. Reference is also made to the implementation of Vanguard system, and a review of current working practices in the unit.

2.0 INTRODUCTION

2.1 This is a report about the performance of the Development Control Service in relation primarily to current National Indicator (no. 157). It also identifies areas where significant improvements have been made in line with the current DC Action Plan for October –December 2008. It also reviews elements of current standard practice, and the level of staff resources which has until very recently mitigated against the more speedy delivery of major development and more complex minor applications within the District. There has been evidence of some entrenchment with some officers carrying excessive levels of backlog. Furthermore there has been a mixed level of service delivery specifically in relation to major applications subject to legal agreements which needed urgent attention if the unit was to reduce the overall application backlog and improve its planning service performance. It firstly covers the statistical performance of the Development Control Service for 2008/9, which is measured nationally by three indicators, in respect of planning applications and now local targets for enforcement and appeals, which are as follows:

- **Major applications** i.e. major residential, commercial and leisure applications. National target - 60% within 13 weeks, *

- **Minor applications** i.e. up to 9 dwellings. National Target - 65% within 8 weeks
- **Other applications** i.e. householder, advertisements, changes of use, trees, listed building consents. National target - 80% within eight weeks.

2.2 Overall CLG only includes applications in its quarterly returns where a decision has been issued and any Section 106 or other related legal agreement has been completed. Therefore when an application with resolution to approve with a legal agreement is not completed this is added to the backlog and ultimately adversely affects overall target performance

2.3 Major Applications - New Categories

Major applications are now split into two main categories:

Large scale majors comprise - 200 dwellings + major retail and commercial (10,00m² +)

Small scale majors comprise - 10-199 dwellings (1,000m² and 9,999m²)

2.4 Time Limit for Major Applications

The time limit for delivery is still 13 weeks or 91 days (see appendix 1) unless as separate agreement is made with an applicant called a Planning Delivery Agreement or Planning Performance Agreement which applies to only very large scale cases i.e. over 200 units.

3.0 BACKGROUND - PLANNING DELIVERY GRANT & MAJOR DEVELOPMENT

3.1 The Government requests that Local Planning Authorities give high priority to facilitate complex major development as the main driver in economic regeneration and has awarded higher levels of Planning Delivery Grant (PDG) over the past 5 years for good performance in that area. The CLG also gives PDG grant for minor and other application delivery within target. Hence in the past some of the top quartile planning authorities received higher levels of PDG by meeting one or all 3 BVPI 109 targets (now NI 157-appended) with recent grant bonuses for meeting all 3 targets.

3.2 In a target oriented environment there is potential to develop a more streamlined process for Section 106 agreements and by introducing unilateral agreements. This would be based upon a further business process review and the formulation of a dedicated team approach to more complex applications.

3.3 In respect of Major applications, a Development Team Approach would need to be adopted working with the former WCC and other Area Office hubs from April 09 onwards. The key objectives would be:-

- To improve the quality of our pre-application service for our customers through regular development team meetings to discuss cases with stakeholders including members.
- Develop pre-application guidance to customers including councillors and make it available on the Council's web site.
- Office based "Key sites" meetings should be attended by senior management and case officers from WCC and other stakeholders to identify main issues early on and provide a steer to the DC case officer, and the applicant/or agent.

- 3.4 Regular attendance at Development Team meetings, adherence to guidance and protocols by planning officers at WWDC will need to be at a significant level to ensure success. Increased levels of planning information are now accessible through the Council's web site. This will be expanded through the development of the planning unit's IDOX document management system. This means that reports whether delegated or committee will have to be "team based" and of consistent quality as they will be available on the web shortly after completion.

With the introduction of new draft Supplementary Planning Guidance for Section 106s, rolled out through a number of staff, stakeholder and councillor workshops, it is anticipated that the scope and level of Section 106 contributions will increase. At present WWDC is not operating a tariff based system for Section 106 agreements. This is subject to Government review.

- 3.5 Overall there will be a need to streamline the Section 106 processes to improve and sustain performance as legal agreements have been completed at a very slow pace over the past 5-6 years. Working practices have improved towards the 3rd Quarter and there has been a more stable staff base in the past year plus further additional staff resources employed in the 3rd Qtr. However, case officers still need to consistently monitor progress after permission has been granted subject to a Section 106 as the CLG only accounts for decisions formally issued. There is a need to liaise more closely with Head of Legal Services, and external organisations such as WCC to speed up their part of the service. Unilateral agreements will be introduced as a way of speeding up this process, particularly for less complex major applications (known as small scale) which will assist in expediting planning decisions.
- 3.6 There are a number of cases subject to a Section 106 over the statutory time limit of 13 weeks to 5 years old. As of October 2008 the application backlog (all cases over 8 weeks and 13 weeks) stood at 154 or 41% of all applications which was unacceptably high and was undermining overall DC performance and staff morale. Delays in processing were also not contributing towards the economic development of the District. Therefore one of the key priorities have been to reduce the backlog and thereafter drive up performance.

In fact with the implementation of the Dc Action Plan the number of overall backlog cases has been reduced by nearly 50% since October 2008. At the same time the minor and other application area performance has been improved, which is a very positive result with the unit meeting the NI targets

since November 1st 2008. Further progress is still required, as the backlog is still at 80 cases.

4.0 OUT OF TIME APPLICATIONS

Many complex and less complex applications had lain fallow for long periods i.e. in excess of the previous BVPI target date, or current N.I target with or without a recommendation / Section 106.

Plus, there has been a tendency for officer refusal even after long periods of protracted negotiation rather than focussing upon the 8 or 13 week deadline. The customer care approach is not to be criticised whereby officers have tried to negotiate but there are many examples of applications not being finally determined despite this approach.

