

Planning Services

Place Select Committee



Scope of Enquiry

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The areas to be reviewed;

- Additional Information requested
- Pre-application Advice
- Planning Enforcement

Planning Services

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DEVELOPMENT MANAGEMENT ADDITIONAL INFORMATION

Methods applications/preapp received

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Officers deal with majority of applications

Triggers for committee;

- 6 or more letters contrary to recommendation
- Those deemed to be necessary by Director of Finance, Business and Regeneration
- Applications by Members/Council Employees (where at least one objection)
- Recommendation for approval constitutes a departure from the Development Plan
- Council scheme which is beyond the minor definition (more than 500sqm)

Appeals - inc. contrary to recommendation decisions

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	2019	2020	2021	2022 *
Total Appeals	48	24	26	5
Dismissed	34	15	12	4
Allowed	14	8	13	1
Part allowed	0	1	1	0
Dismissed %	71%	63%	46%	80%
Members contrary to Officer recommendation	0	1	4	1
Dismissed	0	0	0	0
Allowed	0	1	4	1

Appeal costs information (2017- Present)

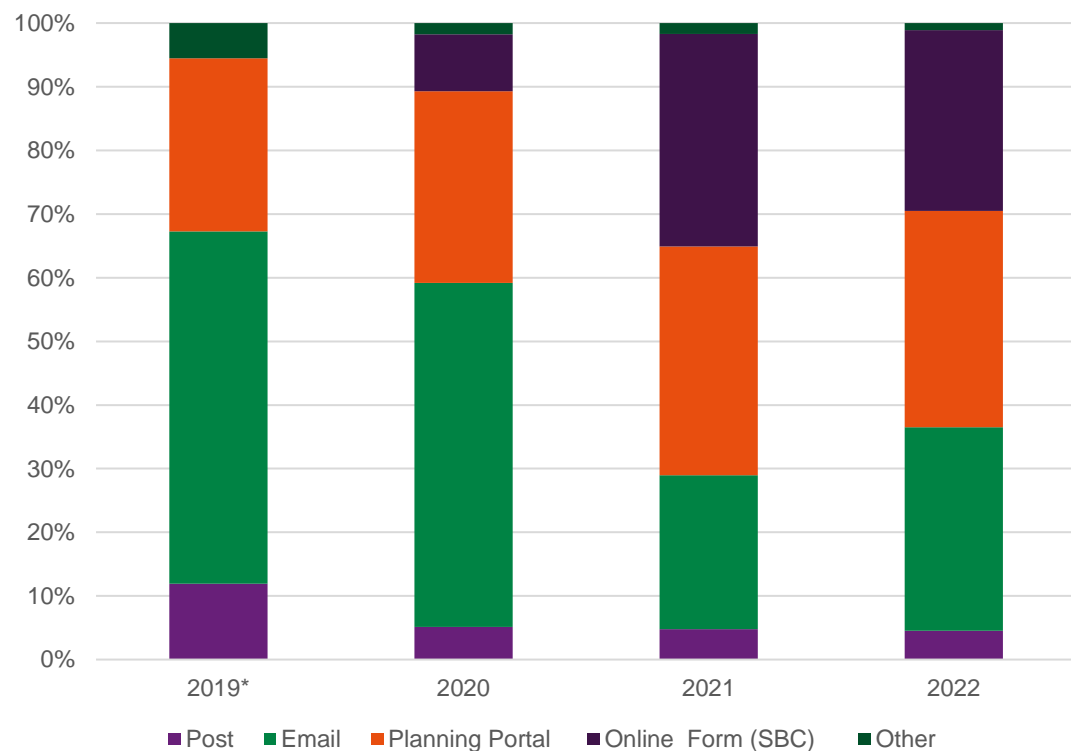
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Appeal Costs		
October 2017	Land South Of Cayton Drive Thornaby	£5,200.20
September 2018	Homefield Farm High Lane Maltby Middlesbrough TS8 0BE	£1,843.95
April 2019	Land Associated With Hunters Rest Urlay Nook Road Eaglescliffe	£17,280.00
October 2020	2 High Newham Road, Stockton-on-Tees, TS19 8RQ	£2,285.28
Total		£26,609.43

Methods applications/preapp received

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Received info monitoring (mid 2019)



	Pre - monitoring	Post	Email	Planning Portal	Online Form (SBC)	Other	Grand Total
2017	2972			1			2973
2018	2565			4		41	2610
2019	420	263	1225	602		122	2632
2020		136	1429	797	236	46	2644
2021		138	695	1034	961	48	2876
2022		79	559	594	497	19	1748

Staffing comparison

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	DM Manager	Team Leader	Principal Planning Officer	Senior Planning Officer	Planning Officer	Assistant/student planning officer	Enforcement Officer	Planning Technician/Support role	DM Staff total
Stockton on Tees	0.5		2		6			3	11.5
Gateshead	1	2		7	4	1	2.5	3	20.5
North Tyneside*	1		3	0.5	0.5	2	2	3	12
North Lincolnshire	1	1	2	7	1		4	6	22
Blackburn with Darwin	1		2		4	1	2	3	11
Darlington	1		1		3	3	2	2.5	12.5
* Outsourced to Capita									

