

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

IMPROVING THE PLANNING SERVICE

1. EXECUTIVE SUMMARY

- 1.1 This annual report updates Members on the series of ongoing and proposed improvements in the Planning Service throughout 2009/10 and continuing into 2010/11.
- 1.2 Members are asked to note the improvements implemented in 2009/10 and to endorse the proposed initiatives to improve the service further during 2010/11.

2. GENERAL SUMMARY OF 2009/10

- 2.1 2009/10 was a challenging year for Development Control. The ongoing economic downturn saw a continued reduction in the number of planning applications received by the authority compared with previous years.

	2009	2008	2007
No. of Applications Received	1539	2015	2576

- 2.2 Performance on Major applications remained a challenge, achieving our target for the year was not possible partly due to the reduced number of Major applications received, and partly due to 6 Majors submitted and processed since January 2009, which due to the very detailed and complex nature of these applications, exceeded the statutory deadlines.
- 2.3 Our disappointing performance on Majors for the reasons outlined above, was noted by the Audit Commission in its 2009 Organisational Assessment of the Council which stated, "*The Council has struggled to decide quickly enough on planning applications, particularly for major developments.*" The Audit Commission did however, acknowledge the appointment of a Principal Planner for Majors and the ongoing Action Plan to improve processing of applications, particularly for Majors.

- 2.4 Our performance on NI 157a, b and c during 2009/10 is summarised in the table below:

	NI 157a (Majors) Local Target 72% within 13 weeks	NI 157b (Minors) Local Target 80% within 8 weeks	NI 157c (Others) Local Target 87% within 8 weeks
2009/10	66.7%	84.1%	90.7%
2008/09	64.1%	79.5%	88.2%

- 2.5 Despite these challenges for Development Control during 2009/10, a significant programme of DC improvements was developed and implemented, and these are now discussed in detail in the next section.

3. 2009/10 SERVICE IMPROVEMENTS

- 3.1 **The Scheme of Delegation for the Determination of Planning Applications** was amended and updated at the beginning of 2009 and endorsed by Members of the Planning Committee on 12 March 2009 before being agreed by Full Council on 27 April 2009. This update has resulted in fewer applications being reported to Planning Committee which has improved performance in the determination of planning applications and has allowed Members of the Planning Committee to concentrate on those larger applications that carry strategic importance for the Borough. However, it should be re-iterated that any Elected Member still reserves the right to remove any application from delegation at any time as agreed in the revised Scheme of Delegation. This has led to an increase and improved partnership working between officers and Members. Where Members have removed an application from delegation on planning grounds and the case officer is subsequently minded to recommend refusal of the application, dialogue between officers and Members has resulted in applications being put back into delegation and refused under those powers delegated to the Director of Technical Services.
- 3.2 This continued partnership between officers and Members is recognised in the upward trend in performance management. The number of applications determined by officers under delegated powers in 2009/10 was 94%. In comparison, in 2008/09 this figure was 91.5% and for 2007/08 the figure stood at 91.3%.
- 3.3 **Two Area Planning Teams** were established in 2009. Area teams work effectively in other authorities within Merseyside and Wirral's Development Control Service re-established two area teams last year - the North Team and the South Team. Each team is headed by a Principal Planning Officer who focuses on performance management within each team and works with the Development Control Manager to set targets for improved performance within their teams. To date, the system of working with two area teams is working well and has again

contributed to the improvements seen in NI157 b & c throughout 2009/10.

