

Committee: Planning

Date Of Meeting: 10th March 2010

Title of Report: **Response in respect of consultation report on Development Management**

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This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972. (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report:

To advise Members of the content of this consultation paper and draw attention to the implications for the planning service at Sefton .

Recommendation(s):

Members are recommended to note and agree the Planning and Economic Regeneration Director's responses to the consultation and to endorse the recommendations concerning development management in Sefton.

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community			
2	Creating Safe Communities			
3	Jobs & Prosperity			
4	Improving Health & Well Being			
5	Environmental Sustainability			
6	Creating Inclusive Communities			
7	Improving The Quality Of Council Services & Strengthening Local Democracy			
8	Children & Young People			

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

List of Background Papers relied upon in the preparation of this report

Development Management :Proactive planning from pre-application to delivery DCLG

This consultation paper published in December 2009 is available for response until 19th March 2010. It seeks to develop a new planning policy on Development Management moving away from traditional development control to a new development management approach. The paper includes Part 2 which would become a new Planning Policy Statement (PPS) on development management, Part 3 which would become an annexe to that PPS on pre-application discussions and Part 4 which would become an annexe to that PPS on determination of applications. This will replace PPS1 in due course and is a key document for the planning process. The consultation paper includes an update on progress of policy annexes over a variety of development management issues

Development Management

The paper defines development management as follows

‘Development management is a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the local planning authority (LPA), working closely with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness, and supports the delivery of key priorities and outcomes.’

Traditional development control has focussed on applying development plan policies and guidance, taking a reactive and precautionary approach. The shift to development management would require local planning authorities to facilitate and influence development to solve problems and deliver sustainable development proposals. This involves moving away from land use based plans and policies to embrace a strategic vision of the future of the area which is integrated with other local authority strategic functions and is more proactive and delivery focussed. This requires a culture change in local authorities.

Whilst the government will expect development management to be built on strong partnership working and local engagement seeking to facilitate and co-ordinate public and private investment by adopting problem solving approach, the precise form of approach to development management will be left to individual Local Authorities. It will be expected to be based around 7 key elements as follows

- ❖ a positive and proactive approach to place shaping
- ❖ putting planning policy into action-the relationship between development management and local planning should be seamless
- ❖ front loading-encouraging pre-application engagement
- ❖ taking a proportionate approach
- ❖ effective engagement –fostering a culture of partnership
- ❖ proactive delivery-appropriate use of planning conditions
- ❖ monitoring and review of development management outcomes

Pre application process

The Killian Pretty review highlighted the importance of effective pre-application engagement. Planning Performance Agreements were introduced in 2008 and a recent discussion paper on development a new ‘quality of planning service’ suggests that the pre-application service could in future be used as a performance indicator. At the moment planning Authorities have the discretionary power to charge fees for this service and these vary from no charge (as presently in Sefton) to significant fees. One of the questions raised in the consultation paper is whether these fees should be prescribed nationally.

The consultation paper places some emphasis on the need to set out clearly the pre-application service which is offered by the Authority including the range of guidance and opportunities for pre-application discussion which are available.

Determination of applications

This is the third major aspect of the consultation. It seeks to add to the existing well entrenched advice that

'Local Planning Authorities must determine planning applications in accordance with the statutory development plan, unless material considerations indicate otherwise.'

It considers the weight that can be attached to emerging Development Plan Documents (DPD) advising that any refusal on grounds of prematurity must clearly demonstrate how the proposal would prejudice the outcome of emerging DPD. Decision makers must have regard to National Policy statements and emerging national statements (ie draft PPS) can be regarded as material considerations. The range of material considerations is clarified to include the sustainable community strategy and other local authority strategies.

This section also clarifies arrangements for 'call in' of applications.

Implications for Sefton

1. The development control service in Sefton has sought to change approach in recent years from a strictly reactive application of policies and procedures to a more responsive problem solving approach. This is a step in the direction which the government is now promoting. Close working relationships have been developed with colleagues in the Highways team, Environmental Protection (including various specialist areas), Legal, Leisure Services, HMR, MEAS, Building Control and an informal development team approach is used especially for larger schemes eg Sainsbury's proposals for Crosby. These working practices have developed in recent years but fall short of the approach promoted by the government which places development management in a pivotal role in delivering the strategic aims and vision of the council as a whole. Such changes may have corporate significance.
2. The change in emphasis from development control to development management will also require a change in the use of staff resources in the planning team. The emphasis in development management is on front loading and putting more time and effort into pre-application discussions to try to provide a smoother and quicker process at application stage. Potentially this can assist in achieving a better development but it does not come without some cost. Officers presently spend a great deal of time on pre-applications and a time survey is currently being carried out to quantify this. However, at a time when resources are tight some pre-applications, which are currently non fee earning and not part of performance statistics, have taken a back seat to planning applications. This reflects Government commitment to performance management and associated targets but ultimately might not result in the best outcomes for developments. As the emphasis changes and staff resources are stretched, the provision of an improved pre-application service may bring difficult choices on priorities and could result in a fall in some performance figures for applications in the short run. In the longer term the provision of a robust development management approach should reduce the amount of staff time required at application stage.

