

# Development Control Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Quarterly Monitoring Report of Development Management Services</b>	
<b>Report No:</b>	<b>DEV/SE/16/17</b>	
<b>Report to and date:</b>	<b>Development Control Committee</b>	4 February 2016
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<b>Purpose of report:</b>	To update the Development Control Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the update on performance and key trends contained in the Quarterly Monitoring Report of Development Management Services be noted.</b>	
<b>Consultation:</b>	• N/A	
<b>Alternative option(s):</b>	• N/A	
<b>Implications:</b>		
Are there any <b>financial</b> implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any <b>staffing</b> implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any <b>ICT</b> implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any <b>legal and/or policy</b> implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any <b>equality</b> implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Update to note only		Update to note only
<b>Ward(s) affected:</b>		all Ward/s	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		None	
<b>Documents attached:</b>		<b>Appendix A</b> - performance against key indicators for Quarters 1, 2 and 3 of 2015/2016  <b>Appendix B</b> - update on appeal decisions	

## **1. Key issues and reasons for recommendation**

### **1.1 Introduction**

1.1.1 This report will provide headline information on the performance of Development Management, Planning Enforcement and Appeals. It will also provide service improvement updates and an analysis of key trends in the service. Please note that whilst the report will provide updates on notable cases in Enforcement and Appeals, any site specific questions relating to ongoing cases should be directed to the relevant case officer or manager outside of the consideration of this performance report.

## **2. Performance Updates**

### **2.1 Development Management:**

2.1.1 Performance: Development Control Committee is an integral part of the development management process, and plays a key role in determining applications. It is therefore important that the Committee is aware of how the service is performing against the Key Performance Indicators agreed by the Council. This performance is also reported to Performance and Audit Committee.

2.1.2 Appendix A shows performance against key indicators for Quarters 1, 2 and 3 of 2015/2016

2.1.3 The performance targets for planning applications are based on the statutory expiry date for applications being determined as follows:

- Majors – no less than 60% of applications determined in 13 weeks
- Minors – no less than 65% of applications determined in 8 weeks
- Others – no less than 80% of applications determined in 8 weeks

2.1.4 The figures in Appendix A illustrate that there has been a sustained improvement in overall performance for St Edmundsbury looking at the 3 Quarters of 2015/16. Quarters 2 and 3 have seen all three determination targets exceeded. The total number of applications on hand (live applications still being considered) has risen slightly from Q2 from 211 to 238. There has been a concerted effort from officers to maintain a lower figure for on hand applications and there has been a massive effort from the team to meet and exceed these performance targets – this has only been achieved through officers working significant additional hours and doing overtime. Finally, the percentage of applications which are able to be registered “clean” (ie. all the information required to validate the application was available at the time the application was first submitted, without technicians seeking further information from the applicant/agent) has improved slightly from Q2 at 35%. This is one of the issues which will be tackled in forthcoming service improvements.

2.1.5 In autumn 2015, Forest Heath District Council received a letter from the Department of Communities and Local Government (DCLG) warning that the Authority was close to being designated as a poorly performing authority because the two year rolling average performance for Majors was close to the designation rate of 50%. The target had recently been increased from 40% to

50% for the percentage of major decisions made in 13 weeks and it had been applied retrospectively against performance over the previous two years. The DCLG have now confirmed that the Forest Heath performance for the previous 2 years is 53%. This is the same position that St Edmundsbury was in at the end of 2014. The two year rolling average for Majors in St Edmundsbury has been confirmed recently at 57% of Majors determined in time. The Planning Advisory Service will be working with the DM team shortly to look at how we can improve and sustain improved performance moving forward.

- 2.1.6 **Capacity:** There is currently one vacancy within the team – Senior Planning Officer (Maternity Leave). An agency planner has been retained to fill this gap in resources. Two Planning Technicians have recently been appointed as Planning Assistants within the DM Team, this follows on from repeated failures to recruit a Planning Officer and the recent promotion of the Planning Trainee to the post of Planning Officer. Recent information received from the Planning Advisory Service shows that officers' caseloads are higher than the national average and that both authorities deal with a proportionally higher percentage of major applications compared to other similar authorities nationally.
- 2.1.7 Projections for application numbers received at end of 2015/2016 are slightly higher still than 2014/2015. Against the backdrop of capacity the performance improvements detailed above are not insignificant.
- 2.1.8 **Service Improvement:** The Development Management Team is working through a Planning Improvement Plan devised following the work undertaken last year through Business Process Re-engineering (BPR) and the PAS Resource Review. There is much to be done including maximising the use of our software systems, improvements to our web pages, transferring the Planning Helpdesk to Customer Services, paperless files and e-consultation, along with the introduction of pre-application charging and a drive to improve the quality of submissions from agents with an Accredited Agents Scheme for those that meet the required standards. There will be updates on this work moving forward.

