



RTPI

mediation of space · making of place
cyd drefnu gofod · creu cynefin

Development Control to Development Management

Information Note:

RTPI Cymru, Planning Officers' Society for Wales (POSW) and RTPI Development Management Network Event Powys County Council, Llandrindod Wells 14th November 2008

This information note has been compiled following the joint RTPI and POSW event held on 14th November in Llandrindod Wells to discuss the shift from development Control to Development Management, at which over 60 people attended.

The RTPI would like to thank Phil Williams, Chair of POSW, for Chairing the day and the speakers from the event.

- Rynd Smith, Director of Policy & Communications, RTPI
- Mark Newey, Welsh Assembly Government
- Jeff Spear, Welsh Assembly Government
- John Davies, Director for Wales, The Planning Inspectorate
- Marcus Goldsworthy, Operational Manager, Development Control, Vale of Glamorgan Council

What is Development Management? - What has changed? The same old sardines in a new tin, or new fish, swimming free?

Rynd Smith asked whether development management is a substantive shift or is it essentially the same as development control. He also asked whether it is beneficial.

On reflection it is probably what we did more of in the 1970s:

“A set of values facing development that commences from the standpoint of seeking net community benefit, as described by the balance of relevant (eg WSP and LDP) policies.”

A set of development facing actions:

- Positive plan implementation
- ‘Territorial marketing’
- Scene-setting and pump priming
 - Infrastructure planning and development
 - Site consolidation/land assembly
 - Brief preparation
 - Masterplanning
 - Links to regeneration and inward investment strategies

- Partnership – making a mixed economy genuinely work through partnership.

The shift to development management is largely a cultural shift – it has been part travelled already by some. It is about planners and our professionalism; an amalgam of our values and behaviours. This is important in shaping outsiders' views of us and the work we do.

What is culture change?

- The culture of planning is critically important
- The culture of a profession is an amalgam of its values and behaviours, which support its delivery of the agendas set for it by clients of all kinds
- The culture of a profession can shape perception of it by others, as much as it shapes behaviours within the profession
- If legislation and policy are the 'hardware' of planning as a profession, then maybe our professional culture is our 'software'

What is the brand value of 'planning'? We are a profession about change; development management is different and it's positive. It helps ourselves and better explain planning to others. "It's ours to own and ours to shape." Planning is a learned, learning and reflective profession which already has culture change on its agenda.

Is development management different to development control?

- We can own it
- We don't need new legislation or guidance to do it
- We can take responsibility for changing the public image and understanding of the outcomes planners deliver for communities
- We can make a positive difference
- We can feel better about ourselves, whilst helping to better explain planning to others

Planning always needs to respond to

- Changing economic circumstances
- Changing environmental circumstances
- Changing social circumstances
- Driving the need for swifter adaptation within the framework of strategy

But Development management is part of culture change

- Software, not hardware
- We can own it: it's ours to shape

Delivering Spatial Planning in Wales

Mark Newey set out the context in Wales, focusing on making the linkages with the development plan.

The emphasis on the new LDP process is the evidence base. It needs to upfront, giving a focus. The preparation time should get quicker, as experience is built up. The evidence will be reflected in a binding inspector's report.

- Front loading
- Tests of 'soundness'
- Review past work - 'Fit for purpose'
- Housing apportionment - MIPPS is the starting point
- Addressing cross boundary issues
- Opportunity to pool/share resources
- Support vision and strategy
- Engage with stakeholders

But with a flexible strategy:

- Able to adapt to change - all parts of the cycle
- Signal a direction of travel
- Could be a policy shift - supported by evidence
- Needs to be deliverable
- Must relate to adjoining plans/strategies
- About the role & function of places
- Integration of policy areas
- Integrity of strategy critical

The LDP process is to tease out the key issues for local areas; it will provide the strategy to direct travel, not the specifics.

The LDP will provide with links between the key drivers and the vision. The vision in place shaping is hard, trying to articulate this is very difficult, but it is necessary.

Demonstrating delivery is essential – an LDP should not be a fine plan on a shelf, but should show how planning can help deliver the vision – particularly in difficult times. The LDP is to 'enable' delivery on the ground.

Development Management in Wales

Jeff Spear provided the Assembly Government's expectations with regard to development management delivery, providing plan based, reasoned, clear, consistent and timely decisions.

The 25 Local Planning Authorities (LPAs) in Wales currently handle around 36,000 planning applications per annum. The Assembly Government only gets involved in a small number where it considers that matters of more than local importance are raised.. The responsibility rightly largely lies with LPA Members and Officers who are accountable to their electorates and to their authorities.

Some authorities are facing staff recruitment, career development and retention problems and it is essential that authorities make the best use of staff and other resources. The Planning Portal and electronic processing of planning applications and appeals offer opportunities for an improved service to applicants and communities. The Assembly Government is keen to reduce the pressure on development management staff and hopes next year to consult on a range of measures to streamline the system.

Development Management is a key part of the preparation and review of LDPs – it is important to nurture dialogue between development management and LDP teams. A well prepared LDP can take the pressure off DM by reducing the number of speculative applications, inconsistent decisions, and appeals.

The Assembly Government welcomes collaborative working between LPAs including sharing resources, particularly specialist staff. It also recognises that the private sector contributes to the delivery of the service as some authorities have chosen to use private sector expertise for both the development plan and management processes.

