

## Overview & Scrutiny Committee

12<sup>th</sup> November 2019

### Development Services

## Development Portfolio Annual Performance Report

### **PART A: Service Plan Performance**

#### **1 Development Management**

##### Planning applications

- 1.1 Numbers of planning applications are continuing at a high level. Table 1 below shows total planning application each calendar year. As can be seen, the total number of applications for 2019 is expected to continue at a high level but is projected to show a fall in the total number of major applications received.

**Table 1**

<b>Calendar Year</b>	<b>No of Applications (excluding Pre-apps and condition discharges, etc)</b>	<b>No. of major applications</b>
2019 to date	1381 (extrapolated to 31/12/19: 1841)	42 (extrapolated to 31/12/19: 56)
2018	2086	68
2017	1827	71
2016	2356	73
2015	2186	79
2014	1878	72
2013	1807	77

- 1.2 Despite high workloads this part of the service is continuing to perform at a high level with the number of planning applications determined within the statutory timescale again remaining at well over 90% for 2018/19 (see Table 2) and continuing in 2019/20. As a result of the volume of ongoing work and staffing issues, in order to achieve this, we have relied more heavily on agreeing extensions of time for the determination of planning applications than we would like, however it is anticipated that this will reduce over time.

**Table 2:** percentage of applications determined in statutory timescales

<b>Year</b>	<b>% determined within statutory timescales</b>
2019 to date	96%
2018	94%
2017	95%
2016	96%
2015	94%
2014	96%
2013	68%

- 1.3 The total number of applications and the number of major schemes has resulted in sustained high levels of fee income (see table 3), with the income forecast anticipated for 2019/20 matching that of the previous year.

**Table 3:** Planning Fee Income

<b>Year</b>	<b>Appendix B spreadsheet</b>
2019/20 forecast	1,516,778 (not including any carry over to 2020/21).
2019/20 to date (25/9/19)	758,389
2018/19	1,557,826
2017/18	1,346,200
2016/17	1,084,600
2015/16	1,276,300
2014/15	1,031,700

#### 1.4 Pre-application Advice

- 1.4.1 One area where performance has declined further in 2019/20 has been pre-application advice (Table 4) where turnover of staff and vacant posts have hampered significantly impacted on consistent performance. However, the service has been proactively addressing this and in view of the 2 new Planning Assistant/Officer posts that are now on the establishment, this trend is expected to change over the next 12 months.

**Table 4:** % of pre-application queries dealt with within time period (4 weeks) or ave time?

<b>Year</b>	<b>% of pre-application queries dealt with within time period (5 weeks)</b>
2019/20 to date	8%
2018/19	9%
2017/18	80%
2016/17	72%

1.4.2 The charging regime for the provision of non-householder pre-application has now been in place for a few years and is generating income as set out in the table below. Whilst that income continues to consistently exceed the cost of providing the service and peaked at just short of £86,000 in the last calendar year, during the current year the income appears to be at a lower level to date.

**Table 5:** Pre-application Income

<b>Year</b>	<b>Income</b>
2019/20 to date	£24,540
2018/19	£85,935
2017/18	£57,800
2016/17	£63,925

## 1.5 Appeals

1.5.1 Over the last two years, the proportion of successful appeals against WDC decisions slightly improved overall and remains at a level that is consistent with national trends. Officers prepare regular reports to Planning Committee as part of the ongoing review and learning process particularly with respect to appeals that have been allowed, to give an opportunity to review the decisions and learn lessons.

**Table 6:** % of appeals dismissed

<b>Year</b>	<b>No. of appeals</b>	<b>% of appeals dismissed</b>
2019/20 to date	51	57%
2018/19	70	66%
2017/18	70	54%
2016/17	69	55%

## 1.6 Enforcement

1.6.1 The number of enforcement cases on hand throughout the year has remained at a high level of over 200 open investigations which is a result of high workload levels and some fluctuations in staff resources.

