

**Place Select Committee**

**Scrutiny Review of**

**Planning (Development Management) and**

**Adoption of Open Space**

**Draft Final Report**

**January 2023**

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Place Select Committee  
Stockton-on-Tees Borough Council  
Municipal Buildings  
Church Road  
Stockton-on-Tees  
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**Contents**

**Select Committee – Membership and acknowledgements.....4**

**Foreword.....5**

**Original Brief.....6**

**1.0 Executive Summary.....8**

**2.0 Introduction.....11**

**3.0 Background.....13**

**4.0 Evidence.....14**

**5.0 Key Findings.....38**

**6.0 Conclusion and Recommendations.....40**

**Appendices.....41**

**Glossary of Terms.....48**

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### **Acknowledgements**

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**Foreword**

**TBA**

**Cllr Chris Barlow – Chair**



**Councillor Chris Barlow  
Chair – Place Select Committee**



**Councillor Mohammed Javed  
Vice-Chair – Place Select Committee**

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## Original Brief

### 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?

**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.

## **1.0 Executive Summary**

This report outlines the findings and recommendations following the Place Select Committee's scrutiny review of Planning (Development Management) and Adoption of Open Space.

The aim of the review was to examine the work of Stockton-on-Tees Borough Council's (SBC) Planning Service, namely pre-application advice, the effectiveness of the Council's planning support service (resources / performance) and planning enforcement. In addition, the review focussed on the issues surrounding the maintenance and adoption of open space land on new residential developments.

The Select Committee's key findings were as follows:

- The planning system should be viewed as an assessment, rather than a set of 'rules', based on the individual merits of each case.
- Funding for Stockton-on-Tees Borough Council's (SBC) planning system is mainly obtained through 'major' (large scale commercial schemes) applications; however, a higher proportion of officer time is spent on householder applications.
- In the Tees Valley region, SBC receive the second highest amount of planning applications, with Darlington Borough Council being the highest. Most applications are submitted online. From 2017/18 to 2021/22, 77% of applications received by SBC were from householders. 4% of applications were for 'major' schemes. On average, SBC receive 1350 pre-applications per year, again these are mainly from householders (53%).
- The level of planning applications fell during the first half of 2020-21, due to the COVID-19 pandemic, but returned to pre-COVID levels by Christmas 2020, and rose in the year 2021-2022.
- On average, SBC receive 450-500 enforcement cases a year. Cases have increased year on year between 2017-2022. Generally, there is 4-year enforcement period for operational development and 10-year period for use of land and breaches of condition. These timeframes may change within the Levelling up and Regeneration Bill.
- SBC is achieving governments set 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). It is not yet known what the implications of the Government's Levelling-Up and Regeneration Bill will be for the service.
- SBC has a corporate complaints procedure. In general, complaints are based on disgruntlement about the outcome of an application. In the last 15 years, the Council has not been found of causing injustice by the Local Government and Social Care Ombudsman (LGO).
- Since 2017/18, SBC has won 96 planning appeals, which was more than double the number of cases lost (47).
- SBC has a comparative number of planning services staff to the five Tees Valley



Local Authority areas. Between 2016 and 2022, the number of planning service staff has reduced from 21 to 16. As part of a planning services review in 2019, Senior Enforcement Officer and Enforcement Officer posts were deleted. Within the service, the number of Planning Officers has increased from four to six. Planning enforcement is now dealt with by Planning Officers who have always been involved in the enforcement process.

- The current SBC planning service structure is the minimum the service could operate on and there would be a risk to service delivery with fewer staff. The option to recruit a dedicated enforcement officer, if required, could be explored.
- There is a shortage of qualified Planning Officers across the North-East of England and an issue of qualified staff being recruited into the private sector or recruitment agencies. Some other local authorities are recruiting more senior planning officers and offering higher salaries to attract and retain more experienced planning officers.
- SBC provide a discretionary 'One Stop Shop' online pre-application advice service. The service's target response time is 15 working days. SBC is one of two councils in the Tees Valley, along with Redcar & Cleveland Council, who do not currently charge for their pre-application service.
- Based on figures from benchmark authorities, it is expected that the number of pre-application enquiries would reduce significantly if SBC charged for the service.
- The methods for identifying the type and size of open space required on a new development, as part of the planning application process, were explained as part of this review. The Council only have the power to inform developers on the size of open spaces and how they should be maintained. Lower maintenance options for open space areas, including grassed areas, bulbs and trees were raised.
- A commuted lump sum (for the equivalent of 25 years maintenance) is required to adopt open space. Consequently, developers are hiring external management companies to maintain their open spaces. Budget and resource constraints prevent SBC from adopting more open spaces without the financial contribution and there are resource pressures with maintaining already adopted open spaces.
- It was highlighted that it would be useful for residents and Members to be able to access a list or database which would include the locations of open space across the borough and the contact details for the management companies responsible for each space.
- The review included site visits to five residential developments across the Borough to view the differences and similarities between privately maintained and SBC maintained open spaces. The visits provided Members with the opportunity to express some of their concerns (and residents' concerns) over the variances in maintenance levels.
- Responses on the effectiveness of SBC's Planning function was requested from developers and agents. Feedback was generally positive, and SBC was highly regarded within the Tees Valley region for its approach and assistance with planning applications.

## **Conclusion**

This review has provided an opportunity to present an overview of Stockton-on-Tees Borough Council's (SBC's) planning service and its good performance measured against national targets as well as regionally. The merits of the planning pre-application advice service have also been outlined along with the positives and negatives of charging for pre-application advice.

Through this review, the Committee have acknowledged that, due to financial issues, the preference for developers to contract private companies to maintain open space on new developments is likely to continue. Therefore, it is necessary that there is a greater degree of transparency and accountability regarding the maintenance of open spaces and any changes to charges passed on to residents for this service.

Consequently, our recommendations focus on the need to review current planning enforcement powers and planning conditions for the maintenance of open space. It has also been recognised that the current pre-application process should be re-evaluated and options for charging for pre-application advice should be explored.

## **Recommendations**

1. That options for introducing a charge for pre-application advice for major developments, but not for households/individuals, are investigated.
2. That the current response time of 15 working days for pre-application enquiries is re-evaluated to determine if it should be extended.
3. That Stockton-on-Tees Borough Council (SBC) provide guidance to town or parish councils, where approached, and continue to liaise with developers on adoption of open space.
4. That *Maps@Stockton* is enhanced to provide information on those responsible for the maintenance of individual open spaces across the borough.
5. That current planning enforcement powers are reviewed and the opportunity of employing an enforcement officer is explored.
6. That planning conditions for maintenance of open space be reviewed and options for SBC to obtain a copy of the maintenance agreement for each new residential development is investigated.

## **2.0 Introduction**

2.1 This report outlines the findings and recommendations following the Place Select Committee's scrutiny review of Planning (Development Management) and Adoption of Open Space.

2.2 The aim of the review was to examine the work of Stockton-on-Tees Borough Council's (SBC) Planning Service, namely pre-application advice, the effectiveness of the Council's planning support service (resources / performance) and planning enforcement. In addition, the review focussed on the issues surrounding the maintenance and adoption of open space land on new residential developments.

2.3 From a Stockton-on-Tees perspective, it was envisaged that a review of planning (development management) and adoption of open space could potentially lead to the following 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.

2.4 The Committee undertook 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?

2.5 The Committee received evidence from Council Officers, a planning agent, and housing developers.

2.6 The Committee visited five residential development sites in November 2022 as part of the open space aspect of the review.

2.7 Recognising the increasing pressures on the Council's finances, it is imperative that in-depth scrutiny reviews promote the Council's policy priorities and, where possible, seek to identify efficiencies and reduce demand for services.

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### **3.0 Background**

3.1 Further background information in relation to this scrutiny topic includes:

Stockton-on-Tees Borough Council (SBC), Local Plan (adopted in January 2019):  
[https://www.stockton.gov.uk/media/2518/Local-Plan-2019/pdf/Local\\_Plan\\_2019.pdf?m=637810468860870000](https://www.stockton.gov.uk/media/2518/Local-Plan-2019/pdf/Local_Plan_2019.pdf?m=637810468860870000)

SBC, Pre-planning advice: <https://www.stockton.gov.uk/planning-advice>

SBC, Apply for planning permission: <https://www.stockton.gov.uk/apply-planning-permission>

SBC, Open Space, Recreation and Landscaping Supplementary Planning Document (2009): [https://www.stockton.gov.uk/media/3047/Supplementary-planning-document-Open-space-recreation-and-landscaping/pdf/Supplementary\\_planning\\_document\\_-\\_Open\\_space\\_recreation\\_and\\_landscaping.pdf?m=637818189543500000](https://www.stockton.gov.uk/media/3047/Supplementary-planning-document-Open-space-recreation-and-landscaping/pdf/Supplementary_planning_document_-_Open_space_recreation_and_landscaping.pdf?m=637818189543500000)

SBC, Open Space, Recreation and Landscaping SPD 2014 Update to Appendix 1: Charges for Open Space and Recreation Provision:  
[https://www.stockton.gov.uk/media/3046/Open-space-recreation-and-landscaping-2014-update-to-appendix-1/pdf/Open\\_space\\_recreation\\_and\\_landscaping\\_-\\_2014\\_update\\_to\\_appendix\\_1.pdf?m=637818189540670000](https://www.stockton.gov.uk/media/3046/Open-space-recreation-and-landscaping-2014-update-to-appendix-1/pdf/Open_space_recreation_and_landscaping_-_2014_update_to_appendix_1.pdf?m=637818189540670000)

His Majesty's Government (HM Government), National Planning Policy Framework (most recently revised in July 2021):  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

HM Government, Planning practice guidance:  
<https://www.gov.uk/government/collections/planning-practice-guidance>

## **4.0 Evidence**

### **Planning Services Structure**

4.1 See appendix 1 for Planning Services Structure diagrams.

### **Decision Making**

4.2 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.

4.3 The planning system is 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 need to be reflected upon when a Planning Officer is making a decision. Crucially, it is important to acknowledge that these are value judgements, the determinants of which could be interpreted differently by different officers.

### **Development Management: Resource and Demand**

4.4 See appendix 2 for service demand graphics.

4.5 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.

4.6 From 2017-2018 to 2021-2022, most applications received were from householders (77%). Minor applications (involving small-scale residential schemes) covered 19% and major applications (large-scale commercial and residential 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.

4.7 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.

4.8 In the future, a range of new resources which could become available to the planning service include 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.

