

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Quarterly Monitoring Report of Development Management Services	
Report No:	DEV/SE/15/62	
Report to and date/s:	Development Control Committee	1 October 2015
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Purpose of report:	To update Development Control Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.	
Recommendation:	It is recommended that Members note the update on performance and key trends.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	• N/A	
Alternative option(s):	• N/A	
Implications:		
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any staffing implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any ICT implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Update to note only		Update to note only
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		none	
Documents attached:		Appendix A – Performance against Key Indicators: Quarters 1 & 2 Appendix B – Details of Appeals	

1. Key issues and reasons for recommendation(s)

1.1 Introduction

- 1.1.1 As part of the Shared Service Procedural Review, agreed by Council in September 2013 and implemented since January 2014, there has been a commitment to provide DC Committee with a Quarterly Monitoring Report. This has been somewhat delayed by service requirements and by the review of the implementation of the Procedures which was carried out and reported to DC Committee earlier this year.
- 1.1.2 This is the first of these reports and it 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 Quarter 1 (April to June 2015) and for July and August in Quarter 2.
- 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 an improvement in overall performance for West Suffolk when comparisons are made between Quarter 1 and the performance in the last month of full figures, August 2015. The table also clearly demonstrates an excellent month for SEBC in August with Majors and Others being 100% within the statutory period and Minors exceeding the performance target. It is also pleasing to note that the total number of applications on hand (live applications still being considered) has dropped from 336 to 299 since June 2015. There has been a concerted effort from officers to work on getting this figure lower by going through the backlog of older applications, particularly where there has been little movement from the applicant/agent over recent months. Finally, it is disappointing to note that 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) is low at 37%. This is one of the issues which will be tackled in forthcoming service improvements.

2.1.5 Capacity: The team currently has two vacancies, one permanent full time planning officer and a temporary post for a planning officer maternity cover. In mid October we will also have a vacancy for a full time senior planning officer. Managers are actively working with Human Resources to fill these vacancies as soon as possible. In the meantime, an agency planner has been retained to fill some of the gap in resources. It is worth noting that since the shared service business plan was agreed in 2012 the total number of applications being processed has risen considerably:

2011/2012 - 2174 total applications

2014/2015 - 2776 total applications

Increase in total applications in 3 years - 28%

2.1.6 Projections for applications received at end of 2015/2016 are slightly higher still than 2014/2015. Some officers are working overtime or additional hours to deal with the planning officer vacancies and ensure applications continue to be determined in a timely and effective manner. Against the backdrop of capacity the performance improvements detailed above are not insignificant.

2.1.7 Service Improvement: The Development Management team has been involved in two recent reviews of the service. A Business Process Re-engineering (BPR) project has taken place from an internal and corporate perspective looking at how the team can work more effectively and efficiently by evaluating the processes of dealing with a planning application and identifying areas for improvement. Alongside this, the service has also been involved in a Resources review through the Planning Advisory Service (PAS) which provides consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform. PAS is a Local Government Association programme and is directly funded by the Department for Communities and Local Government. Work is now taking place to finalise these reviews and put in place a service improvement plan (incorporating the recommendations from BPR/PAS and the IDOX computer software project plan), alongside timescales for delivery and a business case for the resources needed to implement the improvements.

2.2 **Planning Enforcement:**

2.2.1 Background: A fully staffed planning enforcement team has been in place since April 2015 covering West Suffolk. The team includes 3 officers and 1 administrative support officer. In the three years prior to that the enforcement service had undergone several staffing and resourcing changes, had a considerable backlog of cases and was using a Planning and Law firm to carry out many of its duties. Since April 2015 much work has been undertaken to bring back the majority of cases under the control of the enforcement team and close down old cases.

2.2.2 Caseload and Performance: The following statistics for St Edmundsbury give an indication of the workflow generated and closed:

- Cases outstanding at 31/5/15 - 217
- New cases received in the 3 months ending 31/08/15 - 64.

- Outstanding caseload as at 15/09/15 - 185

2.2.3 Backlog - Members can see from the statistics above that the backlog has been reduced by 32 in the last 3 months. This has not been easy given the large volumes of new cases received. An indication of the increasing amount of new complaints is that by the beginning of September, as many new complaints had been received in 2015 as for the whole of 2014. Although it is normal for the volume of new complaints to reduce over the autumn and winter months, this does affect our ability to target older cases. To address this, the team has met in conjunction with Dave Beighton, Principal Planner, and 60 older cases have been selected for attention and priority over the coming weeks.

2.2.4 Case update -The Birches, Glassfield Road, Bardwell

A further update is hereby provided due to the complex and controversial nature of this breach.

Further to committal proceedings, an initial compliance visit has been undertaken by officers with the majority of those elements requiring attention, (following the order served post committal) being attended to. A further compliance visit is due week commencing the 21st September to consider any matters outstanding from the above, and to address those requirements due to be resolved by the second trigger date.

2.2.5 Case update- Land North of Linden Bungalow, Station Road, Barnham

Following an award of costs (to the Council) in relation to an enforcement appeal, these have been calculated and the figure has been put to the appellants which is awaiting a response.

2.2.6 Enforcement Priorities and work programme.

Local Enforcement Plan - A draft survey for consultation has been completed and is in the process of being checked. The consultation will be undertaken over the autumn period.

Procurement Framework - Criteria for the procurement framework is being put in place, with a further meeting planned with Legal Officers for week commencing 14th September. It is hoped to have the framework in place by the end of the year.

Monthly case list - As previously reported members will now be receiving a monthly caseload list giving details of enforcement investigations in their areas. Legal advice is being sought regarding matters relating to Data Protection and address information. Positive feedback has been received and this service will be improved over the forthcoming months.

2.3 **Appeals:**

2.3.1 Appendix B gives details of the appeals received since 1 January 2015. This table highlights the following:

- No. of appeals received since 1 Jan 2015 – 24
- No. of appeals determined – 10
- No. allowed – 5 (50%)
- No dismissed – 4 (40%)
- No. of split decision – 1 (10%)

- Two of the allowed appeals (40%) were refused by DC Committee contrary to the recommendation of approval.
- No. of appeal decisions where LPA decision was delegated – 8
- Of which, 3 (37.5%) were allowed, 4 (50%) were dismissed and 1 (12.5%) was a split decision.
- Of the 24 appeals received in 2015 to date 20 are made under the Written Representations (WR) procedure and 4 by Informal Hearing.

2.3.2 The overall number of appeals allowed so far this year is high at 50%. Two of the allowed appeals were ones where the application was recommended for Approval but was refused by the DC Committee – Gain’s Hall and the Garage site at Nayland Road, Haverhill. In terms of appeals still pending, the same applies to the solar farm proposal at Barnham which is awaiting a Hearing currently. 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.

2.3.3 Details of appeals for Members to note will be presented orally at the committee meeting and forthcoming monitoring reports will also make comments on costs applications and awards for or against the Council in order to build on lessons learnt for the future determination of applications.

2.4 **Conclusions:**

2.4.1 Whilst the service continues to face significant challenges in terms of capacity and service delivery there has been an improvement in performance as outlined above. Service Improvements are now top of the agenda and the team are making effective roads for delivery. There will be more updates on service improvements with these quarterly reports moving forward.