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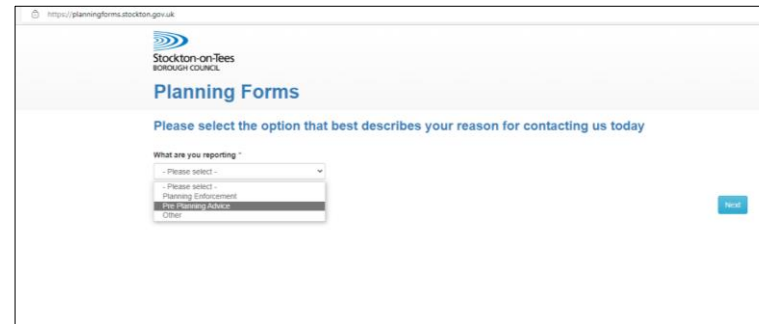
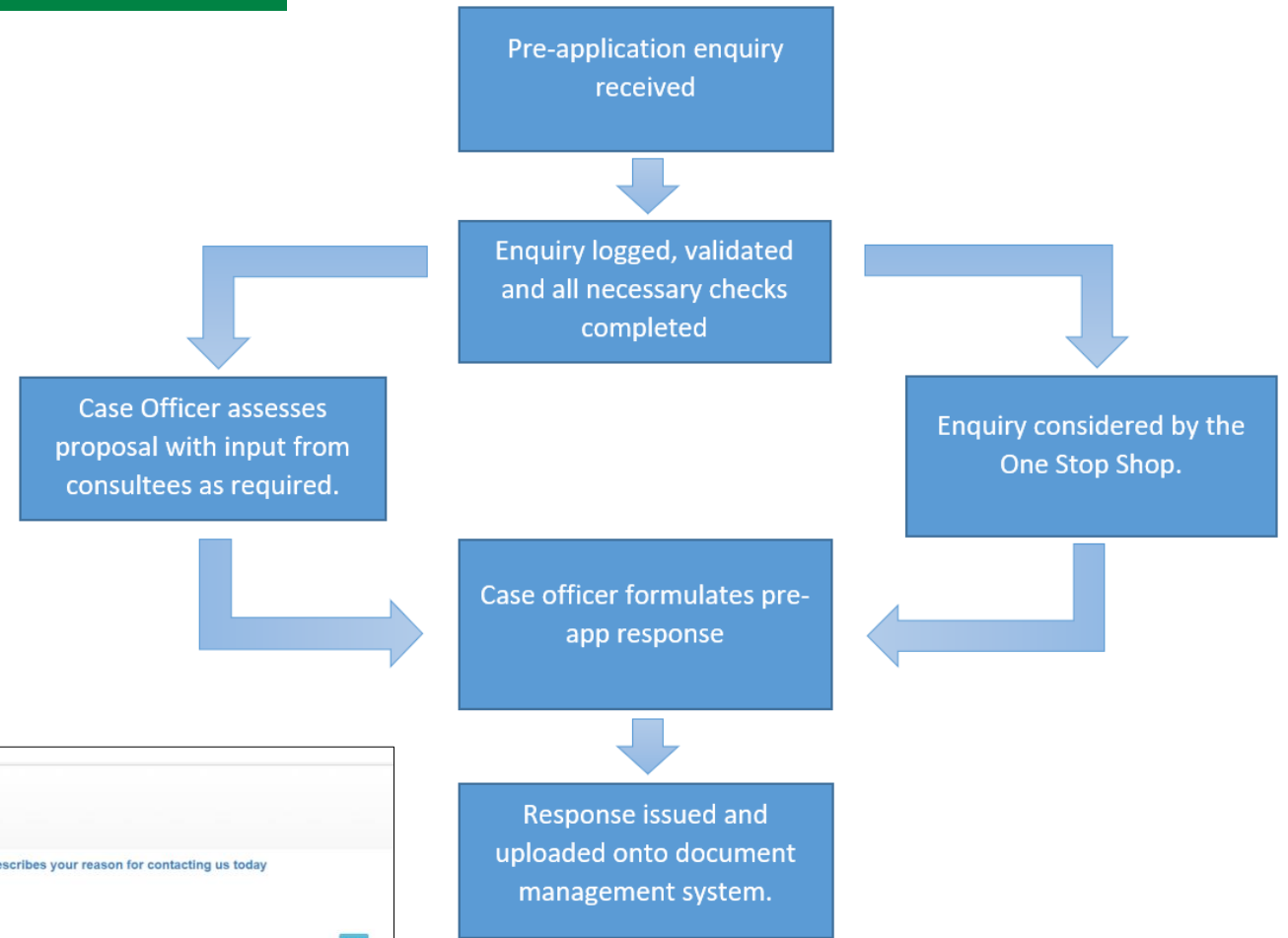
DEVELOPMENT MANAGEMENT

PRE-APPLICATION ADVICE

Service Overview

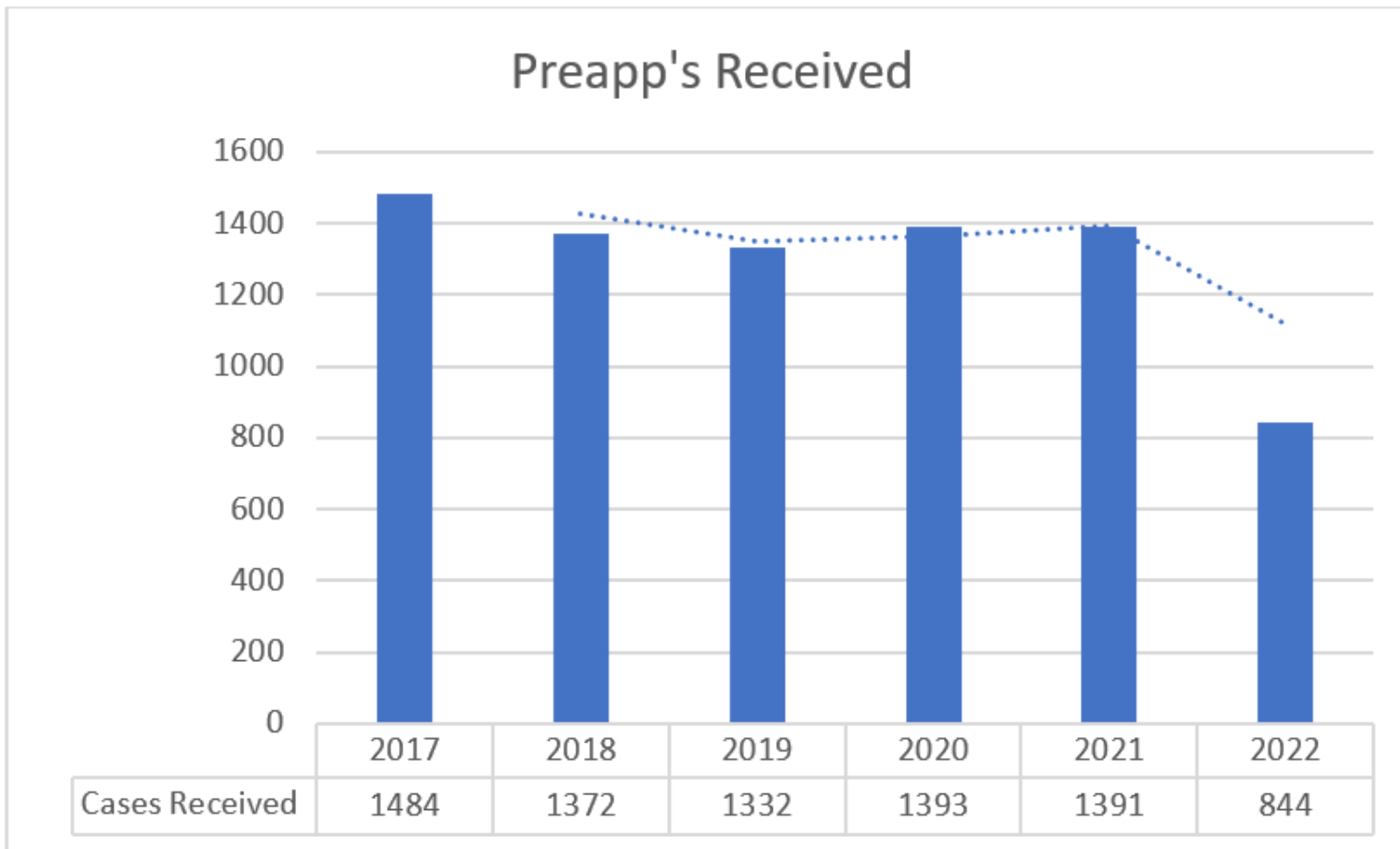
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- Discretionary Service
- Free to all users
- Online form
- Service targets a 15 working day response time
- Incorporates main aspects
 - Is permission required
 - Informal view on development proposals
 - One Stop Shop service