## APPENDIX B

1.6.2 A number of measures are being implemented in order to address this including a temporary increase in staffing comprising a Senior Enforcement Officer (2 years) and an Enforcement Officer (1 year). It is anticipated that the need for those resources will be kept under review. Subject to successful recruitment, it is intended that the new enforcement officer post will focus on a small number of key projects which are important to the service and the community. In particular, this post will seek to address issues regarding the enforcement of unauthorised Houses in Multiple Occupation.

### 1.7 Section 106 Contributions

1.7.1 The procedure to monitor Section 106 agreements and contributions has been changed significantly and has significantly reduced the risk of contributions being missed, with the posts involved in tracking progress on schemes and working with colleagues to ensure invoices are issued promptly and payments are received in a timely manner. These procedures are being kept under review and fine-tuned particularly in respect of the level of collaborative working that is required with the County Council and other partners. Whilst recognising the improvements being made, the 2018 audit in to Section 106 processes identified a number of key areas to address which has resulted in further tightening of processes and particularly better use of the Acolaid system to manage section 106 agreements and improved information flows between WDD and WCC legal services. Data reports relating to payments due and received are now prepared on a quarterly basis.

1.7.2 During 2018/19 £4.6m of Section 106 contributions were due to Warwick DC (up from £3.3m in 2017/18). In addition, around £7.5m of contributions were due to Warwickshire County Council. Full details of these are available in Appendix 2 of the Authority Monitoring Report: [https://www.warwickdc.gov.uk/downloads/file/5682/authority\\_monitoring\\_report\\_2018-19](https://www.warwickdc.gov.uk/downloads/file/5682/authority_monitoring_report_2018-19)

### 1.8 Community Infrastructure Levy (CIL)

1.8.1 CIL was implemented in December 2017. By March 2019, a total of £438,000 had been received and a further £1.1m had been issued in demand notices. Current estimates put the total CIL income between 1/4/19 and 31/3/20 (based on schemes which have already commenced) at £1,477,339. Therefore, by 31/3/20 a total of (at least) £1,915,339 will have been collected. Of this, an estimated 200,000 will have been made to Parish Councils leaving at least £1,715,000 to distribute to CIL projects by the end of 2019/20. Current forecasts suggest CIL could provide over £16.6m towards infrastructure before 2024. Full details of CIL

1.8.2 The Council published its most recent update to its Regulation 123 list (setting out those schemes on which CIL contributions would be spent) in March 2019. Schemes that are being supported during 2019/20 are as follows:-

- Bath Street improvement scheme – design works
- Emscote multi-modal corridor improvements – design works
- Warwick town centre improvement works – delivery of specific schemes
- Medical facilities in north Leamington - feasibility and design
- Wayfinding in Leamington town centre

1.8.3 Full details of CIL contributions paid and due as of 31<sup>st</sup> March 2019 are set out in the Authority Monitoring report:

[https://www.warwickdc.gov.uk/downloads/file/5682/authority\\_monitoring\\_report\\_2018-19](https://www.warwickdc.gov.uk/downloads/file/5682/authority_monitoring_report_2018-19)

## 1.9 Land Charges

1.9.1 Following the transfer of WDC's Local Land Charges Register to HMLR last year, the number of search requests received by the Council has remained at a level approximately 20% lower than was previously the case. As personal searches are no longer administered by WDC, the workload around queries relating to that aspect of the work have disappeared.

## 2 **Building Control**

2.1 Warwick Building Control is now an established joint service with Rugby and Daventry Councils. The workload remains at a fairly constant level, despite strong competition from Approved Inspectors. Income levels continue to improve and are currently forecast to significantly exceed set budget levels for 2019/20 - see Table 9. This reflects the success the service has had in maintaining market share.

