

REPORT FOR INFORMATION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24TH APRIL 2018
SUBJECT:	DEVELOPMENT MANAGEMENT UPDATE
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL <i>OR</i> EXECUTIVE (NON KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	ANNUAL SUMMARY OF APPLICATION PROCESSING / PERFORMANCE UPDATE AND PLANNING LEGISLATION CHANGES

OPTIONS & RECOMMENDED OPTION	TO NOTE THE REPORT
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	n/a
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	n/a
Wards Affected:	All
Scrutiny Interest:	NO

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 This is the annual update report to the Members of the Planning Control Committee, which sets out key matters and changes that affect the Development Management Team, its processes and the Planning Control Committee.

2.0 PERSONNEL

- 2.1 The section has seen no change in personnel but following the introduction of a graduate planner post, this officer has progressed through the stages of the career grading and is dealing with more complex matters.
- 2.2 A further opportunity will mean that from the end of May 2018, an Enforcement Officer will be retiring and this will create an opportunity for progression of existing staff and will enable the current apprentice to become a full time employee. In addition to this, another member of staff has been undertaking training to become a full time Conservation specialist. This course would be completed in January 2019..

3.0 WORKLOAD

- 3.1 The table below sets out some highlights comparing the years 2017/18. It shows a stable workload but fewer major applications received in the last 12 months with a high level of decision issuing. Bury remains in the top 10 performing LPA's in the country.
- 3.2 The high numbers of applications and the pressure to maintain quick turnarounds has meant that the use of Planning Performance Agreements (PPA) has also increased. A PPA is an agreement between the LPA and the applicant to ensure that each party meets their own respective deadlines within the planning process to deliver a

planning decision within the agreed timeframe. PPA's formalise each particular step of the planning process from validation, consultation replies, meetings, report writing and decision issuing. There are charges that the LPA will make for this process that cover costs associated with the process and guarantees each step of the process by the given date. Usually, applications for major development use this process but increasingly minor housing developments have used this process, usually because the applicant needs to hit deadlines.

3.3 The table below takes a snapshot of application processing statistics from 1st April 2017 to 1st March 2018 with a comparison to the previous year.

Planning Applications & Prior Approvals Received Total	Received Minors/other	Decisions Minors/other determined <8 weeks	Received Majors	Decisions Majors <13 weeks	PPA's
2017/18 1278	1243	100%	23	100%	7
2016/17 1289	1253	100%	36	100%	1
Delegated Decisions	No. Of PCC Decisions	Appeals Mar-Apr	Larger House Extensions		
2017/18 95%	64 (5%)	18 Appeals - 10 dismissed 7 Allowed 1 Part allowed	87 - 61 Granted/Approval not required 26 Refused		
2016/17 89%	110 (9%)	13 Appeals - 1 Withdrawn 10 dismissed 2 Allowed	50 – 45 Granted/Approval not required 5 Refused		

The section has remained extremely busy through the past twelve months and has seen a number of national planning regulation changes and high levels in workload. However, the dedication of the team must be applauded as Bury Council remains a top performing LPA in the country.

4.0 FEES & REFORM

- 4.1 The annual fee income is dependent upon the numbers and in particular type of application that the Local Planning Authority receives. More complex larger applications attract greater fees than small developments. Unsurprisingly, more complex applications are more difficult to deal with and require more time and more experienced staff to process them.
- 4.2 Fees are payable not only for planning applications but also for the discharge of planning conditions, prior approvals, pre-application enquires and planning performance agreements.
- 4.3 The budget is set through reflections upon past years and also using projections to determine likely fee income. The fee income for 2016/2017 was £558,124.00 and for 2017/2018 £447,988.93. This reflects fewer major schemes received but are in preparation for submission within the next 12 months.
- 4.4 The Government has issued a consultation on the 'National Planning Policy Framework' that is seeking to replace the last framework published in March 2012. A briefing was presented to Planning Control Committee Members in March on the main changes being proposed. It is expected that a response would be issued to the consultation on some proposals. In addition to this, the ten Greater Manchester Authorities (AGMA) and are considering the consultation.
- 4.5 The Government issued new regulations late 2017 in relation to LPA's where fees could be lifted by a maximum of 20%. In line with this, Bury's planning fees reflected this. The provisions behind the planning fee uplift is that the additional finance generated must be retained within planning services to sustain growth and further development with resources.