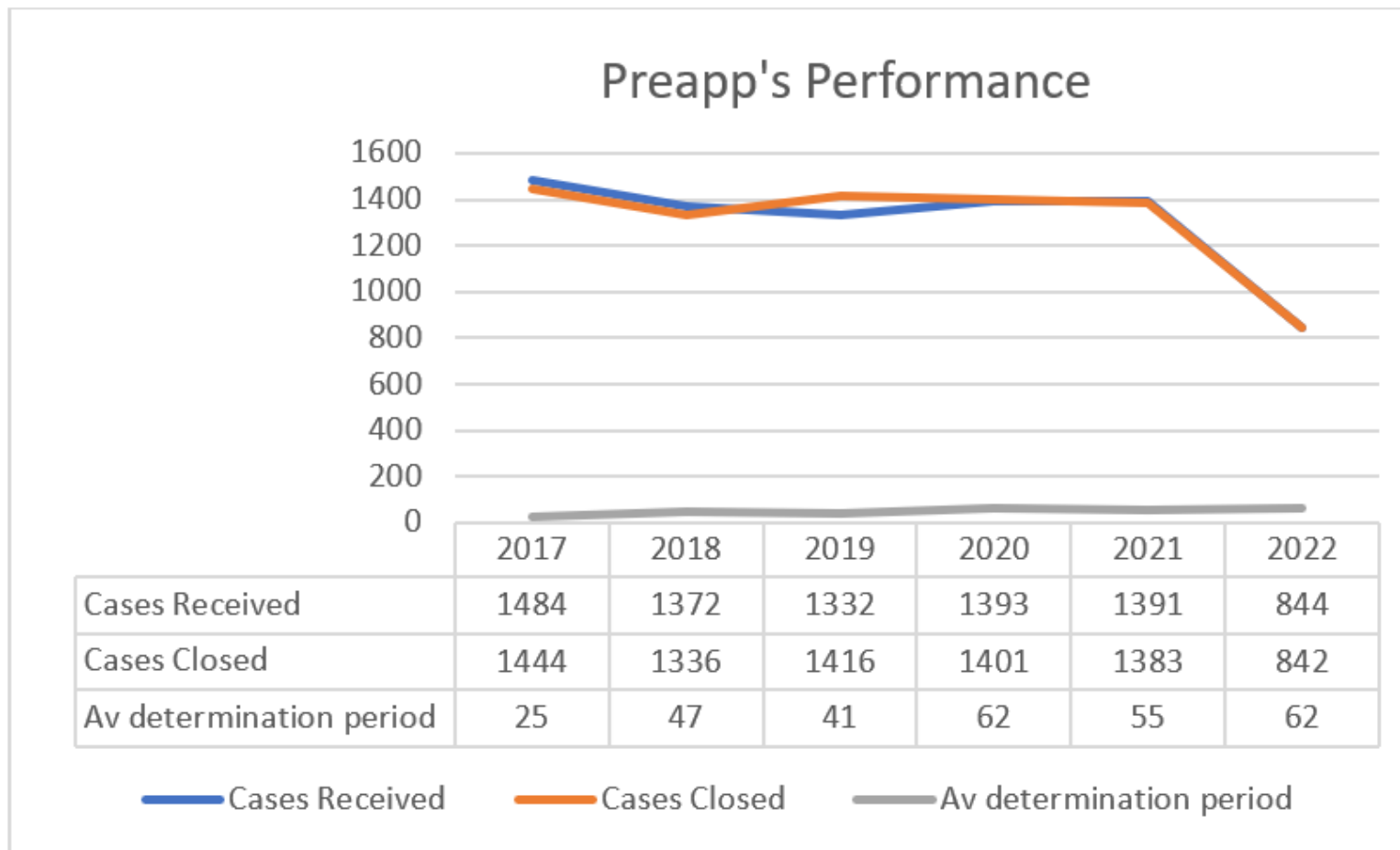
Service Demands

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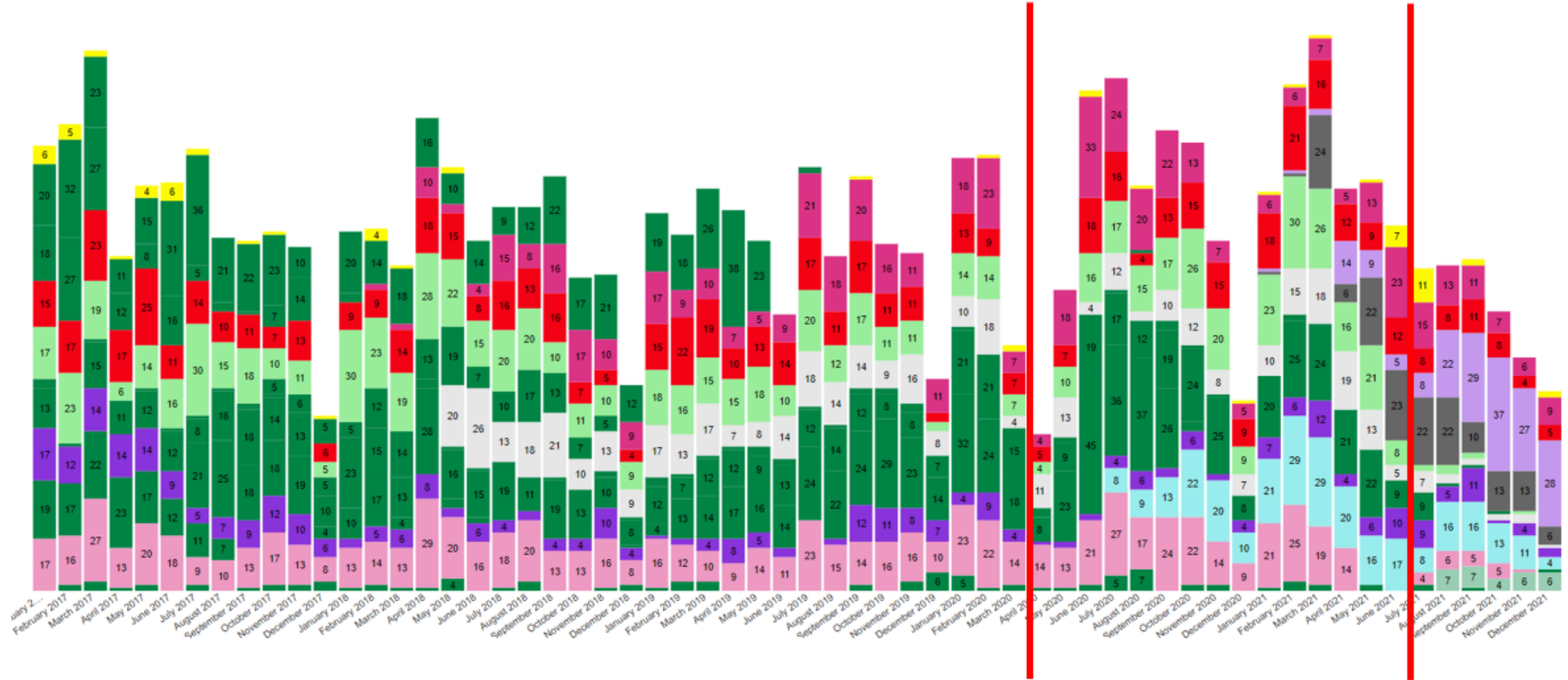
