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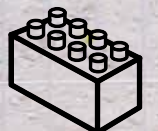
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must be worn



Safety footwear
must be worn

SPEEDING UP DELIVERY

LEARNING FROM
COUNCILS ENABLING
TIMELY BUILD-OUT
OF HIGH-QUALITY HOUSING





ACKNOWLEDGMENTS

We are very grateful to the local authorities, developers, planning consultants and others who contributed to the development of this report.

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FOREWORD

Planning is not a barrier to building. Councils are approving nine in 10 planning applications and in 2017 they worked with developers to grant planning permission to over 350,000 homes, an 11-year high. In fact house builders currently have 423,000 homes with permission that they are still to build. This is a positive base reflecting improving economic conditions following the recession.

The long-standing debate on unimplemented planning permissions and slow build-out rates for development has, quite rightly, attracted the interest of national government in the last 12 months. It is an issue that continues to frustrate local councils and the communities they represent – and one that now needs to move beyond the binary argument of it being the ‘fault’ of local planning authorities or developers ‘hoarding land’.

There is wide recognition that house building is complex and risky and involves a wide range of partners. The planning system is not an isolated part of housing delivery and can only influence certain parts of the housing delivery chain which are in turn impacted by a range of issues, including the availability of finance, a lack of visibility on land ownership and options on land. There is also a myriad of wider economic factors which affect developer behaviours, including a lack of clarity on what will happen to housing markets post-Brexit.

What is clear, though, is that local authorities and developers need to be talking to each other to understand what lies behind the issues, both at the level of individual sites and the national statistics. Then there is a need to work collaboratively to progress build-out – and in some instances consider ways to enforce or take action to accelerate delivery.

Councils are committed to building homes where they are needed but do not have all the planning powers to actually ensure it happens once planning permission has been granted. The actions of local authorities are, of course, only one part of the equation and so the presentation of planning as the problem, or even the sole solution, is overly simplistic. More also needs to be done to support, encourage and spread best practice in the private sector too.

We hope that this report will help to move this continuing debate forward, and that the actions and approaches included will help councils and developers alike to consider how they can work in partnership to ensure timely build-out of high-quality development.

Councillor Martin Tett

Chairman

Environment, Economy, Housing and Transport Board

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SUMMARY

This report highlights both the potential and the limitations of the measures local authorities can take to enable timely build-out of high-quality development. The following actions and approaches have helped some local authorities and may have value in others.

CONSIDER THE ROLE OF PLANNING CONDITIONS AND THEIR PROPER USE

Understand that pre-commencement conditions have the effect of delaying start on site. The approach in North East Lincolnshire is focused on enabling work to start on site as soon as possible. This is what a developer will want.

DESIGN CODES CAN ALSO BE A USEFUL TOOL

The earlier you can identify and agree the design position, the sooner the developer can have their permission – and critically, when used this can effectively streamline the approach for discharging design-related conditions. Croydon highlights where this has aided the assessment of planning applications for a larger scheme.

USE EXISTING POWERS TO GET A SITE MOVING

There are a range of planning powers that can get sites moving – not limited to compulsory purchase orders. A ‘stalled sites’ initiative using enforcement powers has proved very successful in Sheffield through understanding the problems and working with the system to deliver solutions

and development on the ground. Councils may want to consider too the use of local development orders (LDOs) – these are under-utilised and, although not a silver bullet or free from issues, they have proved very effective in North East Lincolnshire. One site has finally seen development begin and another has received renewed interest owing to the clear shift in behaviour that the LDO has signalled.

USE SECTION 106 LEGAL AGREEMENTS TO HELP SOLVE THE DELIVERY PROBLEM

The Central Bedfordshire approach to attaching a clause to complete development within five years of permission encourages developers to build-out at a rate that both ensures speedy delivery and assists the authority in demonstrating a five-year land supply. This worked for them but will have limitations in different contexts. As critical an issue is as ensuring that Section 106 agreements do not become part of the delivery problem – delays from committee stage to completion of the agreement and poorly considered clauses can inhibit build-out. This was an issue raised by developers interviewed as part of this research and acknowledged by local authorities.

| SUMMARY

| CULTURE CHANGE IN THE PLANNING DEPARTMENT IS A KEY

This may not sound like an action to affect current sites, but the culture of a planning department and capability of officers is key. A more positive outlook, combined with a strong vision for the area, has seen movement on some sites in Milton Keynes, for example. Leadership here is key at the political level and at senior officer level. It is also about empowering officers so they are not just 'post boxes' for other views but have the capacity and capability to add value, such as is evident from the Houlton development in Rugby.

| PARTNER WITH OTHERS TO HELP UNLOCK SITES BY DELIVERING THE TYPES OF HOUSING NEEDED THAT THE INDUSTRY ISN'T ABLE TO

This not only gets sites developed, but does so whilst complementing the existing market rather than competing with it. Sunderland Homes works to complement the private sector, delivering much-needed but less attractive (in business terms) development.

INTRODUCTION

Many local authorities across the country are working to speed up the delivery and build-out of housing. This report highlights some distinctive projects and innovative practices that are being used in a number of different development contexts. The main themes of the interventions are highlighted through a series of case studies, including:

- smarter use of planning conditions and design codes
- using planning powers to unlock development through Section 106 legal agreements and enforcement measures
- streamlining the planning process end to end
- developing a culture and the capacity to deliver
- enabling and delivering housing.

METHOD

This research, while focused on practice in local authorities, has been informed by a series of conversations with development industry experts. They explained some of the challenges the planning system presents to delivery from their perspective, and highlighted effective practices they had encountered in authorities across the country that enabled development. The overwhelming message from all of these conversations was about a culture of delivery, with strong leadership from the top – but more on this later.

