

ITEM 07

25 April 2017

Planning and Licensing Committee

Development Management Performance 2016/2017

Report of: **Phil Ruck, Head of Paid Service**

Wards affected: **All**

This report is: **Public**

1. Executive Summary

- 1.1 This is a report about the performance of the Development Management team, including enforcement, in the last financial year. It provides a summary of performance over a range of measures. It shows that against a range of metrics the team's performance has improved in comparison to previous years.**

The changes to the processes established within the department over the last 12 months has made a considerable impact on the delivery of swifter and more consistent responses and decision making. The overall outcome is that developers and those wishing to extend their homes have certainty about what will be allowed where and when. In turn, this provides support to the local economy, boosts housebuilding while continuing to give local communities and residents a say in their neighbourhood.

2. Recommendation

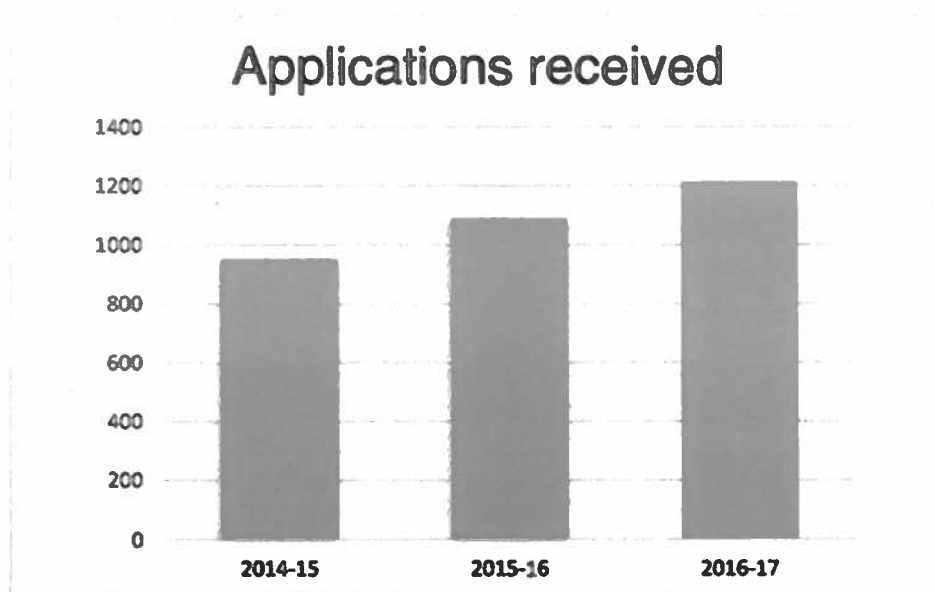
- 2.1 That the improvement in performance achieved is noted.**

3. Detail

- 3.1 There is a number of established national performance measures, mostly based on the speed of determining applications. In addition, Brentwood Borough Council collects its own performance data on a number of matters in the interests of performance management, effectiveness and customer service.**

