

AGENDA ITEM NO.

**COMT
DEVELOPMENT CONTROL PANEL
CABINET**

**3rd FEBRUARY 2009
23rd FEBRUARY 2009
12th MARCH 2009**

**PROPOSED SERVICE ENHANCEMENTS – THE TRANSFORMATION FROM
DEVELOPMENT CONTROL TO DEVELOPMENT MANAGEMENT
(Report by Head of Planning Services)**

1. INTRODUCTION

1.1 As Members will be aware, the operational structure of Planning Services is currently divided into planning policy and implementation (including the specialist conservation, urban design, trees and landscape teams) and development control. Simplistically, the planning policy team is involved in the preparation of the Council's planning policy documents and the development control team (receiving appropriate expert advice from the conservation, urban design, trees and landscape teams) provides appropriate pre-application advice, considers and determines planning and related applications, deals with all subsequent appeals and is responsible for ensuring compliance with planning control (enforcement).

1.2 The recent shift in the national agenda for planning towards 'Place Shaping', which the Lyons Inquiry into Local Government (March 2007) defined as "the creative use of powers and influence to promote the general wellbeing of the community and its citizens", has highlighted a need for a review of the role and, in particular, the remit and 'emphasis' of development control work within all local planning authorities. Traditionally, the development control function was often seen as 'negative and reactive' and it typically had a reputation for preventing rather than enabling the delivery of development. As part of the move towards delivering a 'Spatial Planning System', the nature of the local policy framework, in the form of the Local Development Framework, has already fundamentally shifted with much more emphasis now being placed on the creation of a sustainable and deliverable vision for development in the District. To support this change in the local policy framework and to ensure that the planning service can deliver the Council's corporate vision and community objectives for the future, it is proposed that the Development Control (DC) function also needs to be formally transformed into Development Management (DM).

2. THE TRANSFORMATION TO DEVELOPMENT MANAGEMENT

2.1 The Planning Advisory Service (which is supported and funded by Government) in its document 'a benchmark for the spatial planning function' highlights what it considers to be the 5 principles of development management:

1. DM is an integral part of the spatial planning process; it puts spatial plans into action.

2. DM is the end-to-end management of the delivery chain for sustainable development (from policy formation through pre-application discussions and the determination of applications to monitoring).
3. The DM approach signals a culture change, underlining the role of the local authority as a place shaper in partnership with others.
4. The processes for considering proposals need to be proportionate and appropriate to the impact of the individual development.
5. The DM approach will necessitate changes in the structure and allocation of resources within the local authority with the traditional boundaries between development control and policy teams changing to allow a freer interplay between roles.

2.2 Some of the main cultural and operational differences between development control and development management are set out in Appendix A. This shift will not happen overnight - it requires a culture change and a wider range of skills and the transformation process has been described as a journey rather than an overnight event. For some years, many local authority development control teams, including HDC's, have been moving away from the traditional, limited development control function of scrutinising and determining applications and now have a positive input into policy formulation, engage in pre-application discussions and monitor outcomes. Now is considered to be the time to formalise the shift from development control to development management (including changing the job titles of officers as may be appropriate and renaming the Development Control Panel the Development Management Panel) as PAS has recently issued more specific guidance on what is meant by and how to embrace Development Management and, perhaps more importantly, the Council's Vision for the future of Huntingdonshire, as set out in the Core Strategy, has been submitted and is moving towards adoption. Lessons will be learnt both from experiences in Huntingdonshire and from best practice from elsewhere but Appendix B sets out the elements of DM that the service is already taking forward and the additional actions already identified to make further steps towards DM.

2.3 The Development Management approach, because of its proactive emphasis, typically requires more 'resources' than traditional development control. To help counter this and to ensure that Councils could concentrate on guiding those developments that have the largest impacts, the Government made revisions to the permitted development rights for householders in October 2008. The intention was that greater permitted development rights for householders would result in fewer householder applications and thereby enable Councils to dedicate more of their limited resources to the more significant larger projects. Early indications are that these revisions may not lead to a significant reduction in householder application numbers and the experience of some authorities indicates that they may in fact result in an increase in applications. The resource implications of the transformation to DM will need to be carefully monitored but the recent fall-off in application numbers also provides an opportunity and a further reason to implement the change to DM now. Budget cycles may also need to be monitored in the medium-term as the DM emphasis

on more pre-application involvement for the largest projects (South of Cambridge Road, St Neots for example) would be some time in advance of any planning application fee.