Using these conversations as a starting point, we zoned in on authorities with high rates of housing delivery in order to help identify cases. The identification of these local authorities was based on government

data on the net supply of housing¹, where we considered:

- top 20 deliverers since the National Planning Policy Framework (NPPF) was published
- top 20 increases in delivery between the years 2004-2008 and 2012-2016
- top 20 deliverers since 2001
- bottom 20 deliverers since the NPPF was published
- bottom 20 increases (20 largest decreases) between the years 2004-2008 and 2012-2016
- bottom 20 deliverers since 2001.

We started with the overall delivery numbers and then took an in-depth look at the various delivery statistics – first comparing overall delivery between the years 2001-2016 with recent delivery, and then a comparison between the boom period of 2004-2008 and the period after the NPPF was introduced of 2012-2016. Several large unitary councils on this initial list were excluded as their higher delivery numbers (due to their size) would have skewed the sample size taken. This then led to an initial list of 15 councils with whom we carried out a series of telephone interviews to identify examples of actions they were taking to enable development.

We also scanned existing research and interviewed applicants to identify other councils using proactive measures for tackling stalled sites. From this exercise we identified case studies covering a range of actions that are being undertaken – including

¹ www.gov.uk/government/statistical-data-sets/live-tables-on-net-supply-of-housing

| INTRODUCTION

changing the way that pre-commencement conditions are considered and changing the whole culture of working within an authority

BUILD-OUT RATES: A NOTE ON SCOPE

The research is interested in the speed of build-out of developments that already have planning permission, and we discuss some of the existing literature on this topic in the next chapter. However, the study avoids a narrow focus on post-permission obstacles to delivery such as pre-commencement requirements. These requirements are impacted by decisions made at earlier stages of the planning process; for example, more time spent at pre-application or at plan-making stage can speed up post-permission delivery. The relationship is not automatic but there is an interaction.

In addition, build-out rates can be viewed through the lens of the overall rate of housing development in an area, the speed at which a development is delivered through the planning system overall or the time taken at certain points in the system. The case studies presented in this report examine the issues of speeding up build-out using a wider lens to consider wider planning practice.

We have focused on the planning process in this report, but planning is not an isolated part of housing delivery. It can only influence certain parts of the housing delivery chain which are impacted by a range of issues – including the availability of finance, a lack of visibility on land ownership and options on land, and a myriad of wider economic factors. The presentation of planning as the problem, or even the sole solution, is overly simplistic.

RESEARCH ON PLANNING PERMISSION IMPLEMENTATION RATES

BACKGROUND

Development can stall for a number of reasons, and some common themes were found in a literature review. The first is the ‘dysfunctional housing system’ as described by KMPG and Shelter². In short, land values rise considerably with the grant of planning permission. Landowners see land as a commodity to be traded rather than with the end goal of developing the land. Developers will over-pay for the scarce land, still uncertain of the full cost burden of developing, while landowners can sell at over-inflated prices merely because there is a permission to build housing (usually outline, or ‘in principle’, and hence lacking in those cost burden details).

The second is simply the failure to implement a planning permission. Permissions continue to be granted by local authorities but the build-out rates have not kept up with it, leading to many pieces of research estimating the number of unimplemented permissions. The LGA has undertaken research into unimplemented permissions drawing on Glenigan’s database of construction projects (2018). A Savills report in 2016³ identified 80,000-100,000 that could be considered ‘unimplemented’ – although this is below the figure of 423,544 that the recent LGA report suggests, it is still a significant number. Where sites had commenced, the same report found that 44 per cent of them had full planning

permission in 2013 or earlier, and that 85 per cent of those starts were on large sites of 100 homes or more – with a longer build-out period to be expected. The variance – and confidence – in the data sets used in these reports highlights a perhaps less-examined issue of data quality.⁴

This leads into the third main theme of the literature which is ‘land banking’ – and the extent to which this is happening. Put simply, this is the practice of landowners retaining land while the value grows until profit can be extracted at a later date through development. Developers are the main ‘accused’ of land banking. Landowners are ‘accused’ of holding out for ‘hope value’, which is sitting on the land waiting for the price to reach a certain value (or continue to increase with no real decision on when ‘enough is enough’ to prompt the sale).

Much has been written about land banks. Shelter has identified two typologies of land banking: current land banks and strategic land banks. The first is the ‘current’ or perhaps ‘functional’ land bank. Developers need a pipeline of available sites, and so in the short term there will be plenty of sites remaining undeveloped while others are brought forward. More troubling, however, is the ‘strategic land bank’ – a related issue is that not all land in strategic land banks is owned by developers who actually build houses. Housebuilders purchase options on the land, giving them the option to legally acquire the land within a certain timeframe or if permission is granted. Options are not easy to track as there is no legal requirement to report them.

2 KPMG SHELTER (2015) Building the homes we need: a programme for the 2015 Government. Available at: www.shelter.org.uk/_data/assets/pdf_file/0019/802270/Building_the_homes_we_need_-_a_programme_for_the_2015_government.pdf

3 E. Williams (2016) Stuck in the planning pipeline, Savills. Available at: www.savills.co.uk/research_articles/141285/2021400%20and%20the%20findings%20and%20reference%20the%20LGA%20work%20that%20inspired%20it

4 Letter to Minster (2015) from GLA et al on Wider South East: unimplemented housing capacity. January 2017

RESEARCH ON PLANNING PERMISSION IMPLEMENTATION RATES

Housebuilders have set out a more nuanced argument to counter ‘land banking’ claims. They have argued that their interest is in building and selling homes as fast as they can to sustain business – the purchase and maintenance of a supply of land with permission is necessary. The Chamberlain Walker study for Barratt’s into land banking⁵ breaks the ‘development pipeline’ into four stages to ascertain how much land there should be to ensure a ‘sufficient’ land bank: pre-application, planning application to planning consent, planning consent to construction start and site build out to completion.