PREAPP Performance

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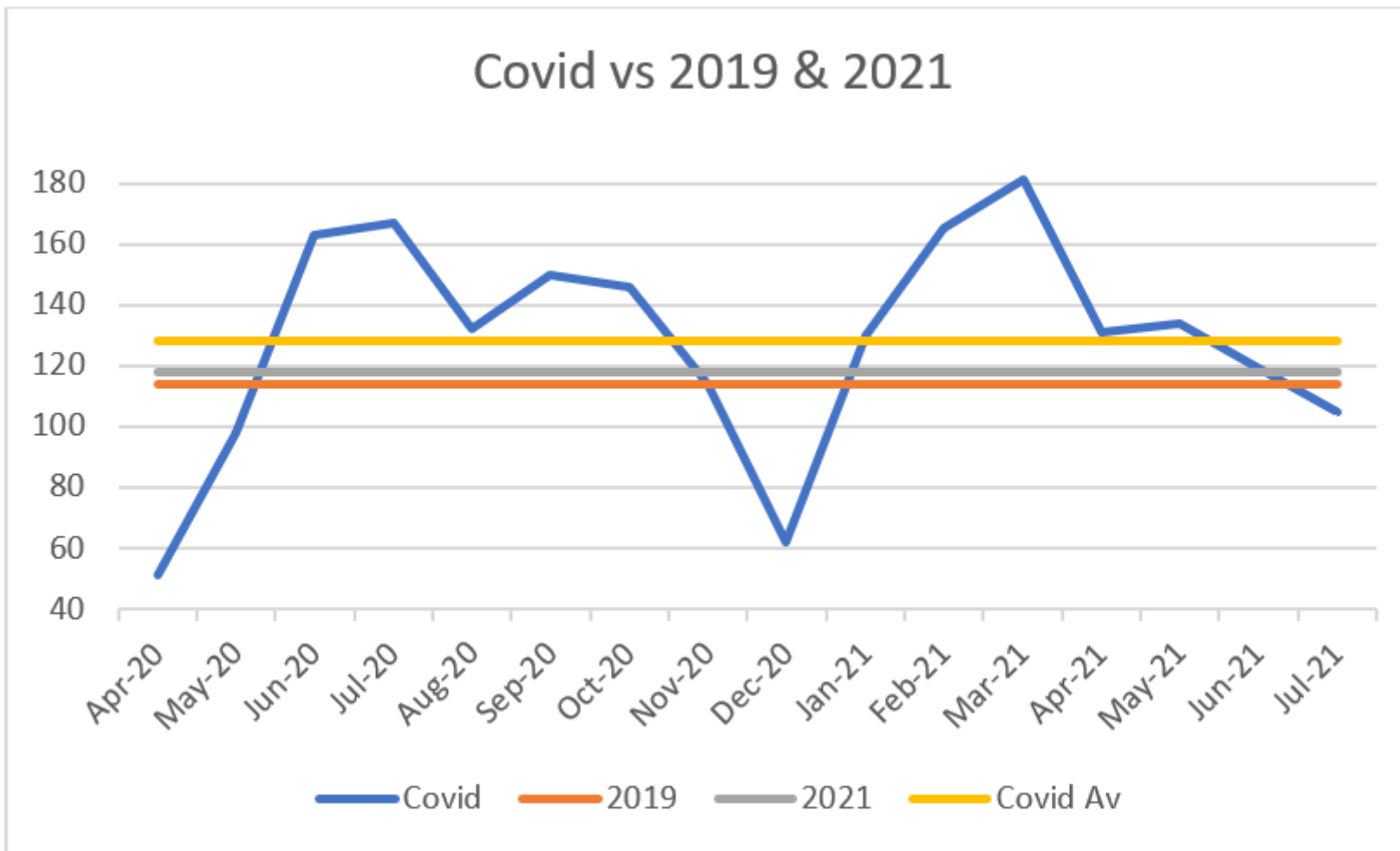
Covid

