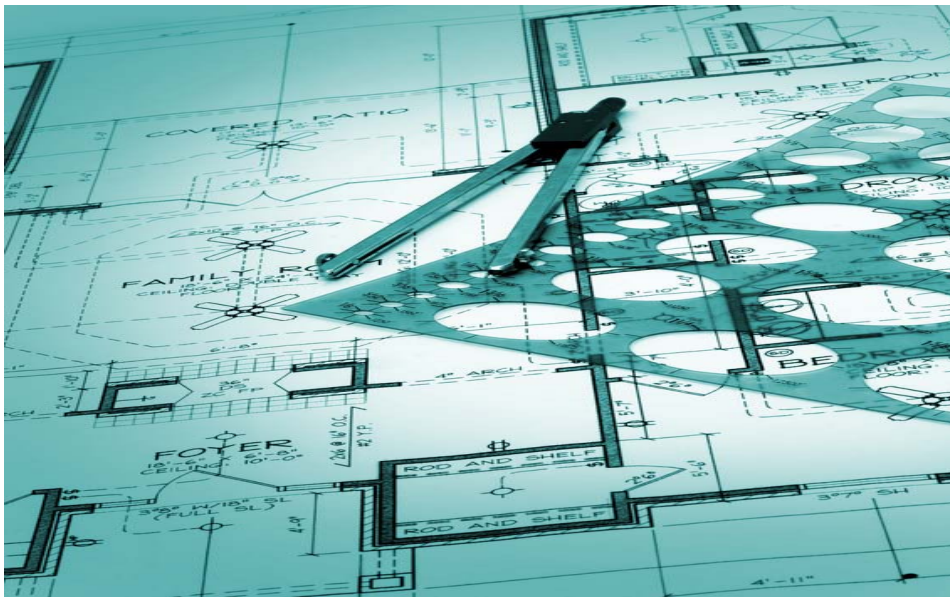


Development & Environment Scrutiny Panel

Assigned Task Report on Kirklees Planning Service



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1. CHAIR'S FOREWORD

This report presents the findings of the Assigned Task Group that was set up by the Development and Environment Scrutiny Panel with the aim of reviewing a number of key aspects of the Kirklees Planning Service.

This Assigned Task Group included two Voluntary Co-optees who had little experience of Planning but which I feel helped us to approach this review with an open mind and gain an objective and unclouded view of the processes and procedures followed by the Planning Service.

I would like to thank all of those who have contributed to the review including council officers who were extremely receptive and cooperative in helping to provide the Panel with relevant information and evidence and for the planning agents who were prepared to give their valuable time to help input into this review.

I would also like to thank the Panel members Voluntary Co-optees Jane Gledhill and Ian Steele and to thank the Scrutiny Officer Richard Dunne for the support he provided to the Panel.

Councillor Ken Sims
Lead Member, Development and Environment Scrutiny Panel

2. BACKGROUND

- 2.1 The development control processes in Kirklees Council are designed to ensure that the character and amenity of the area are not adversely affected by new buildings or changes in the use of existing buildings and land.
- 2.2 Development control includes the processing of planning applications, enforcing planning legislation and providing advice on planning matters.
- 2.3 Development control also has an important role to play in assisting the Council's objective of improving the economic well being of the district by working with developers and businesses to pro-actively support and encourage investment into Kirklees.
- 2.4 In recent years the Planning Service has developed new working practices and procedures with the aim of increasing efficiency, meeting planning performance targets and improving service delivery.
- 2.5 One of the key objectives of the coalition government is to prioritise growth and the Department for Communities and Local Government has highlighted the role that local councils have through planning as a means of promoting growth locally.
- 2.6 In light of the new ways of working that have been and continue to be introduced by the Planning Service, the planned government reforms, and the current economic situation, the Development and Environment Scrutiny Panel felt that it would be timely to:
- Assess the impact of the changes being made by the service
 - Review the current Scheme of Delegation to Officers on planning matters
 - Consider the impact and implications of the reduced income generated from planning applications and the continued pressure on the Council's budget.
- 2.7 The Panel also felt that it would be beneficial to establish how the service intends to incorporate the government's objectives of encouraging positive local growth.
- 2.8 In addition, the Panel agreed to include a specific focus on Enforcement which had been an area that had been initially highlighted by the Overview and Scrutiny Management Committee. This was in relation to a number of issues relating to the planning processes following a development at a site located at Thirstin Mills.

3. AREAS OF FOCUS

3.1 The agreed terms of reference of the assigned task were:

1. Review the quality of work being produced by the Planning Service including the speed and efficiency by which planning applications are processed and to benchmark service delivery against similar sized authorities.
2. Assess the effectiveness of the efficiency measures that have been introduced and consider the implications of the reductions in the Planning Service budget including the impact on service capacity.
3. Establish how the Planning Service intends to address the planning reforms including a focus on the national objective of prioritising growth.
4. Review the current Scheme of Delegation to Officers covering planning matters.
5. Review the enforcement processes and procedures and assess their effectiveness.

4. THE PANEL AND WORKING ARRANGEMENTS

4.1 The Panel comprised its membership from representatives of the Development and Environment Scrutiny Panel:

Councillor Ken Sims (Lead Member)
Jane Gledhill (Co-optee)
Ian Steele (Co-optee)

4.2 The Panel was supported by Richard Dunne from the Scrutiny Office.

4.3 The Panel held a series of meetings between September 2011 and February 2012 in order to receive information and evidence from a range of individuals and organisations. A full list of attendees and witnesses are shown on page 39.

4.4 As well as meeting with officers from the Council the Panel met with professional users of the Planning Service, including 5 Planning Agents and 2 major developers.

4.5 The review also included input from Kirklees councillors and planning customers such as Planning Agents and Architects in the form of a postal

questionnaire. Details of the questions and a summary of the themes that emerged are shown in Appendix 1 and 2.

- 4.6 The questionnaire to planning customers was sent to all regular users of the Planning Service that were listed on a database supplied by the Planning Service. A total of 75 questionnaires were distributed of which 9 were completed representing a 12% return rate.
- 4.7 The questionnaire to Kirklees councillors was sent to all 69 councillors of which 17 were completed representing a 25% return rate.
- 4.8 The Panel acknowledges the relatively small number of responses to the questionnaire and accepts that the views expressed are not necessarily representative of the views of all planning customers and councillors.
- 4.9 The questionnaire was one method amongst a number of different approaches that the Panel used to help it reach its views and recommendations that included verbal discussions, written evidence and desk top research.
- 4.10 The approach taken to this review
- 4.11 This review has been undertaken as an Assigned Task which is an approach used by scrutiny to complement the main work that is undertaken by the full Panel.
- 4.12 An Assigned Task is designed to provide scrutiny panel members with an opportunity to investigate and research aspects of policy and services with the aim of gaining an overview of the key issues.
- 4.13 Members of Assigned Tasks acknowledge that this approach may not allow for a detailed in depth study of the areas of focus and that it may be necessary for the Council to consider commissioning further more detailed research in response to the initial conclusions and recommendations that result from this work.

5. SUMMARY OF EVIDENCE RECEIVED

- 5.1 This section of the report will set out for each area of focus, a summary of the key evidence that has been received, followed by an outline of the Panel's views and recommendations.

5.2

Area of Focus 1

Review the quality of work being produced by the Planning Service including the speed and efficiency by which planning applications are processed and to benchmark service delivery against similar sized authorities.

5.2.1 Background

5.2.2 The national planning system is a key service that helps to deliver important objectives both nationally and locally. This includes providing places for people to live and work as well as promoting regeneration and helping people to improve their own home.

5.2.3 A national review of the planning application process that was completed in 2008¹ identified a strong consensus among key planning stakeholders that the planning system should be customer focused, fair, proportionate and transparent.

5.2.4 Panel Approach to the speed and efficiency of planning applications

5.2.5 After assessing the key elements that would be covered in this review the Panel felt it would be better if the focus on the speed and efficiency of processing planning applications was included as part of the review of the effectiveness of the efficiency measures detailed in section 5.3 of this report.

5.2.6 Kirklees Council Planning Service

5.2.7 The Planning Service stated that it had identified a number of challenges that it would need to address as part of its plans to move the service forward. Some of these challenges directly related to the service that it provided to its customers and included a focus on:

- Being 'open for business' – developing a culture of helpfulness and proactive approaches.
- Improving service delivery standards by understanding what service users need.

5.2.8 The Panel was informed by the Planning Service that it had highlighted a number of priority areas that were designed to help improve: performance; customer satisfaction; and increase communication with councillors. Key areas included:

- The importance of customer feedback.
- Making staff more aware of customer needs.
- Staff becoming aware of business needs.
- Streamlining the reporting process.
- Focusing on negotiation to approve applications rather than to decline.
- Improved and increased contact with members.

5.2.9 The Planning Service stated that one of its aims was to ensure that planning officers took an enabling approach in their dealings with customers and were more proactive in customer engagement. The Planning Service stated that it

¹ The Killian Pretty Review, Planning applications: A faster and more responsive system November 2008

didn't have a process for capturing customer feedback although senior planning officers did from time to time carry out random calls to get customer comments.

- 5.2.10 The Panel was informed that during the last 18 months the Planning Service had started to focus on becoming more proactive in working with customers and activities had included hosting forums for planning agents and attending Ward, Parish and Town Council meetings.
- 5.2.11 The Planning Service stated that an important method of contact with its customers was via Kirklees Direct which it felt appeared to be working reasonably well. In addition the Planning Service intended to increase the remit of work being directed through Kirklees Direct.
- 5.2.12 The Panel was informed that the Planning Service had been through a period of change with a number of alterations being made to its website and internal Information Technology (IT) systems. During this period there had been an increase in the numbers of complaints relating to the speed and reliability of its website however since the changes had been completed these issues no longer appeared to be creating problems.
- 5.2.13 The Planning Service stated that IT would be a key element in supporting the work it undertook and had the potential to significantly assist in the delivery of the service it provided to its customers.
- 5.2.14 The Panel was informed that the Planning Service had begun to take a more positive approach in dealing with IT and had started to look at changing its processes in order to align with the IT capability. The Panel was also informed that the continued pressure on resources meant that there would be an increasing reliance on IT.
- 5.2.15 The Planning Service stated that it would be aiming to steer more customers towards submitting electronic applications and would be looking to double the numbers being processed in this way. The Panel was informed that applications submitted via the planning portal were dealt with more quickly and were easier to validate and process because the portal ensured that all elements of the application were complete and in the correct format.
- 5.2.16 The Panel was informed that the Planning Service would be adopting a more proactive approach in encouraging the use of the planning portal. The Planning Service would focus on visiting those planning agents that continued to use paper based applications in order to promote the benefits of the planning portal and provide assistance and support in helping agents to move to electronic based applications.
- 5.2.17 The Planning Service indicated to the Panel that it would like to see more resources made available to help resolve issues related to the planning website and to support the move to align planning processes with the IT.