Using data from previous studies, the report suggests that consented land bank of 3.4 to 5.8 years’ worth of annual volume would be needed for commercial reasons to account for lags between the four stages as well as working on several schemes at once. A large land bank would help to increase the rate of completions in later periods. Included within this estimate, there is also consideration of lapses when permissions will expire before housing start. The report cites estimates that 20 per cent of permissions do not make a start, and so these lapses will increase the required land bank for contingency. The same study broke down permissions relative to start, with 48.2 per cent that had not started. Of these, 84.1 per cent were reported as progressing to start, with 15.9 per cent reported stalled.

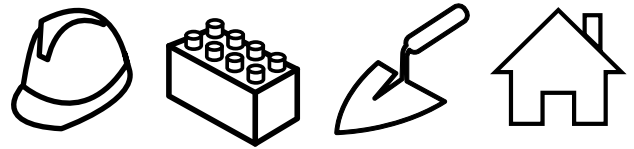
A report by Lichfields⁶ highlights that lead-in times prior to submission of a planning application are important because planning issues can be ‘flushed out’ in advance of the application, especially when local plan allocations are determined. Many large sites rely on the local plan, and so slow plan-making will limit the number of sites ready for allocation. On average, it took 3.9 years from first identification of the site to submission of initial planning application. From a survey of 18 schemes, the planning approval period for sites delivering 500 or more homes, counted here as the process starting from validation (including the decision date of a full, hybrid or reserved matter application, and discharge of pre-commencement conditions) all the way to the point of first housing delivery, ranged from 5.3 to 6.9 years. These larger sites, unsurprisingly, take longer to gain permission, mainly because of the likelihood of a greater number of issues to resolve, and are further impacted by the length of time taken to prepare local plans.

In many of these studies planning processes come under the microscope. Planning is seen as a barrier to faster delivery, in particular when plotting the time from validation to permission. The planning process is frequently cited as an obstacle to housing delivery, and was cited as the biggest challenge facing builders in a report by the accountancy and business advisory firm BDO LLP in 2015.⁷ A House Builders Federation

5 Barratt Developments Plc and Chamberlain Walker (2017) The role of land pipelines in the UK housebuilding process. Available at: https://cweconomics.co.uk/wp-content/uploads/2017/10/CWEconomicsReport_Land_Banking.pdf

6 Nathaniel Litchfield & Partners: TRIP Targeted Research & Intelligence Program [2016] Start to Finish: How Quickly do Large-Scale Housing sites Deliver? Available at: <http://lichfields.uk/media/1728/start-to-finish.pdf>

7 <https://www.bdo.co.uk/en-gb/insights/industries/real-estate/homes-for-all-2015-building-britain>



(HBF) study⁸ of 2,800 sites (also from 2015) found very few sites end up unimplemented: only two per cent were unviable and hence had made no progress, and all others were either started or in the planning system. The HBF suggested delays in housebuilding can be attributed to prevailing market conditions and lengthy delays enforced by a restrictive planning system.

A London School of Economics (LSE) study published in 2015⁹ took a holistic view of the process and issues and identified several areas where improvements should be made in London. Many of these are reflected in our conversations with the developer and authority sectors, are certainly relevant to the rest of England as well as London, and are revisited in the conclusions to this report. The LSE study identified the need for:

- system improvements, including making planning more predictable, both in policy terms and how authorities work together
- making land more available through partnerships, clarity of compulsory purchase order (CPO) processes and clearer land identification, particularly of green belt
- speeding up processes, including better resourcing and smarter working (standardised templates, partnerships between the sectors)

8 Home Builders Federation (2015) Solving England's housing supply crisis: the contribution of the private sector. Available at: www.hbf.co.uk/fileadmin/documents/Policy/ELECTION_2015/HBF_Report_-_Solving_England_s_Housing_Supply_Crisis_-_March_2015.pdf

9 N. Holman et al (2015) Housing in London: addressing the supply crisis, London School of Economics. Available at: http://eprints.lse.ac.uk/64158/1/Fernandez_Arrigoitia_Housing_in_London.pdf

- expanding construction capacity, including diversifying the portfolio of sites to bring back small/medium enterprise (SME) builders and a greater role for housing associations
- lobbying Government to give greater powers to the Greater London Authority and more effective CPO powers.

The focus on the rate of delivery of housing on sites that have planning permission has sharpened recently. This was aided by the announcement in January 2018 of a Ministry of Housing, Communities and Local Government (MHCLG) review on this matter, to be chaired by Sir Oliver Letwin MP¹⁰. As evident from the extensive literature above, this focus on unimplemented planning permissions is far from new. The final review will no doubt shed light on how to tackle this issue, and outcomes should help to inform the Government responses and local authority actions where they relate to major house builders, large sites, areas of high housing demand.

In the meantime, initial findings of the review panel have been published and indicate a focus on large sites and on matters that are beyond the planning system. The interim findings, published in March 2018, suggest: "The fundamental driver of build-out rates once detailed planning permission is granted for large sites appears to be the 'absorption rate' – the rate at which newly constructed homes can be sold into (or are believed by the house-builder to be able to be sold successfully into) the local market without materially disturbing the market price."