**Table 9:** Warwick Building Control Income

	<b>2019/20 (to date)</b>	<b>2018/19</b>	<b>2017/18</b>	<b>2016/17</b>
April	80,589	70,851	60,472	73,210
May	70,778	54,097	75,437	63,304
June	57,127	83,848	71,214	71,901
July	79,254	71,676	69,507	48,737
August	76,117	64,558	65,213	58,188
September	88,125	51,524	60,600	62,525
October		76,789	72,161	57,271

## APPENDIX B

November		59,672	52,174	63,905
December		40,684	55,066	43,356
January		83,786	54,337	41,708
February		54,299	48,797	67,010
March		55,889	65,462	59,504
<b>Annual Total</b>	<b>451,990</b>	<b>767,673</b>	<b>750,439</b>	<b>710,617</b>
Monthly Average Income	75,332	63,973	62,537	59,218
Predicted Outturn (Based on Monthly Average Income)	903,981	767,673	750,439	710,617
Current Budget	836,000	760,000	720,000	720,000

- 2.2 Warwick Building Control staff continue to be proactive in promoting the service, through providing a quality service built on trust, with repeat work from established architects, developers, builders and members of the public. As a result, the number of applications being received by the service remains at a high level. Table 10 below shows that the market share of the service remains at around two thirds and that the total number of cases being dealt with by the service has been fairly constant.

**Table 10:** Number of WBC cases (and % market share)

	<b>2019/20 (to 30/9/18)</b>	<b>2018/19</b>	<b>2017/18</b>	<b>2016/17</b>
Building Notice	736	1394	1363	1298
Full Plans	389	780	826	808
Partnership	25	76	53	123
Regularisation	49	106	97	101
<b>Warwick Building Control: Total cases</b>	<b>1199</b>	<b>2356</b>	<b>2339</b>	<b>2330</b>
Approved Inspector Cases	574	1226	1154	1104
% WBC Market Share	68%	66%	67%	68%

- 2.3 The service continues to receive positive feedback from clients responding to the customer satisfaction questionnaire, with a very high level of satisfaction (see Table 11)

**Table 11:** Customer Satisfaction

	<b>2018/19</b>	<b>2017/18</b>	<b>2016/17</b>
% of customer satisfied with service	99%	100%	99%

### 3 **Planning Policy**

3.1 The Local Plan was adopted in September 2017. This provides an up to date and robust policy framework for planning decisions and also provides the basis for proactive work to deliver development and associated infrastructure. Specifically, the Plan provides the framework to deliver around 17,000 dwellings between 2011 and 2029 as well as around 140 hectares of additional employment land. Following adoption of the Local Plan the Council can now demonstrate it has a 6.49 year supply of housing land which may be used in supporting the refusal of applications for housing on sites that are not allocated in the Plan.

3.2 Following the adoption of the Local Plan, an updated Local Development Scheme was prepared in February 2019 setting out a number of planning policy documents. This is currently being updated and a revised Local Development Scheme is being considered by the November 2019 Executive meeting.

3.3 The current and proposed versions of the Local Development Scheme propose a number of Development Plan Documents (DPDs) and supplementary planning documents (SPDs). The current proposed DPDs are as follows:-

- Canalside
- Purpose Built Student Accommodation (to be considered at the November Executive)
- Climate Change and sustainable building (to be considered at the November Executive)
- Gypsies and travellers

3.4 Furthermore, the following SPDs have been adopted since the adoption of the Local Plan.

- Parking standards (June 18)
- Residential Design Guidance (June 18)
- Air Quality & Planning (January 19)
- East of Kenilworth (March 19)
- Open Space (April 19)
- Custom and self-build housing (July 19)