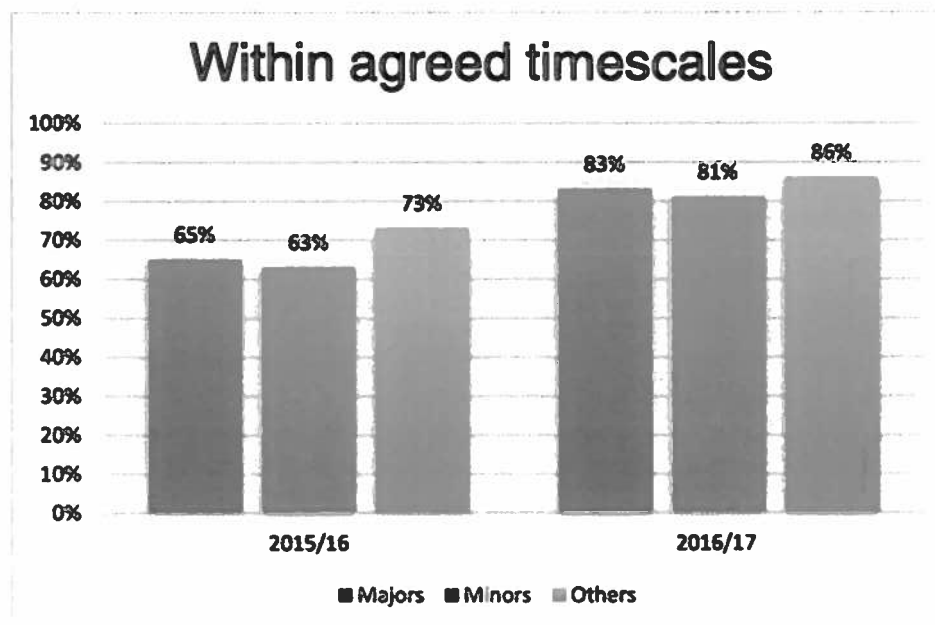
Number of applications received

- 3.2 This is a measure of one element of departmental workload. The number of applications received by the authority has increased year on year. The number received for the last three years is shown below:**



Speed of determination

3.3 The timescale for determining applications is set by Government and can be extended with the agreement of the applicant. The percentage of applications determined within these periods in an established measure collected by successive Governments. The table below shows the percentage of applications determined within these timelimits for the last two years.

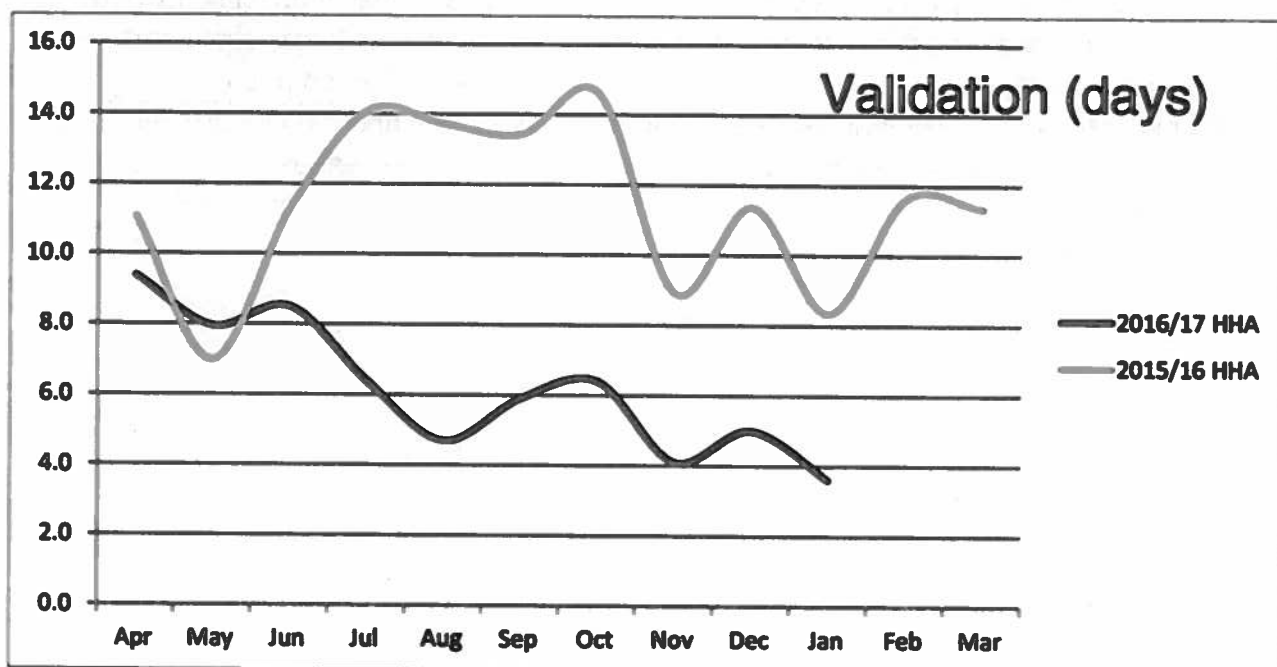


3.4 Taken together, the figures for the increased number of applications received and improvements in the timeliness of determination of this larger number of applications are an indication of the improvements in efficiency achieved at Brentwood in the last year.