- 2.4 To provide additional targeted funding, some authorities have begun charging for pre-application discussions. At present, there are no plans to charge for pre-application discussions as they are considered central to the objective of shaping and improving the quality of submissions and should not in any way be discouraged, and we will look to support the Development Management initiative through flexible budget management.
- 2.5 It will be important to ensure that all stakeholders understand and sign-up to this change in approach. Accordingly, we will be holding workshop sessions with Members, interested stakeholders and, most particularly, with agents. Corporate Governance Panel and Council will be asked to agree the change of name of the Development Control Panel to the Development Management Panel at their meetings in March and April respectively.

3. RECOMMENDATION

- 3.1 That the proposed transformation from Development Control to Development Management is noted and endorsed by COMT and Cabinet; noted, endorsed and embraced by the Development Control Panel; and that the Head of Planning Services is authorised to implement all the necessary administrative and procedural changes.

Background Papers:

PAS 'a benchmark for the spatial planning function' document version 3.0

PAS 'development management - guidance and discussion document' June 2008

CONTACT OFFICER - enquiries about this report to Steve Ingram, Head of Planning Services, on 01480 388400.

Appendix A

A summary of some of the main differences between development control and development management

| Traditional Development Control | Development Management |
|--|---|
| Was perceived by some as negative and reactive | More positive and proactive in terms of allowing the 'right schemes' in the 'right places' at the 'right times' – directing the place shaping agenda |
| Was focused on the scrutiny and determination of applications | Whilst the effective scrutiny and determination of applications remains important, DM expands upon traditional DC and encompasses the end-to-end development process including positive inputting into policy formation, pre-application discussions and monitoring of outcomes |
| Had a reputation for preventing delivery | Central to the enabling and delivery of the Council's and community's objectives |
| Involved limited partnership working | Greater emphasis on partnership working to achieve positive outcomes |
| Processes and resources not always proportionate to the impacts of a development. Tendency for too much time and resources to be spent on small projects and not enough on the larger projects that have the greatest impacts. | Processes and resources allocation is more proportionate to the impacts of a development. More reliance on Planning Documents (SPDs) as method of providing positive and constructive guidance on smaller projects. |
| Required the decision-maker to consider proposals against the many detailed criteria based policies set out in the Local Plan. | With much fewer prescriptive development control policies in the LDF, there is a greater emphasis on assessment of impacts and professional judgements with decision-makers having to have a greater understanding of, and more reliance on, delivering the vision for the District set out in the Core Strategy and other strategies and national policy guidance. |
| Tendency for an 'Us' and 'Them' attitude to development. | For schemes that help fulfil corporate objectives, more collaborative working with all parties involved in and affected by the development process, but remembering that the regulatory function remains an essential part of DM. |
| A case officer would consult internal and external consultees after the receipt of an application. | A Development Team approach – corporately and including external consultees – prior to the submission of large proposals in order to inform and shape proposals. |

Appendix B

Elements of Development Management we are already doing

- 1 DC officers have had more input than ever before into the formulation of the Core Strategy and drafting of the DM policies documents
- 2 We have produced SPDs and other document that will guide, shape and improve the quality of submissions e.g. Design Guide, Landscape and Townscape Assessment, Urban Design Frameworks and Conservation Area Character Assessments
- 3 We are considering applications and proposals in the light of the Vision for the District set out in the Core Strategy
- 4 We have positively promoted development that will help fulfill our Corporate Vision e.g. Huntingdonshire Regional College's move to Hinchingsbrooke and the Affordable Housing Scheme at Mayfield Road
- 5 We are learning some positive lessons from past decision e.g. using CABE's scoring system for officers and Members to assess and evaluate completed schemes
- 6 The Conditions Monitoring Officer is actively monitoring compliance with conditions and some outcomes are monitored through the Annual Monitoring Report

Elements of Development Management we plan to put into place

- 1 Effective change of mindset of all stakeholders!
- 2 Increase emphasis on, and establish a charter for, pre-application discussions in order to positively shape development prior to submission and use limited resources effectively
- 3 Improve knowledge of National Government initiatives and guidance and Corporate Visions and Objectives which will increase in importance under the new policy framework
- 4 Learn more practical lessons from past decisions including obtaining the views of consultees on developments (e.g. Police Architectural Liaison Officer)
- 5 Continue to monitor advice and guidance in relation to if and how (with probity issues in mind) Members could become more effectively involved at the early stages of large proposals, particularly in respect of any large windfall proposals or large scale regeneration schemes
- 6 Use planning enforcement powers to support Corporate objectives in appropriate circumstances (e.g. consider using S.215 Amenity Notice powers in appropriate instances as part of Corporate Empty Homes Strategy)