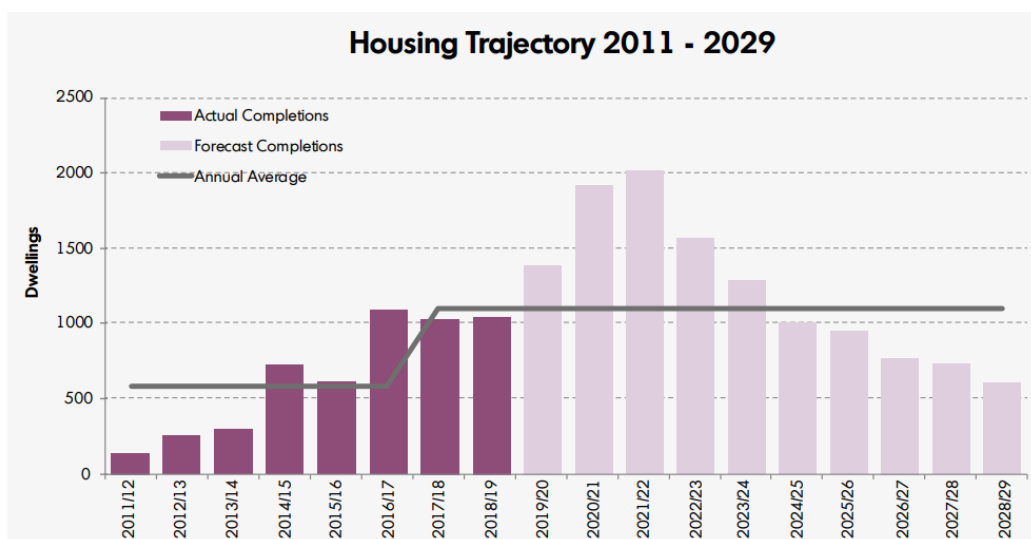
## APPENDIX B

- 3.5 New SPDs on health impacts, Developers Contributions and affordable housing are in preparation and drafts of these are being considered at the November Executive.
- 3.6 Annual monitoring of housing completions shows that 1,050 dwellings were completed during 2018/19. Although slightly down from the record set in 2016/17 of 1,094 this continues the trends from recent years that has seen a steady increase in the rate of housebuilding across the District in support of the delivery of the Local Plan. As a result, the Council is achieving a delivery rate of 113% against the new Housing Delivery Test.

**Table 12:** The Housing Delivery Test

<b>Housing Delivery Test</b>	
	2016/17 to 2018/19
Housing requirement	2,796
Net homes delivered	3,158
Housing delivery test percentage	112.9%

- 3.7 The graph below, taken from the Council's latest Authority Monitoring Report (published in August 2019), gives an update on recent and projected levels of housing delivery in the District. As can be seen, delivery of housing is anticipated to rise over the next few years, particularly as the major large housing allocations in the Local Plan begin to deliver new homes. The sharp rise expected in 2020/21 and 2021/22 in particular is due to a combination of high delivery on sites that already have planning permission together with a number of major green field sites allocated in the Local Plan (including land at Kings Hill and east of Kenilworth).





## APPENDIX B

- 3.8 Allied to this, the service has continued to evolve and improve the Infrastructure Delivery Plan (IDP). The Plan has been regularly updated since the adoption of the Local Plan to reflect changing requirements of infrastructure providers, changing costs and importantly updates on sources of funding. The IDP is published so that the public can keep abreast of what is planned. The IDP is kept under regular review by a Member Reference Group. Following the adoption of the Local Plan in 2017 the service is now moving towards ensuring this is delivered and is putting in place a number of steps to deliver infrastructure including a focus on infrastructure that is needed within the next 5 years, undertaking detailed infrastructure planning. The Council has produced a Regulation 123 list to be put in place and directly working with infrastructure providers to ensure projects are funded and are delivered in a timely manner. Careful coordination takes place across the District's main growth areas to ensure development comes forward in comprehensive way with infrastructure provided in the best locations and in a cost effective way. Examples of progress on major infrastructure projects include Europa Way, the A46 link road, the opening of a new primary school, progress on three new/replacement secondary schools and the Tachbrook Country Park. In planning and delivering infrastructure, it must be kept in mind that many projects require our partners (WCC, SWFT, CCG etc) to play a proactive role in planning, funding and delivery
- 3.9 Since the introduction of the Community Infrastructure Levy (CIL) in December 2017, the Council has published annual Regulation 123 lists, most recently in March 2019. As of September 2019, Regulation 123 lists are being replaced with Infrastructure Funding Statements (IFS). These must include details of how much money has been raised through developer contributions, both from CIL and section 106 agreements, and how it has been spent. IFS's must be published on council websites at least once a year and councils will be required to publish their first statements by 31 December 2020. We will keep members informed of our progress in preparing the District's first IFS.
- 3.10 The delivery of the Local Plan and the IDP is also being supported by the appointment of three Site Delivery Officers. These officers are focused on working with infrastructure providers, developers and communities to bring forward timely and high quality development to the south of Warwick and Leamington, Kenilworth and south of Coventry respectively. In particularly the adoption of the Development Brief for East of Kenilworth has been a significant step forward in helping to shape the future of this area.