## Staffing Resource

### 4.9

Job Role	Year		Variance
	2016	2022	
Planning Services Manager	0	1	+1
Planning Development Services Manager	1	0	-1
Principle Planning Officers	2	2	0
Senior Planning Officers	2	0	-2
Planning Officers	4	6	+2
Historic Building Officer	1	1	0
Planning Support/Technicians	2 (+1 temporary)	3	+1
Senior Enforcement Officer	1	0	-1
Enforcement Officer	2	0	-2
Economic Strategy and Spatial Plans Manager	1	0	-1
Principal Officer	3	1	-2
Planning Officer	2	2	0
<b>Total permanent staff</b>	<b>21</b>	<b>16</b>	<b>-5</b>

## Development Management: Performance

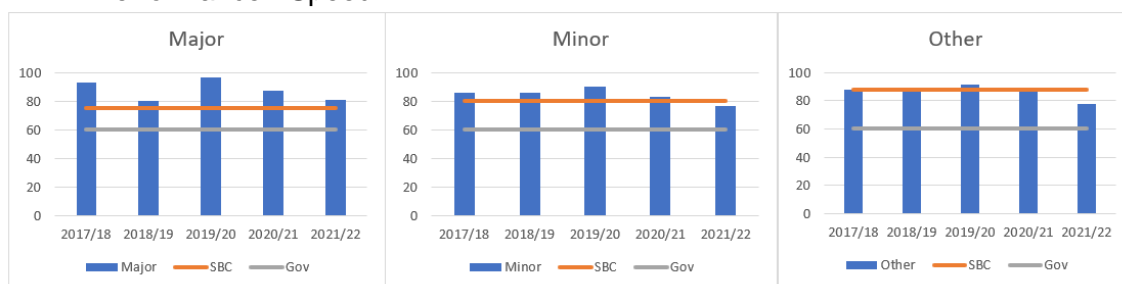
4.10 Government targets for 'speed' (decision made within target or within an agreed extension of time) and 'quality' (percentage of the total number of decisions made that are then overturned at appeal) were in place for both major and non-major developments, and failure to meet these could mean that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

Measure and type of Application	Threshold and assessment period	Threshold and assessment period	Live Table
	October 2018 to September 2020	October 2019 to September 2021	
Speed of major Development (District and County)	60%	60%	District - P151a County – P151b
Speed of non-major Development	70%	70%	P153

Measure and type of Application	Threshold and assessment period	Threshold and assessment period	Live Table
	April 2018 to March 2020	April 2019 to March 2021	
Quality of major Development (District and County)	10%	10%	District - P152a County – P152b
Quality of non-major Development	10%	10%	P154

Application Type	Performance Target (SBC threshold)
Major Application	75%
Minor	80%
Other	88%

#### 4.11 Performance - Speed

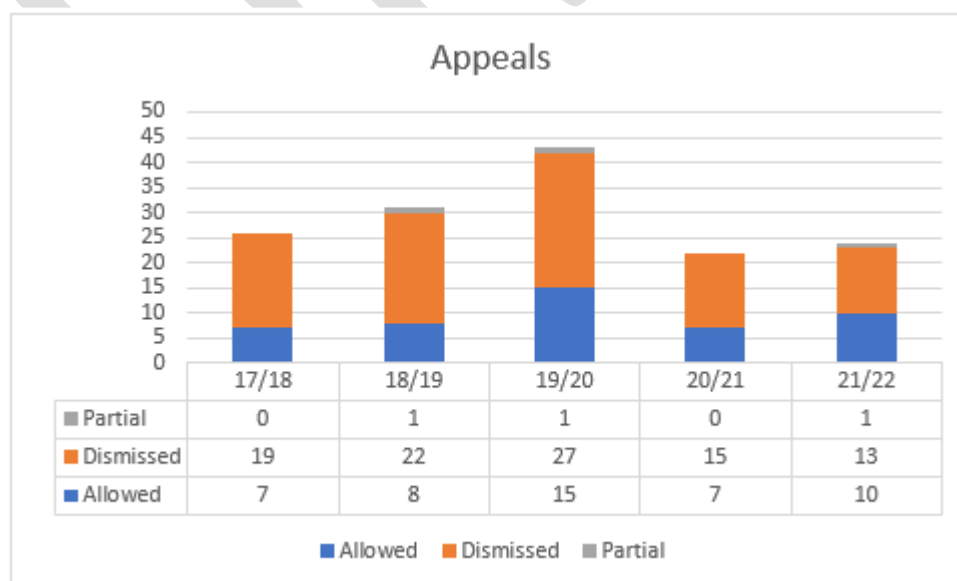


#### 4.12 Performance - Quality

	2017/18	2018/19	2019/20	2020/21	2021/22
Decisions Granted	833	796	734	686	901
Decisions Refused	52	46	73	48	27
% Refusals	6%	5%	9%	7%	3%
Appeal allowed	7	8	15	7	10
Gov Threshold	10%	10%	10%	10%	10%
Quality score	0.8%	1.0%	2.0%	1.0%	1.1%

#### Appeals

4.13 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.



4.14 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).

4.15 The Committee questioned 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 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). 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.

### Development Management: Benchmarking

4.16 Development Management performance was compared with the other Local Authorities in the Tees Valley. For each year from 2014-2015 to 2018-201, Stockton-on-Tees has received the second highest amount of planning applications, behind Darlington. SBC has the highest number of planning services staff of the five Local Authority areas, though officers were comfortable with the current resource level.

	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									

### Number of planning applications received (per year)

	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Redcar	851	785	817	860	793
Hartlepool <sup>1</sup>	596	588	638	627	585
Middlesbrough	850	788	806	761	809
<b>Stockton</b>	<b>1107</b>	<b>1008</b>	<b>1092</b>	<b>971</b>	<b>1027</b>
Darlington	1377	1365	1329	1187	1157

<sup>1</sup> Application figures for Hartlepool do not include Enterprise Zone or Discharge of conditions applications.

	DM Manager	Team Leader	Principal Planning Officer	Senior Planning Officer	Planning Officer	Enforcement Officer	Planning Technician/support role	Staff Total
Redcar	1	-	1	1.5	-	1	3.5	8
Hartlepool	0.25	1	-	3	2	1	3	10.25
Middlesbrough	1	-	2	2	1	1	3	10
Stockton*	0.5	-	2	-	6	-	3	11.5
Darlington	1	-	1	-	3	1	3	9

\*SBC data based on 2022 info

## Staffing comparison

### 4.17

	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									

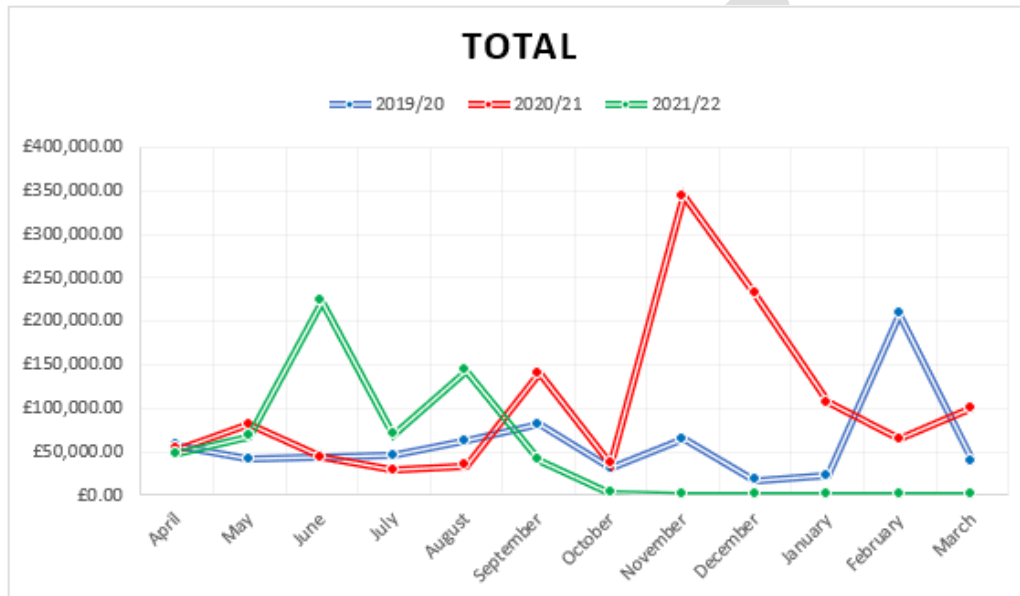
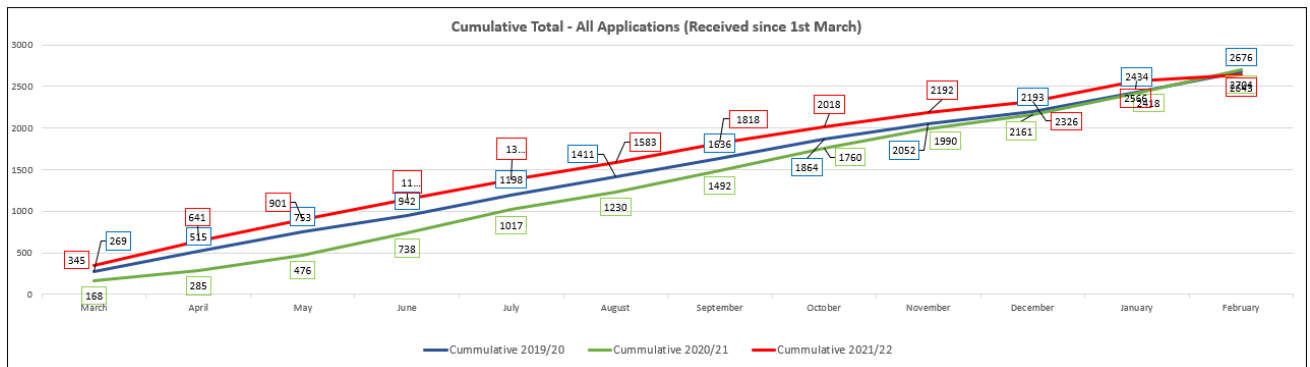
4.18 The Committee queried how the service could ensure the future recruitment of good-quality staff (e.g. were there any similar initiatives to those being undertaken within the health and care sectors?). Officers responded that there was a shortage of qualified Planning Officers across the North East 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 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 and in the future would have the opportunity to complete a planning qualification.

4.19 The Committee 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 to fulfil statutory functions.

### Development Management: Covid-19

4.20 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.