- 3.4 In addition to the two Area Planning Teams, the Built Conservation and Urban Design Team was established in 2009 and this is also headed up by a Principal Planning Officer. This team includes the Principal Planning (Major Applications) Officer, the Senior Planning (Section 106) Officer and an established Conservation Team, who continue to advise officers and bring forward their specialised knowledge and expertise in issues relating to our built heritage. In 2009, the service appointed Kate Ellison as the new Senior Conservation/Urban Design Officer. Kate joined the authority from neighbouring Sefton Council and has a background in architecture, urban design and conservation. She has become a valued member of the team, working closely with the Principal Planning (Major Applications) Officer on the Wirral Waters applications.
- 3.5 **Accolaid** (the new Development Control Management System) was successfully procured in 2008 and installed in Development Control during 2009. The former Development Control Management Information System (DCMIS) was turned off on 27 November, 2009 and DC Accolaid went live on 30 November, 2009. All new applications are now processed through DC Accolaid and Members will have noted that the planning applications pages on the website have altered in appearance, most notably the search pages for applications.
- 3.6 After some initial reservations prior to “go-live” the service has received some welcome and very positive feedback from Members of the public and from agents who used the planning service in relation to the new search pages. The ways in which members of the public can search for a planning application has been significantly enhanced by the new system. Searches can now be made by application number, by location/address, by Weekly List date, by Committee date, by Agent and/or Applicant name, by Conservation Area, by Ward, by Application Type (e.g. outline, full, reserved matters, listed building consent etc.) or by Registration Date.
- 3.7 A search for Appeals is now also available on the webpage. Another improvement resulting from DC Accolaid has been the Planning Committee Reports which are now more user-friendly. Some minor problems with the quality transfer when importing location plans persist but these have already been improved upon and the next scheduled update for Accolaid in mid-2010 will improve the quality further.
- 3.8 One further significant improvement resulting from the new system is the e-mail notifications sent to Ward Members when a new application has been received within their Ward and a number of Members have positively commented on this improvement. Adopted DC Quality Assurance Processes and Procedures are now being reviewed and revised to take account of the different ways in which applications are processed by staff.
- 3.9 **A Review of Neighbour Notification Processes** was also carried out as part of the implementation of DC Accolaid. In 2008, I reported that a

review of neighbour notifications for planning applications would take place to see whether savings could be made in the costs to the Council in sending out such notifications. Following the review, Site Notices are now put up for **all** applications. Where an application has wider implications, more than one notice is put up. Major applications and those relating to Conservation Areas or the setting of listed buildings or departures from the Development Plan are still advertised in the local press.

- 3.10 Neighbours who share an immediate boundary with an application site will receive written notification of any proposed development as they are most likely to be affected. However, if a proposed development has implications for the wider community, the scope of neighbour notifications will be reviewed by the case officer in consultation with their Team Leader and/or the Development Control Manager to determine how much further the scope for written notifications should be extended. Principal amongst these are applications relating to telecommunications apparatus, and neighbours who fall within a 100 metres radius of such a proposal will be notified in writing as well as Site Notices being put up. Site Notices are now put up by the planning case officer and must be erected within 2 weeks of an application being made valid. This ensures that officers get out to site early in the determination process.
- 3.11 **Validation Checklists** were updated and adopted by the Council, for use by planning staff to ensure that planning applications submitted to the Council contain all the information necessary for the application to be processed. The adoption of the updated and revised Checklist followed a period of consultation and consideration of consultation responses by the Planning Committee at the beginning of 2009. The Checklist became effective from May 2009.
- 3.12 Applications that are not supported by information which the Checklists require are not validated. Different types of application need to be supported by additional information on a range of different topics in order for their impacts to be assessed thoroughly. The Validation Checklists set out information requirements that are likely to be needed to accompany different types of application, in addition to standard forms, plans and other information that is required for all applications.
- 3.13 The Validation Checklist is part of a wider process. The Council provides a pre-application advice service, of which prospective applicants are encouraged to take advantage. This can be used to identify further information needs for the benefit of applicants at an early stage. Taken together, pre-application advice with more certainty over the validation process has proved to be a helpful service which has assisted developers in achieving acceptable standards in terms of application submission and the design and environmental quality of proposals. This has meant reasonable prospects of approval within the timescales set by government whilst at the same time giving the authority a more structured process and more control in relation to meeting performance targets.