10 Ministry of Housing, Communities & Local Government (2018) Independent review to tackle barriers to building.

RESEARCH ON PLANNING PERMISSION IMPLEMENTATION RATES

This scan of key studies and research reveals a complex issue influenced by a wide range of factors. While there may be validity to the charges of land banking and the counter claims of planning inefficiencies in some contexts, reducing it to this binary argument would be a gross simplification of the issue.

It is time to change the conversation on unimplemented permissions – and challenge the notion of planning being the primary barrier – but that doesn't mean that there is not scope for improvement in this space either. Accordingly, this report does not focus on the charge of 'land banking' and looks instead at what local authorities can and are doing to tackle the slow build-out of permissions and, linked to this, accelerate delivery in their areas. To frame this analysis we spoke to a group of leading private sector planners about what the issues are and, critically, what good practice looks like, in their view.

SPEEDING UP DELIVERY PERSPECTIVES FROM APPLICANTS

We consulted with a small group of leading private sector planning consultants and developers. The purpose of this was to tease out the issues impeding build-out and to identify best practice from their perspective in the context of their projects and cases. This was not the focus of the research but was considered necessary to supplement the literature view and inform the identification of good practice.

One of the issues that is considered to impede and slow down securing planning permission was a perceived lack of understanding from local planning authorities of the upfront infrastructure costs, along with a sense that viability assessments come into the process too late, with implications for delivery. One interviewee noted:

“We have to think about the total of the obligations asked for and whether or not there is development value of the site. There is an issue around the trigger points that affect cash flow... Could the infrastructure be built in phases? The lack of understanding of this means that developers and local planning authorities could be poles apart after committee when it comes to what is being asked.” Honest conversations about viability issues and collaborative working to deliver key infrastructure were, in the view of some respondents, factors that set apart local authorities with a genuine commitment to delivery.

Similar concerns on delay and complexity were highlighted in relation to the drafting of Section 106 legal agreements. It was highlighted that the triggers for planning obligations also need to reflect viability after the grant of permission.

“With Section 106 it is common to have fundamental shifts in goalposts after everything has been agreed, such as changing the affordability assumptions on affordable housing – we did a viability assessment beforehand, but it changes our costs. The focus tends to be pre-committee and local authority lawyers are under-resourced and take ages.”

Another respondent noted:

“Sometimes an authority will send us the draft headings a week before committee – informing us, rather than consulting with us. I think, bluntly, local authorities know their greatest weapon over us is time. Time is important to us in order to start building out, but for authorities it is a weapon to get us to agree to things when we are up against it.”

SPEEDING UP DELIVERY PERSPECTIVES FROM APPLICANTS

The delay from a committee resolving to grant planning permission subject to a Section 106 legal agreement, and the signing of the agreement, can run into several months. One interviewee took the view that:

“As with most of the delays in the planning system they are a combination of both sides...in part this can be developers at fault with letting their lawyers get carried away, but do you need a super-complex Section 106 for every planning application? I’d be much in favour of simplified Section 106 agreements with some room for flexibility.” However, well-resourced and effective legal teams in one local authority – with clear instructions and the terms and triggers of the agreement set out in the committee report – led, in one complex case resolution, to the Section 106 agreement being completed in just two months.

The number of conditions attached to planning permissions was also highlighted as a potential barrier to build-out. One interviewee noted:

“There are too many detailed conditions nowadays on planning permissions...the local planning authority may think that this will control the way development happens but the extent to which they effectively monitor or control development is minimal. There’s a sense of control with hundreds of conditions, but then that slows down development.

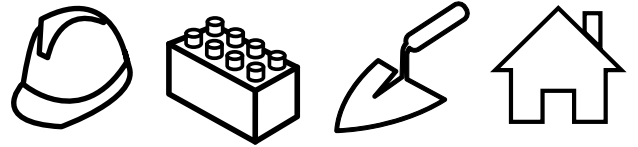
There’s an issue with proportionality and consistency – I think when people want control they get tied up in it.”
Opportunities to deal with conditions up front, consider the phasing of development and to separate out issues that are genuinely pre-commencement marked good local authority practice.

The impacts of diminishing levels of resources in planning departments (and legal teams) were also identified as a particular issue – both the availability of the ‘officers on seats’ and their ability to deal with major schemes. One interviewee noted:

“There are lots of instances where the case officer doesn’t have the skills and experience and there is a lack of support within the authority for them.”

One interviewee highlighted that the number of major schemes across the country – and that might be dealt with in an individual council – is low, so the pool of experienced officers to draw from is smaller.

Most respondents welcomed higher fees for planning applications in exchange for faster delivery and more officer responses, although one respondent questioned whether a planning performance agreement (PPA) charge on top of increased fees is reasonable. They suggested that higher fees for the discharge of planning conditions reflecting the level of complexity would be more appropriate. There was also a concern that while PPAs were supported, resources were not necessarily channelled towards the planning officer dealing with the case.



One of the developers commented that:

“We have the same planning system everywhere but different outcomes.”

These outcomes, in the view of the interviewees, are a factor of:

- political leadership and commitment to delivery
- communication (or lack thereof) on priorities throughout and beyond the permission process
- professionalism and skills of individual officers (this does not always mean agreeing with the applicant – it is about attitude and confidence).

These factors were a common thread in the interviews with the development industry participants when they were asked to identify good practice (bad practice was the absence of these issues).

