

Place Select Committee

A meeting of the Place Select Committee was held on Monday 25th July 2022

Present: Cllr Chris Barlow (Chair), Cllr Mohammed Javed (Vice-Chair), Cllr Louise Baldock, Cllr Luke Frost, Cllr Stefan Houghton, Cllr Hugo Stratton, Cllr Hilary Vickers, Cllr Bill Woodhead MBE

Officers: Simon Grundy (F,D&R); Rachel Harrison, Gary Woods (CS)

Also in attendance: None

Apologies: Cllr Pauline Beall

1	<p>Evacuation Procedure</p> <p>The evacuation procedure was noted.</p>
2	<p>Declarations of Interest</p> <p>There were no declarations of interest.</p>
3	<p>Minutes – 27 June 2022</p> <p>Consideration was given to the minutes of the Place Select Committee meeting which was held on the 27th June 2022 for approval and signature.</p> <p>AGREED that the minutes of the meeting held on the 27th June 2022 be confirmed as a correct record and signed by the Chair.</p>
4	<p>Scrutiny Review of Planning (Development Management) & Adoption of Open Space</p> <p>The first evidence-gathering session for the Committee’s review of Planning (Development Management) and Adoption of Open Space took place at this meeting where Members received a detailed presentation from the Manager of Stockton-on-Tees Borough Council’s (SBC) Planning Services team, the content of which covered the following:</p> <ul style="list-style-type: none"> • <u>Planning Services Structure</u>: Headed by the Planning Services Manager, the team comprises two distinct strands – 1) Development Management: two Principal Planning Officers supported by six Planning Officers (one of which is currently vacant); 2) Planning Policy: one Principal Planning Officer supported by two Planning Officers (one of which is currently vacant) and one Historic Buildings Officer. The team also includes three Planning Support Officers covering these two strands. • <u>Decision-Making Framework</u>: Working within the National Planning Policy Framework (most recently revised in July 2021) which sets out the Government’s planning policies for England and how these are expected to be applied, the SBC Local Plan (adopted in January 2019) is a key

document which is further supported by supplementary planning guidance.

The planning system was an assessment (rather than a set of 'rules') based on the individual merits of each case. Planning policies, material planning considerations, and how much weight should be given to a particular aspect of an application (e.g. economic benefits) all needed to be reflected upon when a Planning Officer was making a decision. Crucially, it was important to acknowledge that these were value judgements, the determinants of which could be interpreted differently by different officers.

- **Service Resource and Demand:** The demands on the planning service since 2017 have stayed broadly consistent, with an increasing year-on-year trend in enforcement cases and relatively stable pre-application enquiries. Applications received by SBC have steadily decreased since 2017, though 2021 saw a return to 2017 application levels. The bulk of the service's work involved giving professional advice.

From 2017-2018 to 2021-2022, the majority of applications received were from householders (77%). Minor applications (involving small-scale residential schemes) covered 19% and major applications (large-scale commercial schemes) covered 4%. The service was principally funded through major applications / work, though householder applications tended to take-up a higher proportion of officers' time.

Due to the service facing cuts, the service's staffing resource had been reduced from 21 in 2016 to 16 in 2022 (note: HR records are only available since 2016). Planning Officer numbers had increased from four to six since 2016 – these staff were used to deal with enforcement cases instead of the previous (and now deleted) Senior Enforcement Officer / Enforcement Officer posts as it was felt that prior involvement in a case would make the enforcement process easier. The effectiveness of this approach would be covered in a forthcoming meeting.

In the future, a range of new resources which could become available to the planning service included technological advances (e.g., artificial intelligence for the validation of planning applications) and improvements in software / agile working (more web-based so officers can do work onsite rather than be constrained to the office). The Levelling-Up and Regeneration Bill may also lead to significant change within planning, including potential fee increases, increased Development Management performance standards and environment monitoring, and a five-year cycle of formulation, adoption and monitoring of the Local Plan. However, many unknowns remain.

- **Performance:** Government targets for 'speed' (decision made within target or within an agreed extension of time) and 'quality' (percentage of the total number of decisions made that are then overturned at appeal) were in place for both major and non-major developments, and failure to meet these could mean that the Council becomes a 'designated authority' where decisions are instead made by the Planning Inspector. SBC set itself even higher thresholds for the 'speed' element (and was broadly achieving these),

though a balance was required between reaching timely decisions and managing the workload within the service. The Council was comfortably within the target for the 'quality' element – this was very positive as any threat of breaching this threshold may put additional pressure on officer decisions.

In terms of appeals, data demonstrated that the Council was, in the main, getting planning judgements correct, with over double the number of cases won (96) than lost (47) since 2017-2018. In 2021-2022, however, nearly half of the 24 planning appeals were subsequently allowed – many of these were householder extension applications which can often go either way.