- 3.14 **Benchmarking Visits to other Local Planning Authorities** took place by various officers throughout 2009, in addition to the continued attendance of the Development Control Manager at the bi-monthly Merseyside Development Control Officers Group (DCOG) meetings, attended by other DC Managers from across the region. The DCOG meetings are an opportunity to share best-practice and compare with our neighbouring authorities with regards to performance management.
- 3.15 Officers also visited Bury & Bolton Councils in 2009, specifically to see first-hand their experiences with the Accolaid system. Both visits were considered successful and assisted officers when implementing the new system at Wirral as they were able to learn from the experiences, both good and bad, from other LPA's.
- 3.16 The Senior Planning (Section 106) Officer also visited Sefton and Trafford Council's to meet their Section 106 officers and gain some valuable insight into the work that these Council's have undertaken in recent years. These visits have allowed our own S106 Officer to bring forward his own proposals for a S106 Policy which will be reported to Members in June 2010.
- 3.17 The Development Control Manager accompanied the Head of Service for Building Design and Development Control and the Director of Corporate Services/Deputy Chief Executive and other Council officers to Media City at Salford Quays to understand firsthand the experiences of these significant applications for the region as a whole. The Principal Planning (Major Projects) Officer also made a visit to Tower Hamlets in London to talk to them about their experiences in determining the applications for 2012 Olympic Games. Both visits were extremely valuable exercises in assisting officers from Wirral who are involved in determining the application for Wirral Waters, the largest application in the UK after the Olympic Games and in sharing from the experiences and best practices of colleagues around the UK.
- 3.18 **S106 Policy** development work has continued during 2009/10. The internal Departmental consultation process has just been completed and the draft S106 Policy report will be presented to Planning Committee and Economy and Regeneration O&S Committee during the June 2010 cycle.

4. PROPOSED IMPROVEMENTS AND INITIATIVES FOR 2010/11.

- 4.1 **Training for Members on Planning Issues** is one of the key initiatives identified for 2010/11. Central Government has consistently recommended that Members sitting on Planning Committee should receive training in planning issues as soon as possible after being appointed on to the Committee. This is an initiative that was first highlighted by the Nolan Committee on Standards in Public Life in 1997, and is intended to ensure full public confidence in the planning process. Whilst officers are always on hand at Committee meetings to advise Members with regards to planning matters, Government have encouraged Council's to engage their Members in a programme of training relating to the basics of planning.

- 4.2 Members of the Planning Committee first gave their support to this initiative in 2008 and again in 2009 following a recommendation of the Local Government Ombudsman in relation to planning decisions. With the elections due in May 2010, it is intended to extend invitations to all Members of the new Planning Committee to two workshops/training events to be held in July 2010.
- 4.3 The first of these workshops will cover key subjects relating to the determination of planning applications and will be linked to the Annual Planning Committee Tour. The second workshop will cover enforcement issues in order to improve Members understanding of enforcement procedures and legislative background. In addition to these specific events, a programme of internal workshops and presentations is being prepared for 2010/11 which will cover a range of issues such as new Planning Policy Statements (PPS) as well as inviting representatives from external bodies to come and talk to officers about key issues pertaining to planning. Such events have been successful for officers in the past and it is intended to extend invitations to Members of the Planning Committee to these workshops & presentations for 2010/11 also.
- 4.4 **A Planning Performance Agreement Protocol (Charter)** is another key initiative identified for the service in 2010/11. The Department of Communities and Local Government (DCLG) introduced Planning Performance Agreements (PPA's) as a more effective mechanism for handling planning applications for large, complex development projects.
- 4.5 A PPA enables applicants and local authorities to negotiate a flexible timescale that reflects and responds to the particular circumstances of the individual development proposal. A PPA can only be entered into with the agreement of both the applicant and the Council. It is a Council-wide agreement and should also include the pre-agreed commitment of statutory agencies and key partner organisations. The Council will seek to establish a formal process in the form of a PPA Protocol which sets out the Council's generic approach and commitment for dealing with complex development projects in the future and to build on the experiences of dealing with the Wirral Waters applications.
- 4.6 A fundamental principle of PPA's is the front loading of activity, prior to submission of the planning application to ensure that applications are of a high quality both in terms of the material submitted and the content of the proposal. A successful PPA should ensure that collaboration has taken place with all relevant stakeholders and that the vast majority of issues have been addressed prior to submission of the planning application. A draft PPA Protocol (Charter) will be presented to Members for their comments and approval later in summer 2010. It is anticipated that having such a protocol will assist the Council in its performance improvements for handling major & complex planning applications.
- 4.7 **The formalisation of Pre-Application Discussions** is another key initiative to be explored in 2010/11. This Authority always encourages

applicants to discuss proposals for development prior to the submission of a planning application. In doing so potential applicants are able to discuss proposals with a Planning Officer, who will be able to guide them through the application process, providing them with 'non prejudicial' advice with regards to the proposal, including the information the Council would require in the event of an application being submitted. Undertaking such pre-application consultation not only guides a potential applicant as to the initial feeling on the appropriateness of a proposal, but it also helps with the information required for a proposal to be able to be considered fully and potentially reduces the amount of time taken to consider any application that may be made.