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Covid

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Benchmarking – Authorities

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	Approx av. 2019 & 2020			
	Population	Applications received	pre-app	enf
Stockton on Tees	197,348	1300	1400	480
North Tyneside	207,913	800	180	500
Blackburn with Darwin	149,696	1050	100	350
Darlington	106,803	1300	90	350

Benchmarking – comparison

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PRE-APP CHARGING COMPARISON					
	Pre-app Service provided	Charges	Fees	Response Timeframes	Other
Stockton on Tees	Y	N	N/A	15 days	-
Gateshead	Y	Y	Householder: £26-£41 Minor: £46-£206 Major: £1030-£2060 Other: £52-£207	30 – 40 Days 15-25 days 25 Days 25 Days	Concessions for adaptations for disabled; registered charitable organisations and internal council funded projects.
North Tyneside	Y	Y	Householder: £50-£100 Minor: £200-£500 Major: £1800-£3500 Other: £60-£207	15 Days 15 Days Agreed individually 15 Days	No charge for listed buildings
North Lincolnshire	Y	Y	Householder: £50 Minor: £160 Major: £1200-£3600 Other: £160	Not specified	Concessions for adaptations for disabled; registered charitable organisations; Parish and Town Council schemes, listed buildings and council funded projects.
Blackburn with Darwin	Y	Y	Householder: £0-£360 Minor: £0-£565 Major: £1130-£4240 Other: £32-£94	28 days, or within 10 days of an arranged meeting.	If no pre-application advice has been sought or taken into account in a subsequent planning application, it is likely to be determined as submitted.
Darlington	Y	Y	Householder: £36 Minor: £50 -£400 Major: £600-£1200 Other: £25-126	within 6 weeks	No charge for listed buildings
M'Bro	y	N	N/A	N/A	
Hartlepool	Y	Y	Householder £55* Minor £158 - £427 Major £396 - £3168 Other £158- £427	15 days* 15 Days 25** 15 Days	*Optional 'fasttrack' service with a fee of £79 is offered. With 5 working days response time. ** Large scale majors subject to separate agreement
Redcar	Y	N	N/A	N/A	Advised that enquires do not take precedence over fee paying applications.

Charging – worked hypothetical examples

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	Averaged preapp breakdown	Residential (53%)	minor (28%)	major (4%)	other (15%)
Average Total <u>preapps</u> received	1350	715.5	378	54	202.5
Potential Charge		£ 25.00	£ 500.00	£ 1,000.00	£ 50.00
Total Income (no reduction)	£ 271,012.50	£ 17,887.50	£ 189,000.00	£ 54,000.00	£ 10,125.00
10% reduction in <u>preapp's</u> Income	1215	645	340	50	180
	£ 245,125.00	£ 16,125.00	£ 170,000.00	£ 50,000.00	£ 9,000.00
50% reduction in <u>preapp's</u> Income	673	355	190	27	101
	£ 135,925.00	£ 8,875.00	£ 95,000.00	£ 27,000.00	£ 5,050.00
90% reduction in <u>preapp's</u> Income	135	72	38	5	20
	£ 26,800.00	£ 1,800.00	£ 19,000.00	£ 5,000.00	£ 1,000.00

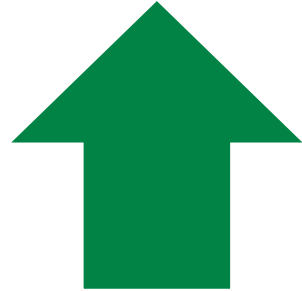
Charging – the reality

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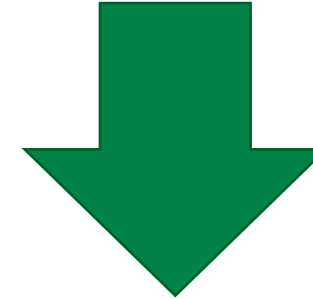
50% reduction in <u>preapp's</u>	673	355	190	27	101
Income	£ 135,925.00	£ 8,875.00	£ 95,000.00	£ 27,000.00	£ 5,050.00
90% reduction in <u>preapp's</u>	135	72	38	5	20
Income	£ 26,800.00	£ 1,800.00	£ 19,000.00	£ 5,000.00	£ 1,000.00

Charging Pro's and Con's

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- Income generation
- Potentially only more serious proposals received
- Potential capacity benefits if reduction in enquiries
- Enhanced service must be provided as result of charging



- People deterred from seeking advice
- Inward investment might be curtailed
- Schemes aren't improved - more problems at application stage
- Will need to regularly monitor, review and justify fees and service standards
- Timely and accurate advice from other Council departments essential

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DEVELOPMENT MANAGEMENT

PLANNING ENFORCEMENT

Enforcement Process and Key principals

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- Statutory function to investigate complaints
- Discretionary on whether to take action
- Not an offence to breach planning control, unless enforcement notice is served

Is it expedient to take action?

- would planning permission be likely to be granted
- Are there unacceptable effects on public amenity
- would action be proportionate
- What is the minimum requirements to make a development acceptable

Key challenges in planning enforcement

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- Negotiating outcomes
- Duration of investigations
- Every case is treated with same urgency
- Managing stakeholder expectations
- What is a successful outcome?