## 2.2 **Planning Enforcement:**

### **Caseload and Performance:**

- 2.2.1 On 1 September 2015 there were 211 St Edmundsbury Borough Council (SEBC) cases outstanding (West Suffolk total 298.) In the 3 months ending 30 November 2015, 55 new cases were raised for investigation and in the same period 86 cases were closed. Therefore as at 30 November 2015, 180 SEBC cases were outstanding, out of a total of 257 for West Suffolk as a whole. This represents a welcome reduction in the caseload outstanding, despite receiving close to 400 new cases across West Suffolk in 2015.

### **Updates**

- 2.2.2 Up to 60 historic West Suffolk cases have been targeted and the Enforcement Team is working through these to determine whether or not there are still any outstanding matters. The monthly enforcement case list has been useful in this respect, as several cases have been closed on updates and information supplied by Members.

- 2.2.3 There were 90 responses to the Enforcement Survey which was undertaken to assist in the development of a West Suffolk Local Enforcement Plan. The plan will set a list of priorities, performance standards and procedures to implement proactive working. The first draft of this will be completed early in the New Year and will be distributed at that time.
- 2.2.4 Work continues in developing the Procurement framework with evaluation criteria agreed and tender documents now checked and approved by Legal Services. The next step will be to get expressions of interest from contractors and this will follow in the next few weeks.
- 2.2.5 Works continue to provide an electronic version of the Enforcement Register. The majority of this work has now been done with the last few historic cases having to be manually plotted from old paper copies to an electronic format.

### **Cases and Initiatives**

- 2.2.6 Summonses have been served in relation to sites at Meadow Farm, Horringer and The Croft, Bowbeck, Bardwell. These relate to non-compliance with Enforcement Notices and are a result of the Enforcement Team addressing the backlog of old cases.
- 2.2.7 A complaint has been investigated by the Local Government Ombudsman in relation to a site in Thurston. The complaint was not upheld and the Ombudsman found no fault with the enforcement investigation. Work is progressing to address issues regarding various A Boards in Bury. An informal approach is being planned working with the traders concerned. This will be reviewed after 3 months and if successful will be trialled at other locations where there is a similar issue.

### **2.3 Appeals:**

- 2.3.1 Appendix B gives an update on appeal decisions received since the last report in October 2015 and appeals where a decision is still outstanding. The table below highlights all appeals determined and received since 1 January 2015:

	<b>SEBC</b>
No of Appeals received 01/01/2015 - 31/12/2015	27
Appeals determined 01/01/2015 - 31/12/2015	27
Allowed	9
Dismissed	16
Split Decision	2
Appeal Allowed - Application refused contrary to Officer recommendation	2
Appeal Dismissed - Application refused contrary to Officer recommendation	2
<b>No. of appeal decisions where LPA decision was delegated</b>	<b>23</b>
Delegated appeals allowed	7
Delegated appeals dismissed	14
Split Decision	2

<b>Appeal Type for decisions received</b>	
Written Representation	25
Informal Hearing	2
Public Inquiry	0
<b>No of Enforcement appeals received</b>	0
Enforcement Dismissed	0
Enforcement Varied Decision	1
<b>No of TPO appeals received</b>	0
TPO Allowed - Delegated Refusal	1
TPO Dismissed - Delegated Refusal	0

The overall number of appeals allowed so far this year has dropped to 30%.

- 2.3.2 Looking at Committee overturns, two appeals have been allowed where Committee refused the application contrary to the report recommendation and two appeals were dismissed where Committee refused contrary to the report recommendation. It is worth exploring further whether there are any lessons to learn from these appeal decisions, indeed, any allowed appeals, to ensure decisions are made taking into account local and national policy as well as current appeal decisions and relevant case law. Details of appeals for Members to note will be presented orally at the Committee meeting.

## 2.4 **Conclusions:**

- 2.4.1 Whilst the service continues to face significant challenges in terms of capacity and service delivery there has been a sustained improvement in performance as outlined above. Service Improvements are now top of the agenda and the team are making effective in-roads for delivery.