4.21 From a staffing perspective, COVID-19 had implications on productivity. Homeworking had not adversely impacted this, though whilst Teams was crucial for maintaining collaboration, being together with colleagues was also helpful and reassuring. There were also a couple of challenges regarding long-term sickness which put pressure on others. Staff returned to the office on a rota-basis to help new starters familiarise themselves with existing officers. Senior staff were also actively trying to catch-up on development opportunities.



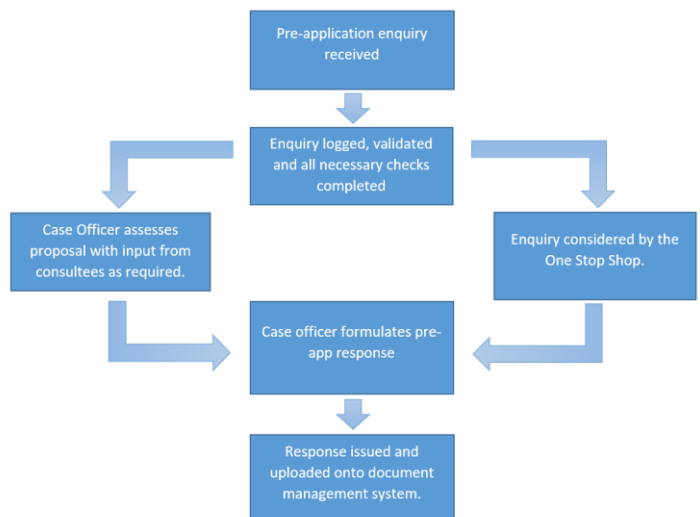
### Development Management: Complaints

4.22 In terms of complaints against the service (rather than regarding applications which follow a set path), the Council’s corporate complaints 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 Local Government and Social Care Ombudsman (LGO).

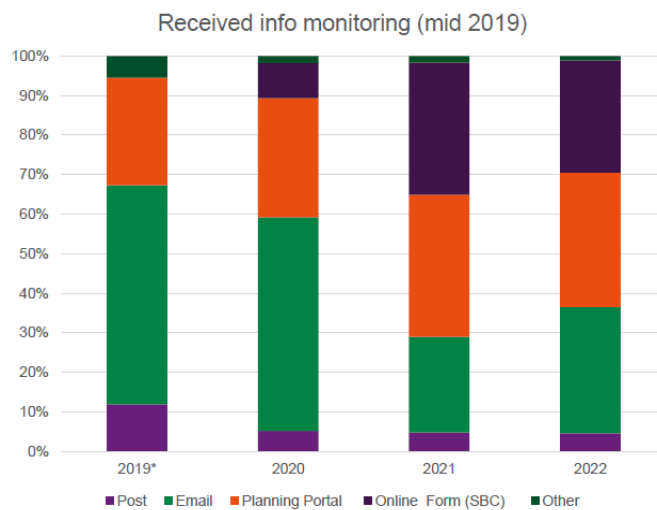
## Planning Services & Development Management: Pre-application

### Service Overview

4.23 The Council provide a discretionary free pre-application advice service, providing guidance on planning applications for the best opportunity for planning approval. The online service has a target of a 15 working day response time. The form incorporates the main aspects of planning to determine if permission is required and offers an informal view on development proposals. Pre-application can be considered as a ‘One Stop Shop’ service. Officers deal with the majority of applications.



### Methods applications/preapplications received



How pre-apps and applications are received							
	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

### Service Demands

4.24 See appendix 3 for pre-application service demands graphics

4.25 From 2017, the number of pre-applications received remained consistent with 2022 not being completed. Pre-application performance fluctuated since 2017 due to a variety of reasons such as, the volume of applications, staff shortages, and COVID 19.

4.26 The pandemic had resulted in a fluctuation of pre-application enquiries from April 2020-July 2021 with the beginning of this period receiving less applications and the latter half of the period receiving a high volume of applications (likely due to pent-up household demand). Pre-application enquiries were higher in 2021 than 2019, but lower than the COVID-19 average.

## Benchmarking

4.27 Planning applications and pre-applications received were compared with other unitary authorities of a similar population. During 2019/2020, Stockton-on-Tees received, along with Darlington, the highest number of planning applications and the highest number of planning pre-applications. With reference to pre-application fees, Stockton-on-Tees Borough Council was only 1 of 3 councils compared who did not currently charge for the pre-application service provided, the other Council's being Middlesbrough Council and Redcar & Cleveland Council.

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

## Benchmarking – Pre-application charging comparison

4.28

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 <b>do not</b> take precedence over fee paying applications.

\*It should be noted that since this data was originally presented, Middlesbrough Council have introduced charges for pre-application advice.

4.29 Some other local authorities do have dedicated enforcement officers and other local authorities do not. The new SBC planning service structure, with planning officers doing both planning and enforcement, would be effective once additional staff were recruited but the overall effectiveness was continuing to be monitored. Whether a dedicated enforcement was required would be an option under consideration.

4.30 The current structure in place for the planning service was the minimum the service could operate on and there would be a risk to service delivery with fewer staff.

4.31 There is a national shortage of qualified planning officers and those who were qualified were going into the private sector or using recruitment agencies.

4.32 The Committee highlighted that Stockton-on-Tees Borough Council should be offering more attractive salaries like other local authorities. Officers replied other local authorities were in some instances offering better salaries, with one neighbouring authority doing so, others were recruiting more senior planning officers to offer higher pay and attract (and retain) more experienced planning officers.

### Charging – worked hypothetical examples

4.33 Stockton-on-Tees Borough Council received an average of 1350 pre-applications, most applications received were residential 715.5 (53%). Minor applications covered 378 (28%), major applications covered 54 (4%) and other covered 202.5 (15%). Based on figures from benchmark authorities, it is anticipated that if Stockton-on-Tees Borough Council started charging for pre-application enquiries the reality would be that those number would be significantly reduced. Residential applications could on average be reduced to 72, minor applications to 38, major applications to 5 and other applications to 20.

	Averaged <u>preapp</u> 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>	1215	645	340	50	180
Income	£ 245,125.00	£ 16,125.00	£ 170,000.00	£ 50,000.00	£ 9,000.00
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 –the reality

4.34

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 Pros and Cons

4.35 The following positives and negatives of charging for pre-application advice were presented as part of the review:

- Income generation

- Potentially only more serious proposals received
- Potential capacity benefits if there was a reduction in enquiries
- Enhanced service must be provided as a result of charging
- People might be deterred from seeking advice
- Inward investment might be curtailed
- Schemes aren't improved meaning that there are more problems at the application stage
- Will need to regularly monitor, review, and justify fees and service standards
- Timely and accurate advice from other Council departments would become essential

4.36 The Committee questioned if it was a good idea to charge for pre-application enquiries. Officers replied that if Stockton-on-Tees Borough Council charged, the service would be held to an even higher standard with more work being created as it would need to be constantly reviewed to ensure the Council was charging the correct amount.

### Planning Committee and Appeals

4.37 The process by which applications were considered by the Planning Committee is deemed a collective approach between both Members and officers, and officer involvement is one of providing advice rather than binding the Planning Committee into a particular decision.

4.38 Triggers for an application to be passed on to the Planning Committee are as follows:

- 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)

4.39 Appeals - including contrary to recommendation decisions

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

#### 4.40 Appeal costs information (2017- Present)

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 Uray Nook Road Eaglescliffe	£17,280.00
October 2020	2 High Newham Road, Stockton-on-Tees, TS19 8RQ	£2,285.28
<b>Total</b>		<b>£26,609.43</b>

### Development Management: Planning Enforcement

#### Enforcement Process and Key principals

4.41 Planning enforcement is a statutory function meaning planning officers must investigate any complaints made. The planning officer must use the information they have to make a discretionary judgement on if the case needs to be taken any further.



4.42 It is not an offence to breach planning control unless an enforcement notice is served. However, the following issues must be addressed:

- 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 are the minimum requirements to make a development acceptable?

4.43 Every enforcement case is treated with the same urgency. The key challenges in planning enforcement can include negotiating outcomes, the duration of investigations, managing stakeholder expectations and determining what is a successful outcome.

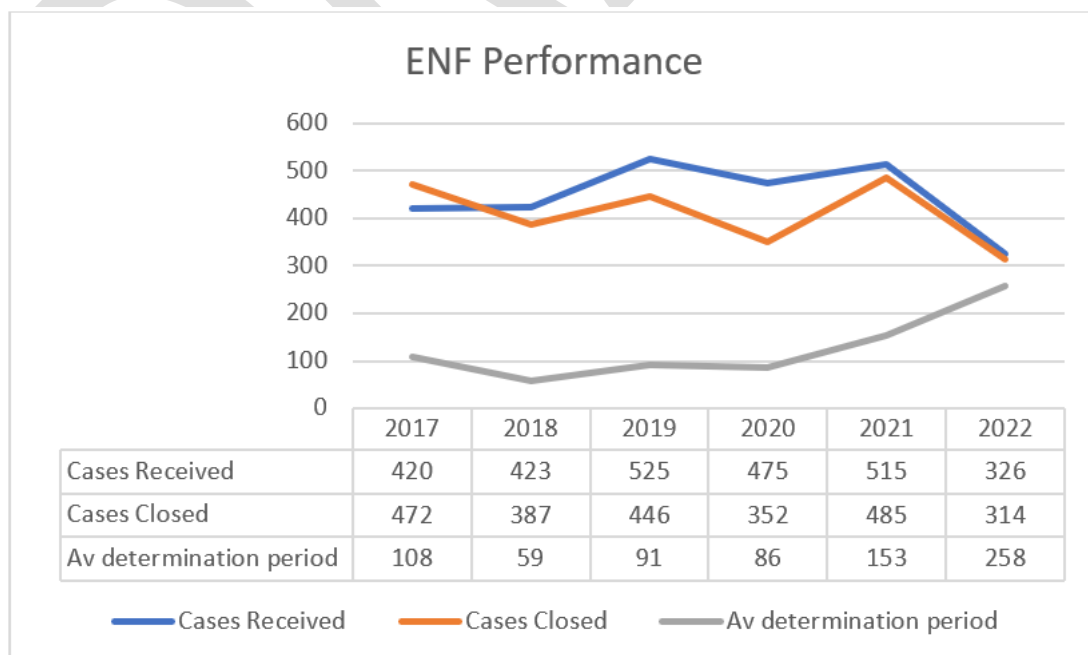
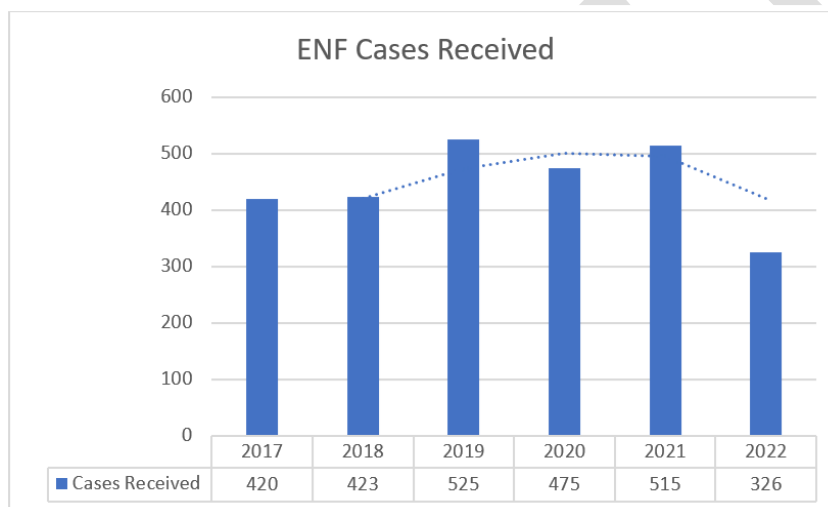


#### 4.44 Case studies

- Case dating back to 2017 breach of condition. This case was referred to the magistrate’s court.
- Unauthorised development c. 2019 where the decision was appealed on enforcement notice.
- Recent Section 215 notice which resulted in the works being done in default.