5.2.18 Section 106

- 5.2.19 As part of its wider scrutiny work the Development and Environment Scrutiny Panel had identified that another important aspect of the service being provided by Planning was the monitoring and communication of Section 106² (s106) monies.
- 5.2.20 The Planning Service had informed the Development and Environment Scrutiny Panel that a s106 database would be developed in order to create a more robust and transparent process. The completed database would enable Council officers and local ward councillors to view and monitor payments received and see what funds were available to meet the planning obligations.
- 5.2.21 The Development and Environment Scrutiny Panel had supported this work and in October 2010 issued a recommendation to the appropriate Cabinet Members. The recommendation had requested that the work to develop a fully functional s106 database should be prioritised and included in the Council's IT Services work schedule within the earliest possible timescale.
- 5.2.22 However during this review the Panel was informed that although the database had now been developed further work was required by the Planning Service before the database could be launched.
- 5.2.23 During discussions with the Planning Service the Panel suggested that consideration should be given to introducing a payment instalment scheme for s106 monies that could benefit both developers and the Council through improved cash flow.
- 5.2.24 The Planning Service indicated to the Panel that there was merit in reviewing an instalment scheme although careful consideration would have to be given in assessing at what stage of a development it would be appropriate for payments to commence.
- 5.2.25 Discussions with the Planning Service highlighted the need for the service to also start preparing the s106 database to take account of the changes in regulation such as the introduction of the Community Infrastructure levy³.
- 5.2.26 Feedback from those councillors who responded to the planning questionnaire highlighted that few were aware of what s106 funds were available in their ward. The Panel felt this emphasised the importance of completing the database as soon as possible in order to ensure that the position of s106 monies was effectively communicated to councillors.

² See Glossary for details

³ See Glossary for details

5.2.27 The Planning Teams

- 5.2.28 A key factor in providing a fast and efficient service is the manner by which applications are dealt with by planning officers. The Planning Service has two planning teams that mirror the areas covered by the Council's two Planning Committees Huddersfield Area and Heavy Woollen Area (covers areas around Mirfield, Dewsbury and Batley).
- 5.2.29 Each planning team is managed by a team leader who has a number of important responsibilities. During discussions with the Planning Service it became apparent to the Panel that the team leaders dealt with a significant volume of work which included:
- Overseeing the day to day operations of the team.
 - Allocating the planning applications.
 - Organising and supporting the planning committees.
 - Signing off the recommendations being proposed for planning applications.
- 5.2.30 Each team comprises of a number of planning officers that have a range of skills and experience. In addition the Planning Service also has two senior officers that deal with the larger more complex applications and strategic developments.
- 5.2.31 The Panel was informed that the planning team leaders took great care when allocating an application to a planning officer and considered a number of factors when allocating an application including: an officer's area of expertise; experience; capacity; and working patterns. Careful consideration was also given to the strategic importance of the proposed development including the political sensitivity of the case.
- 5.2.32 The Panel was informed that the Planning Service aimed to provide an acceptable level of consistency in its planning decisions and one method being used to try and achieve this was to ensure that all planning officers were given an opportunity to develop and broaden their experience.
- 5.2.33 The Panel was also informed that the Planning Service was training and developing officers to work in specialist areas such as dealing with applications relating to solar panels and wind turbines. The aim of this approach was to ensure that these specialist officers would provide a level of consistency to the recommendations and decisions being issued across the district.
- 5.2.34 The Planning Service currently develops its officers by providing support, guidance and advice from senior and experienced officers and by introducing less experienced officers to more complex cases. The Panel was informed of an example of a relatively junior planning officer being allocated a high profile and complex development under the mentorship of more experienced

officers. The application was successfully processed and significantly helped the development and confidence of the officer.

5.2.35 The Planning Service stated that changes in legislation and the general direction that planning was going meant that the role of planning officers would change. The expectation was that officers would become more proactive in their work and undertake more face to face meetings with customers resulting in an increased focus on the communication skills of officers.

5.2.36 The Panel was informed that this changing role would result in less focus on the administrative elements of the planning process and greater emphasis on working with the various planning stakeholders to find acceptable solutions to progressing developments across the district.

5.2.37 Views of Professional Customers

5.2.38 Discussions with planning agents indicated that the overall service being provided by the Kirklees Planning Service was generally good. However the Panel did pick up on a number of issues from the planning agents which it felt could be addressed to help support and in some cases improve the service being provided. These are outlined below in sections 5.2.39 to 5.2.51.

5.2.39 Continued facility to be able to contact planning officers direct

5.2.40 Planning agents felt that their working relationships with planning officers were generally good and positive. Agents valued being able to contact planning officers directly and wished to have this facility preserved rather than having to use a switch board service such as that provided by Kirklees Direct.

5.2.41 Inconsistencies

5.2.42 It was felt that there were inconsistencies in the standards and quality of service and advice being provided by planning officers. The perception was that this was due to the varying levels of experience and knowledge across the planning teams which had resulted as a consequence of the restructuring of the service and the loss of some experienced officers.

5.2.43 Improved Communication

5.2.44 There was a consensus from agents that they would wish to receive more regular updates regarding the status of their applications. It was felt that provided the Planning Service could maintain regular updates to the website that agents would be willing to use this as one way of monitoring progress.

5.2.45 Greater certainty in decision.

5.2.46 Agents would prefer to have a greater degree of certainty of the likely outcome of an application particularly if the application is likely to require a number of expensive reports and investigations.

5.2.47 Greater officer direction to planning consultation responses

5.2.48 Agents would welcome more explicit direction from planning officers regarding how much weight should be given to the varying responses received from the consultation process.

5.2.49 Communication of the Council's Vision

5.2.50 It was felt that having a clearer directive and guidance from the Council on its vision and priorities for development in Kirklees would help agents to support and develop schemes that would meet the Council's development criteria and result in more approvals at an earlier stage.

5.2.51 Planning agents also highlighted the pressures and challenges of working in the private sector and there was a general consensus that it would be beneficial for planning officers to have a greater understanding of the issues facing developers and agents.

5.2.52 As well as meeting with a number of planning agents the Panel also sent out a questionnaire to planning agents and councillors in order to try and get an understanding of what key stakeholders felt about the service being provided. A summary of the themes that emerged from these questionnaires are shown in appendices 1 & 2.

5.2.53 The Panel felt that after taking into consideration the feedback from the meeting with planning agents and the comments received from the councillor and agent questionnaires that an underlying theme emerged that indicated a need for the Planning Service to focus on improved communication; provide greater clarity and feedback; and to issue regular updates to everyone involved in the planning application process.

5.2.54

PANEL VIEW

- The Panel agrees with the plans to focus on improving and developing the internal IT systems and the Planning website and supports the need for greater resource to help progress this work.
- The Panel wishes to see the s106 database implemented as soon as possible and that the Planning Service ensures that its IT systems are ready to accommodate future changes in new planning regulation and legislation for example the imminent introduction of the Community Infrastructure Levy.

- **PANEL VIEW (cont'd)**

- The Panel feels that it would benefit the Council to investigate a payment instalment scheme for s106 monies.
- The Panel acknowledges the objective to encourage more applications to be submitted electronically and believes that this will help to support a quicker and more efficient service for applicants although the Panel would wish to see continued support for those applicants that prefer to use paper submissions.
- The Panel recognises the pressures that the team leaders are working under and acknowledges the wide range of responsibilities that they have to cover.
- The Panel believes that the current system of working would not be sustainable should the Planning Service experience an increase in the numbers of planning applications over a prolonged period over time.
- The Panel acknowledges that planning agents feel that the overall service provided by the Planning Service is good and that they experience a positive working relationship with planning officers.
- The Panel notes the high value that planning agents place on having a direct line to planning officers.
- The Panel believes that accessibility is a key element of the service provided by Planning and that any move to extend the remit of work that will be covered by Kirklees Direct could jeopardise this principle.
- The Panel acknowledges the challenges facing agents and developers in the private sector and believes that it would be beneficial for planning officers to be provided with the opportunity to increase their understanding of the issues facing agents and developers.
- The Panel notes that agents would welcome communication from the Council that would provide them with a clearer understanding of the Council's vision and priorities for development in the district of Kirklees.
- The Panel notes the agents' views that a clear Council vision for development in the district would help them to develop and support schemes that would more readily meet the Council's development criteria.
- The Panel believes that feedback from councillors and planning agents does indicate a requirement for the planning service to focus on improved communication; provide greater clarity and feedback; and to issue regular updates to everyone involved in the planning application process.

AREA OF FOCUS ONE - RECOMMENDATIONS

1. That the Planning Service undertakes a feasibility study looking into a payment instalment scheme to provide the facility for the Council to collect s106 monies by direct debit and help developers spread the cost of the planning obligation.

2. That the following action is taken to help improve the Planning Service's internal and external communication and to support the drive for further efficiency measures:

- The Planning Service in conjunction with the Cabinet Members for Investment and Housing and the Council's IT Service agree as a matter of urgency a work schedule in order to fully develop the Planning Service's website and its internal IT systems.

3. To help support the accessibility of the Planning Service and provide feedback and regular updates to its customers that:

- The Planning Service maintains the direct line contacts for agents and ensures that direct feedback is provided to applicants from the designated planning officer.

4. That the Planning Service undertakes a review of the effectiveness of the work being carried out on its behalf by Kirklees Direct before moving ahead with plans to extend the remit of work being transferred to Kirklees Direct. The review should focus on assessing from a customer's point of view the standard of service that is being provided including the range of issues that Kirklees Direct are able to handle.