THEME 1

SMARTER USE OF PLANNING CONDITIONS

Planning conditions have a role in enabling development in the first place – used well, they can expedite delivery and improve quality. Like many tools, however, when over-used they become blunt and can have negative effects on the rate of delivery. Striking the right balance can be challenging. Our interviews with developers and planning consultants unearthed common issues that they have with planning conditions as impediments to build-out. Applicants we have spoken to highlighted that they have to deal with a large number of pre-commencement conditions before they can start to build, and ‘standard’ conditions can be inflexible to the scheme. Frustration with what is perceived as onerous pre-commencement requirements is a persistent feature of the debate on unimplemented planning permissions.

CHANGING THE LANGUAGE ON CONDITIONS

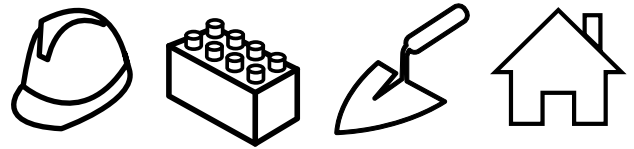
North East Lincolnshire Council, in partnership with ENGIE, provides the planning services for Grimsby, Cleethorpes, Immingham and the surrounding villages and countryside.

The council officers are keen to speak to developers about the wording of conditions to make sure they can get the best from the site. Perhaps the most interesting element of this thinking is around pre-commencement conditions. The council does not think just of ‘pre-commencement’ but perhaps ‘pre-the first brick being laid’. Changing the language allows essential site works to begin and gets the development moving sooner.

The council works with developers and, where appropriate, uses extension of time agreements so that complex issues can be resolved prior to decision. This does not work for all developers, and the partners recognise this, however many developers are keen to work through essential conditions and get a decision on time. For those that do not, they highlight that some developers have speculative schemes and so want the permission as soon as possible, leaving details to be sorted out later.

North East Lincolnshire’s partnership with ENGIE won ‘local authority team of the year’ at the 2017 Royal Town Planning Institute awards and has established an excellent relationship with developers in the area. How they work with their partners is a key element to getting the delivery they want and has seen the pace of that delivery pick up. Martin Dixon, Planning Manager, said: “The council encourages development and works very hard to deliver it. We consider what we need and how to deliver it. The main mind-set is to scope the developments out, and not load developers as much as we can, so we can get delivery.”

The council takes a pragmatic and partnership working approach, looking at delivery for the common good. Developers respect this clear approach. A principal planning consultant, who had their application for a solar farm approved in 2015, commented in feedback to the council: “Having dealt with a vast range of local planning authorities



throughout the country, yours has to be one of the most pragmatic and objective. Our application throughout all the stages (pre-application, validation, determination, planning committee and discharge of planning conditions) was handled in an exemplary manner... Throughout the whole process, you and your colleagues provided credible objective advice, which helped shape the submission and ultimately assisted us in providing to the council a robust submission.”

Another tool being used by North East Lincolnshire, which is still very under-used around the country, is the local development order (LDO). The council brought forward LDOs in Grimsby and Cleethorpes in March 2016. LDOs make the process of obtaining permission simpler and quicker by removing the need for the developer to make a planning application, through granting automatic planning permission for specified development in defined areas. The council has also included a condition in each that should ensure a realistic delivery on-site by allowing a longer approval period.

The Ladysmith Road development in Grimsby has reserved matters approval and is now on-site. This was a difficult brownfield site which had a factory on it and had stalled for years. The site in Cleethorpes has yet to get underway but now has developers interested, which is as a direct result of the LDO being published.

Martin Dixon provides some words of caution for those considering LDOs: “The LDOs were labour-intensive, relatively costly [with the use of consultants] and somewhat time-consuming to bring forward. There is no outline planning fee at the end of the process which is also something to take into consideration. They do work particularly well where they are key sites that have struggled to come forward, but they should not be seen as a ‘silver bullet’ in every case.”

In a plan-led system, the working of the policies will also play a huge part in speeding up delivery. In the local plan for North East Lincolnshire, for example, they have looked at affordable housing in a different way by identifying different housing market areas. The council will not require affordable homes in certain areas, and so developers know they don't have to consider affordable housing there. They have seen results, particularly on brownfield sites that had not had movement for years.

The council's practical approach has been important to speeding up delivery in the light of a lack of a five-year housing land supply and no up-to-date local plan. However, they now have a five-year supply of deliverable land for housing (7.9 years) and the new North East Lincolnshire local plan has been through examination and is likely to be adopted soon.

THEME 1

SMARTER USE OF PLANNING CONDITIONS

DESIGN CODES

Discharging planning conditions including external materials, landscape and public realm considerations can be time-consuming and lead to protracted discussions. This can be particularly challenging where there are no in-house officers with design expertise. A design code is a set of design guidelines for a development. The visual and written components of the code are typically detailed and precise and build upon a design vision such as a masterplan or other design and development frameworks for a site or area. Used effectively, they can enable decisions on design to be ‘front-loaded’ and, when combined with a strong collaborative relationship between planning officers and developers, can speed up decision making – including in relation to the discharge of conditions related to scheme design.

This was the case for Croydon Council. The Cane Hill Park scheme gained planning permission for up to 677 new homes in 2017 on the former Cane Hill Hospital site in Coulsdon. The site was transferred to Greater London Authority Land and Property and, following a procurement process, Barratt Homes was selected as developer in 2011, with planning permission granted for their scheme in 2014.¹¹

The Cane Hill Park scheme demonstrated a constructive working relationship between the local authority and the developer so that common issues could be ironed out. Laura Field, Deputy Team Manager in Development Management, who worked on the application, said: “What was key to the success of the scheme was having a detailed pre-application discussion for the application and then a detailed pre-application for reserved matters... [Prior to issuing] the planning permission there were several meetings about the wording of the conditions as well.”