- 4.8 On the down side, Planning Officer time is increasingly being taken up advising clients, both external and internal, during the pre-application discussion process without any fee for this work. With pressures on the Council's budgets continuing to increase during the current downturn, it is proposed to explore the feasibility of charging for pre-application advice. This is an option that is being reported to Cabinet by at least one other local planning authority within the Merseyside region. It is anticipated that charging for pre-application advice will increase capacity and efficiency leading to improved customer service and outcomes for the regeneration of the Borough.
- 4.9 The Local Government Act 2003 gave planning authorities a discretionary power to charge for giving pre-application advice and therefore allowed authorities to recover at least some of the costs of providing that service. Since then a growing number of Councils have introduced charges for pre-planning advice and meetings. Budgetary pressures are one obvious reason for charging (planning fees received when an application is submitted are only intended to cover the cost of processing the application and do not cover any pre-planning advice). Members are aware that service areas throughout the Council will be required to make significant efficiency savings in coming financial years. In addition, planning applications (and fee income) are down due to economic conditions, causing further budgetary pressures, yet at the same time workload, especially pre-planning application discussions, is increasing with planning officers advising developers on such schemes as Wirral Waters. For the Council's own developments it would also be the intention to recharge some of the costs of senior planning officer time to those specific projects.
- 4.10 Budgetary pressures on Government means that central funding cannot be relied on in the future. Whilst it remains to be seen how much income can potentially be raised by charging for pre-application advice and meetings, and how this may be effectively achieved, any charges could be used to maintain capacity in what is a significant frontline customer service. Failing to invest in the Planning Service could significantly damage performance and potentially lead to poor inspection scores as well as having a negative impact on the service. Since the Council has not operated such a system before it is intended to bring a full report to Members outlining the details of this proposal in full and it would be the intention to report back to Cabinet after the first year of operation to review its effectiveness.

- 4.11 **The feasibility for designating 5 new Conservation Areas** within the Borough will also be explored by the Conservation Team in 2010/11. These potential new areas include Lower Bebington, Noctorum Ridge, Storeton, Landican and Brimstage. The Conservation Team are currently looking into the resource implications of the work involved in implementing these designations and reports will be brought to Members in the near future to outline the best way forward. Based on previous work undertaken to designate new Conservation Areas, the potential cost for 5 new areas could be of the order of £20-25k.

5 CONCLUSIONS

- 5.1 The Technical Services Department and its senior DC managers are committed to the continuous improvement of the Development Control service. This report has outlined some of the improvements that have taken place during 2009/10, however we are not complacent, there is more to do. This includes all aspects of service provision, performance and quality. This will be achieved by delivering the ongoing and proposed improvement initiatives outlined in this report.
- 5.2 Members will be invited to participate in some of these improvement initiatives and will also receive more detailed reports in relation to the Planning Performance Agreements Protocol and the proposals to charge for pre-application advice.
- 5.3 Members will continue to receive the quarterly DC Performance reports for their information throughout 2010/11 and also the 6 monthly updates on Appeal Decisions following determination of applications considered by the Planning Committee.

6 FINANCIAL AND STAFFING IMPLICATIONS

- 6.1 Any financial and staffing implications arising from the initiatives outlined will be reported, where applicable, in future reports.

7 EQUAL OPPORTUNITY AND SOCIAL INCLUSION IMPLICATIONS

- 7.1 Delivering the proposed improvement initiatives described in this report should provide a high quality DC service with improved access to all members of the community.

8 COMMUNITY SAFETY AND LOCAL AGENDA 21 IMPLICATIONS

- 8.1 There are community safety or local agenda 21 implications arising directly from this report.

9 LOCAL MEMBER SUPPORT IMPLICATIONS

- 9.1 This report will be of interest to all Members of the Council.

10 ANTI-POVERTY IMPLICATIONS

10.1 There are no known anti-poverty implications arising directly from this report.

11 RECOMMENDATION

11.1 Members are asked to note the improvements implemented in 2009/10 and to endorse the ongoing and proposed Development Control Service Improvement Initiatives for 2010/11.

D Green

Director of Technical Services

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