5.0 PERMISSION IN PRINCIPLE & BROWNFIELD REGISTERS

- 5.1 The Housing & Planning Bill introduced a new regime, 'Permission in Principle' (PiP) – designed to separate 'in principle' issues (land use, location and amount of development) from technical detail (what buildings look like). The Bill provides for PiP for housing led development to be granted on sites in plans and registers and for minor sites on application to the LPA.
- 5.2 From a Greater Manchester perspective, the lack of planning permission is not perceived to be a particular issue holding back our brownfield sites. Greater Manchester has over 47,000 units with full or outline permission for housing already identified in the housing supply, yet the delivery rate has stubbornly remained around the 5000 mark for several years.
- 5.3 Government has committed that 90% of suitable brownfield land will have permission for housing by 2020 and to the introduction of statutory brownfield land registers. Brownfield registers will be the vehicle for granting PiP. The expectation is that LAs will take a proactive approach to their registers and only reject sites when there is no realistic prospect of housing development. Government also expect that the large

majority of sites which do not already have planning permission will be granted PiP. Exceptions to this are where the development raises environmental/habitat issues.

- 5.4 Brownfield registers and Permission in Principle (PIP) were required to be in place by the end of December 2017. As a result of this, the full council considered a report in how these would be handled in the event of objections being received and the decision making process. This was considered in December by full Council and approved.

6.0 PLANNING PRACTICE GUIDANCE

- 6.1 The Government's Planning Practice Guide (PPG) has been updated to take account of recent legislative changes to keep the guidance up to date. This includes:

- Community infrastructure levy – including clarification on CIL exemptions for residential annexes and self-build exemptions.
- Fees for planning applications – changes to reflect the increase in planning application fees, and other technical changes to fees.
- Amendments to planning enforcement guidance.
- When permission is required – changes to farm tracks, article 4, agricultural to residential, pubs and demolition, and short-term lettings guidance.
- Neighbourhood planning – updated guidance related to the Neighbourhood Planning Act.

7.0 COMPULSORY PURCHASE: NEW GUIDANCE AND STREAMLINING MEASURES

- 7.1 Through the Housing and Planning Act 2016 and Neighbourhood Planning Act 2017, the Government has introduced a package of reforms to make the compulsory purchase process clearer, fairer and faster for all. Updated compulsory purchase guidance was published on 28 February 2018, reflecting the reforms we have introduced since 2016.
- 7.2 Measures to streamline the decision-taking process for compulsory purchase orders (CPOs) came into force on 6 April 2018. These introduce new timescales for the confirmation of CPOs and enable confirming authorities to delegate such decisions to Inspectors. Our updated guidance sets out the new decision-taking timescales, as well as the criteria the Secretary of State for Housing, Communities and Local Government will consider when deciding whether to delegate a decision on a CPO to an Inspector. These measures will support swifter CPO decision-taking and provide acquiring authorities, claimants and local communities with greater certainty about how long the confirmation process will take.

8.0 PERMITTED DEVELOPMENT RIGHTS

- 8.1 Legislation came into force on 6 April 2018 to amend national permitted development rights to:
- Extend until 10 June 2019 the opportunity to secure prior approval for the change of use from storage or distribution to residential (Part 3, Class P), and allow those with prior approval three years from the date of prior approval in which to change use;
 - Amend the right for the change of use of agricultural buildings (Part 3, Class Q) to provide up to a total of 5 homes. The right allows only for: up to 3 larger homes within an overall floor space of 465 square metres; or up to 5 smaller homes each no larger than 100 square metres; or a mixture of both providing that no more than 3 larger homes are delivered within a maximum total of 5 homes. (For the purpose of Class Q, smaller dwelling houses may have no more than 100 square metres of floor space in residential use, and larger dwelling houses may have more than 100 square metres and no more than 465 square metres of floor space in residential use. Development of dwelling houses other than those defined as “larger” or “smaller” is not allowed.)
 - Increase the size limit of new agricultural buildings and extensions under Part 6 rights;
 - Permanently remove the requirement for prior approval in respect of the Part 16 right to install broadband cabinets, telegraph poles or lines, in article 2(3) land such as National Parks etc.
 - Make other technical changes and clarifying amendments, including to provide time for the Secretary of State to consider whether to call in a prior approval and to determine as appropriate.

9.0 CONCLUSION

- 9.1 Planning still remains a topic area that generates significant interest both from the public and the Government’s perspective. It is evident that the legislative approaches remain committed to the reduction of intervention by LPA’s with the main intention to facilitate development. However, whether the role of the public in this process is secured will yet to be revealed as legislation evolves and the implementation of the Housing and Planning Bill becomes more apparent.
- 9.2 Planning in Bury evidences increased development activity and therefore a buoyant economy and in response to this Bury Council are one of the leading authorities in delivering decisions that maintain it at the top of the authorities in the country.

List of Background Papers:-

Housing and Planning Bill

AGMA response to Technical Consultation on Implementation of Planning Changes

PS1/2 Returns

Ministry of Housing, Communities and Local Government Planning Update April 2018

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