Central to this process was a detailed design code developed by design consultancy HTA Design on behalf of Barratt and in close collaboration with the council. Submitted along with the outline application, the design code is intended to be read in conjunction with the design and access statement, and there are site-wide and area-specific codes to cover the masterplan from the largest to the smallest scale. At the beginning of the document it states: “The purpose of the code is to ensure that all future design development and construction reflects the vision and design detail,” whilst helping to explain the principles behind each of the codes as “to facilitate logical interpretation...and flexibility for alternative solutions to be proposed.”

Each section of the design code includes an overall description of the aim and purpose of the particular guidance and is illustrated visually where required. Fixed requirements are then set out followed by matters that are desirable, but also flexible. Each code statement is followed by a rationale which outlines an element of flexibility within the code requirement (see image 2).

¹¹ <https://www.london.gov.uk/press-releases/mayoral/700-new-homes>

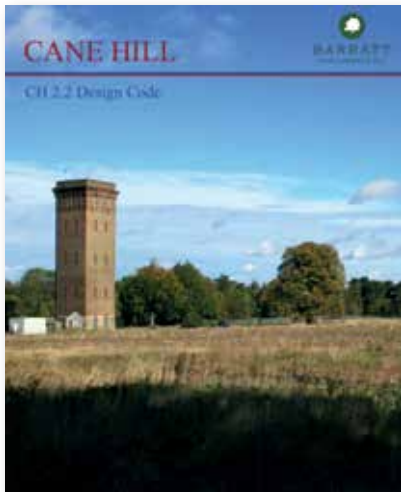


Image 1:
Cane Hill Design Code cover

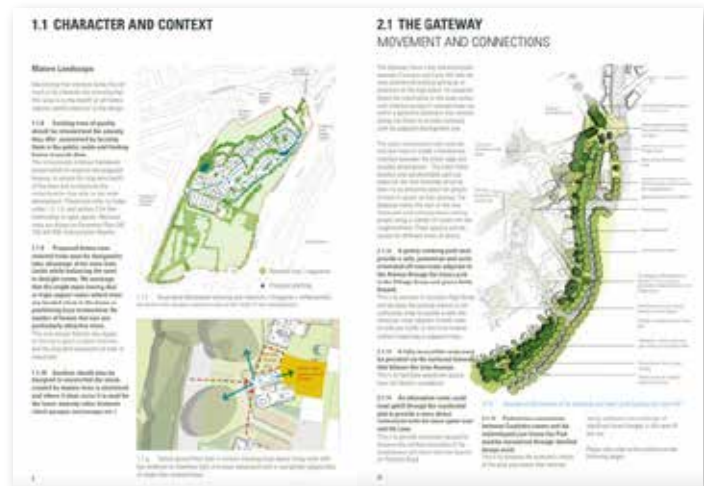


Image 2:
Design code for one area in the Cane Hill Park master plan

During the discharging of conditions, there was a ‘page turn’ exercise on the design code. It is often the case during this stage that applicants will submit without discussion, but for this application a lot of the information was already submitted earlier on in the process – which allowed more time for negotiation and to work within the flexible parameters set in the code.

More than a tick-box process

According to Laura Field, conditions tend to be seen as an afterthought and can be thought of as a tick-box process for some applicants, noting that there is often not enough information submitted with applications to discharge conditions. As noted in section 2, for the applicants themselves, the process of discharging conditions takes a significant amount of time before commencement. However, the use of the design code in this case helped both the local authority and the developer.

Apart from the use of thorough design codes for larger schemes and encouraging developers to use pre-application services, Vincent Lacovara, Placemaking Team Leader at Croydon Council, said: “In general, it’s important to have clear, detailed conditions that are tailored to the specifics of a scheme.” Enabling this is Croydon’s team of in-house design officers who can help write conditions and help review the discharge of conditions. “We also required the retention of the scheme architects [for Cane Hill Park] through the Section 106 agreement so that the officers could keep in contact with them.”

Croydon Council benefits from design specialists in-house. Capacity for urban design skills in local authorities is, however, very low. A report by the Place Alliance in September 2017 showed that only half of planning services across England and Wales have dedicated

THEME 1 SMARTER USE OF PLANNING CONDITIONS

in-house urban designers¹², and most of those authorities have just one design officer. The report comes up with a set of recommendations that can be financed sustainably, such as the provision of an urban design framework that is “short, clear and focused in the public interest.” Public Practice (of which the Local Government Association is a founding partner) is a non-profit social enterprise that seeks to boost skills capacity in local government by placing leading practitioners from across the built environment sector to work on public sector placements (www.publicpractice.org.uk).

12 <https://www.ucl.ac.uk/bartlett/planning/news/2017/oct/housing-delivery-under-threat-through-lack-design-skills-planning>

THEME 2

USE PLANNING POWERS TO UNLOCK DEVELOPMENTS

Many local authorities are using their planning powers to speed up development or unlock stalled development – and not just through compulsory purchase orders (CPOs). Councils are increasingly looking at the range of planning powers to consider how they can ‘enforce’ the build-out or development of sites.

REQUIRING FASTER BUILD-OUT THROUGH SECTION 106 LEGAL AGREEMENTS

Central Bedfordshire Council has started to use Section 106 legal agreements as a way to require and ensure the faster build-out of developments. Several years ago, the council was unable to demonstrate a five-year housing land supply. As with all councils in this situation, Central Bedfordshire was facing a number of more speculative applications, in particular on sites where the council would normally expect to refuse permission (such as sites outside settlement boundaries or in other areas not allocated in the local plan). Speculative applicants have been found to be less likely to develop, as they may sell land with permission to housebuilders. The inability to demonstrate a five-year land supply was a driver to consider something new¹³.