- 3.11 Six Neighbourhood Plans have now be “made” (adopted) in the District – Whitnash, Barford, Leek Wootton & Guy’s Cliffe, Baginton & Bubbenhall, Budbrooke and, most recently, Kenilworth. Neighbourhood Plans are currently in preparation for Bishop’s Tachbrook, Burton Green, Lapworth, Leamington Spa, Old Milverton & Blackdown and Radford Semele.
- 3.12 Development Services has a permanent part time officer working on HS2, to ensure that the authority is fully engaged with the process and is in a position to deal effectively and appropriately with the related submissions which have now started to arrive. Warwick District was the first designated authority in the country and has also been the first authority to receive and determine those submissions. We also continue to assist areas that are significantly affected by HS2 by liaising with the public and parish councils and ensuring that they understand the process.

### **Part B : Risks**

- 4 The Service risk register is monitored on a quarterly basis by service managers and the portfolio-holder. Significant risks are reported to the Senior Management Team.
- 5 As of October 2019, the portfolio has no risks in the “red” band (indicating the highest category of risk). Until October 2019 the risk relating to the “failure to secure sufficient or timely infrastructure funding through CIL/Section 106” had been in the red band. However, improved Section 106 processes and practices, combined with a growing track record of realising Section 106 money for infrastructure, means this risk has been reduced, despite the large sums of money involved and the significant challenges around the delivery of infrastructure. Other significant risks include:
- Ongoing challenges involved with maintaining staff resources, particularly experienced, professional staff
  - Effective enforcement processes, where demand continues to be extremely high and is currently outstripping resources
  - Challenges relating to delivery of major development sites which could impact on housing supply and the long term wellbeing of the District. At present this risk is being successfully managed through the site delivery work, but challenges around land ownership, the housing market and infrastructure coordination remain.
  - Losing Building Control market share to Approved Inspectors thereby impacting on income and resilience

## **PART C: Workforce Planning**

- 6 There have been significant difficulties in recruiting experienced professional staff in both planning and building control over the last two years. The service has therefore brought in a number of initiatives to develop staff so that we 'grow our own' expertise in these areas. There are numerous examples of this including:
- Enrolment of three planners and one Building Control Officer on professionally accredited Degree Apprenticeship schemes
  - Enrolment of two further planners in to professionally accredited masters degree courses.
  - Introduction of three Principal Planner Posts within Development Management to recognise the growing challenges facing those staff dealing with the most complex planning applications
  - Review and retention of a career grade planner post within Development Management (which we intend to fill from within the service)
  - The introduction of a further new apprentice posts
  - Internal recruitment in the Enforcement Officer and Senior Enforcement Officer roles
- 7 This is supported by a proactive approach to training and development which has seen a number of building control officers progressing with their qualifications.
- 8 Linked to this, managers have developed a service area training plan following on from staff appraisals, which will provide generic training as well as specialist planning and building control training.