Furthermore a higher refusal rate has then resulted in increased numbers of appeals, repeats applications and is not always providing some customers with an acceptable service or end product.

This is not considered to constitute best practice and management is working with all the DC staff to review this working method. There have been improvements following management reviews following the implementation of the Vanguard procedures to meet deadline schedules and improve working practices, as part of the overall team approach.

5.0 STAFF TRAINING

One of the key objectives of the DC Action Plan includes more opportunities for in house staff training and for external courses.

6.0 APPEALS

There is no longer a national indicator for appeals but the target is generally that not more than 40% of appeals be allowed in any one year. The appeal outcomes for 2007 and 08 are appended (Table 3).

7.0 CURRENT KEY ISSUES FOR DEVELOPMENT CONTROL 2009+

- To work to the key objectives of the DC Action Plan in terms of its speed and quality issues
- To improve the speed of delivery whereby the unit meets all three application national indicator targets for major, minor and other types of application within a realistic timescale 3-6 months i.e. by April 2009.
- To focus the additional staff resources in two areas: To process new applications within the statutory time limit and to facilitate the re-allocation of

out of date cases with a focus upon those subject to Section 106 agreements that have not been completed

- To develop further negotiating skills for all staff as part of the Development team approach.
- To focus upon reducing the major application backlog and streamline future working processes.

8.0 EFFECTS ON STRATEGIES AND CODES - POLICY BACKGROUND

- 8.1 The Government over the past three to five years has sought "to make the planning system more fair open and accountable with full community and private sector involvement". The "Planning Concordat" and recent Planning Policy Statements and Enforcement guidance are aimed at raising the level of LPA best practice.
- 8.2 Other objectives are achieving sustainable development, with an emerging more flexible development plan system, with openness and transparency involving local people and investors. As part of its drive for further efficiency in the processing of planning applications, the CLG publishes quarterly performance figures in a range of areas, including application statistics, appeals and enforcement data.
- 8.3 The White Paper called "Strong and Prosperous Communities" (October 2006) sought further community involvement in planning with changes to councillor involvement and a push for information sharing between councils and /or unitary status to improve efficiency with improved customer focus, responsiveness, reduced costs and a new performance framework.
- 8.4 There has also been a relaxation in respect of upper thresholds of residential density in line with PPS3, with a recommended minimum of 30 dwellings per hectare which was adopted in April 2007. This has put more pressure on LPAs with higher density schemes being submitted together with more complicated legal agreements. This needed a change of emphasis for legal agreements utilising unilateral agreements as a way of speeding up decision issuing for less complex major applications. This objective identified in the DC Action Plan

This report concentrates solely upon DC performance relating it to the West Wiltshire's DC's corporate local and national targets.

At the local level, the objectives of the DC Action plan are considered to be in accordance with the Council's corporate and service plan objectives

9.0 RISK MANAGEMENT IMPLICATIONS

The risk of no action would have been potentially "a hands-on interventionist approach" from CLG which would have been a more intensive and possibly wider ranging scrutiny. This would have diverted officer time away from implementing the DC Action plan formulated by the Interim Development Control Manager and supported by staff.

10.0 FINANCIAL IMPLICATIONS

The allocation of additional resources is being effectively used to reduce the high proportion of backlog cases whilst speeding up the determination of new cases. Currently the unit is also within budget (2008/9). This is being reviewed on a regular basis to ensure a high level of effectiveness.

11.0 LEGAL AND HUMAN RIGHTS IMPLICATIONS

There are no perceived areas of concern as the objectives of the DC Action plan involve delivering an effective DC service which also includes monitoring the level of quality of case reports and effective decision making.

12.0 NEXT STEPS

The DC Action plan is being implemented in an effective manner but there is still further progress to be made in a number of areas, but specifically major applications.

13.0 RECENT ACTIONS AND IMPROVEMENTS

Minor and Other performance is now under control with delivery from 1 November 2008 meeting the National Indicator target levels of 65% and 80% within 8 weeks respectively, (see Table 1). Overall performance for the past 6 years is also appended. (Tables 2, 4, 5 &6).

There is now more effective monitoring by the two DC team leaders in liaison with the Interim DC Manager and recognition by DC officers of the necessity and benefits of improved performance not only to our customer base, and members but also to staff morale with the potential for increased Housing and Planning Delivery Grant.

All DC and support staff have attended a management workshop about performance and are now more intensively managed and DC officers are also prioritising their own caseloads.

14.0 FURTHER ACTIONS

There is still some other and minor applications backlog to clear (78) but it now more under control with a strong emphasis upon new cases meeting the NI targets.

However, the next important step will be to concentrate upon the Major application backlog (35) by focussing the experienced staff and retained agency staff to identify the bottlenecks for major applications over 6 months to

5 years old and reducing the overall numbers and process to decision, withdrawn or to be disposed of.

We are aiming to reduce the backlog levels for others and minor applications further i.e. below 10% for each category

We will work with our legal services department in formulating different types of agreements whilst trialling unilateral agreements to speed up the determination time for less complex major applications

We will seek a speedier delivery of small scale major applications i.e. 10-199 dwellings and 1000m² to 999m² small scale commercial applications, utilising unilateral agreements

We will closely monitor team and staff performance to identify areas of concern at an earlier stage and to apply managerial remedies as appropriate.

We will monitor permitted development enquiry outcomes to identify the impact of recent legislative changes to the Town and Country Planning Permitted development Order 2008.

We will review of the use of consultants/agency staff subject to budgetary changes.

15.0 RECOMMENDATIONS

It is recommended that the Committee notes the findings of this report and the proposed future actions.