3.5 To encourage good performance the Government introduced a threshold for intervening in the operation of a planning authority. Originally this was 30% (Majors only) determined within in agreed timescales but has been raised in stages and currently stands at 50%. This is to be extended to non Majors and both are to be raised in stages: 50% for Major/65% Non Major (2017) and 60% for Major/70% Non Major (2018). These measures will be assessed over a two year period. Officers are managing the service with this in mind to ensure that the performance exceeds these thresholds and therefore we remain in control of determining applications in the borough.

Validation

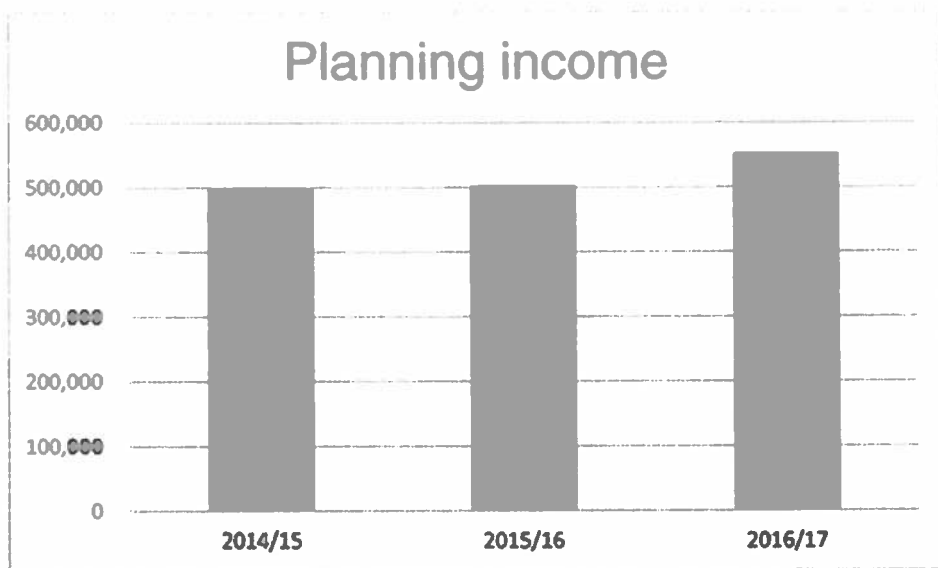
3.6 Another measure of efficiency is the number of days taken for an application to be validated and passed to the case officer for consideration. Improved efficiencies in administrative procedures have reduced the time taken. A comparison between the validation of householder applications in 2015/16 and 2016/17 is shown below. A similar improvement has been made on the validation of larger applications.



NB: Lower is better i.e. faster.

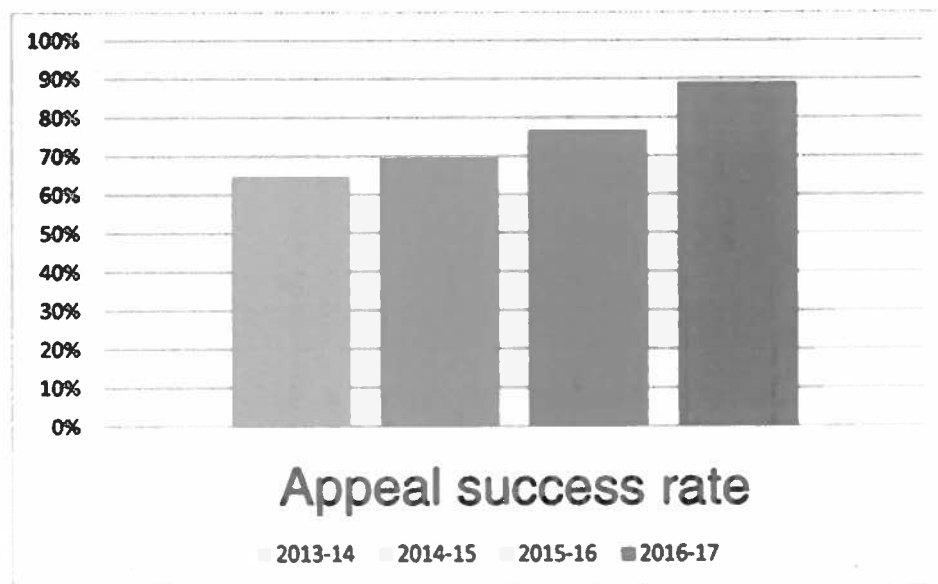
Planning income

3.7 The department's income from fees and charges has increased in each of the last three years. This income includes nationally set planning fees, locally set charges for pre application discussions and photocopying etc. As larger developments proceed through the pre application and application stages, the Council will enter into Planning Performance agreements (PPAs) to provide agreed levels of service and funding the extra capacity to manage this workload and discretionary activities.