The council took some legal advice and developed a ‘delivery clause’ in its Section 106 legal agreements. The clause states that if the developer claims that an application should receive permission because of the lack of a five-year land supply, they should commit to deliver build-out of that site within five years of permission being granted (provided it could be demonstrated to be sustainable development).

In almost every case the developers signed up, and no one challenged the legality of the clause. David Lamb, Planning Manager at Central Bedfordshire Council, stated: “One or two developers/landowners were not particularly happy and had some concerns. There were issues where contracts had been signed between landowner and developer and the Section 106 could have caused some contractual issues between developer and landowner... developers ended up signing the Section 106 as they wanted their permission.”

Now, the council has in excess of a five-year housing land supply, principally because of all the recent planning permissions. A number of planning appeals in the area have recently been dismissed, confirming the presence of a five-year supply. The council is not currently asking developers to sign up to these types of clauses, but if it went back into a position where it could not demonstrate a five-year land supply, they would be reintroduced. However, the council is making it clear that it sees the clause as a material planning consideration. If it is volunteered as part of an application and demonstrates delivery within five years, this is seen as a positive ‘weighting’ factor. This allows the council to reinforce its five-year housing land supply position and demonstrate evidenced delivery.

13 L. Baker (2016) How we did it: holding developers to housing delivery. Planning Resource.

THEME 2

USE PLANNING POWERS TO UNLOCK DEVELOPMENTS

The clause was introduced in 2016 and ran for about 18 months. Sites with the clause attached are showing progress and delivering homes. The council is confident that on all of these sites, housing will be developed within five years. The clause was imposed mainly on sites from around 10 to 200 units. The largest site was for around 300 units, with most between 50-150 units.

David Lamb added: “There has to be some incentive and requirement on the developer to deliver, and while it is important that councils are proactive in planning for growth, we must be able to hold developers to account to deliver the homes being planned. It can’t be all down to local authorities, and it should be embedded more in the National Planning Policy Framework and have that level of Government support behind it.”

USING PLANNING ENFORCEMENT POWERS TO DELIVER MORE HOMES

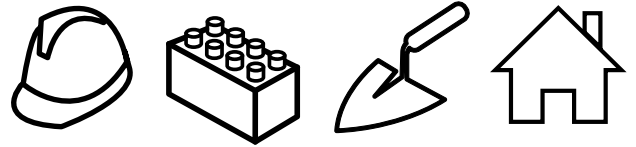
In Sheffield, planning enforcement powers are being used to unlock development on nuisance and derelict sites. The local plan was adopted just after the economic crash of 2009, which potentially impacted delivery targets. Therefore, Sheffield City Council is currently working on a new local plan. A number of factors have impacted lower-than-trajectory housing delivery in Sheffield. There were a lot of sites that stalled during the recession, many of which were city centre apartment schemes. Compounding the issue is the rise of land value and a sense that developers are paying over the odds for land.

The Kelham Island conservation area was one area hit particularly badly by the effect of the housing market. This ex-industrial area had made good progress with residential development before the economic crash. Since then, many sites have stalled due to developers changing their minds on what they want to build; some landowners are disinterested (or are unable to) maintain or develop their sites.

The ‘stuck sites’ programme

Sheffield’s ‘stuck sites’ programme won two RTPi awards for planning excellence in 2017¹⁴. Beginning in 2012, Sheffield City Council embarked on a five-year scheme to tackle problematic buildings and sites across the city. Particular attention was given to sites and buildings which could be re-used for housing. John Stonard, Urban and Environmental Design Manager, said: “The initial brief of stuck sites was intended to regenerate new housing and tackle nuisance sites that had become ‘stuck’.”

¹⁴ www.rtpi.org.uk/briefing-room/news-releases/2017/september/rtpi-yorkshire-sheffield-city-council's-proactive-use-of-planning-enforcement-wins-top-award/



'Stuck sites' uses Section 215 of the Town and Country Planning Act (1990), which sets out planning enforcement powers where notices can be served to landowners for sites considered in unsatisfactory and untidy condition. These notices set out the steps to be taken for a site, as well as the time taken for the landowner to carry out the notice. If the notice has not been carried out, Section 219 of the Act allows local authorities to undertake the works themselves and recover the costs from the landowner.

Cases can typically be nuisance sites that require repair and restoration, and in some cases, demolition of unsalvageable buildings which have become subject to antisocial behaviour and vandalism. Reasons to intervene on certain sites could involve complex ownership issues, multiple ownership, and lack of cooperation or inability/disinterest to develop. John Stonard said: "Many had planning permission to demolish and regenerate but had become stuck for various reasons. Real nuisance sites were long-term and not just a consequence of the recession – usually an issue with ownership, money troubles or they were not interested in developing. In particular, these were schemes where sites were given consent but nothing had happened."



Image 3:
Sheffield Foundry Working Men's Club before (Sheffield City Council)

THEME 2

USE PLANNING POWERS TO UNLOCK DEVELOPMENTS

Nuisance sites

The first step for 'stuck sites' was finding the money to operate the programme. Even though some or most of the costs could be recovered from landowners through Section 219, the council still needed the funds upfront to take action on sites. This was allocated through the Government's New Homes Bonus (which morphed into the Local Growth Fund in Sheffield). "Suddenly, we had a lot of funding with stuck sites which was not in the general planning budget. We then had the budget to follow through if the owner didn't comply with demolition. Having the money upfront for legal fees and works is much better than recovering those costs afterwards – authorities tend to not have that slack in their budgets nowadays."