## **Part D: Finance**

### **9 Income**

- 9.1 As set out in Part A above, both Development Management and Warwick Building Control exceeded their income budgets in 2018/19. Building Control are on track to exceed those levels in 2018/19. Development Management Income is slightly below expected levels during the first six months of 2019/20. This is as a result of a significant reduction in income during the second quarter. As a result of budget has been adjusted, however, officers will continue to monitor this carefully to assess whether this reduction was temporary or could be part of a longer term trend. Pre-application income also significantly exceeded expenditure in 2018/19 but is showing a decline in 2019/20 to date.

10 **Expenditure:**

- 10.1 Development Services achieved the required savings on discretionary budgets in 2018/19.

11 **Budget Management:**

- 11.1 All budget managers have received finance training and budget are regularly reviewed with the accountant who supports the service to ensure any necessary adjustment are identified.

12 **Procurement and contracts:**

- 12.1 Officers are working closely with the Procurement team to ensure contracts are procured and managed in line with Corporate requirements. The contracts register is reviewed on a quarterly basis to ensure contract reviews are commenced in a timely fashion.

13 **Audits**

- 13.1 Warwick Building Control was subject to an internal audit which was completed in March 2019. see below action plan. In overall terms Audit were are able to give a SUBSTANTIAL degree of assurance that the systems and controls in place in respect of the Building Control Service are appropriate and are working effectively. 6 actions were identified through the audit. All these have been actioned.

**Part E: Work Streams and Projects**

14 **Development Management**

- 14.1 Across Development Services there is a need to continually improve the electronic delivery of the services we offer, in particular for development management and building control as they are very customer facing services.
- 14.2 During 2019/20, the Development Management and Enforcement services has faced a number of challenges relating to workloads and resourcing which have impacted on service delivery and reputation along with staff morale. As a result, 2 permanent new posts have been created and filled in Development Management and a further 2 temporary posts created in Enforcement one of which has been filled, with recruitment underway in respect of the remaining one.

## APPENDIX B

- 14.3 These are significant changes within the resourcing of these areas which will impact positively on service delivery, customer experience and staff morale over the coming year and beyond.
- 14.4 Another key work-stream during 2019/20 has been the designation of the Canal Conservation Area which is now in place.
- 14.5 During 2018 a CIL collection process was developed and, as set out in Part A above, CIL income is now beginning to be received.
- 14.6 A project is nearing completion which has extended the use of the Acolaid planning system to incorporate monitoring of development, Section 106 and CIL within the system thereby removing the need to retain separate spreadsheets and databases. The Monitoring Officer has been leading on this project to ensure historic data is migrated effectively and the new system delivers a more effective and efficient approach to monitoring. Significant progress has been made, and the new system has been used for the most recent round of annual monitoring, and for tracking all the currently active S106 agreements. There is further work ongoing to develop the public-facing format of S106 information, and inputting data for historic S106 agreements. These remaining elements of the project are anticipated to be completed during the current monitoring year.
- 14.7 During 2018, the conservation team have introduced a Local List as required by Policy HE3 of the new Local Plan. This Local List identifies a number of buildings which are of significant heritage value but which fall below the threshold of national listed building status. Where planning applications impact on a locally listed building, this will be a material consideration in determining the planning application. Now that the list is established, further work is being undertaken to consider whether an Article 4 direction to remove permitted development rights on these buildings is justified and to ascertain whether there are further buildings that deserve to be added to the list.
- 14.8 A final workstream being led by the Development Management concerns the project management of major planning applications such as Kings Hill, Gateway South and the Asps. This is a new approach that has been introduced to ensure progress on major schemes is maintained and the required expertise to support the case officer is available to enable a coordinated approach to be taken.

### 15 **Warwick Building Control**

- 15.1 The Building Control service is established and recognised by architects and builders who continue to use the service as we are able to remain competitive, cost neutral and reactive. We have a strong relationship with

## APPENDIX B

Warwick University and the Developers where we have secured contracts to provide the BC Service for the Sports Hall Hub, 6no extensions to the Art Block, 12 new residential blocks all of which are currently under construction. More recently the service has won work relating to major infrastructure projects in Rugby. Work continues to promote the service and underline the high quality, trusted brand WBC is able to offer.