- **Benchmarking:** Development Management performance was compared with the other Local Authorities in the Tees Valley. For each year from 2014-2015 to 2018-2019 (more recent data was also being sought), Stockton-on-Tees had received the second highest amount of planning applications (behind Darlington, which may receive more householder applications – this would be followed-up). SBC had the highest number of planning services staff of the five Local Authority areas, though officers were comfortable with the current resource level. Further to a Member request, comparisons between Stockton-on-Tees and other Local Authorities of a similar size would be sought.
- **COVID-19:** Regarding implications for the service, the pandemic had resulted in a predictable fall in planning applications received during the first half of 2020-2021 – however, by Christmas 2020, the level of applications had returned to 2019-2020 cumulative levels. During 2021-2022, the cumulative application level was consistently above the 2019-2020 (pre-COVID) year, likely due to some pent-up household demand. In terms of service funding, two major applications in the last three years had brought in significant income for the Council – one of these occurred in November 2020 and the other in June 2021.

From a staffing perspective, COVID-19 had implications on productivity (home-working had not adversely impacted this, though whilst Teams was crucial for maintaining collaboration, being together with colleagues was also helpful and reassuring), wellbeing (couple of challenges regarding long-term sickness which put pressure on others; implementation of measures to support staff; returned to office on a rota-basis to help new starters familiarise themselves with existing officers), staff development (now actively trying to catch-up on) and collaborative working.

- **Complaints:** In terms of complaints against the service (rather than regarding applications which follow a set path), the Council's corporate complains procedure is in place which aims to identify key themes / learning / preventative measures. Complaints often reflect disgruntlement about the outcome of an application, and the last 15 years Council has not been found of causing injustice (issues have been more around administrative aspects) by the LGO.

The presentation concluded with proposals for potential site visit locations in relation to the review's 'Adoption of Open Space' element – these included a mix of areas which the Council maintains and some which are overseen by developers. Members were encouraged to forward any other suggestions as soon as possible so a final list could be collated and circulated for approval.

Regarding future resourcing of the service, Members commented that they had been sent planning applications which were poorly written / not filled out correctly and asked about any plans for forms having to be submitted electronically. Officers replied that people could not be forced to complete the forms online (even though the vast majority do) but were encouraged to (as this was potentially a more efficient service).

The Committee queried how the service could ensure the future recruitment of good-quality staff (e.g. were there any similar initiatives to those being undertaken within the health and care sectors?). Officers responded that there was a shortage of qualified Planning Officers across the North East and the staff who were qualified were either being recruited into the private sector or recruitment agencies. The service had previously grown its junior staff in order to upskill them more quickly, though these less experienced individuals still needed supporting by more senior officers. A new apprentice had recently been appointed to a junior role who in the future would have the opportunity to complete a planning qualification.

Members asked about the impact of the Government's decisions around planning on the local area. It was noted that potential changes to planning regulations may adversely affect income levels which could have implications for the service's future resources. Discretionary services may also need to be ceased in order to fulfil statutory functions.

With reference to the appeals data, the Committee made several observations. It was felt that before the Local Plan was signed-off, the Council was, more or less, obliged to accept major applications to avoid potentially high barrister costs in the event of an appeal. In response, Members heard that, prior to 2019, the lack of an up-to-date Local Plan and 5 year supply of housing gave automatic favour to large-scale housing applications, and although some were refused, these cases were subsequently lost as there was a presumption of housing development need.

In those cases appeal costs were potentially very high, so the adoption of the current Local Plan had made a difference, particularly around the determination of housing schemes. The potential for significant appeal costs was also a reason why the Council had quality control checks in place to ensure sound decisions were made (though it was acknowledged that there remains an element of subjectivity associated with some cases).

A question was raised as to whether the Council had a specific fund for appeal costs. Officers confirmed that no such budget existed, and that SBC would only be at risk of incurring costs if the Planning Inspector found it to have been 'unreasonable'. The potential for significant costs were when public inquiries

	<p>took place (involving a barrister), and since the adoption of the existing Local Plan, there had been two locally – one won and one lost (no costs involved in either). Further detail on the Council’s appeal costs would be provided at a later meeting, though it was noted that whilst winning an appeal validated an original decision, the Council would prefer to work collaboratively with applicants so as not to have received an appeal in the first place.</p> <p>The Committee was interested in establishing the number of times that the Council’s Planning Committee had gone against officer recommendations and was assured that this information could be provided. It was stated that the process by which applications were considered by the Planning Committee was deemed a collective approach between both Members and officers, and that officer involvement was one of providing advice rather than binding the Planning Committee into a particular decision. More detail on which cases go to the Planning Committee and which are determined by officers (i.e. scheme of delegation) would be provided at a future evidence-gathering session.</p> <p>AGREED that...</p> <ol style="list-style-type: none"> 1) the information be noted. 2) further information be provided, as identified, at a future Committee meeting.
<p>5</p>	<p>Work Programme 2021-2022</p> <p>Consideration was given to the Work Programme.</p> <p>The next Committee meeting would be held on the 19th September 2022 and was scheduled to include the next evidence-gathering session for the Planning (Development Management) & Adoption of Open Space review, as well as consideration of the draft Action Plan in relation to the recommendations from the recently completed Residents Parking Zones review.</p> <p>AGREED that the Work Programme be noted.</p>
<p>6</p>	<p>Chair's Update</p> <p>The Chair had no further updates.</p>