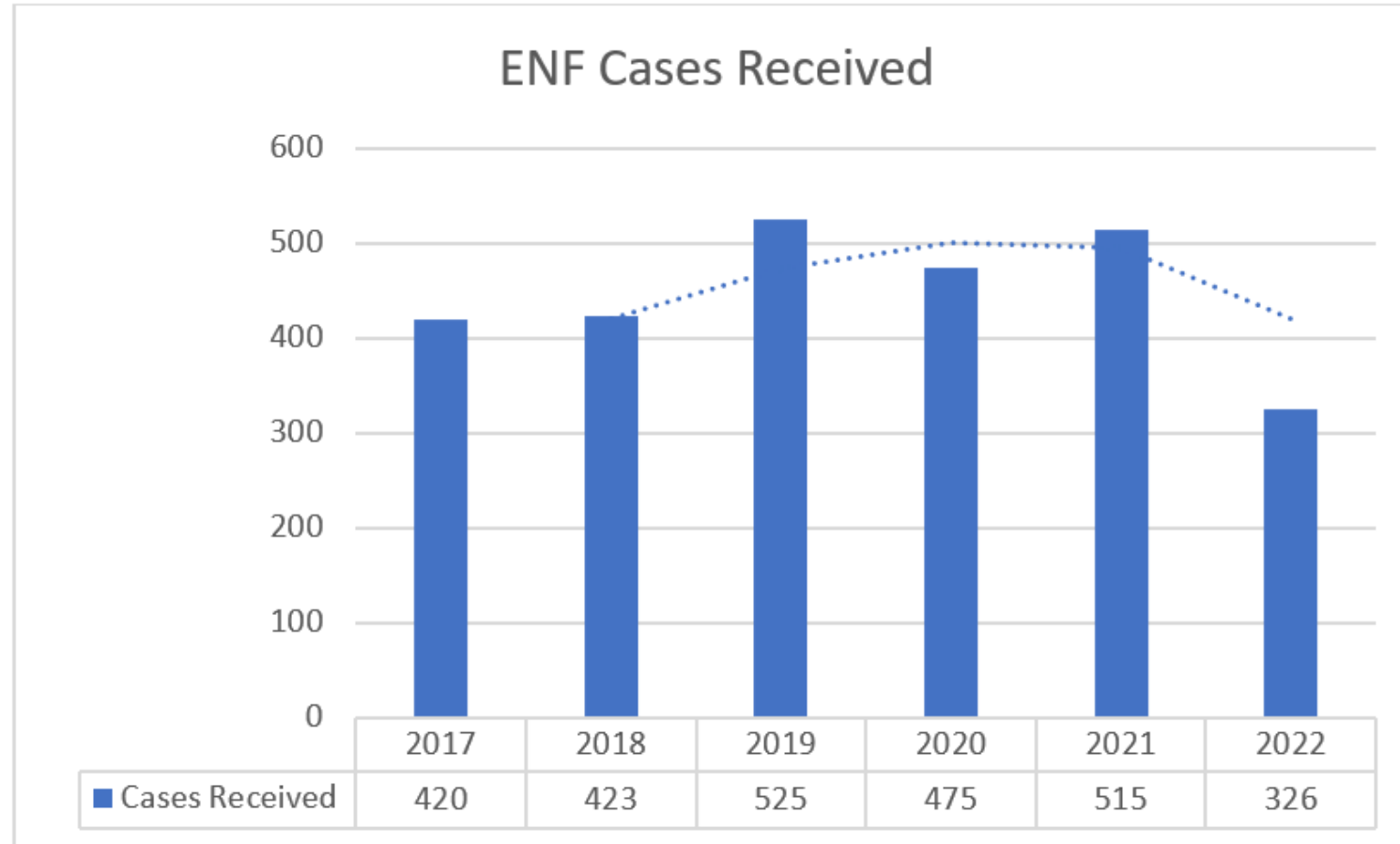
Case studies

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- Case dating back to 2017 breach of condition – case referred to magistrates court
- Unauthorised development c. 2019 – appeal decision on enforcement notice
- Recent Section 215 notice – works done in default

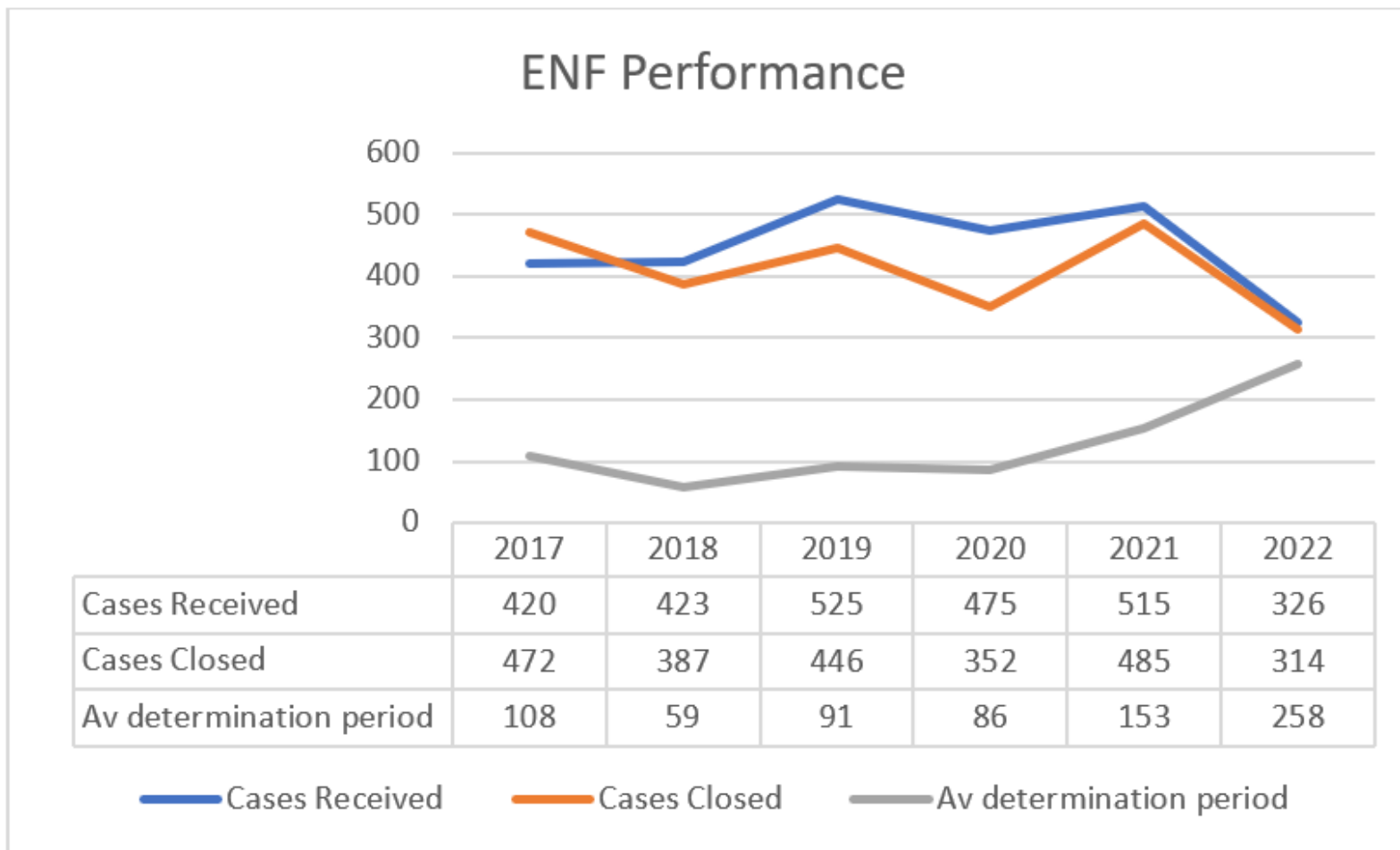
Service Demand

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Performance data

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Process review – Prior to 2019