5. That the Planning Service should include as part of its development programme the opportunity for all planning officers to increase their knowledge and understanding of the work of agents. This could be achieved by:

- Arranging time for officers to gain experience of working within the private sector in order to better understand the challenges facing developers, agents, architects etc and the implications of planning decisions through a carefully structured 'work shadowing' programme.

5.3

Area of Focus 2

Assess the effectiveness of the efficiency measures that have been introduced and consider the implications of the reductions in the Planning Service budget including the impact on service capacity.

5.3.1 Background

5.3.2 The Planning Service has been aware of the need to make efficiency savings for some years in terms of its overall budget and to assess the impact of such actions on its front line service delivery.

5.3.3 The majority of the Planning Service's expenditure has been within its revenue budget with the largest element accounted for by employee salaries. Prior to the start of the credit crunch in 2007 the Planning Service generated significant income which had contributed to meeting the Service's costs.

5.3.4 During 2008/09 the impact of the severe shortage of credit became apparent and the down turn in the economy that followed led to an immediate impact on the development and construction industry. This resulted in the Planning Service experiencing a significant reduction in the number of planning applications, particularly in the area of large scale development proposals.

5.3.5 In order to mitigate the impact of such a sharp decline in planning applications and fee income the Planning Service sought to make reductions in its staffing levels and consider ways of establishing more efficient and cost effective ways of providing a service.

5.3.6 Efficiency Measures

5.3.7 The economic down turn and the local authority budget reductions that have been made in response to the Coalition Government's budget deficit programme has meant that the Planning Service has had to introduce a number of efficiency saving measures.

5.3.8 The Planning Service stated that the efficiency measures it had introduced had been designed to help improve working practices and speed up planning processes. The Planning Service provided the Panel with examples of a number of changes that it had already made as part of its efficiency drive. These are outlined in sections 5.3.9 to 5.3.18:

5.3.9 A new back office Planning and Building Control Application Handling System

5.3.10 The Planning Service successfully implemented a new back office Planning and Building Control Application Handling System. The system has enabled the Planning Service to validate and progress applications electronically which has increased the speed of decision making.

5.3.11 Move to mobile working

5.3.12 The Planning Service has developed its databases to allow them to be accessed away from the main offices. This has allowed the Planning Service to introduce greater flexibility in planning officers' working patterns which has assisted in increasing officer productivity.

5.3.13 Kirklees Direct

5.3.14 Initial enquiries are now being handled by Kirklees Direct which allows calls to be dealt with through a central point and for customers to be referred to the correct section. This initiative has helped to increase productivity by providing officers with more time to focus on their core planning work.

5.3.15 Improvements to the Planning Website

5.3.16 The Planning Website has been upgraded to provide better search facilities and to allow improved access to planning issues. In addition links have been included to other relevant areas of the Council such as Building Control and Licensing.

5.3.17 Reduced paperwork

5.3.18 The Planning Service altered its correspondence with consultees from paper to electronic which has resulted in a reduction in the time spent by officers on the production and distribution of paper copies of applications.

5.3.19 Planned Measures

5.3.20 Despite the success of these changes the Planning Service stated that further work was needed to increase efficiency savings and review working practices in order to improve the quality of the service and reduce costs.

5.3.21 The Planning Service provided the Panel with an overview of further measures that had been or were planned to be implemented. These are outlined in sections 5.3.22 to 5.3.29:

5.3.22 Review of IT processes

5.3.23 The Planning Service undertook a peer review of the IT processes for validating planning applications that resulted in significant duplication being removed and better integration of IT systems. Further work will be taking place to fully review how the Service uses the IT systems.

5.3.24 Extension of work through Kirklees Direct

5.3.25 The Planning Service will be looking to extend the remit of work dealt with by Kirklees Direct to include dealing with basic questions and queries relating to tree preservation orders and issues relating to conservation and design.

5.3.26 Planning appointments

5.3.27 Enquiry appointments have been introduced to ensure that despite the reduction in staff numbers customers are still able to have planning enquiries dealt with by a planning officer.

5.3.28 Increased emphasis on electronic applications

5.3.29 The Planning Service is looking to significantly increase the numbers of applications that are processed electronically by promoting the benefits of this method. Advantages of this system will include a reduction in the time it takes to process an application.

5.3.30 Productivity and efficiency

5.3.31 The efficiency measures being introduced across the Planning Service have been carried out during a period which has seen a significant reduction in officer numbers including the loss of experienced officers.

5.3.32 During discussions with the Planning Service the Panel was informed that one of the consequences of the workplace downsizing had been the significant loss of experienced planning officers.

5.3.33 Using data from the Application Processing System the Planning Service has been able to track the number of applications that planning officers are processing each year. The table below illustrates that productivity appears to have increased during the last two years with the most recent figures showing that officers each processed 112 applications over the financial year ending 2011/12.

5.3.34

YEAR	NUMBER OF APPLICATIONS PER OFFICER
2008/09	98
2009/10	90
2010/11	101
2011/12	112

Figures based on data from the Planning Service's Application Processing System

5.3.35 The Panel was informed that although productivity had increased it could also lead to a potential compromise of quality and speed or efficiency. The table below illustrates the correlation between the percentages of minor and

other planning applications (which account for the bulk of the work being processed by planning officers) that are determined within the national target time of 8 weeks and the levels of productivity.

5.3.36 The figures clearly show that when productivity increases the numbers of applications receiving a decision within the national timescales decrease and when productivity decreases (2009/10) the figures improve.

5.3.37

Year	Minor	Other	Productivity
2008/09	68%	82%	98
2009/10	76%	85%	90
2010/11	70%	77%	101

Figures based on data from the Planning Service's Application Processing System.

5.3.38 Discussions with the Planning Service indicated that although the service recognised the need to move forward with continued efficiency measures it was determined that this would not be to the detriment of other key priorities which included better performance and customer satisfaction.

5.3.39 The Planning Service stated that it accepted that the planning process shouldn't just be based on a chain of events and it aimed to ensure that applicants were clear from the start of the process what was required to support a successful application.

5.3.40 Panel discussions with planning agents indicated that although there was a desire to receive a fast and efficient service the agents also placed equal weight on being provided with some certainty on the decision of an application.

5.3.41 The Panel was informed by the planning agents that they welcomed the opportunity to meet with planning officers on site before applications (predominately the medium to large developments) were submitted.

5.3.42 Planning agents felt it would be more efficient for both developers and the local authority to talk through development plans at an early stage. They also felt that the discussions should take account of the planning legislation and the Council's strategy in order to establish whether the scheme had any chance of progressing.

5.3.43 During the discussions with planning agents the Panel floated the idea of paying for additional planning services such as a fast track service. Planning agents acknowledged that fast track schemes had worked for some agents who had used this service provided by other planning authorities.

5.3.44 Planning agents however stated that the introduction of a fast track service should be approached with some caution and felt that the main challenge

would be to ensure that the quality of the service and advice was sufficient enough to justify the fee that was being charged.

5.3.45

PANEL VIEW

- The Panel acknowledges the efficiency measures that the Planning Service has taken and believes that significant progress has been made in helping the Service to provide a more efficient and cost effective service.
- The Panel notes that the levels of officer productivity have increased over the last 4 years.
- The Panel acknowledges that there is evidence that shows a clear correlation between the increase in productivity and the speed of determination.
- The Panel believes that the key factors influencing the speed of determination are the increased officer workload and the loss of experience in the planning workforce.
- The Panel would wish to see the Planning Service investigate more innovative ways of generating income such as the introduction of a fast track service which it feels would help meet the service objective of reducing costs and reviewing working practices.

5.3.46

AREA OF FOCUS 2 - RECOMMENDATIONS

1. That the Planning Service investigates areas of planning where an opportunity to generate an additional income could be introduced. This should include:

- Researching income models of other Planning Authorities.
- A feasibility study looking into:
 - A fee based top quality fast track service for developers that would not be to the detriment of the overall service provided to all applicants.

5.4

Area of Focus 3

Establish how the Planning Service intends to address the planning reforms including a focus on the national objective of prioritising growth.

- 5.4.1 The Coalition Government has stated its commitment to ensuring that the planning system does everything it can to support long term sustainable growth, and has made it clear that significant emphasis should be placed on the need to support economic recovery through the planning system.
- 5.4.2 The starting point for helping Kirklees Council to prepare for the growth agenda is the preparation and agreement of a Local Development Framework that will contain the details of the Council's development and land use policies that are designed to help fulfill the Council's community, economic, environmental and social aims for the district.
- 5.4.3 During discussions with the Panel the Planning Service stated that its role in helping to support growth in the district was focused on supporting business applications and assisting in the development of the strategic business and employer land allocations.
- 5.4.4 The Planning Service stated that in support of its strategy to help encourage investment and promote growth the service had identified two key locations (areas around Cooper Bridge and Chidswell) that it felt would provide the type of employment land that would attract developers and businesses.
- 5.4.5 The Planning Service stated that it was now actively testing the market's appetite for these locations and through research identifying the kinds of businesses that could be interested in locating to these areas.
- 5.4.6 New skills and ways of working
- 5.4.7 The Planning Service stated that there would be a greater emphasis given to creating an 'open for business' culture amongst planning officers and to encourage officers to move away from a focus on planning targets. The overall objective would be to develop officers so they would become more creative and flexible when dealing with developers and applicants with the aim of ensuring that more planning applications could be successfully approved.
- 5.4.8 During discussions with the Panel the Planning Service indicated that the changes that would be coming from the Localism Act would require planning officers to alter the way they worked. The balance of skills was likely to shift to a greater focus on consultation and mediation with developers and local communities.