#### Service Demand

4.45 The average number of enforcement cases the planning service receives annually ranges from 450-500 cases. During the period of 2017-2022, the number of enforcement cases received by the planning team had stayed relatively consistent, with an increase year-on-year. The number of enforcement cases closed within a certain period was increasing due to more demands on the service.

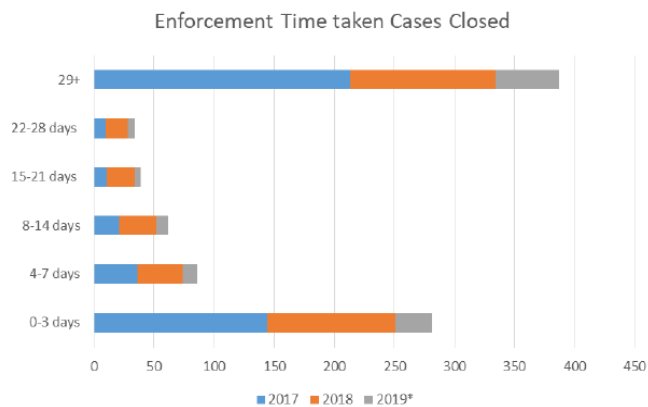


## Process review

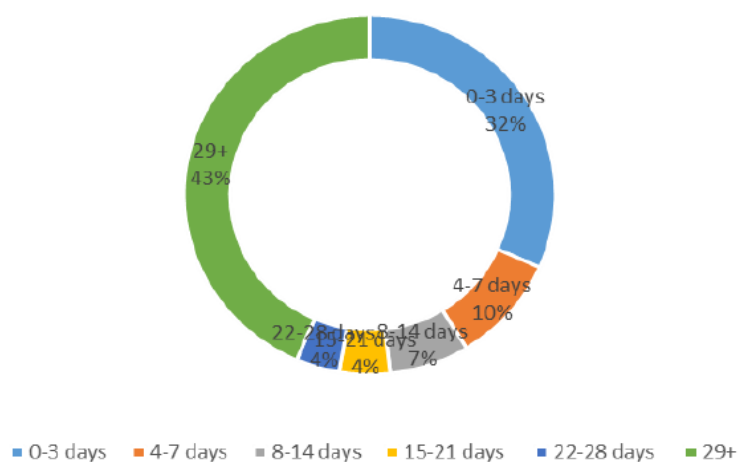
4.46 A planning services review was held on 2019 to simplify the enforcement process. The review sought to maximise flexibility and resources of the service by using planning officers to investigate breaches. This was due to a range of staffing changes during this time.

4.47 The team had included two dedicated Planning Enforcement Officers and all cases were logged by Enforcement Officers with multiple coding based on the nature of a complaint. No minimum level of information was required. An initial filter existed to determine whether a case was a breach or not, including site visits for most cases, and this was carried out by enforcement officers. However, Planning Officers advised enforcement officers on breaches. Following the review, all cases are logged centrally with single code. There now exists the option to report a potential breach online. The initial filter to determine whether a case is a breach or not still exists.

### 4.48 Pre-2019 process analysis



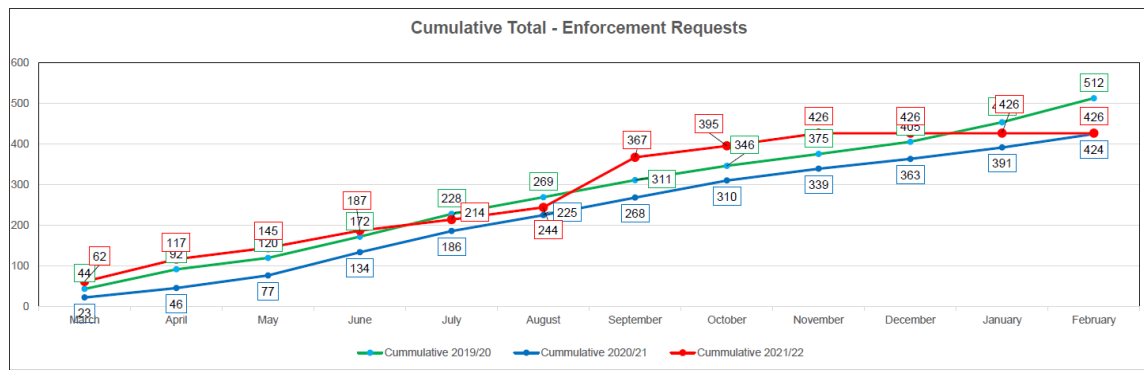
### Speed in %



## Covid implications – enforcement requests received

4.49 From 2019/20- 2021/22, the number of enforcement requests received rose steadily from March to February. From September 2021/22, there was a spike (likely due to more disposable income during this period) followed by a slight reduction. The

2019/20 period had the largest number of enforcement requests determined with the period of 2020/21 having the lowest number of determined requests.



### Potential Service Standards

4.50 In the future, potential service standards could be brought in. A Local Enforcement Plan, prioritisation and 'waymarking' may lead to significant change within planning.

- 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

### Local Enforcement Plan Expediency Test

4.51 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'

4.52 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.

4.53 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.

4.54 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.

4.55

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

## Open Space: Planning Process

4.56 SBC's Supplementary Planning Document (SPD) was designed to provide additional guidance to open space policies in the Local Development Framework (2009). The main considerations when assessing open space requirements were the nature of the development, scale of development, the need for open space and the impact on any adjacent open space provision.

## Open Space Typologies

4.57

Open space type	Definition
Parks and gardens	Urban parks and formal gardens for recreation and community events.
Natural greenspace	Woodland, scrub, wetland and so on with high wildlife value, including country parks.
Green corridors	Such as paths, cycleways, wildlife corridors and river corridors. There is no standard for this type of space, however, it can still be considered for provision on site in lieu of other types of space if it is of benefit to the development and equivalent in size and value.
Outdoor sports facilities	Spaces specifically for sport and formal recreation such as football pitches and bowling greens.
Amenity greenspace	Spaces specifically for sport and formal recreation such as football pitches and bowling greens.
Play	Playgrounds and young people's areas such as multi ball courts and kick walls. Measured in play units, one play unit equals doorstep play areas (please contact Countryside and Greenspace Team for information)
Allotments	Recognised areas for people to grow their own produce.
Civic space	Hard surfaced pedestrian areas to provide attractive urban settings. There is no standard for this type of space, however, it can still be considered for provision on site in lieu of other types of space if it is of benefit to the development and equivalent in size and value.

## Quantity Standard

4.58 The quantity standard is used to identify the level of demand caused by a new development and to identify areas where the standard was not yet met.

<b>Type of open space</b>	<b>Quantity Standard per 1000 people</b>
Parks and Gardens	0.55ha
Natural Greenspace	2ha
Outdoor sports (Synthetic Turf Pitches)	1.76ha (0.03 pitches per 1000 people)
Amenity Greenspace	1.39ha
Play/Young people's areas	1 play unit
Allotments	0.8ha
Cemeteries	180 burial plots
Green Corridors	See paragraph 4.13

### Application assessment

4.59 The Proximity Standard is used to identify pockets of land that do not meet the proximity standard and to identify how far from a development a contribution to offsite provision or enhancement of existing provision could be used. The minimum acceptable size is used to identify the point at which a development becomes big enough to require the provision of onsite open space.

<b>Type of open space</b>	<b>Proximity Standard</b>
Parks and Gardens	Within 2km of all parks and 5km of a strategic park
Natural Greenspace	Within 1km
Outdoor sports (Synthetic Turf Pitches)	Within 1km* (Within 5km)
Amenity Greenspace	Within 600m
Play/Young people's areas	Within 1km
Allotments	Within 5km
Cemeteries	Within 5km
Green Corridors	See paragraph 4.13

<b>Type of open space</b>	<b>Minimum Acceptable Size Standard</b>	<b>Population Required to Reach Minimum Acceptable Size Based on the Quantity Standard (On Site Trigger)</b>
Parks and Gardens	4ha	7273 people
Natural Greenspace	N/A	N/A
Outdoor sports (including synthetic turf pitches)	Onsite outdoor sports facilities should only be considered for developments of over 1000 people. They should be planned strategically and in consultation with Leisure and Sports Development.	
Amenity Greenspace	0.6ha (0.3ha for employment development)	431 people
Play/Young people's areas	Doorstep play area (1 play unit)	1000 people
Allotments	0.6ha	769 people
Cemeteries	N/A	N/A
Green Corridors	See paragraph 4.13	