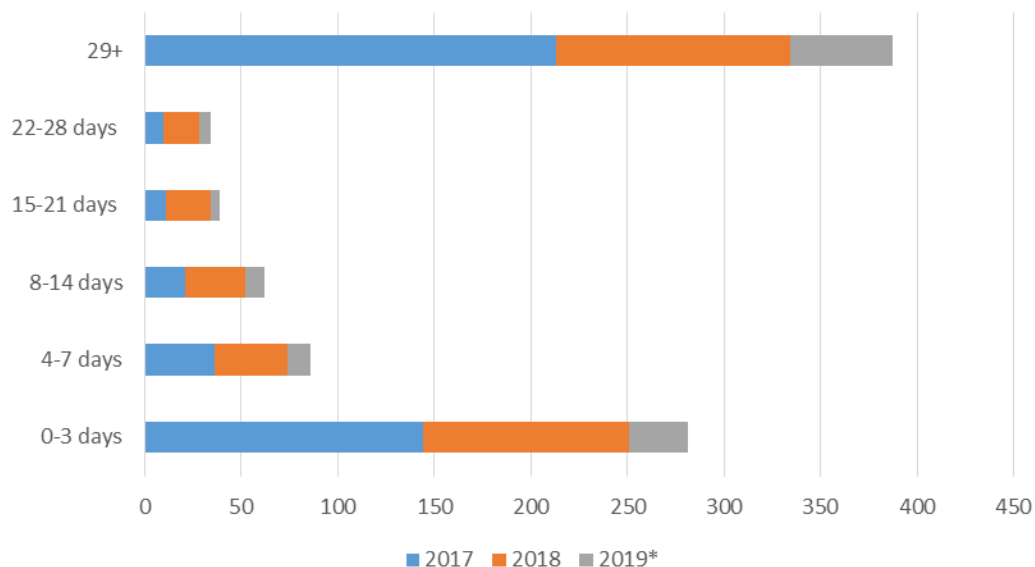
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- Two dedicated Planning Enforcement Officers
- All Cases logged by Enforcement Officers with multiple coding's based on nature of complaint
- No minimum level of information required
- Initial filter for whether breach or not including site visits for majority carried out by enforcement officers
- Planning Officers advised enforcement officers on breaches

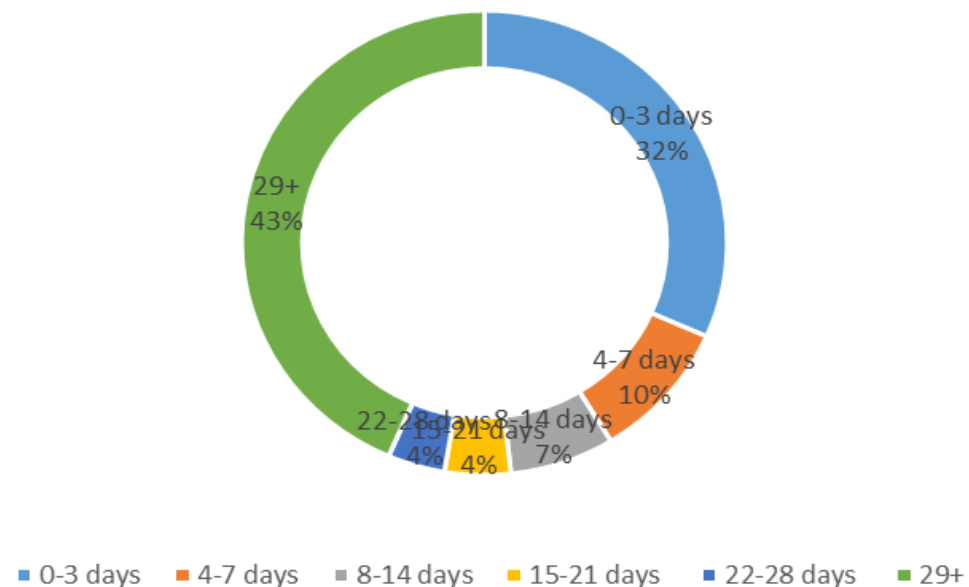
Pre 2019 process analysis

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Enforcement Time taken Cases Closed



Speed in %



Process review – now

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- Sought to maximise flexibility and resource
- All Cases logged centrally with single code
- Online potential breach reporting – mandatory information
- Initial filter for whether breach or not
- Planning Officers investigate breaches