- 5.4.9 The Planning Service highlighted an example of some recent work that had been done by the service in supporting a major developer to understand the importance of early engagement with the local community and provide a robust consultation process.
- 5.4.10 The Planning Service stated that a clear challenge for the service would be to ensure that it could create a framework that would help support officers to develop the skills that they would require to meet the future demands of the Planning Service.
- 5.4.11 The Panel was informed that one important element of the Localism Act was the introduction of new rights and powers to allow local communities to shape new development through neighbourhood plans. The aim of this aspect of the Act was to help to ensure a level of consistency in planning matters across the country, while providing the flexibility to respond to local circumstances.
- 5.4.12 Discussions with the Planning Service indicated that the implications of the Localism Act was considerable and would include a responsibility for the Planning Service to provide advice and assistance for those groups wishing to develop neighbourhood plans.
- 5.4.13 The Planning Service stated that officers from the service had already been in discussions with potential neighbourhood forums such as parish councils who would be at the forefront of developing plans. However, the initial reaction to these new powers had been relatively lukewarm predominately because of the work and responsibility associated with developing a neighbourhood plan.
- 5.4.14 The Planning Service's stated vision is *"to achieve sustainable development for all in a safe environment – this means that we have to balance social, economic and environmental considerations when we consider where, when and how new developments should be constructed and sustained. We work together as a service, as well as with partners, developers and local communities, to encourage and negotiate the right development in the right place at the right time."*
- 5.4.15 Discussions with the Planning Service indicated that the key mechanism in making planning officers aware of the overall strategy and aspirations of the Council in terms of planning and development was through the officer appraisal system.
- 5.4.16 The appraisal system was used to take the Council's priorities and values and the Service's mission statement and help shape the plans of the planning teams as well as identifying and agreeing the objectives for each individual planning officer.

5.4.17 Conservation and Design Team.

- 5.4.18 The Conservation and Design Team is an integral part of the Planning Service and plays an important part in helping to deliver the Planning Services vision. Discussions with the Conservation and Design Team indicated that it played a key and influential role in delivering sustainable development within the district.
- 5.4.19 Kirklees has the third highest number of listed buildings in the country with around 4,500 buildings. The Conservation and Design Team informed the Panel that a key challenge facing the Council was to identify and tackle those buildings at risk and in disrepair and finding a way of getting the buildings back into use.
- 5.4.20 The Panel was informed by the Conservation and Design Team that the vast majority of listed buildings in Kirklees were grade 2⁴ although the Council didn't have a complete picture of the conditions of these buildings and how many could be at risk.
- 5.4.21 The Panel was informed that steps had been taken to gather further evidence in order to understand the position of the grade 2 stock with the aim of formulating a strategy and action plan that would include a focus on increasing the opportunities for the development of these buildings.
- 5.4.22 The Conservation and Design Team stated that it had carried out a pilot study in and around Huddersfield Town Centre where an officer seconded from another area of the Council and an architect had carried out a survey of buildings. This had enabled it to identify the profile and use of the buildings.
- 5.4.23 The Panel was informed that the Conservation and Design Team would like to repeat this exercise across the district however this was being hindered due to limited resource and the high numbers of listed buildings across Kirklees.
- 5.4.24 Discussions with the Conservation and Design Team indicated that it felt that English Heritage seemed to be taking a more positive approach in helping to find acceptable solutions to the development of listed buildings.
- 5.4.25 The Conservation and Design Team stated that the work it had been doing looking at how new technologies could be used to help improve energy efficiencies in listed buildings would help to encourage development in listed

⁴ **Listed Buildings fall into different categories and the listings for England & Wales fall into the following categories - Grade 1 - These buildings are considered to be of exceptional interest ; Grade 2* - These Buildings are considered to be particularly important examples of special interest; Grade 2 - These Buildings are considered to be of special Interest**

buildings. In addition the recently introduced Planning Policy Statement 5 (PPS 5) which covered planning for the historic environment now provided greater flexibility on what could be done with historic buildings.

5.4.26 The Conservation and Design Team believed that the work it was doing to get this message across to developers was beginning to get through and it was focused on promoting the message that it was 'open for business'. It was also actively taking steps to work more closely with those officers in the Council who were speaking to potential investors and developers.

5.4.27 The Conservation and Design Team stated that it believed that it was now taking a more proactive approach in the work that it carried out and was working with developers at a much earlier stage although it recognised that it needed to accelerate the work it was doing in this area.

5.4.28 A multi disciplined approach

5.4.29 The Planning Service informed the Panel that it recognised that there was a need to provide investors and developers with a quality service. In support of the work that was needed to develop the service it was starting to look strategically at how the Planning Service worked with other areas of the Council in order to provide a coherent and joined up approach.

5.4.30 The Planning Service highlighted to the Panel a number of examples where it had worked with officers from the Regeneration Service to support the development of a number of major sites for businesses. This approach had enabled the Council to create a master plan for developers and involved the input of a number of different disciplines from across the Council.

5.4.31 The Planning Service stated that the next stage was to start to cascade the multi disciplined approach to smaller developments and provide potential applicants with the advice that they needed in order to be able to successfully progress their applications.

5.4.32

PANEL VIEW

- The Panel supports the senior management objective of encouraging an emphasis on an 'open for business' culture and to introduce a more creative and flexible approach to planning.
- The Panel feels that the Service should introduce a training programme designed to support planning officers with the new skills that will be required to accommodate the changes in planning legislation and meet the needs of the wider community.
- The Panel welcomes the approach taken by the Planning Service to engage with individuals who may get involved in neighbourhood forums and believes that it will be extremely beneficial for the Council to provide adequate support mechanisms to help develop this area of planning.

PANEL VIEW (cont'd)

- The Panel welcomes the proactive approach being taken by the Conservation and Design Team and feels that it has taken a positive attitude towards the work it does to support potential investors and developers.
- The Panel is pleased that English Heritage is taking a more relaxed approach towards development and hopes that this will increase the opportunities for the development of listed buildings across Kirklees.
- The Panel supports the work of the Conservation Team in gathering evidence in order for the Council to understand the position of listed buildings across Kirklees and believes this is an important aspect of the work that is needed to help encourage the development of listed buildings across the district.
- The Panel welcomes the work that has been done to provide a better service to investors and developers of major sites by creating a multi disciplined team and would wish to see this further developed with the aim of making this common practice.

5.4.33

AREA OF FOCUS 3 - RECOMMENDATIONS

1. To help support the objective of developing a new culture and approach to planning the Panel recommends that the Senior Management Team undertake the following:

- Devise a set of actions to instil the necessary culture change across the Service.
- Introduce a planned development programme for staff designed to develop the skills that will be required to meet the future needs and demands of the Service.

2. That the Planning Service develops an action plan designed to help support neighbourhood forums and communicate the new planning laws to local residents. This should include:

- Identifying legitimate and viable community groups that could develop neighbourhood plans.
- A communication action plan that includes: a clear explanation of the status of a neighbourhood plan; the financial implications of establishing a plan; and consultation proposals.

RECOMMENDATIONS (cont'd)

3. That the Planning Service develops a plan designed to encourage increased involvement from the private sector in investing and developing listed buildings for modern day use. The plan should include:

- An urgent communication issued by the Conservation and Design Team to developers and the local community highlighting the relaxation in the approach of English Heritage towards development.
- Identifying ways of further encouraging the development of listed buildings for modern day use.
- Establishing ways that the Conservation and Design Team can complete identifying the numbers and condition of grade 2 listed buildings. This should include looking at innovative ways of involving public participation in the completion of this task.
- Developing the Conservation and Design Website to incorporate photographic details of listed buildings and where appropriate highlighting opportunities for developers and private investors.

5.5

Area of Focus 4

Review the current Scheme of Delegation to Officers covering planning matters.

- 5.5.1 Delegating specific functions to officers of the Council enables decisions to be made more speedily and efficiently and ensures that councillors are not overly burdened with dealing with too many procedural and everyday administrative decisions.
- 5.5.2 The Scheme of Delegation to Officers is made at a formal Council meeting and specifies for each area of the Council what officers are empowered to do. Officers who have been delegated the power to take certain decisions must observe the policies and guidelines adopted by the Council.
- 5.5.3 Through senior officers, the Council can monitor the actions of officers to ensure that they carry out their delegated responsibilities within the agreed framework and this is how the Council is able to retain a measure of control over decision making.
- 5.5.4 The Scheme of Delegation that has been introduced in Kirklees Council has been founded on the principle of delegation “by exception”. This means that the Council or delegating body delegates everything that can be lawfully delegated to senior officers with the exception of the circumstances that are listed in the scheme.

5.5.5 The current delegation arrangements for planning matters in Kirklees Council were initially adopted as a way of responding to an efficiency drive target set some years ago by the Government. The target was aimed at encouraging local authorities to achieve 90% of all applications being determined through officer decisions, as opposed to being considered by committee.

5.5.6 Data supplied by the Planning Service indicated that the Council has been successful in meeting the 90% objective set by the previous government. Figures for the calendar year ending 2010 showed that 96% of planning applications were determined through officer delegation. This compared favourably to other members of the Planning Service Benchmarking Club⁵ where the average delegation rate was 93%. These figures rank Kirklees Council as 3rd best out of the 14 members.

5.5.7 Since 2007/2008 the percentages of planning applications being determined in Kirklees through officer delegation has been remarkably consistent as illustrated in the table below:

5.5.8

Year	Delegation rate
2007/08	97%
2008/09	95%
2009/10	96%
2010/2011	97%

5.5.9 Other important factors that were considered when adopting the planning delegation arrangements were the cost of processing applications and customer service.

5.5.10 Data supplied by the Planning Service shows that for the calendar year ending 2010 the costs of processing a planning application through officer delegated decisions was £99 compared to £865 through planning committee. These costs are lower than the average costs incurred by members of the Planning Service Benchmarking Club as illustrated in the table below.

5.5.11

Activity	Kirklees	Average
Delegated decisions	£99	£103
Committee	£865	£988

Figures taken from the Planning Service Benchmarking Club for calendar year ending 2010

5.5.12 Discussions with the Planning Service indicated that it felt one important aspect of customer service was the speed by which planning applications were processed. The service stated that the current planning delegation

⁵ The Planning Service Benchmarking Club is a national scheme developed by the Planning Advisory Service in partnership with the Chartered Institute of Public Finance and Accountancy.

arrangements helped to support this by providing a speedier service for customers such as planning agents particularly as most cases submitted by the agents tended to be processed through officer delegation.