Making Decision Using LDPs: The Inspector's View

John Davies provided an insight into the Inspector's view on making decisions.

He argued that Development Management is about getting development in the right place at the right time – the LDP is also part of this. However, it is also accepted that we can't plan for everything at the time of drafting. Therefore the strategy for the local vision for local distinctiveness is important to allow for flexibility. Plymouth is a good example – whilst its strategy could in some ways be any seaside city, it is definitely Plymouth.

Need to make a decision eventually, but it is a process, the right decision:

- Starts from the development plan - LDP
- Takes account of all material considerations
- Not based on irrelevant non-planning considerations
- Based on evidence

The development plan in making a decision:

- "...determination **must be made** in accordance with the development plan **unless material considerations indicate otherwise.**" S38(6) P&CP Act 2004
- It is a plan **led** system
- Development plan - Structure Plan/Local Plan/UDP/LDP
- Adopted – i.e. it has gone through the full adoption process. LDPs do not 'emerge' in the sense that UDPs were 'emerging', because of the binding report – the whole plan can be rejected by the binding report.

If there is no specific LDP policy, what's the starting point – this must be the LDP Strategy and Objectives; after this it is material considerations – particularly National policy, followed by other considerations, and finding a balance.

The following example of a generic policy was given:

Protecting Amenity

- All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development.

- Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.

This cuts down on the need for lengthy policies repeated through the plan. This was contrasted with the example below which repeats much of what is in Policy BD1 in Policy BD5.

- **Policy BD1 – Design of All Development**
- **Policy BD5 – Extensions**

Planning permission will only be granted for extensions to existing residential properties where:

- (1) They complement the character of the building, particularly in terms of scale, style, form and materials.
- (2) They do not dominate the existing building in terms of size, scale or height.
- (3) They incorporate a roof profile and materials sympathetic to the existing dwelling.
- (4) Side extensions of detached or semi-detached dwellings do not create an unbroken or terraced appearance along the street frontage.
- (5) Sufficient amenity space is provided in accordance with Policy BD4.
- (6) Dormer windows do not dominate the existing roof profile (rear dormers do not occupy more than 40% and side dormers 25 % of the roof face), nor rise above or break the existing ridgeline or hip of the roof, a reset in approximately one metre from each boundary and the eaves are finished in materials to match the existing roof. Front dormers will not generally be permitted.

Examples of sound DPDs:

- South Cambs, Blyth Valley (no weblink available)
- Redcar & Cleveland - Development Policies <http://www.redcar-cleveland.gov.uk/main.nsf/Web+Full+List/CD7635381E77BAA2802571F60030FB77?OpenDocument>
- Hambleton http://www.hambleton.gov.uk/environment_and_planning/planning/ldf/dpd.htm
- Horsham http://www.horsham.gov.uk/strategic_planning/LDDS/local_dev_documents_4498.asp
- Havering - Core Strategy and Development Control Policies <http://www.havering.gov.uk/index.aspx?articleid=8549>
- Redbridge - Borough Wide Primary Policies http://www.redbridge.gov.uk/cms/environment_planning/planning_and_regeneration/planningpolicy/ldfpage.aspx

The Vale of Glamorgan Experience

Marcus Goldsworthy spoke about the experiences of the Vale of Glamorgan Council.

A particular advantage was felt that the involvement of senior officers, at Head of Service, Director and Chief Executive Level, helped understand the needs of the planning service, particularly with regard to resources.

At the Vale there is close working between development Control, Building Control and policy, with regular meetings and this helps in delivering services.

Changes have been put in place since 2005, and this has been reflected in the Council's annual customer survey.

Examples of initiatives which have been beneficial are:

- Introducing an area based team, the benefits of which are:
 - A more detailed knowledge of an area.
 - More consistency.
 - Focus on area specific UDP policies i.e. Special Landscape areas, green wedges, business development sites etc.
 - A more focused service for the customer.
 - Targeted sustainability.
 - Allowed new initiatives to be introduced
 - Register of pre-application advice
 - Performance improved
 - Customer satisfaction increased markedly.
 - 106 performance
- Employment of a dedicated S106 officer, helps to provide clearer guidance to developers
- IT has improved, including integration with the Planning Portal and 1App. All of the UDP is on the website and is interactive.
- A member review of decisions was carried out, involving a tour of sites to evaluate decisions made in the previous year; this proved to be an interesting and useful exercise for members.
- A development team is now set up for larger schemes, which includes a range of Council interests – Highways, ecology, economic development etc. and also the developer.

What does Development Management mean in the Vale of Glamorgan?

- DC having a coordinating role right at the centre of planning delivery.
- Now better structured to deal with challenges ahead.
- But also involves things that have been done for years
 - Putting local plans into practice
 - Pre-application discussions
 - Regular monitoring of large and medium sites
 - Understanding the main barriers preventing developments

- Taking action to overcome them where possible
- Monitoring construction
- Discharging of conditions
- Enforcement when necessary

Development Management does need an investment in resources, including staff and this requires senior officer and political buy-in. and this can bring about real benefits.

But there also needs to be recognition that Development Control or Management can not do it all. For example, the pressures to deliver on ecology, Environmental Noise Directive, Sustainability, Environmental Statements, and Health Impact Statements.