3.8 Increased income allows reinvestment in the service and makes it possible to increase capacity and available skills to deal with applications as well as larger scale and new forms of development which have not previously been experienced in the Borough. Planning fees (Government set) are due to increase in July and the Government is required to be reinvested in the planning service. Future increases in the level of planning fees will be limited to authorities meeting national targets for speed of determination.

Appeal performance



3.9 The Government will introduce a measure of decision making quality in 2018 based on the proportion of development proposals permitted at appeal. While these measures have not been introduced yet (and the period during which the data will be collected is still running) officers are managing the service in full knowledge of these future requirements.

Formal complaints

3.10 As a service that is used by the public and open to public scrutiny, the section monitors the number of complaints received. The Council has a corporate three stage complaints system and the figures for the current and last year are given below. This is a measure that needs to be constantly under review. The number of complaints received by the team have reduced.

	Stage 1	Stage 2	Stage 3
2015/16	23	10	2
2016/17	12	7	2

Other improvements carried out during the current year

- ✓ Series of member training events
- ✓ Alterations to the delegation agreement
- ✓ More robust negotiations with developers to get better developments e.g. using experience from elsewhere, new powers in legislation, worker closer with other departments, other Essex local authorities, using Design Review

Enforcement

3.11 Additional resource to the Enforcement team in early 2016 focused on more streamlined decision making and effective recording of all new complaints, as endorsed by the adopted Enforcement Plan. Although this initially resulted in a significant rise in the number of recorded complaints, it provided a more accurate reflection of the total number of complaints received and investigated. The new procedures allowed for strategic targeting of the backlog of historic enforcement cases, the number of cases reducing from 118 (2015) to 15 (2016). The following figures are to the year end of 2016:

Total number of new planning enforcement cases opened	190
Total number of planning enforcement cases finalised	217
Total number of cases under investigation at year end	74
Total number of enforcement notices issued	6
Total number of prosecutions	7

Prosecutions

- 3.12 A good indication of successful planning enforcement is demonstrated by the number of successful outcomes resulting in compliance but in some circumstances, legal action is the most effective method to remedy a breach of planning control in order to protect public interest and maintain confidence in the planning system. The Council secured its first prosecution in more than 10 years for unauthorised works carried out to a listed building at the Borough's oldest recorded building situated in Brentwood High Street. 2016 also brought about the first prosecution for unauthorised works to a tree subject of a tree preservation order. In both cases, the defendants were fined and ordered to pay costs to the Council.**
- 3.13 Several other prosecution cases for non-compliance of Enforcement Notices are ongoing, and there have been 2 appeal hearings against the issue of Enforcement Notices successfully defended by the Council, in one case with costs awarded to the Council for unreasonable behaviour by the appellant.**
- 3.14 The majority of the backlog of historic cases have been dealt with, positive results have been achieved and new procedures are now in place to ensure the Planning Enforcement Team are in a robust position to offer a swift and effective response to new allegations of breaches in planning control.**
- 3.15 The reduced backlog of complaints will additionally allow officers more time to negotiate resolutions to breaches in planning control by consulting with key parties, by use of arbitration and mediation and through reinforcing the message from Planning Enforcement that all reported cases will be recorded and investigated through to conclusion, in a timely manner.**

4. Reasons for recommendation

- 4.1 To keep the committee informed about the improving performance of the Development Management team for the last year and the plans for continued performance improvement next year.**

5. References to Corporate Plan

- 5.1 Improving the effectiveness of the service will meet the Council's commitment to proactive and positive decision making and providing public confidence in the planning system.**

6. Implications

Financial Implications

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- 6.1 Achieving nationally set performance requirements will be a prerequisite to being able to increase application fees. In addition, where authorities fail to meet performance thresholds applicants may be able to bypass the local authority and make applications direct to the planning inspectorate. This will have an impact on the finances of the planning authorities involved.**

Legal Implications

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- 6.2 No implications.**

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