- 5.5.13 The exceptions included in the current delegation arrangements for planning matters are not particularly wide ranging and matters that can be referred to the appropriate planning committee includes a focus on the size of the development.
- 5.5.14 The exceptions policy provides the option for any councillor to request that an application or submission within their ward be referred to the relevant planning committee provided they have submitted reasons for the request. The Chair of the Planning Committee will also need to have confirmed that the reasons are valid having regard to the requirements of the Councillor's Protocol for Planning Committees⁶.
- 5.5.15 The exceptions policy also includes an option allowing councillors representing wards located in and around the Huddersfield area to refer any application for development falling within Huddersfield Town Centre to Planning Committee although it was noted by the Panel that this provision was not available to councillors representing wards located in or around other main towns in the district.
- 5.5.16 In addition the exceptions policy provides a provision for the delegated officer to refer an application to planning committee with the agreement of the Chair of the Planning Committee or where there has been a 'significant volume' of local opinion.
- 5.5.17 The Planning Service currently interprets a 'significant volume' of local opinion as being around 10 objections or more. Discussions with the Planning Service indicated that the service took a common sense approach when considering referring applications to Planning Committee and would refer any development that it felt was of a particularly sensitive nature regardless of the numbers of objections or representations.
- 5.5.18 The Planning Service also endeavours to ensure that local ward councillors are made aware of any developments where they have shown a previous interest although the Service hasn't developed a system to enable this practice to be rigidly followed.
- 5.5.19 The officers that have been nominated as the responsible persons in carrying out the duties in relation to the delegation agreement on planning matters include the Interim Director of Place, Head of Development Management and Development Control Leaders (Planning Team Leaders).

⁶ The Current Protocol for Planning Committees and Sub-Committees was approved by Full Council on 8 December 2010. The aim of the protocol is to ensure that the planning process operates properly, legally and effectively and that there are no grounds for suggesting that a decision has been biased, partial or not properly considered and made in any way.

5.5.20 Discussions with the Planning Service indicated that the Planning Team Leaders had a key role to play as delegated officers. This role involved reading through planning reports, checking recommendations and signing applications for approval.

5.5.21 It was clear from the discussions with the Planning Service that this was an important aspect of the work that was carried out by the team leaders and that the volumes of applications coming through had resulted in much of their time being spent in undertaking these responsibilities.

5.5.22 The Planning Team Leaders also play an integral part in preparing applications referred to Planning Committee. Discussions with the Planning Service highlighted that the team leaders needed to allocate considerable time to undertake the technical work and preparation of the reports required for Planning Committee.

5.5.23

PANEL VIEW

- The Panel acknowledges that the scheme of delegation to officers covering planning matters is meeting its objective regarding the targeted numbers of applications being determined through officer delegation.
- The Panel notes the significant differences in cost between applications that are determined through officer delegation and Planning Committee and would wish to see an ongoing focus on introducing efficiency measures in order to help minimise committee costs.
- The Panel notes the option allowing councillors from wards located in and around the Huddersfield area to refer an application to Planning Committee and would wish to see the scheme provide some consistency in its approach by providing the same option for councillors representing wards located in or around the other main towns in Kirklees.
- The Panel notes the volume of work that is being dealt with by senior planning officers through the delegation process and acknowledges the hard work that is being undertaken by the team leaders.
- The Panel feels that it would be beneficial for the Planning Service to consider the feasibility of reducing the workload placed upon senior planning officers. This could be done by increasing the numbers of officers who are able to handle the delegation of decisions provided that mechanisms are put in place that allow the opportunity for consultation with councillors before a decision is made.
- The Panel feels that the Planning Service needs to start preparing for a future upturn in the economy and consider how it will deal with an increase in the volumes of planning applications.

5.5.24

AREA OF FOCUS 4 - RECOMMENDATIONS

1. That the Planning Service as part of the work outlined in area of focus 3 recommendation 1 (section 5.4.33):

- Investigate opportunities to distribute the workload of delegated decisions more proportionately across planning officers, while recognising the sensitivity of some delegated decisions.

5.6

Area of Focus 5

Review the enforcement processes and procedures and assess their effectiveness.

5.6.1 Background

5.6.2 The role of Planning Enforcement is to ensure that development is carried out in accordance with the relevant permissions and planning legislation. A breach of planning control can compromise development which requires planning permission and it is widely accepted that effective enforcement can help to underpin the integrity of the planning process.

5.6.3 The Coalition Government has recognised the role of enforcement within the planning process and this can be seen by the stronger enforcement powers that have been introduced in the Localism Bill. These changes have also been made as a reaction to the perception that there are a number of organisations and individuals who have attempted to manipulate the system.

5.6.4 Many councillors feel strongly about enforcement and understand that it is there to ensure that the policies and decisions of the Local Planning Authority are complied with in the interest of the quality of the environment and for the benefit of the local community.

5.6.5 Enforcement has reactive and proactive elements. It is proactive in terms of monitoring development as it being implemented and reactive to complaints of non compliance and dealing with developers who have not applied for planning permission.

5.6.6 Planning enforcement policy should be seen as an important and integral part of the whole planning process.

5.6.7 Kirklees Council Enforcement Section

- 5.6.8 The key areas of responsibility of the Enforcement Section are to investigate breaches of planning control with a particular focus on major developments and to monitor Section 106 agreements. The Enforcement Section also investigates complaints from members of the public to establish whether there is a genuine breach of planning control.
- 5.6.9 The Enforcement Section does not generate an income, although the work that it undertakes in monitoring Section 106 (s106) agreements does have a positive benefit, as the work carried out through the s106 agreements and the income that they generate is used to help improve the local infrastructure affected by the development.
- 5.6.10 Since 2008 the Enforcement Section has seen a significant reduction in resource. A detailed analysis⁷ of officer time relating to enforcement activity clearly showed that the numbers of hours that were needed to process planning complaints now exceeded the number of hours available in officer time.
- 5.6.11 During discussions with the Panel the Enforcement Section stated that it was currently taking between 4 to 5 weeks to work through a new complaint. This had resulted in many complainants having to wait some time before their case could be dealt with although Enforcement was taking steps to communicate fully with all customers and make them aware of the situation.
- 5.6.12 Currently the Enforcement Section is unable to charge developers or individuals when investigating a complaint regarding a potential breach of planning control. If an enforcement investigation concludes that there has been a breach of planning the Council has to make a decision on whether it is expedient to pursue formal enforcement action.
- 5.6.13 The Panel discussed with the Enforcement Section the idea of an upfront planning conditions charge that could be reimbursed if conditions were followed. The Panel felt that this initiative could help to reduce the enforcement workload by encouraging more compliance to planning conditions and avoid the need to pursue penalties for non compliance.
- 5.6.14 The Panel also felt that that the introduction of an upfront planning condition charge should not prevent the Council from taking formal enforcement action in order to deal with breaches of planning control.
- 5.6.15 Prior to any action being taken the Enforcement Section will assess whether the breach has resulted in significant planning harm and only if it looks as if a breach cannot be resolved voluntarily will it consider what type of enforcement action to take.

⁷ Based on analysis produced by the enforcement section that details a Breakdown of Officer Time for the year 2011/12 up to the 05-10-2011.

- 5.6.16 There are a number of types⁸ of formal action that the Enforcement Section can take including issuing a Planning Contravention Notice, Enforcement Notice, Breach of Condition, Injunction and Stop Notice. If the action is not complied with then legal action can be taken although the Council will first assess whether it is in the public interest to take proceedings.
- 5.6.17 The Panel was informed by the Enforcement Section that it had introduced an initiative that prioritised complaints based on an assessment of 'planning harm' and was also using a prioritisation chart to grade the complaint by using the initial information as a way of categorising the level of harm.
- 5.6.18 The Enforcement Section had also arranged for planning officers to help assist in dealing with complaints by getting them to check the lower priority and less harmful complaints which were located near to the sites they inspected as part of their normal planning case work.
- 5.6.19 In addition the Enforcement Section had been provided with additional administrative assistance to help carry out some of the more routine enforcement work such as booking in complaints.
- 5.6.20 During discussions with the Panel the Enforcement Section made it clear that to be able to proactively track and monitor all planning conditions would present a real challenge. This was due to the significant numbers of conditions that were issued and would require checking. The Enforcement Section therefore presently focused most of its proactive work on the careful monitoring of major developments.
- 5.6.21 The Panel also picked up from the discussions with the planning agents a general feeling that too many conditions were being issued. The perception from planning agents was that the conditions were being produced from a tick list rather than being tailored to the circumstances of the development.
- 5.6.22 The Enforcement Section informed the Panel that it was encouraging the use of other services in the Council to help carry out enforcement work. It highlighted an example of the Street Rangers who are part of the Council's Streetscene Service and were helping to tackle unauthorised advertisements.
- 5.6.23 The Enforcement Section stated that although the Street Rangers didn't have the technical expertise of enforcement officers this initiative still allowed the Council to undertake a proactive approach in identifying unauthorised fly posters for example.
- 5.6.24 The Enforcement Section informed the Panel that pressure on resource had resulted in the level of proactive activity in enforcement being compromised

⁸ See Glossary for details

and this could be demonstrated by the fairly static numbers of enforcement notices issued by the Council during the last 4 years.

5.6.25 This trend in activity appears to be in contrast with other neighbouring authorities such as Leeds and Bradford Councils which have generally shown increased levels of activity in enforcement notices as illustrated in the table below.

5.6.26

Notices issued/Year	Authority		
	Kirklees	Leeds	Bradford
Enforcement Notices			
2007/08	21	50	86
2008/09	22	75	111
2009/10	8	58	133
2010/11	22	81	114

Data supplied by Kirklees Planning Service

5.6.27 The Enforcement Section indicated to the Panel that it would like to start re-aligning its work in order to have an increased focus on the work that was being proactively driven by the Planning Service. The Enforcement Section believed that this approach would result in less resource being deployed in dealing with the more reactive work of enforcement such as dealing with complaints.

5.6.28 The Panel was informed by the Enforcement Section that complaints were time consuming and resulted in enforcement officers spending a disproportionate amount of time in dealing with relatively minor planning issues.

5.6.29 The Enforcement Section stated that a key aspect of enforcement powers was the focus on the severity of planning harm and that it was this aspect of its work that was not widely understood.

5.6.30 The Enforcement Section believed that this lack of understanding and awareness had led to the current public perception that any planning condition regardless of harm that was breached, was seen as the Council allowing a developer or individual to play the system.

5.6.31 The Panel was keen to establish whether the Enforcement Section could consider greater use of its powers as a way of highlighting to developers and individuals that the Council would not tolerate breaches of planning control.