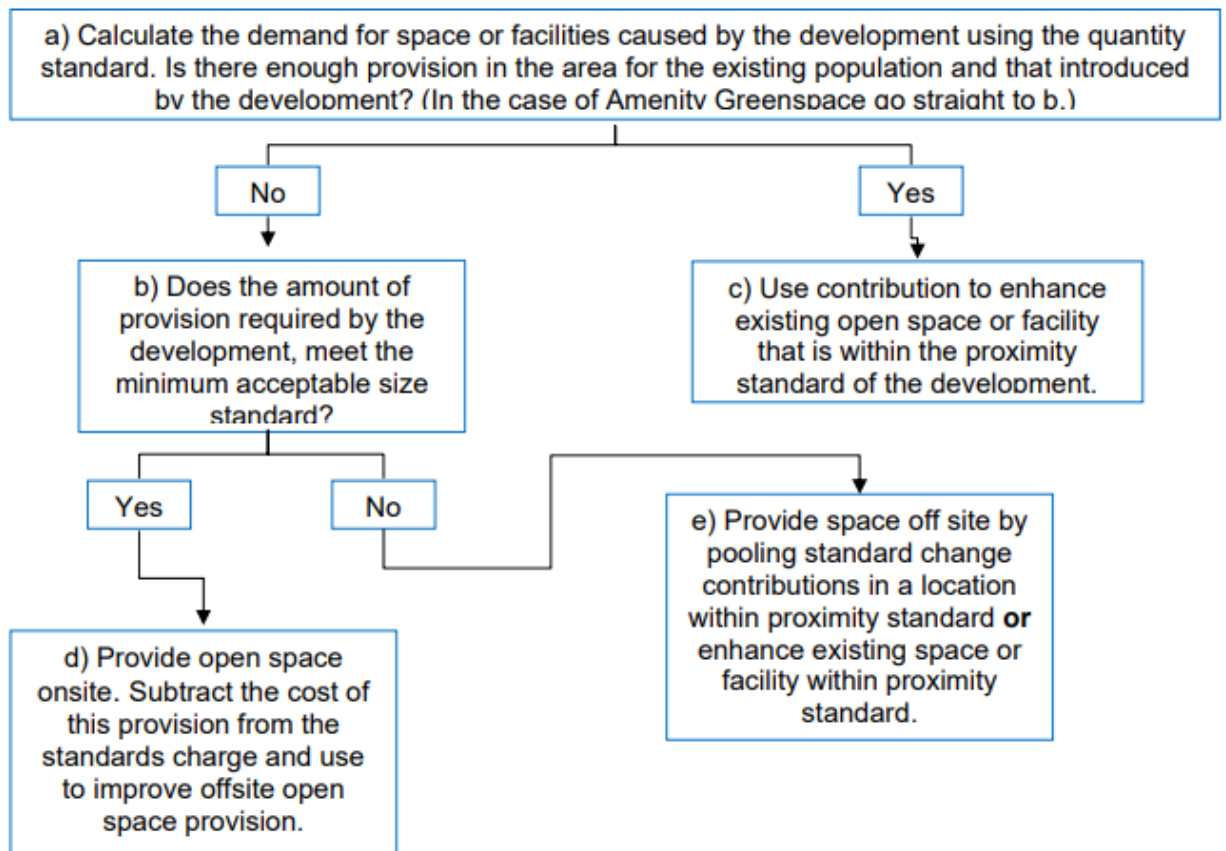
## Open Space Calculator

4.60 The Open Space Calculator helps to calculate the total number of properties and estimated population to determine what open space provisions are required on site.

4.61 See appendix 4 for a working example using the OpenSpace Calculator.

## On site vs off-site provision

4.62 The process to decide whether open space should be provided onsite or offsite is outlined below:



## 25 Year Commuted Lump Sum for the Adoption of Open Space

4.63 With regards to the maintenance of open space, where the Council is to take responsibility maintenance payments via a commuted lump sum (for the equivalent of 25 years maintenance) is to be made. Any contribution towards open space maintenance is calculated in accordance with those costs identified in the standard chargers set out in the Council's adopted Open Space SPD.

4.64 Where a management company may provide long term maintenance, it will be necessary to ensure that the area remains in the agreed use and that it is suitably maintained in perpetuity. A management plan is required to establish the maintenance of the open space to cover the first 25 years and be subject to review and approval by the Council every 5 years thereafter.

4.65 Extracts from the relevant parts of the SPD (links to the SPD and Appendix 1

can be found in the background section of this document):

## **7. LONG TERM MAINTENANCE AND MANAGEMENT TITLE TRANSFER**

*7.1. The Council will consider the title transfer of open space in perpetuity for areas that are of general benefit to the development, once these have established to an acceptable standard in accordance with approved plans. The SBC document, 'Design Guidance Notes for the Title Transfer of Open Space' identifies the establishment compliance monitoring procedure that must be undertaken by the developer (normally for a minimum period of 24 months, but may be varied on individual sites), prior to any transfer to the Council. Establishing maintenance includes all site maintenance operations plus watering, which must be detailed on the approved landscape plan or management plan. The Developer will be required to enter into a formal agreement with the Council under the terms of the 1906 Open Spaces Act unless agreed otherwise.*

*7.2. Planning consent does not indicate the Council's willingness or otherwise to accept areas of land for Title Transfer. Where a developer seeks to transfer title of land to the Council they are encouraged to agree the detailed design for the open space as part of the landscape design for the site. Failure to do so may result in the Council being unwilling to accept the land or requiring amendments that will require the developers to obtain planning consent for the revisions.*

*7.3. To assist the Council in the process the developer is encouraged to clearly identify all areas that are proposed for transfer in the future, on plans submitted with the planning application. Any open space land that the Council does not agree to accept or the developer does not wish to transfer to the Council must be subject to alternative maintenance arrangements. Details of how this is to be achieved in perpetuity must be submitted to the Council for approval.*

### **MAINTENANCE**

*7.4. Where the Council is to assume responsibility for the maintenance of either on or off site open space or recreational provision, developers will be required to provide maintenance payments via a revenue commuted lump sum. The Council require a commuted revenue lump sum for the equivalent of 25 years maintenance.*

*7.5. Circumstances may arise where a management company may provide longterm maintenance. In such circumstances appropriate planning obligations will be required to ensure the area remains in the agreed use and a management plan is to be drawn up and agreed with the Council to ensure the open space is suitably maintained in perpetuity. The management plan will be required to establish the details of the open space maintenance, be written to cover the site for the first 25 years and be subject to review and approval by the Council every 5 years thereafter.*

### **CONTRIBUTIONS**

*7.6. There are both 'Capital' and 'Revenue' contributions concerning open space. Contributions are individually identifiable by a unique reference number. The procedure for each is as follows:*

- Capital: Where a capital contribution is received, the sum will normally be placed into a working account and transferred to the relevant department to apply the funds*
- Revenue: Where revenue commuted sums for maintenance are received, the funds are placed into an interest bearing account, and the interest is used solely for grounds maintenance. The Council is not required to return revenue maintenance funds back to the developer as the core funding remains intact with only the interest being spent.*
- The standard charge outlined in Appendix 1 includes both capital contributions, based on the establishment cost and commuted sums based on maintenance costs. This distinction will be maintained as outlined above.*

## New Developments: Open Space Adoption Barriers

4.66 SBC have limited resources and are struggling to maintain already adopted open spaces. Due to budget constraints the Council cannot afford to adopt more open spaces. Developers are required to provide a commuted lump sum of twenty-five years to adopt their open space. Due to this, developers have been hiring external management companies to maintain their open spaces.

4.67 The following alternative options to ensure open space on new developments is maintained in an appropriate way were discussed as part of this review:

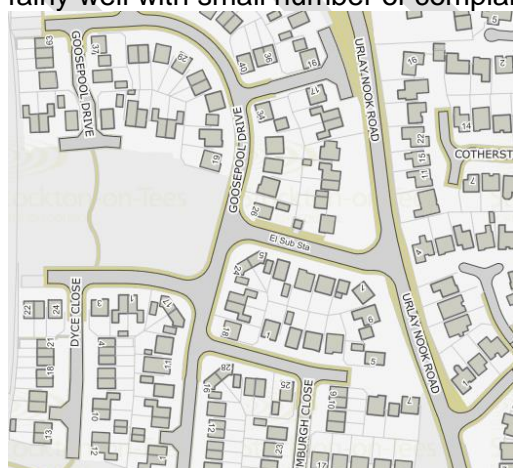
- Developers could reconsider approach to open space provision on new developments.
- Lower maintenance of open space areas. This could include grassed area, bulbs and trees.
- Officers to investigate if any additional open space options are utilised by neighbouring authorities which could be considered in future.
- Compilation of a definitive list of third-party maintenance companies for efficient referral of any residential complaints which are submitted to SBC in future.

### Site Visits

4.68 As part of this review, Committee Members visited five developments across the Borough, in November 2022, accompanied by Council Officers.

#### 1. Sadlers View Estate, Eaglescliffe – Privately maintained

Sadler's View estate, was approximately 5 years old and was privately maintained by a management company, with residents paying a fee. There was evidence of maintenance on the main grassed areas but also deceased trees. There was also some evidence of overgrown shrubbery next to property boundaries which may be due to confusion over whether residents or management companies are responsible for these areas. Overall, the ward councillor explained that the estate is managed fairly well with small number of complaints raised by residents.







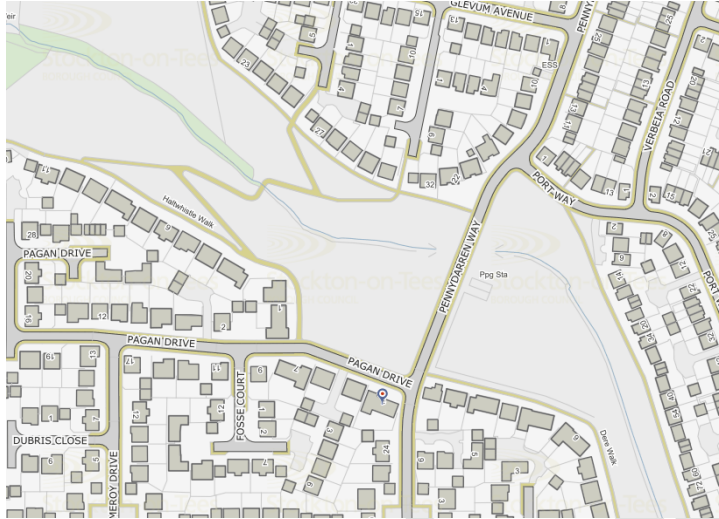
## 2. Ingleby Barwick Lowfields – SBC maintained

Lowfields, Ingleby Barwick, has been maintained by SBC for approximately 30 years. The extent of SBC ownership of the open space in this area is highlighted in the site plan above. Members agreed that there was evidence of maintenance of the large grassed area and trees.



