

Place Select Committee
Review of Planning (Development Management) & Adoption of Open Space
Outline Scope

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Which of our strategic corporate objectives does this topic address?

The review will contribute to all three aspects of the Council Plan 2022-2025 vision:

- *A place where people are healthy, safe and protected from harm* (people live in cohesive and safe communities)
- *A place that is clean, vibrant and attractive* (great places to live and visit, clean and green spaces)
- *A place with a thriving economy where everyone has opportunities to success* (a growing economy, job creation and increased employment)

What are the main issues and overall aim of this review?

Considerations around planning issues can be very complex, highly emotive, and attract significant media coverage. Government directives dictate much of the overarching process, with key aspects, whether forming planning policy / guidance or determining planning applications, following a statutory process and requirements. The subsequent investigation of any application is though reliant upon officer judgement which, whilst based on professional parameters, can include an element of subjective opinion around what might be a delicate / contentious proposal.

From providing advice prior to the submission of a planning request to processing applications (via validation, consultation, assessment and recommendation) and enforcing breaches of planning control, the SBC Planning Services Team plays a critical role in this important area of Council activity. Most decisions are made by one of the SBC Planning Officers, although some are passed onto the Planning Committee which is made up of Elected Members who vote on each application. However, decisions inevitably result in interested parties being either satisfied or dissatisfied with the outcome, which can lead to frustration and discontentment with either the process itself or the information used to reach a conclusion.

In light of the limited ability for the Committee to influence national policy (which may change anyway as part of the considerations around the Levelling-Up and Regeneration Bill), this review will focus on the Council's pre-application advice, the effectiveness of the Council's support service (resources / performance), and planning enforcement.

An additional, yet related, concern is the issue of open space land on new developments. A reluctance by Council's to adopt and subsequently maintain such land due to funding / resource cuts has seen developers (reluctant to pay the large 25-year maintenance contribution to a Council upon adoption, as per current national policy) either maintaining it themselves or handing it to a maintenance company to manage and charge the occupiers of each house on the development the cost of maintaining it (on top of their annual Council Tax bill). However, other residents elsewhere also use this space, yet do not contribute towards it up-keep.

As well as a lack of fairness and taxation equality, residents can also be frustrated in their attempts to get issues in relation to maintenance addressed. Without public accountability which Council (or other relevant public body) adoption brings, spaces can become scruffy which reflects badly on the Borough as a whole. This scrutiny review provides an opportunity to examine what can be done Borough-wide either through SBC or the local Town and Parish Councils to resolve the issue.

The Committee will undertake the following key lines of enquiry:

How effective is the current planning support function (national performance indicators, responding to demand (applications / complaints))?

How does the service compare with other Local Authorities in terms of income generation and resources available within the team? How has this changed over time, and how has COVID-19 impacted the service?

Is officer practice consistent and transparent in the process elements of providing pre-application advice, making planning decisions and planning enforcement (e.g. how the Council considers pre-application queries, report content, and approach to enforcement (unauthorised developments / breaches of approved applications))?

What themes are emerging from planning complaints regarding how a decision is made (rather than the merits of the decision) – how is this being reflected in future planning consideration / support (if valid)?

How many open space areas on new developments could feasibly be adopted by SBC or other public body – what are the barriers to this?

How are developers being held to account regarding maintenance of such open spaces? How are fee-paying residents' concerns heard and acted upon?

What realistic options exist to ensure open land on new developments is maintained in an appropriate way to support a positive image of the Borough? What can be learnt from approaches outside Stockton-on-Tees?

Who will the Committee be trying to influence as part of its work?

Council, Cabinet, SBC Planning Committee, developers, public.

Expected duration of review and key milestones:

6 months (reporting to Cabinet in February 2023)

What information do we need?

Existing information (background information, existing reports, legislation, central government documents, etc.):

- Levelling-Up and Regeneration Bill
- National planning policy and national planning practice guidance
- Statutory Acts, Procedures and Orders
- SBC planning policies (guidelines, scheme of delegation)
- Examples of SBC planning reports (both delegated and Committee)
- Data on service performance / appeals / planning-related complaints and any key themes
- Benchmarking with other Local Authorities

Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)

What specific areas do we want them to cover when they give evidence?