https://planningforms.stockton.gov.uk

Stockton-on-Tees
BOROUGH COUNCIL

Planning Forms

Please select the option that best describes your reason for contacting us today

What are you reporting *

- Please select -

- Please select -

Planning Enforcement

Pre Planning Advice

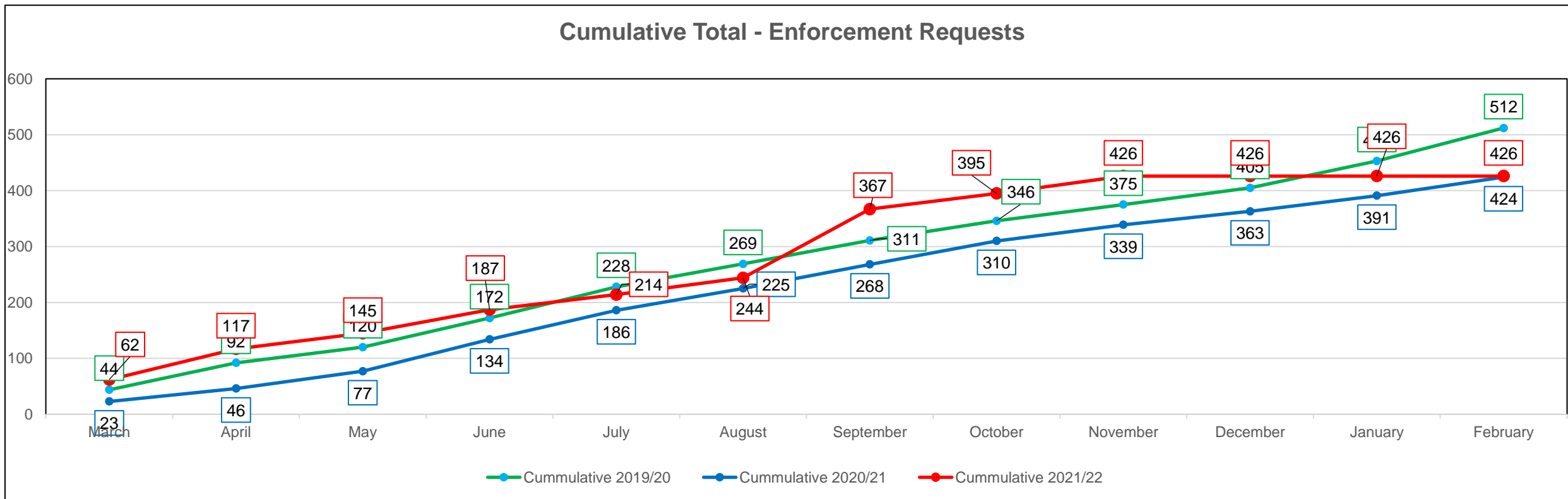
Other

Next

Covid implications – received

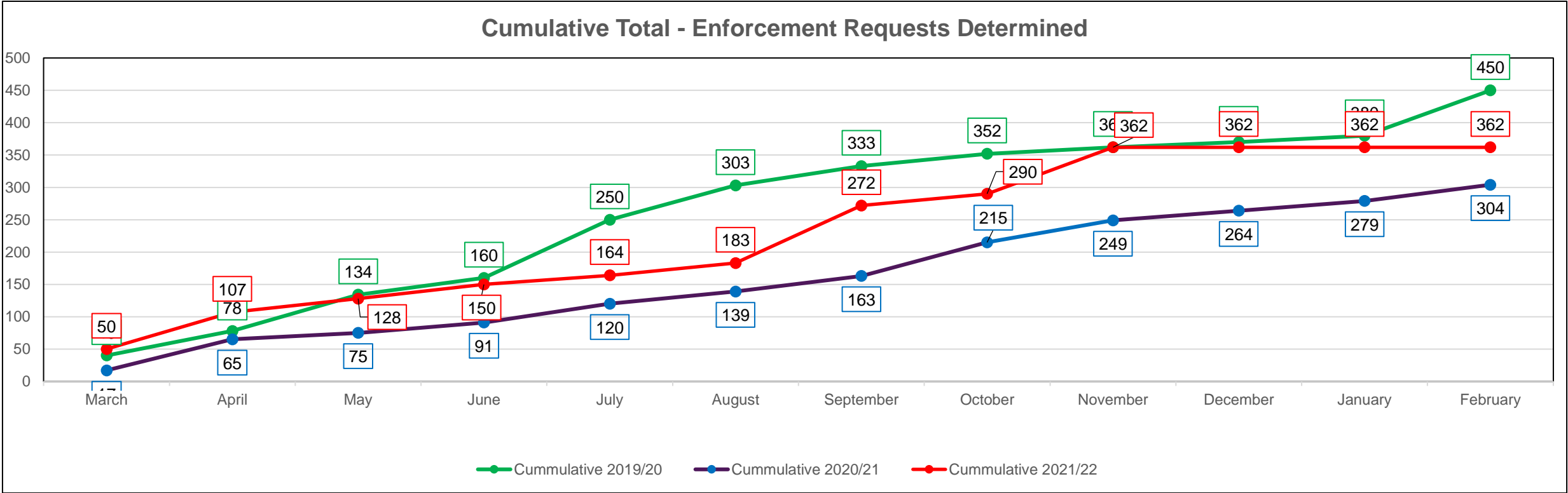
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Cumulative Total - Enforcement Requests



Covid implications – determined

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Local Enforcement Plan

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Expediency Test

This involves the Planning department assessing whether;

- the breach is in accordance with the policies of the Local Plan
- whether there are any other material planning considerations
- whether planning permission would have been likely to be granted
- whether the breach unacceptably affects public amenity
- whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest
- whether action would be proportionate with the breach to which it relates
- Whether it is necessary and/or in the public interest.

Prioritisation and ‘waymarking’

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Emergency – these cases will involve circumstances where there is a high likelihood that irreversible harm will occur if the Council do not act immediately i.e. Unauthorised felling/pruning of protected trees or unauthorised works to listed buildings;

High Priority – these cases will include matters where there is a high likelihood that there will be (or the potential for) significant harm to be caused within the surrounding area i.e. unauthorised uses/activities which are causing significant noise/disturbance; breaches in conditions which affect residential amenity; or circumstances which affect highway safety.

Low Priority – these cases will typically be matters which do not pose a significant threat to an area or are unlikely to result in immediate or irreversible harm i.e. building of walls/fences; unauthorised advertisements.

Action	Priority Level		
	Emergency	High	Low
Register and acknowledge complaint	immediately	Within 5 working days	Within 10 working days
Start Investigation	Within 24 hours	Within 10 working days	Within 20 working days
Initial response to complaint	Within 48 hours (excluding weekends)	Within 20 working days	Within 30 working days
Commence any enforcement action (if required)	No later than 7 days	Within 6 weeks	Within 8 weeks
Commence legal action (if required)	As soon as is possible if significant or irreversible harm is occupying	Within 12 weeks	Within 24 Weeks

Potential Service Standards

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- 70% of enforcement case closed (where no breach identified) 20 working days
- 60% of enforcement requests receiving an initial response within 25 working days
- 60% of Planning Enforcement Cases being determined within the established priority timescales

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DEVELOPMENT MANAGEMENT

SUMMARY

Overview

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- Planning applications – on target
- Overall DM staffing levels broadly consistent with others
- Some decline in non statutory pre-app response times
- Increase in level of time per enforcement investigation

Key Challenges and opportunities

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Potential service improvements

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