3. Sefton does not charge for pre-application discussions. The Director has previously taken the view that we want to encourage such discussions and that charges might be off-putting. However these discussions can be very time consuming and sometimes eg Hugh Baird College do not result in any formal application at the end of the process. Indeed, sometimes pre-application inquiries can be valuation exercises with no real likelihood of realisation.

It is clear that the Government accepts that charging for pre-application discussions is reasonable provided that the charges are not for profit and income from such charges does not exceed the cost of such services.

There are many potential difficulties with charging particularly around the setting of appropriate levels of fees for different types of proposals and different requirements for officer involvement. In general terms however the Director feels that the levels of charging should be set by the local authority concerned and not prescribed nationally as is one of the options in the consultation.

If the committee endorse this general approach, a practice note on pre-application discussions setting out what the council can offer and setting appropriate levels of charges will be brought to a future meeting.

4. Another area of concern for Sefton is about the issue of effective engagement during the pre-application process particularly for the public and for Members. The consultation document indicates that members should be involved in the pre-application process. This raises potential conflict of interest for planning committee members and the Director feels that the existing practices should not be significantly changed.
5. The consultation argues that there will be a significant saving as a result of reduced time and cost of condition discharge. The Director would strongly disagree with this as it does not reflect our experience. The suggestion is that conditions should routinely be shared with applicants and that the number of conditions should be much reduced because issues have been resolved. This misses the point. A lot of conditions relate to matters which the applicant is simply not able to deal with at application stage because of the time taken, cost or simply the difficulty of procurement. Other conditions are applied at the request of developers. The Director does not believe that a move to development management will bring significant savings in respect of condition discharge as matters are already resolved before decision if at all possible. Validation checklists and improved information have assisted this.

Conclusions

- 1 In terms of the implications for Sefton members are asked to support the principle of the development management approach. Further reports including a practice note on pre-applications and suggested fees for pre-application discussions and other services will follow.
- 2 The following response to the present consultation is recommended.

The consultation comes with a long list of questions which serve to obscure the main issues and a general response in respect of the relevant part of the document is suggested as follows

Part 1

Sefton Council whilst supporting the principle of development management, is not convinced that a PPS (which is normally a document setting out planning policy guidance) is appropriate to deal with issue which are essentially procedural. In this respect a good practice note would seem more appropriate.

The main area where a PPS would assist is in the determination section of the document which explains the weight that should be attached to different material considerations. The present draft document incorporates little change to the existing guidance and does not give emphasis where it might be useful ie in clearly stating the weight to be attached to the sustainable community strategy and other local authority strategies. The words that these 'may be relevant' does not give enough weight in the context of their importance in the development management approach.

Part 3

Sefton Council supports the general emphasis of the consultation document in encouraging pre-engagement and front loading. It is recognised that this will bring significant challenges both at a corporate level and for management of the process. It must also be recognised that pre-application discussions should also be used to weed out proposals which are unsuitable at an early stage.

This Council would also agree that there is a need for clear LPA guidance on pre-application advice and discussions. However, this should be left for the individual authority to prepare to suit their own needs, resources and pressure. Whilst some information of the scale of fees which might be appropriate would be helpful, these fees should not be nationally prescribed. A valuable housing development in SE England cannot for example fund the same level of pre-application cost as a marginal housing development in Bootle.

The involvement of members in the pre-application process brings tensions and needs to be carefully considered as it can be prejudicial and is not always appropriate.

Part 4

The determination policy annexe changes the existing emphasis less than might be expected and a clearer statement of the range of different material considerations which can be balanced would be helpful.

Part 8

Sefton Council strongly disagrees with this. This Council already seeks to resolve issues where possible but recognises that conditions are often helpful to both the authority and applicants. The evidence in the assessment to suggest significant savings in respect of condition discharge simply does not reflect our experience. Whilst supporting the principle of development management and front loading, this will not result in significant savings and could require increased staff resources.