5.6.32 The Enforcement Section indicated that although it could increase the use of its powers such as using the Stop Notice, these powers were rarely used and usually only in extreme circumstances.

5.6.33 The Enforcement Section stated that in an attempt to communicate and promote the work that it carried out, it had attended Town and Parish Council

meetings with the aim of explaining in more detail the procedures that it followed.

5.6.34 The Panel was also informed that the Enforcement Section was working with other enforcement teams across the Council such as the Public Protection Service with the objective of developing a coherent strategy. The aim of the strategy was to cover all enforcement procedures and to provide the Council with a robust policy statement on how the Council would respond to enforcement concerns and queries from members of the public.

5.6.35

PANEL VIEW

- The Panel recognises the challenges faced by the Enforcement Section in dealing with its workload and is impressed with the level of productivity that is being carried out despite the clear pressures on resource.
- The Panel has concerns that the work of the Enforcement Section is too focused on dealing with the reactive elements of enforcement work, such as dealing with complaints, rather than proactively monitoring development across the district.
- The Panel feels that there is anecdotal evidence that indicates that there are too many planning conditions being issued and believe there is a need to review the necessity of issuing certain conditions, particularly those that are considered as 'low harm', as a means to help reduce the pressure on the Enforcement Section.
- The Panel accepts that based on the current levels of resource the Enforcement Section does not have the capacity to actively monitor or enforce all planning conditions that are issued.
- The Panel welcomes the initiative to work with other services across the Council as a way of increasing the amount of proactive enforcement work taking place.
- The Panel believes that it would be beneficial for further work to be done in extending enforcement work to more areas across the Council including increasing the use of resources located within the Planning Service such as Building Control.
- The Panel acknowledges that the Enforcement Section is currently unable to charge for the investigation of potential breaches in planning control but feel that the inclusion of an upfront refundable condition(s) fee would help to reduce the overall workload of enforcement.

AREA OF FOCUS 5 - RECOMMENDATIONS

1. That the Planning Service undertakes a review of the use of planning conditions that should include:

- Reviewing the necessity of issuing certain planning conditions.
- Developing a framework for prioritising the planning harm of issued conditions.
- Investigating ways of helping members of the public to improve their understanding of planning conditions which could include:
 - Increasing the ease of finding details of conditions that have been issued such as improved access through the planning website.

2. That further work is undertaken to establish how other areas of the Council could help support the work of enforcement. This should include investigating:

- The increased involvement of Building Control.
- Employing the resources of other services across the Council to help monitor the adherence to planning conditions for example using staff from the Streetscene Service to check conditions relating to landscaping.

3. That the Planning Service investigates the feasibility of an upfront refundable conditions fee.

6. SUMMARY OF ALL RECOMMENDATIONS

AREA OF FOCUS 1 - Review the quality of work being produced by the Planning Service including the speed and efficiency by which planning applications are processed and to benchmark service delivery against similar sized authorities.

- 6.1 That the Planning Service undertakes a feasibility study looking into a payment instalment scheme to provide the facility for the Council to collect s106 monies by direct debit and help developers spread the cost of the planning obligation.
- 6.2 That the following action is taken to help improve the Planning Service's internal and external communication and to support the drive for further efficiency measures:
- The Planning Service in conjunction with the Cabinet Members for Investment and Housing and the Council's IT Service agree as a matter of urgency a work schedule in order to fully develop the Planning Service's website and its internal IT systems.
- 6.3 To help support the accessibility of the Planning Service and provide feedback and regular updates to its customers that:
- The Planning Service maintains the direct line contacts for agents and ensures that direct feedback is provided to applicants from the designated planning officer.
- 6.4 That the Planning Service undertakes a review of the effectiveness of the work being carried out on its behalf by Kirklees Direct before moving ahead with plans to extend the remit of work being transferred to Kirklees Direct. The review should focus on assessing from a customer's point of view the standard of service that is being provided including the range of issues that Kirklees Direct are able to handle.
- 6.5 That the Planning Service should include as part of its development programme the opportunity for all planning officers to increase their knowledge and understanding of the work of agents. This could be achieved by:
- Arranging time for officers to gain experience of working within the private sector in order to better understand the challenges facing developers, agents, architects etc and the implications of planning decisions through a carefully structured 'work shadowing' programme.

AREA OF FOCUS 2 - Assess the effectiveness of the efficiency measures that have been introduced and consider the implications of the reductions in the Planning Service budget including the impact on service capacity.

- 6.6 That the Planning Service investigates areas of planning where an opportunity to generate an additional income could be introduced. This could include:
- Researching income models of other Planning Authorities
 - A feasibility study looking into:
 - A fee based top quality fast track service for developers that would not be to the detriment of the overall service provided to all applicants.

AREA OF FOCUS 3 - Establish how the Planning Service intends to address the planning reforms including a focus on the national objective of prioritising growth.

- 6.7 To help support the objective of developing a new culture and approach to planning the Panel recommends that the Senior Management Team undertake the following:
- Devise a set of actions to instil the necessary culture change across the service.
 - Introduce a planned development programme for staff designed to develop the skills that will be required to meet the future needs and demands of the service.
- 6.8 That the Planning Service develops an action plan designed to help support neighbourhood forums and communicate the new planning laws to local residents. This should include:
- Identifying legitimate and viable community groups that could develop neighbourhood plans.
 - A communication action plan that includes: a clear explanation of the status of a neighbourhood plan; the financial implications of establishing a plan; and consultation proposals.
- 6.9 That the Planning Service develops a plan designed to encourage increased involvement from the private sector in investing and developing listed buildings for modern day use. The plan should include:
- An urgent communication issued by the Conservation and Design Team to developers and the local community highlighting the relaxation in the approach of English Heritage towards development.

- Identifying ways of further encouraging the development of listed buildings for modern day use.
- Establishing ways that the Conservation and Design Team can complete evidence identifying the numbers and condition of grade 2 listed buildings. This should include looking at innovative ways of involving public participation in the completion of this task.
- Developing the Conservation and Design Website to incorporate photographic details of listed buildings and where appropriate highlighting opportunities for developers and private investors.

AREA OF FOCUS 4 - Review the current Scheme of Delegation to Officers covering planning matters.

6.10 That the Planning Service as part of the work outlined in recommendation 6.7:

- Investigate opportunities to distribute the workload of delegated decisions more proportionately across planning officers while recognising the sensitivity of some delegated decisions.

AREA OF FOCUS 5 - Review the enforcement processes and procedures and assess their effectiveness.

6.11 That the Planning Service undertakes a review of the use of planning conditions that should include:

- Reviewing the necessity of issuing certain planning conditions.
- Developing a framework for prioritising the planning harm of issued conditions.
- Investigating ways of helping members of the public to improve their understanding of planning conditions which could include:
 - increasing the ease of finding details of conditions that have been issued such as improved access through the planning website

6.12 That further work is undertaken to establish how other areas of the Council could help support the work of enforcement. This should include investigating:

- The increased involvement of Building Control.
- Employing the resources of other services across the Council to help monitor the adherence to planning conditions for example using staff from the Streetscene Service to check conditions relating to landscaping.

6.13 That the Planning Service investigates the feasibility of an upfront refundable conditions fee.

7. ATTENDEES AND WITNESSES.

The review was carried out between September 2011 and February 2012 and included receiving and reviewing a variety of information and holding interviews with:

- Patrick Auterson – Policy Manager, Development, Planning & Information
- Linda Beckett – Development Control Team Leader (East)
- Jacqui Gedman – Interim Director of Place
- Teresa Harlow – Development Control Team Leader (West)
- Nigel Hunston – Conservation & Design Group Leader
- Charles Smith – Conservation & Design Team Leader
- Simon Taylor – Head of Development Management
- Kevin Walton – Enforcement Officer

In addition to meeting with officers from the Council the Panel met with 7 users of the Planning Service that included 5 planning agents and two major developers and would like to thank them for their contribution to the review.

The Panel also sent out questionnaires to 75 planning customers and all 69 councillors of Kirklees Council and would like to thank all those who responded to the questionnaire. A summary of the themes that emerged can be found in Appendix 1& 2.

8. SOURCES OF EVIDENCE

- Cabinet Members Response to planning issues at Thirstin Mills, Honley – Overview and Scrutiny Management Committee Report – December 2010
- Circular 11/95 : Use of conditions in planning permission – Department for Communities and Local Government
- Draft National Planning Policy Framework: Consultation – Department for Communities and Local Government July 2011
- Draft National Planning Policy Framework – Department for Communities and Local Government July 2011
- Impact of Efficiency Savings in Planning and Building Control Services – Overview and Scrutiny Panel for Regeneration – October 2009
- Impact of Efficiency Savings in Planning and Building Control Services – Supplementary Report – Overview and Scrutiny Panel for Regeneration – November 2009
- Kirklees Council Delegation Agreement : Approved by Full Council 23 March 2011
- Local Government Information Unit overview and briefing of Draft National Planning Policy Framework August 2011
- Local Government Information Unit overview and briefing of the Communities and Local Government Select Committee report on Draft National Planning Policy Framework.- December 2011
- Minutes of Kirklees Council Overview and Scrutiny Management Committee – September 2010
- New Enforcement provisions in Localism Bill – extract from The Localism Bill – December 2010
- Planning Services and the Private Sector – Audit Commission
- Scrutiny request Planning issues concerning developments at Thirstin Mills and Bradshaw Road – March 2010
- The Killian Pretty Review - Planning applications : A faster and more responsive system – Final Report – November 2008
- Transforming Local Planning Service Using Business Process Improvement Techniques – The local Government National Process Improvement Project
- Update on Section 106 Scrutiny Recommendations - Kirklees Council Overview and Scrutiny Management Committee report – March 2011

9. GLOSSARY

Section 106:

Section 106 (S106) of the Town and Country Planning Act 1990 allows a Local Planning Authority (LPA) to enter into a legally binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education and affordable housing.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a discretionary measure which will allow local authorities to apply a fixed levy on new buildings and extensions to buildings according to their floor area. Local Authorities don't currently have to use CIL, but from April 2014 they will be prevented by CIL Regulation 123 from using planning obligations to leverage general contributions from new development for community infrastructure.