- 15.2 The Building Control service is established and recognised by architects and builders who continue to use the service as we are able to remain competitive, cost neutral and reactive. We have a strong relationship with Warwick University and the Developers where we have secured contracts to provide the BC Service for the Sports Hall Hub, 6no extensions to the Art Block, 12 new residential blocks all of which are currently under construction. More recently the service has won work relating to major infrastructure projects in Rugby. Work continues to promote the service and underline the high quality, trusted brand WBC is able to offer.
- 15.3 This year Warwick Building Control (WBC) entered and for the second consecutive year won the LABC awards this time under the category '**Best Small Development**' for the work undertaken at 26a & 26b Keytes Lane, Barford near Warwick, by Harrison Projects Ltd. 26a & 26b Keytes Lane is a new development of 2 houses built on the site of a former 1970's bungalow, in the village of Barford near Warwick. There were many attributes to the site that the former property did not fully utilise, such as the size of the plot and its location on the banks of the River Avon. This combined with the dilapidated state of the rather uninspiring 1970's bungalow provided the impetus for a complete demolition and new build. The site was so large that it would comfortably accommodate 2 large detached family houses. However, the street scape in this part of the village consisted of rows of rather pretty 19th century cottages. The resultant design gives the appearance of 2 attached, fairly humble, albeit nicely detailed cottages. However, by utilising the slope of the site, the headroom increases dramatically as you enter the buildings with tantalising views of the river beyond. The small scale of the buildings frontages also belies the scale of the interiors, with large open plan spaces. They are in fact 2 detached dwellings with a façade link on the roadside elevation, to provide the 'illusion' of a row of cottages. As a result of this the scheme was shortlisted for the LABC National Awards which take place in November.

**16 Planning Policy**

- 16.1 In terms of the planning policy work, there will be two principal foci in the year ahead.
- 16.2 The first is in preparing new planning policy in key areas. The service has been asked to review what policy and guidance is needed for the district in light of the recently declared climate change emergency in Warwick District. As is note earlier in this report, there is a report going to Executive in November to agree a new Local Development Scheme which will include a work plan and timeline for preparing a Development Plan Document (DPD) on "Climate change and sustainable building". There will also be DPDs on other important areas within the district including Purpose Built Student Accommodation and Gypsies and Travellers.
- 16.3 The second focus will be on delivery including supporting the comprehensive delivery of major sites and the funding and delivery of infrastructure. Specifically, it is expected that progress will be made on the delivery of sites to the south of Warwick and supporting work on planning applications for sites to the south of Coventry and adjacent to growth villages.
- 16.4 In terms of infrastructure, examples of projects which officers will be actively involved with over the next year are:
- plans to improve to the Europa Way corridor,
  - improvements to the A46/Stoneleigh junction and the emerging A46 link road,
  - the relocation of Kenilworth School
  - the delivery of the Tach Brook Country Park
  - delivery of a new secondary school north of Bishop's Tachbrook
  - involvement in the A46 Expressway proposals (Leicester to Tewkesbury)
- 16.5 Linked to this we will apply CIL receipts to the updated Regulation 123 list and support the annual review of this list as part of a wider (infrastructure Funding Statement (see above).
- 16.6 Looking ahead, the Council has committed in the Local Plan to review national policy, the regional context, updates to the evidence base and monitoring data before 31<sup>st</sup> March 2021 to assess whether a full or partial review of the Plan is required. Whether or not a full Local Plan review is needed, the Local Plan also commits to undertake a partial review of the area to the south of Coventry airport by September 2022. As part of its Duty to Cooperate, it works closely with neighbouring authorities in the Coventry and Warwickshire sub-region. As has been the case in the past,

## APPENDIX B

future evidence base (particularly on matters such as the need for housing and employment land) will be undertaken on a sub-regional basis.