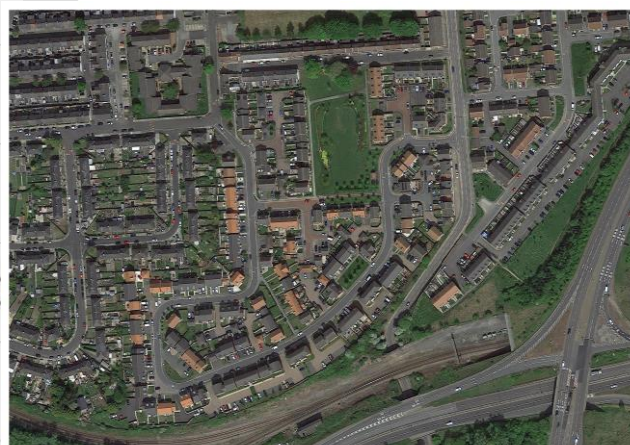
### 3. Ingleby Barwick Sandhill/Pagan Drive - Privately maintained

Sandhill/Pagan Drive, Ingleby Barwick is an example of a more recently completed development. Open space maintenance, managed by a private company, was taking place during the site visit and is evidenced in the photograph below. There was also evidence of tree planting and maintenance on the site.



### 3. Mulberry Wynd, Stockton-on-Tees – Privately and SBC maintained

The Mulberry Wynd Estate, Stockton, has been developed over the last 15 years. The site map below identifies the areas developed by Miller Homes (blue) and Bellway Homes (yellow). Open spaces across the estate are maintained by a mixture of SBC, housing providers, and management companies. The ward councillor explained that in one part of the estate, several residents were collectively responsible for a smaller area of open space, and this had resulted in some problems over maintenance. In the larger area of open space, there was evidence of maintenance of the grassed areas and shrubbery, with some examples of deceased trees.



## 5. Northshore, Stockton-on-Tees – Privately and SBC maintained

Similar to Mulberry Wynd, open spaces on Northshore were maintained by SBC, housing providers, and private companies. The extent of SBC ownership of open space is highlighted in the site plan below. The ward councillor explained some of the maintenance issues with private companies, particularly on the grassed land on the riverbank. In contrast, SBC land adjacent was well maintained. The playground area of this estate is also maintained by SBC.



### Feedback from Agents and Developers

4.69 As part of the review, responses on the effectiveness of SBC's planning function were received verbally from a planning agent, at a committee meeting, and in writing from developers, Taylor Wimpey and Miller Homes.

4.70 A summary of these response are as follows:

- In general, the SBC planning service was regarded as reliable and helpful.
- The COVID-19 pandemic had an impact on application response deadlines and there were some issues with staff response times and approaches. However, post-COVID it was noted that SBC had been proactive in their attempts to recover delays in service.
- Other local authorities in the Tees Valley were taking longer to respond to planning enquiries and applications than SBC, however, there were some attempts to improve response times.
- Agents already had experience of submitting applications online and were not worried about the possibility of all planning services moving online.

- The issue of planning officer shortages across the country was raised.
- The size and nature of a development determined the complexity of the planning application process.
- There was an awareness that some members of the public would prefer the Local Authority to adopt open space on developments, but responsibility for maintenance was generally given to management companies because of cost and resources issues.
- “The Planning team are thought of very highly within the overall patch covered by our Region and sit highly compared to other Authorities. Meetings are held promptly when requested and the planning team are very helpful and diligent in their approach showing pragmatism when required.” (*Miller Homes*)
- “Most (local authorities) are very similar, and we find that if we take each site on its own merit then some schemes are more challenging than others. We have seen an improvement with SBC over the last few years” (*Taylor Wimpey Strategic Land Limited*)
- “Prior to the adoption of open spaces by the Management Company clients utilise our Customer Service Team and our customer charter. Once adopted the ManCo (management company) have their own complaints procedure and generally as the setup is via a Residents Management Company agreement the clients can vote to remove the ManCo if they are not satisfied with the services provided.” (*Miller Homes*)
- “Prior to the handover to the management company, complaints are raised through our customer care department whereby responses are then offered in a required timescales governed by our group policies. The NHQB and new homes ombudsman will improve this level of service across all developers.” (*Taylor Wimpey Strategic Land Limited*)

## **5.0 Key Findings**

5.1 The planning system should be viewed as an assessment, rather than a set of 'rules', based on the individual merits of each case.

5.2 Funding for Stockton-on-Tees Borough Council's (SBC) planning system is mainly obtained through 'major' (large scale commercial schemes) applications; however, a higher proportion of officer time is spent on householder applications.

5.3 In the Tees Valley region, SBC receive the second highest amount of planning applications, with Darlington Borough Council being the highest. Most applications are submitted online. From 2017/18 to 2021/22, 77% of applications received by SBC were from householders. 4% of applications were for 'major' schemes. On average, SBC receive 1350 pre-applications per year, again these are mainly from householders (53%).

5.4 The level of planning applications fell during the first half of 2020-21, due to the COVID-19 pandemic, but returned to pre-COVID levels by Christmas 2020, and rose in the year 2021-2022.

5.5 On average, SBC receive 450-500 enforcement cases a year. Cases have increased year on year between 2017-2022. Generally, there is 4-year enforcement period for operational development and 10-year period for use of land and breaches of condition. These timeframes may change within the Levelling up and Regeneration Bill.

5.6 SBC is achieving governments set 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). It is not yet known what the implications of the Government's Levelling-Up and Regeneration Bill will be for the service.

5.7 SBC has a corporate complaints procedure. In general, complaints are based on disgruntlement about the outcome of an application. In the last 15 years, the Council has not been found of causing injustice by the Local Government and Social Care Ombudsman (LGO).

5.8 Since 2017/18, SBC has won 96 planning appeals, which was more than double the number of cases lost (47).

5.9 SBC has a comparative number of planning services staff to the five Tees Valley Local Authority areas. Between 2016 and 2022, the number of planning service staff has reduced from 21 to 16. As part of a planning services review in 2019, Senior Enforcement Officer and Enforcement Officer posts were deleted. Within the service, the number of Planning Officers has increased from four to six. Planning enforcement is now dealt with by Planning Officers who have always been involved in the enforcement process.

5.10 The current SBC planning service structure is the minimum the service could operate on and there would be a risk to service delivery with fewer staff. The option to recruit a dedicated enforcement officer, if required, could be explored.

5.11 There is a shortage of qualified Planning Officers across the North-East of England and an issue of qualified staff being recruited into the private sector or recruitment agencies. Some other local authorities are recruiting more senior planning officers and offering higher salaries to attract and retain more experienced planning officers.

5.12 SBC provide a discretionary 'One Stop Shop' online pre-application advice service. The service's target response time is 15 working days. SBC is one of two councils in the Tees Valley, along with Redcar & Cleveland Council, who do not currently charge for their pre-application service.

5.13 Based on figures from benchmark authorities, it is expected that the number of pre-application enquiries would reduce significantly if SBC charged for the service.

5.14 The methods for identifying the type and size of open space required on a new development, as part of the planning application process, were explained as part of this review. The Council only have the power to inform developers on the size of open spaces and how they should be maintained. Lower maintenance options for open space areas, including grassed areas, bulbs and trees were raised.

5.15 A commuted lump sum (for the equivalent of 25 years maintenance) is required to adopt open space. Consequently, developers are hiring external management companies to maintain their open spaces. Budget and resource constraints prevent SBC from adopting more open spaces without the financial contribution and there are resource pressures with maintaining already adopted open spaces.

5.16 It was highlighted that it would be useful for residents and Members to be able to access a list or database which would include the locations of open space across the borough and the contact details for the management companies responsible for each space.

5.17 The review included site visits to five residential developments across the Borough to view the differences and similarities between privately maintained and SBC maintained open spaces. The visits provided Members with the opportunity to express some of their concerns (and residents' concerns) over the variances in maintenance levels.

5.18 Responses on the effectiveness of SBC's Planning function was requested from developers and agents. Feedback was generally positive, and SBC was highly regarded within the Tees Valley region for its approach and assistance with planning applications.

## **6.0 Conclusion and Recommendations**

### **Conclusion**

6.1 This review has provided an opportunity to present an overview of Stockton-on-Tees Borough Council's (SBC's) planning service and its good performance measured against national targets as well as regionally. The merits of the planning pre-application advice service have also been outlined along with the positives and negatives of charging for pre-application advice.

6.2 Through this review, the Committee have acknowledged that, due to financial issues, the preference for developers to contract private companies to maintain open space on new developments is likely to continue. Therefore, it is necessary that there is a greater degree of transparency and accountability regarding the maintenance of open spaces and any changes to charges passed on to residents for this service.

6.3 Consequently, our recommendations focus on the need to review current planning enforcement powers and planning conditions for the maintenance of open space. It has also been recognised that the current pre-application process should be re-evaluated and options for charging for pre-application advice should be explored.

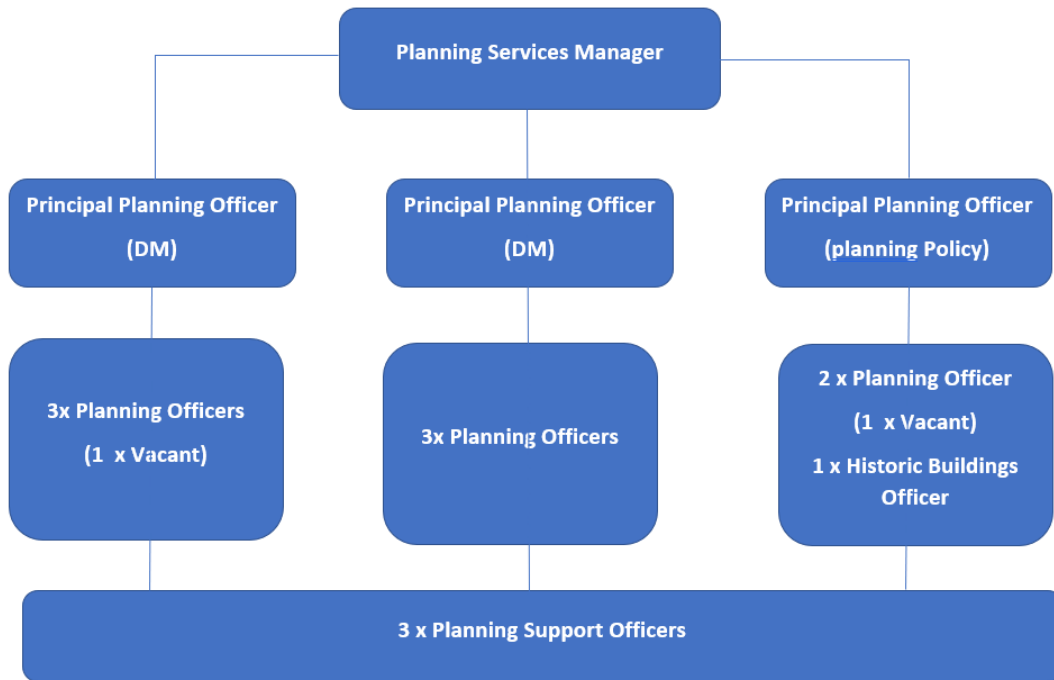
### **Recommendations**

The Committee recommend:

- 1) That options for introducing a charge for pre-application advice for major developments, but not for households/individuals, are investigated.**
- 2) That the current response time of 15 working days for pre-application enquiries is re-evaluated to determine if it should be extended.**
- 3) That Stockton-on-Tees Borough Council (SBC) provide guidance to town or parish councils, where approached, and continue to liaise with developers on adoption of open space.**
- 4) That *Maps@Stockton* is enhanced to provide information on those responsible for the maintenance of individual open spaces across the borough.**
- 5) That current planning enforcement powers are reviewed and the opportunity of employing an enforcement officer is explored.**
- 6) That planning conditions for maintenance of open space be reviewed and options for SBC to obtain a copy of the maintenance agreement for each new residential development is investigated.**



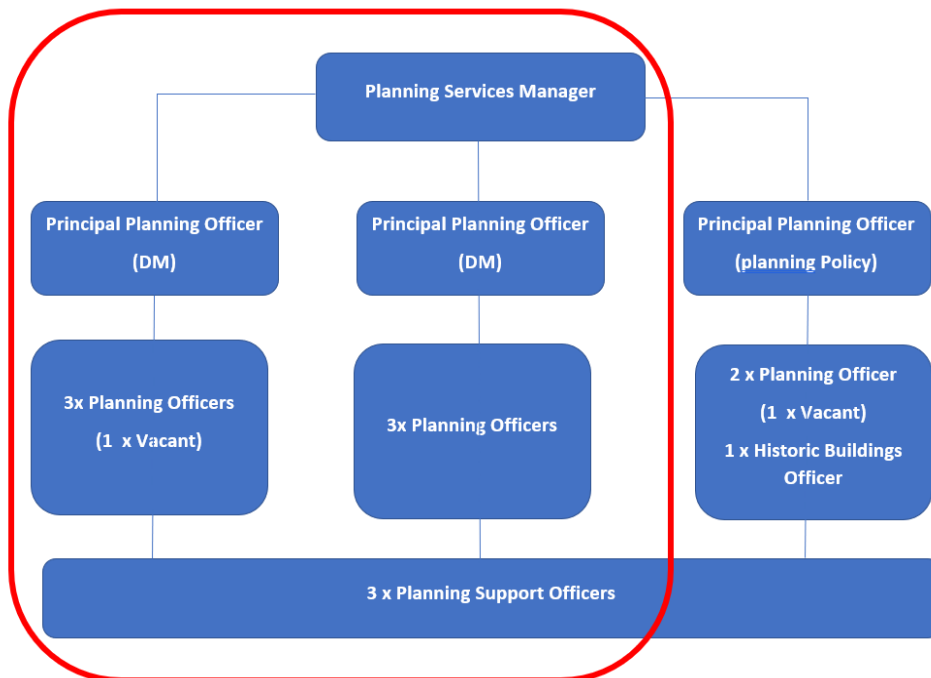
### APPENDIX 1: Planning Services Structure



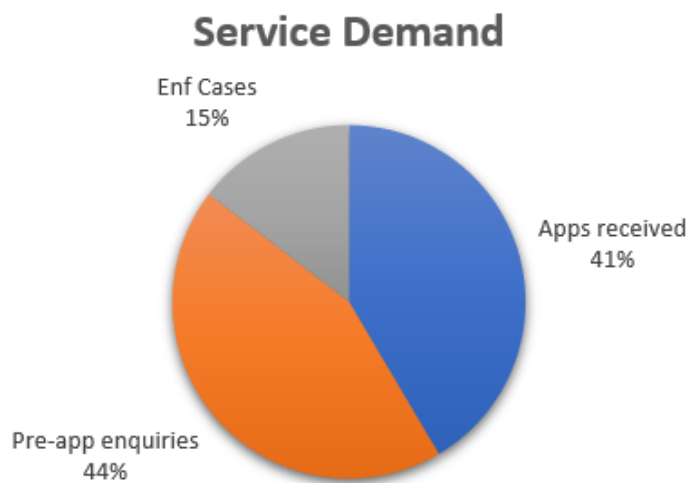
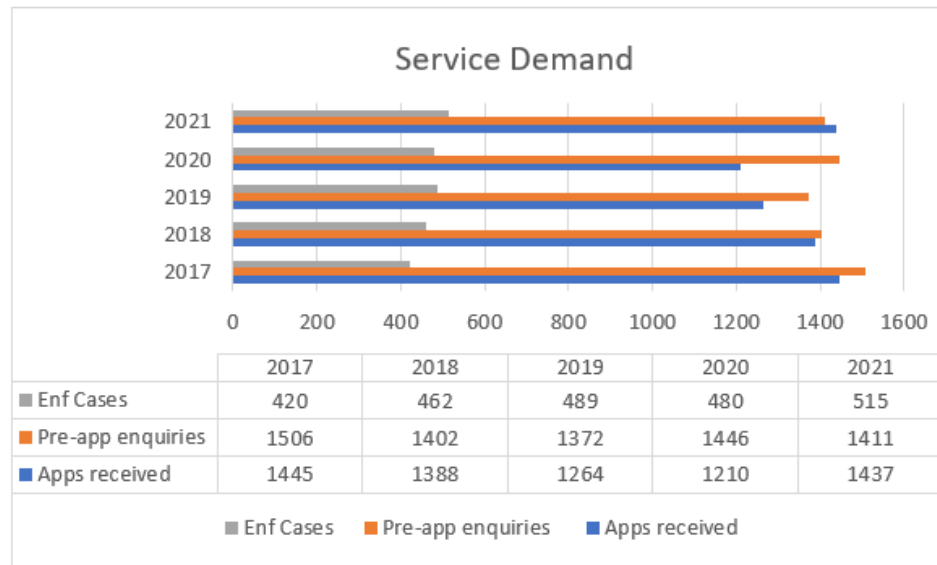
Development

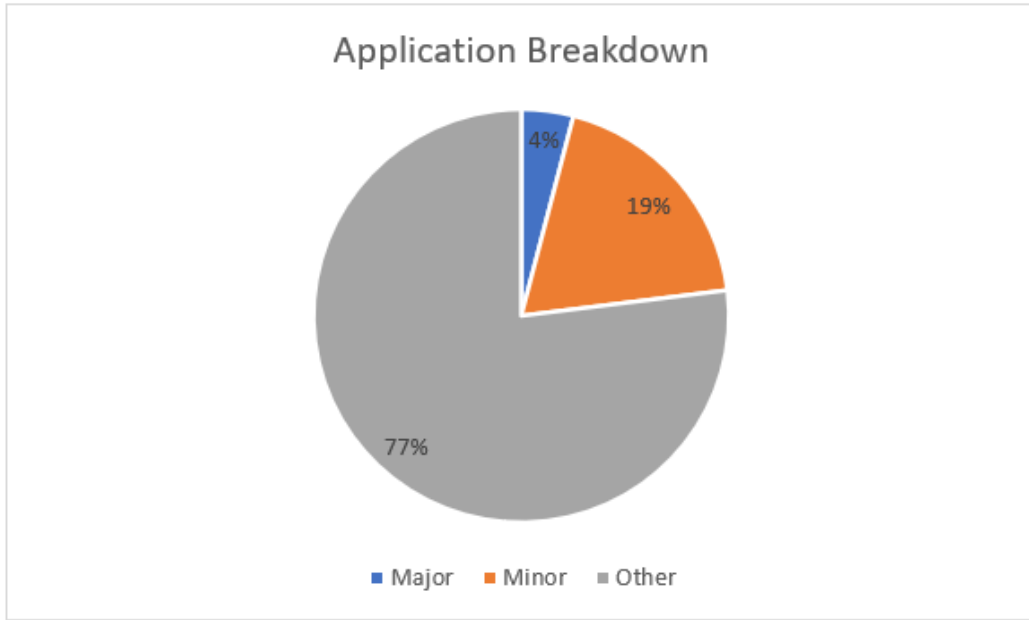
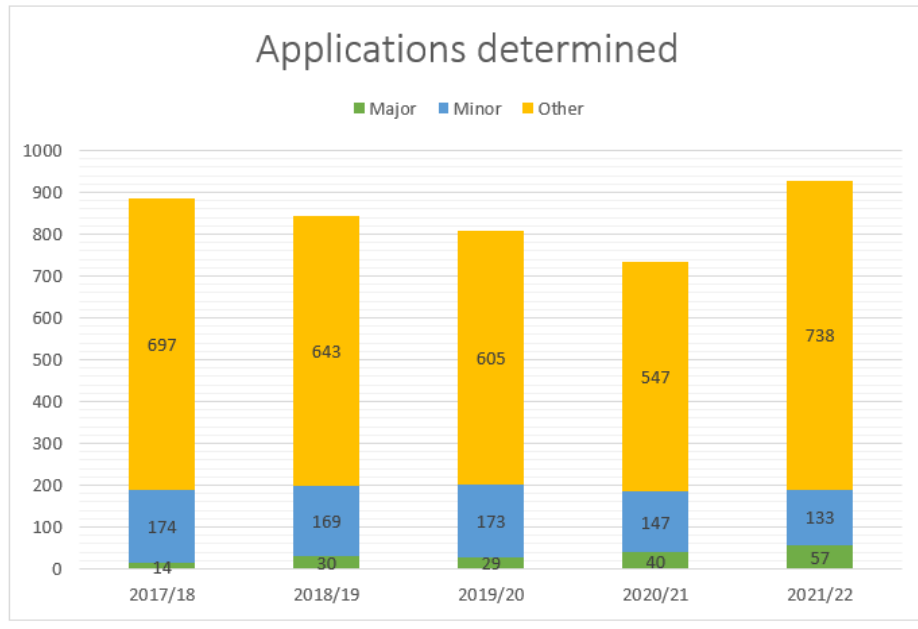
Management