The CIL will enable local authorities to raise money from development to help the Council pay for schools, leisure centres, aged care accommodation, roads and other facilities to ensure the district grows sustainably. CIL replaces the section 106 "tariff" approach which had been used for this purpose although section 106 will continue to cover mitigation of direct "on-site" impacts of development and to deliver affordable housing.

Planning Contravention Notice (PCN) – This notice seeks information about suspected breach(es) of planning control so that the Authority can establish whether there is a legitimate case for taking Enforcement Action.

Enforcement Notice - This is the most common form of notice used to deal with breaches of planning control and sets out the steps that the recipient should take to remedy the breach and a time period in which to comply.

Breach of Condition Notice (BCN) – This notice can be served where a condition(s) attached to a planning permission is being breached. A BCN will set out the steps the recipient should take to remedy the breach of condition and a time period in which to comply. There are no rights of appeal against a BCN.

Injunction - Where the Authority considers a breach of planning control to be a serious and immediate risk to health and safety, or necessary in terms of expediency, the authority may apply to the County or High Court for an injunction.

Stop Notice – This notice is only served in conjunction with an Enforcement Notice in exceptional circumstances where it is essential that activities cease immediately in order to safeguard amenity or public safety or to prevent serious or irreversible harm to the environment.

Key themes that emerged from the Councillors' responses to the Planning Questionnaire

The questionnaire was sent to all 69 councillors of which 17 were completed and returned representing a 25% return rate.

The Panel acknowledges the relatively small number of responses to the questionnaire and accepts that the views expressed are not necessarily representative of the views of all councillors.

1. How satisfied are you with the Planning Service in terms of the speed and efficiency of any dealings you have had with them, including issues such as responding to queries, providing information etc?

Key Themes:

- The majority of councillors (14 out of 17) indicated that they were generally satisfied with the service provided. Comments included: *"I deal a lot with Planning and have always found them very helpful"; "very satisfied with the service, anything I have asked for they have dealt with this efficiently";*
- 8 councillors specifically highlighted that they found the Planning Service helpful and willing to provide information. Comments included: *"The officers work extremely hard to help ward councillors in their role and the information provided is always timely, accurate and very useful in responding to constituents' enquiries". "Very satisfied, not always the answers I would like but the officers are helpful".*
- 6 councillors specifically highlighted their satisfaction in relation to the speed and efficiency of the service when dealing with applications and enquiries. Comments included *"I am satisfied with the speed and efficiency of the Planning department in dealing with individual queries"; "on the whole, I have found the service to be very quick and efficient in responding on issues". "They are good at responding quickly if it is a live planning application"*

2. In your dealings with the Planning Service what elements of the service did you feel most positive about and which did you feel most negative about and why?

Key Themes:

- 11 councillors highlighted the support provided by officers as being one element of the service that they felt most positive about. Comments included: *“There are many positive dealings’ such the can-do attitude of our planners to help local people solve their planning difficulties”*; *“ I feel most positive about the quick action that most council officers take when looking into residents concerns”*; *“ I have been satisfied with all the elements from the initial telephone call to the sending of information to me”*
- Areas where councillors felt there could be improvements included the Enforcement Section (5 councillors) and Planning Committee meetings (3 councillors). Comments included: *“the Enforcement procedure which is very convoluted and extremely difficult for the public to understand”*; *“I feel most negative about the delays or timescales in enforcement”* *“Planning committee meetings can seem to be very adversarial..... this issue needs to be addressed as a matter of urgency in order to bring confidence back into the system”*

3. Is there anything you feel the Planning Service could do differently that could help provide an improved service to its customers?

Key Themes:

- 8 councillors felt that a key area of focus was how the service communicated with its customer’s particularly in terms of the complexity of the language used. Comments included: *“Perhaps if officers spoke to customers in layman’s terms there would be better liaison between them”*; *“improve the planning section of the website, make it more ‘user’ friendly”*; *“use more user friendly language and minimise jargon”*.

4. Are you aware of how much section 106 monies are currently are currently available for use in your ward?

Key Themes:

- The majority of councillors (14 out of 17) indicated that they were not aware of how much section 106 monies were available for use in their ward. Comments included: *“No, this information is not made available. It would be useful to have this information and to have details on how it can be used”*. *“I am now aware there is section 106 money. I had to ask what it was when the term was first used in a Streetscene ward meeting. I am not aware of how much is available to be used at this time within my ward”*.

Key themes emerging from responses to Professional Customers to the Planning Questionnaire

The questionnaire to planning customers was sent to all regular users of the Planning Service that were listed on a database supplied by the Planning Service. A total of 75 questionnaires were distributed of which 9 were completed and returned representing a 12% return rate.

The Panel acknowledges the relatively small number of responses to the questionnaire and accepts that the views expressed are not necessarily representative of the views of all planning customers.

1. How satisfied are you with the Planning Service in terms of the speed and efficiency of any dealings you have had with them, including issues such as responding to queries, providing information etc?

Key Themes:

- 5 out of the 9 responders indicated a perception that the service was under resourced and that this had an impact on the speed and efficiency of the service they received. Comments Included: *“staff seem unable to respond to any enquiry or application in any reasonable time ... I have been given various reasons but in the main it is obviously because of a lack of staff”* *“so many experienced officers have been allowed to leave and therefore the ones remaining are naturally under much more pressure”*
- 3 of the responders specifically highlighted that they felt that they didn't experience any consistency in the service being provided by Planning. Comments included: *“the level of ‘satisfaction’ varies, from application to application and there appears to be little in the way of consistency by which applications are dealt with”*; *“one persons opinion is often not the view of other colleagues”*

2. In your dealings with the Planning Service what elements of the service did you feel most positive about and which did you feel most negative about and why?

Key Themes:

- 5 out of the 9 responders highlighted that they found planning officers helpful and pleasant to deal with. Comments included: *“Planning Officers are always pleasant and easy to talk to”*; *“most officers are pleasant to deal with and generally try and respond to*

APPENDIX 2

calls etc” “significant improvement in staff being more helpful”.

- 5 out of the 9 responders made reference to the loss of resource and officer experience in the Planning Service. Comments included: *“An appropriate increase in resources to planning services is required to assist the private sector in being able to build our way out of recession”; Many experienced officers with many years of experience have been retired off and not been adequately replaced”.*

3. Is there anything you feel the Planning Service could do differently that could help provide an improved service to its customers?

- 5 responders indicated felt that it be helpful to have more regular meetings with officers including pre-application meetings to assess potential planning applications. Comments included: *“Encourage pre-application meetings for Planning & Highways, using possibly the coordinated joint panel approach in order to assess future planning applications”; Meet agents more often”; “more meetings with architects and agents”; “No doubt that pre-application advice discussion with officers concerned, together where possible with pre-application site meetings would sort out any problems”*

SCRUTINY ACTION PLAN

**Project: Kirklees Planning Service
Lead Scrutiny Officer: Richard Dunne**

FOR COMPLETION						
No	Recommendation	Directorate and Cabinet Member(s) asked to coordinate the response to the recommendation	Do you agree with the recommendation? If no, please explain why.	How will this be implemented?	Who will be responsible	What is the estimated timescale
1	That the Planning Service undertakes a feasibility study looking into a payment instalment scheme to provide the facility for the Council to collect s106 monies by direct debit and help developers spread the cost of the planning obligation.	Directorate for Place Cllr McBride	Yes	It should be noted that staged contributions for S106 payments is already being operated for some developments, although not by the use of direct debits. We have undertaken some preliminary investigations with Legal Services. The payment of S106 contributions via regular instalments can be achieved but this would have to be through mutual agreement with the developers. The payment method would form part of the Section 106 agreement and would be required to meet the three statutory tests of reasonableness, relevance and	Kevin Walton/John Ritchie	It is anticipated that this is something that can be investigated and phased in over the next 12 months

	<p>That the following action is taken to help improve the Planning Service's internal and external communication and to support the drive for further efficiency measures:</p> <p>a. The Planning Service in conjunction with the Cabinet Members for Investment and Housing and the Council's IT Service agree as a matter of urgency a work schedule in order to fully develop the Planning Service's website and its internal IT systems.</p>	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>necessity. As part of the ongoing review of S106 processes officers will identify and develop procedures where this method can be deployed. Once investigated a briefing note will be prepared for officers setting out procedures. This will then be communicated through the Agent's Forum. Key target areas could be those where a financial contribution is required rather than physical works for example travel plan contributions, POS maintenance contributions and off site affordable housing contributions.</p>	<p>Nigel Huston/Linda Beckett</p>	<p>Started and on going</p>
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				<p>at the information we provide on the web site. This will need rationalisation now that NPPF has been released. This should be the catalyst for a review of the information and material that is provided on the web as a whole . A rationalisation is required to make it more user friendly. Whilst this is a priority the service is hampered by resources.</p> <p>This could be delivered by a collaborative working group between planning and IT.</p> <p>Delivery of some aspects of this will be dependant upon resources as there needs to be IT input.</p>	Charles Smith/Steven Sampson	Aim to start within 6 to 9 months
<p>3</p>	<p>To help support the accessibility of the Planning Service and provide feedback and regular updates to its customers that:</p> <p>a. The Planning Service maintains the direct line contacts for agents and ensures that direct feedback is provided to applicants from the designated planning officer.</p>	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>Customer focus remains a priority for the service and progress tracking of applications is important. A number of possible suggestions are already being explored. These include:</p> <ul style="list-style-type: none"> • Using texting as tool for keeping agents/applicants up dated • More use of web information to track progress of an application through key stages • Automatic emails/texts to agents after consultation periods <p>This will be backed up by consistent project management particularly</p>	Charles Smith/Steven Sampson	Started and ongoing

				where pre application advice is given. It will be our aim through the duty officer system and pre-application charging to ensure continuity of officer. Delivery of some aspects of this will be dependant upon resources as there needs to be IT input.			
4	The Planning Service undertakes a review of the effectiveness of the work being carried out on its behalf by Kirklees Direct before moving ahead with plans to extend the remit of work being transferred to Kirklees Direct. The review should focus on assessing from a customer's point of view the standard of service that is being provided including the range of issues that Kirklees Direct are able to handle	Directorate for Place Cllr McBride	Yes	Performance of Kirklees Direct is tracked on a monthly basis so current performance is monitored. Any problems are highlighted and largely resolved on an ongoing basis. Should the planning service require an expansion of this service then a full review will be undertaken.	Linda Beckett	Review meetings on going	
5	That the Planning Service should include as part of its development programme the opportunity for all planning officers to increase their knowledge and understanding of the work of agents. This could be achieved by: a. Arranging time for	Directorate for Place Cllr McBride	No	This would seem to be a desirable process however implementation may have many consequences and cause conflicts of interest. As an alternative further work will be undertaken to investigate how there can be a closer working relationship with the agent's forum where experiences and practice can be shared collaboratively.	Teresa Harlow	To be determined	