Stockton-on-Tees Borough Council

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| <ul style="list-style-type: none"> • Planning Services | <ul style="list-style-type: none"> ➤ Planning policies / guidelines ➤ Support function (past / current / future?) ➤ Performance (indicators / effectiveness) ➤ Appeals / complaints / enforcement ➤ 'Benchmarking' information for other similar authorities and those within the Tees Valley ➤ Open space requirements / calculations ➤ Fee-paying open space maintenance areas |
| <ul style="list-style-type: none"> • Care For Your Area | <ul style="list-style-type: none"> ➤ Current maintenance of open spaces ➤ Relationships with developers ➤ Barriers to additional maintenance |
| <p>Developers</p> | <ul style="list-style-type: none"> ➤ Approach to open space maintenance – costs / resources / alternative options? ➤ Relationship with SBC ➤ Engagement with residents re. complaints |
| <p>Planning Consultants / Agents (that regularly engage with SBC)</p> | <ul style="list-style-type: none"> ➤ How does SBC compare to other Local Authority areas? |
| <p>SBC Elected Members</p> | <ul style="list-style-type: none"> ➤ Common issues raised to them regarding planning ➤ Concerns re. open space maintenance |

How will this information be gathered? (eg. financial baselining and analysis, benchmarking, site visits, face-to-face questioning, telephone survey, survey)

Committee meetings, reports, research, benchmarking, Member survey (TBC), site visits (TBC).

How will key partners and the public be involved in the review?

Committee meetings, information submissions, site visits (TBC).

How will the review help the Council meet the Public Sector Equality Duty?

The Equality Act 2010 protects everyone from discrimination on grounds of nine Protected Characteristics (including – but not limited to – age, gender, disability, ethnicity), and advance equality of opportunity for those with Protected Characteristics. Public bodies must have due regard to the need to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

How will the review contribute towards the Joint Strategic Needs Assessment, or the implementation of the Health and Wellbeing Strategy?

Stockton Joint Strategic Needs Assessment (JSNA): Housing: Good quality, appropriate housing and in places where people want to live has a positive influence on reducing deprivation and health inequalities by facilitating stable / secure family lives

Employment: Employment has a major positive impact on an individual's long-term health and wellbeing as well as that of their family members. It can influence social mobility, economic independence, housing, and income levels.

Stockton-on-Tees Joint Health and Wellbeing Strategy 2019-2023: All people in Stockton-on-Tees live in healthy places and sustainable communities: Planning policies and subsequent decisions can have a significant impact on health and wellbeing through the design of neighbourhoods, buildings and public space in the way they encourage people to be socially integrated, physically active or limit the growth of take-away and alcohol outlets.

Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:

Through a consistent approach to planning policy, investigation of and reporting on an application, and engagement with interested parties, there is the potential for a reduction in appeals / complaints that require time and resources to consider.

Regarding open spaces on new developments, reinforcing accountability for the maintenance of such areas with developers, the Council or through other suitable mechanisms will contribute to an improved public image of the Borough. There is also an opportunity to consider the way in which maintenance of these open spaces is funded to ensure fairness for local residents.

Project Plan

Key Task	Details/Activities	Date	Responsibility
Scoping of Review	Information gathering	May 2022	Scrutiny Officer Link Officer
Tri-Partite Meeting	Meeting to discuss aims and objectives of review	16.06.22	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Agree Project Plan	Scope and Project Plan agreed by Committee	27.06.22	Select Committee
Publicity of Review	Determine whether Communications Plan needed	TBC	Link Officer, Scrutiny Officer
Obtaining Evidence		25.07.22 19.09.22 17.10.22 21.11.22	Select Committee
Members decide recommendations and findings	Review summary of findings and formulate draft recommendations	19.12.22	Select Committee
Circulate Draft Report to Stakeholders	Circulation of Report	January 2022	Scrutiny Officer
Tri-Partite Meeting	Meeting to discuss findings of review and draft recommendations	TBC	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Final Agreement of Report	Approval of final report by Committee	23.01.23	Select Committee, Cabinet Member, Director
Consideration of Report by Executive Scrutiny Committee	Consideration of report	[28.03.23]	Executive Scrutiny Committee
Report to Cabinet / Approving Body	Presentation of final report with recommendations for approval to Cabinet	23.02.23	Cabinet / Approving Body