Team

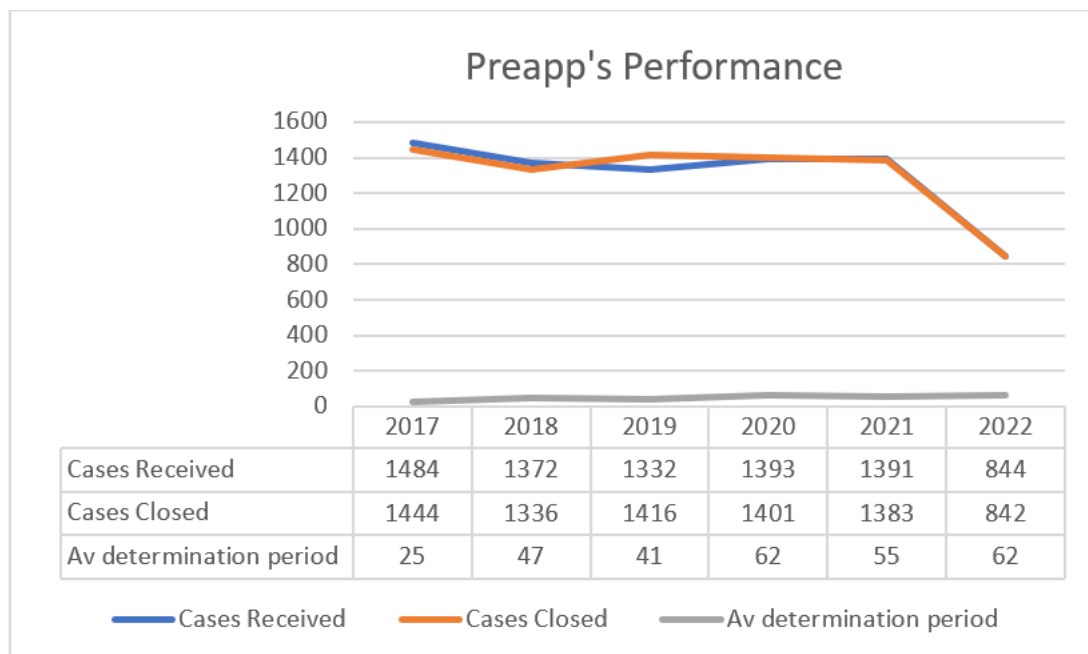
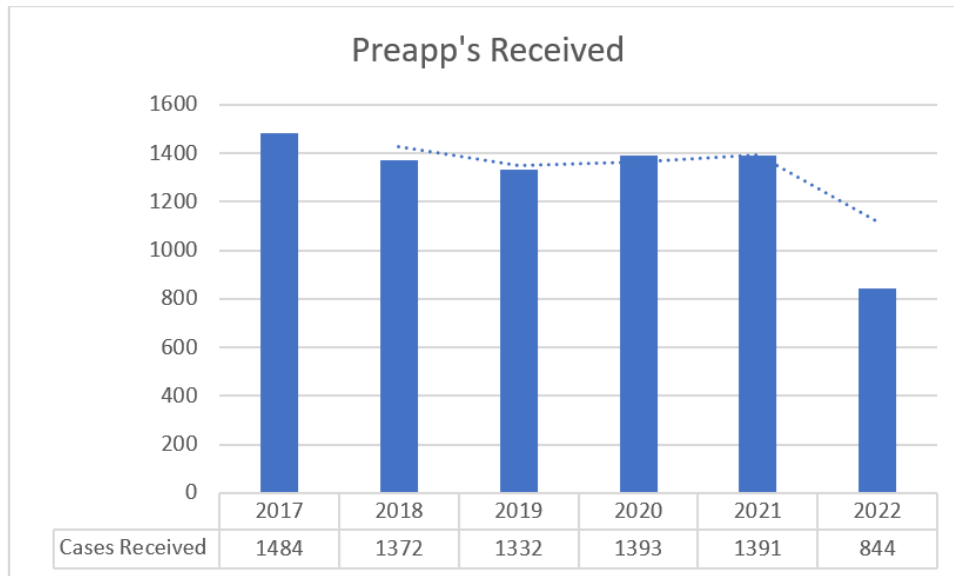


## APPENDIX 2: Planning Services Demand

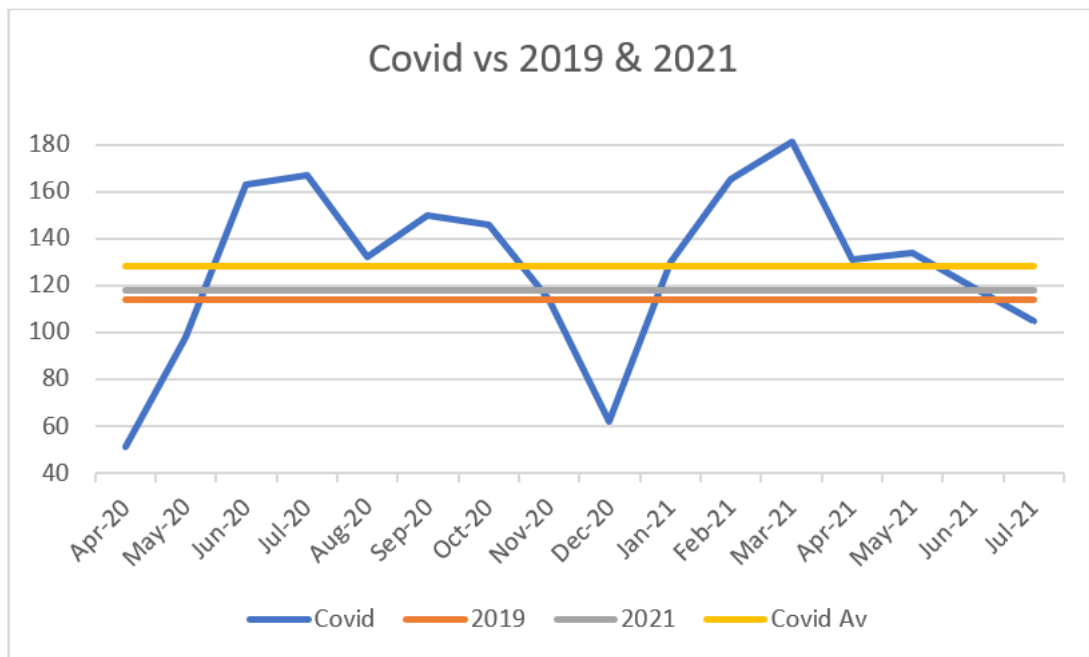
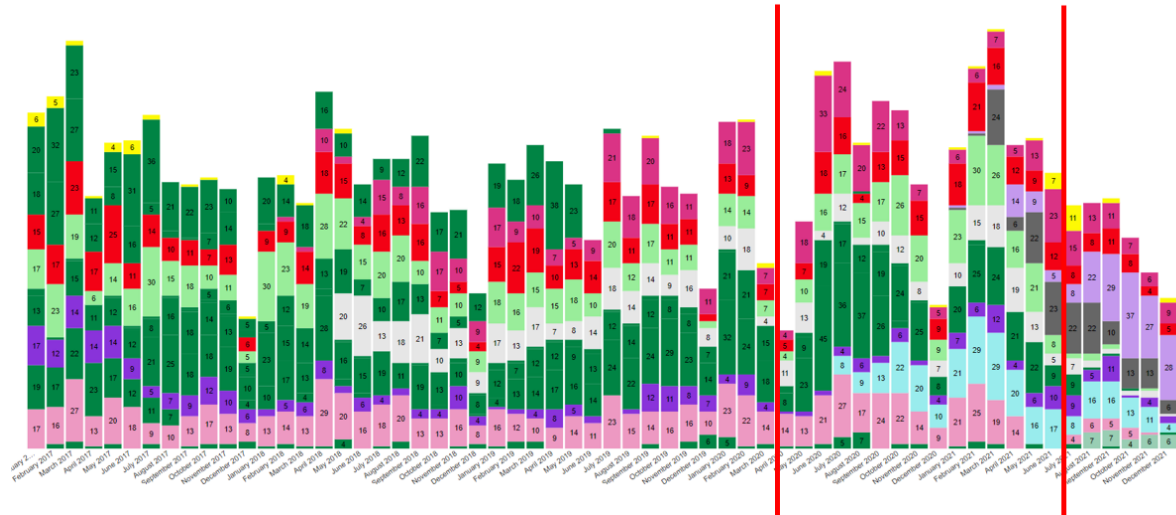




### APPENDIX 3: Pre-application service demands



### Impact of Covid



## APPENDIX 4: Open Space Calculator Working Example

Please enter the number of properties to be developed in the orange box - the provision required will then be displayed below.

Number of Bedrooms	Number of Properties
1 bedroom properties	0
2 bedroom properties	2
3 bedroom properties	10
4 bedroom properties	5
5 or more bedroom properties	
<b>Total Properties</b>	<b>17</b>
<b>Estimated Population</b>	<b>54</b>

What will need to be provided on site?

Open Space Type	Provision required (Ha except play)
Parks	On site provision not required - please see standard charge below
Natural greenspace	On site provision not required - please see standard charge below
Sports	On site provision not required - please see standard charge below
Amenity greenspace	On site provision not required - please see standard charge below
Play	On site provision not required - please see standard charge below
Allotments	On site provision not required - please see standard charge below

Where provision is not made on site, the following standard charges will apply. If some provision is to be made on site, these charges will need to be adjusted accordingly.

	Standard Charge per Person	Total Charge for Development
Open Space	£458.71	£24,770.34
Open Space Maintenance	£510.84	£27,585.36
Built Facilities	£289.60	£15,638.40
<b>total</b>		<b>£67,994.10</b>

Please enter the number of properties to be developed in the orange box - the provision required will then be displayed below.

Number of Bedrooms	Number of Properties
1 bedroom properties	0
2 bedroom properties	50
3 bedroom properties	75
4 bedroom properties	100
5 or more bedroom properties	75
<b>Total Properties</b>	<b>300</b>
<b>Estimated Population</b>	<b>1100</b>

What will need to be provided on site?

Open Space Type	Provision required (Ha except play)
Parks	On site provision not required - please see standard charge below
Natural greenspace	On site provision not required - please see standard charge below
Sports	For developments of over 1000 people a strategic approach is required to determine if outdoor sports facilities are required on site
Amenity greenspace	1.529
Play	On site provision not required - please see standard charge below
Allotments	0.88

Where provision is not made on site, the following standard charges will apply. If some provision is to be made on site, these charges will need to be adjusted accordingly.

	Standard Charge per Person	Total Charge for Development
Open Space	£458.71	£504,581.00
Open Space Maintenance	£510.84	£561,924.00
Built Facilities	£289.60	£318,560.00
<b>total</b>		<b>£1,385,065.00</b>

### Glossary of Terms

DM	Development Management
HM Government	His Majesty's Government
LGO	Local Government and Social Care Ombudsman
SBC	Stockton-on-Tees Borough Council
SPD	Supplementary Planning Document