	<p>officers to gain experience of working within the private sector in order to better understand the challenges facing developers, agents, architects etc and the implications of planning decisions through a carefully structured 'work shadowing' programme.</p>			<p>In addition the service will investigate the possibility of adopting a Bradford model where planning and related officers are given tailored training on regeneration and the development industry. This gives a broader view of the challenges we face.</p> <p>There are cost and resource implications to this approach so we need to carefully consider the value and where those resources may come from.</p>		
<p>6</p>	<p>That the Planning Service investigates areas of planning where an opportunity to generate an additional income could be introduced. This could include:</p> <ol style="list-style-type: none"> Researching income models of other Planning Authorities. A feasibility study looking into: A fee based top quality fast track service for developers that would not be to the detriment of the overall service provided to all applicants. 	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>The first phase of charging for pre-application planning advice has already been agreed by cabinet and will rolled out in July 2012. Local agents and staff have already been appraised.</p> <p>The model is based on others across West and South Yorkshire and relates to major applications.</p> <p>This process will be kept under review for the next 6 to 9 months when alterations and additions will be considered. The update will take into account other models from the Leeds City Region in particular looking at arrangements for advice on householder applications and Planning Performance Agreements (or similar).</p>	<p>Simon Taylor/Nigel Hunston</p>	<p>Started and on going</p>

				<p>As part of our involvement in the the Leeds City Region Heads of Development Management Group this topic is part of an ongoing information/best practice sharing arrangement. Any new areas for income generation will come through this group.</p> <p>We will also continue our involvement with the West Yorkshire Fee Setting Group which are preparing for local fee setting should this arise. The national picture on this is unclear at present</p>		
<p>7</p>	<p>To help support the objective of developing a new culture and approach to planning the Panel recommends that the Senior Management Team undertake the following:</p> <ol style="list-style-type: none"> Devise a set of actions to instil the necessary culture change across the service. Introduce a planned development programme for staff designed to develop the skills that will be required to meet the future needs and demands of the service. 	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>Further work on this will be required to develop a full action plan. However following the phase 2 review this process has already begun. The key mediums for delivering the messages are:</p> <ul style="list-style-type: none"> Service Plan and Team Plans 1 to 1's and PRD process Team meetings Development Management Briefings Adhoc Technical sessions <p>Further investigation will be required of best practice across West Yorkshire and the Leeds City Region – use will therefore be made of existing forums at this level to share</p>	<p>Simon Taylor/Teresa Harlow/Linda Beckett</p>	<p>Started and on going</p>

				<p>experiences. This work has already begun.</p>		
<p>8</p> <p>That the Planning Service develops an action plan designed to help support neighbourhood forums and communicate the new planning laws to local residents. This should include:</p> <ol style="list-style-type: none"> a. Identifying legitimate and viable community groups that could develop neighbourhood plans. b. A communication action plan that includes: a clear explanation of the status of a neighbourhood plan; the financial implications of establishing a plan; and consultation proposals. 	<p>Directorate for Place</p> <p>Cllr McBride</p>	<p>Yes</p>	<p>Work has already started on the key element of this work – Neighbourhood Plans.</p> <p>The LDF team are already working with the Council's Engagement and Cohesion team to roll out the message through Area Neighbourhood Action Teams. An event to promote Neighbourhood Plans and the Localism Act was organised in early May with assistance from Planning Aid. This captured Parish/Town Council's and other interested parties and there was another Parish and Town Council event on 29th May. A further non parish/town council event is planned.</p> <p>There has been only limited/tentative interest. At the current level it is proposed that the groups could be worked with on a 1 to 1 basis should the interest become established.</p> <p>In terms of a communication action plan . A summary leaflet has already been produced with the all party neighbourhood working group. It is our intention to place this on the web soon.</p>	<p>Patrick Auterson</p>	<p>Started and on going</p>	

				<p>We are also working on guidance notes the first of these will be produced in August this year.</p> <p>In terms of an urgent communication issued by the Conservation and Design Team to developers and the local community highlighting the relaxation in the approach of English Heritage towards development. This is felt to be inappropriate as the team cannot speak on behalf of English Heritage who are an important statutory body.</p> <p>Where we can be of assistance is to encourage future applicants to open up an early dialogue with English Heritage as part of the pre-application process.</p> <p>We are already actively working with building owners to see how buildings can be readily converted. A project has been carried out on buildings in Huddersfield Town Centre to assess the possibility of conversion to offices. This has proven in some of the cases to be achievable. Some buildings have been readily converted to student lets through positive action through the C&D team. The team has also, in association with Leeds City Council, produced guidance on the low carbon renovation of heritage assets.</p>	<p>Charles Smith/Nigel Hunston</p>	<p>Started and on going</p>
<p>9</p>	<p>That the Planning Service develops a plan designed to encourage increased involvement from the private sector in investing and developing listed buildings for modern day use. The plan should include:</p> <ul style="list-style-type: none"> a. An urgent communication issued by the Conservation and Design Team to developers and the local community highlighting the relaxation in the approach of English Heritage towards development. b. Identifying ways of further encouraging the development of listed buildings for modern day use. c. Establishing ways that the Conservation and Design Team can complete evidence identifying the numbers and condition of grade 2 	<p>Directorate for Place</p> <p>Cllr McBride</p>	<p>Yes/No (see detailed comments)</p>			

10	<p>listed buildings. This should include looking at innovative ways of involving public participation in the completion of this task.</p> <p>d. Developing the Conservation and Design Website to incorporate photographic details of listed buildings and where appropriate highlighting opportunities for developers and private investors.</p>		Yes	<p>In terms of completing an evidence base and identifying the numbers and condition of grade 2 listed buildings, we are currently looking at the North Lincolnshire model of utilising civic societies and interested groups to carry out surveys in their areas. A pilot scheme has been carried out in Huddersfield Town Centre. This could be based upon the successful national Tree Warden Scheme where volunteers assessed the tree stock in their parish. Training will be needed.</p> <p>The Conservation and Design Website is under a continuous process of being updated and improved.</p> <p>Photographs of listed buildings are available on the Heritage Gateway site and it is possible that links can be provided to this on the Council's web site. We have to be careful as properties are under private ownership so stating opportunities for developers is difficult; we may alienate property owners.</p>	Teresa Harlow/Linda Beckett	Started and on going
	That the Planning Service as part of the work outlined in recommendation 7:	Directorate for Place		Following the completion of phase 2 of the review of the service the structures and workloads of each of		

	<p>a. Investigate opportunities to distribute the workload of delegated decisions more proportionately across planning officers while recognising the sensitivity of some delegated decisions.</p>	<p>Cllr McBride</p>		<p>the teams are to be reviewed. The following aspects are under consideration:</p> <ul style="list-style-type: none"> • Workloads • Experience levels • Development needs of individual staff • Areas of specialism 		
<p>11</p>	<p>That the Planning Service undertakes a review of the use of planning conditions that should include:</p> <ol style="list-style-type: none"> a. Reviewing the necessity of issuing certain planning conditions. b. Developing a framework for prioritising the planning harm of issued conditions. c. Investigating ways of helping members of the public to improve their understanding of planning conditions which could include: <ul style="list-style-type: none"> Increasing the ease of finding details of conditions that have been issued such as improved access through the planning website. 	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>All standard conditions have been reviewed and refreshed</p> <p>Advice on the necessity of planning conditions is clearly set out in the Government's planning circular 11/95). Training on imposing planning conditions and circ 11/95 has previously been carried out with planning officers and other colleagues who engage with planning. Further training for planning officers will be undertaken as the revised conditions are rolled out.</p> <p>Regarding point c decision notices can be viewed on the website from 2000 onwards. Resource issues inhibit the scanning of earlier decision notices which are microfiched.</p>	<p>Teresa Harlow/Kevin Walton</p>	<p>Started and on going</p>

12	<p>That further work is undertaken to establish how other areas of the Council could help support the work of enforcement. This should include investigating:</p> <ol style="list-style-type: none"> The increased involvement of Building Control. Employing the resources of other services across the Council to help monitor the adherence to planning conditions for example using staff from the Streetscene Service to check conditions relating to landscaping. 	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>A wider enforcement strategy has been developed into draft form and with the agreement of Senior Management and Members will be rolled out throughout the Place Directorate. The strategy aims to provide clarity on all enforcement priorities and procedures and also provides a means to direct enforcement activity proportionately throughout enforcement resource available throughout the directorate.</p>	<p>Kevin Walton</p>	<p>Started and on going</p>
13	<p>That the Planning Service investigates the feasibility of an upfront refundable conditions fee.</p>	<p>Directorate for Place Cllr McBride</p>	<p>Yes</p>	<p>At the moment there is no statutory basis within planning law to impose a bond arrangement or charge for the monitoring and discharge of planning conditions other than through mutual agreement with the developers (i.e. Section 106 or Planning Performance Agreement). These can be used if expedient however likely to be extremely rare.</p> <p>As an alternative developers will be encouraged to apply for the discharge of planning conditions through the existing statutory regime.</p>	<p>Kevin Walton/John Ritchie</p>	<p>Some aspects started but aim to put in place within 12 months</p>

				<p>To help achieve this, an information package issued with the decision notice to encourage early engagement with the Council prior to the commencement on major developments would assist in improved communication. Information could include :-</p> <ul style="list-style-type: none"> • A Prior Notification pro-forma for commencement of works to be submitted before works start. This will help identify any issues prior to works being carried out. • Schedule of condition discharge will remind developers for the need to satisfy conditions. • Section 106 & Section 278/38 schedule if necessary • Lead officer contact details to provide “Project Manager” contact within the Council. <p>The planning service have already begun this process using a large housing site in the Lindley area.</p>		
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