Using a 'scatter gun' approach, the council compiled a list of sites to target, taking into account reports from councillors and members of the public on nuisance sites. The first project was the former Foundry Workers Club and Institute. It had fallen into disrepair, and neighbours had complained that the building was used for fly-tipping and was attracting antisocial behaviour (see image 3).

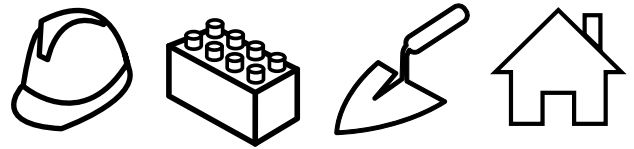
Following non-compliance with a section 215 notice, the council appointed contractors to demolish the building in April 2012. The demolition was funded by the Local Growth Fund to 'un-stick' the site and make it viable for regeneration and development. An informal planning advice note (IPAN) assessed that the site is likely to accommodate in the region of 20 dwellings, based on the density of the surrounding area.

The approach to each site can vary. Jonathan Baker, Planning Enforcement Officer, explained that the former Foundry Workers Club and Institute was the first one the council took direct action on and had success with. The first step they took was to find out who owned the land through land registry and local council records. Jonathan Baker noted: "It wasn't straightforward as it was owned by four elderly excommittee members of the working men's club...they couldn't afford to do anything with it. We could have prosecuted but it wasn't really fair on them. The bank had taken it over but not foreclosed on it, perhaps not seeing the value in it. The council wrote to the individuals and the bank and served notice on it, as well as a separate freeholder. We had to put a charge on the land for all the [demolition and clearing] work we did, so someone would have had to have paid that charge." In the end, the freeholder settled with the council in full.

Heritage buildings

The same approach was applied to tackle strategic sites to unlock wider areas of development. Part of phase two of the programme was to consider heritage or listed buildings for redevelopment or site clearance if redevelopment was not viable.

The fund enabled the council to tackle historical buildings such as Ebenezer Chapel, which is in a part of the Kelham Island conservation area. The building has now been renovated and has 11 dwellings. John Stonard said: "[In phase two] we learnt that what we set out to achieve was actually achievable, given the budget to actually carry out the work if other



people didn't. We had a means of tackling historical buildings which were problematic and couldn't be redeveloped."

Since the programme's inception, applications for 777 homes have been secured, with three schemes now built and occupied. The initiative was backed by the New Homes Bonus, which enabled the council to directly intervene if enforcement notices for demolition and/or repairs were disregarded or could not be complied with due to land ownership issues.

A MORE STRATEGIC APPROACH

Sheffield City Council is looking to move on to the next phase, where it may become more ambitious as it looks at larger sites, particularly in areas where this may unlock regeneration for surrounding areas.

There is still a constraint on resources and there is still only one member of staff dedicated to the project. Safeguarding the future of the scheme is important, which may be vulnerable if central government funding for the Local Growth Fund stops. One idea would be to formalise a rolling fund which will enable cost recovery through enforced sale of charge on properties, removing the need to continue to request some £200,000 from the fund.

The team is looking at how they can continue to work closely with colleagues in regeneration and property, taking a 'broader-than-planning' approach and working more collaboratively to unlock and acquire sites. The team have merged into a city growth unit so that planning, regeneration, building control and housing already work closely together. "We are starting to think about how to put the project on a more sustainable footing so it's not at the mercy of funding," said John Stonard. "How can we make this a really strategic project citywide? What are our objectives and how do we define them? How can we formalise and create a rolling fund which will enable cost recovery through enforced sale or charge on the property – so we don't have to keep going back and asking for money?"

Recovery from the financial crash

The old core strategy housing target has been slightly exceeded: net completions are now at over 17,000 dwellings, with the requirement just under 17,000. A more recent assessment of need has shown an increase from 1,400 per annum to approximately 2,000, with some of the need 'exported' to Rotherham.

Sheffield City Council is in the process of drafting a new local plan, taking into account recent shifts in the housing target. The council is focusing on using planning and CPO powers to expedite housing delivery, and going forward it plans to continue to tackle 'stuck sites' following the success of the initiative. Changing behaviour leading to behaviour change.

THEME 2

USE PLANNING POWERS TO UNLOCK DEVELOPMENTS

The success of the stuck sites project is arguably that planning management and the stuck sites team, along with the support of councillors, explicitly allocated part of the Local Growth Fund exclusively for the stuck sites scheme. “Having that money underwrites our powers,” said Jonathan Baker. “It’s a cultural thing – once people know you have the means to exercise powers, you find they tend to do it themselves.” The authority has also found that a side-effect of the ongoing success of the project has been that local landowners and developers have taken enforcement action more seriously and act before the council steps in to manage the site, which in turn has given the authority more confidence to take steps.

THEME 3

IMPROVE AND STREAMLINE THE PLANNING PROCESSES

Many local authorities across the country are working to deliver a better planning service – working closely with the development community. East Riding of Yorkshire Council has worked to make the planning process easier and quicker to navigate by enabling staff to be more efficient, offering better staff training and communicating more with applicants.

A MORE EFFICIENT PLANNING SERVICE

Geographically, East Riding is one of the largest councils in the country. Because of its size, the local plan put forward a particularly high housing figure of 1,400 houses per annum. Around 50 of the 300-plus settlements have housing allocations of a range of sizes, with approximately 170 sites for housing or mix of use. Fifty per cent of these include around 50 units or less, with the largest two allocations for 1,800 dwellings and another for 800 forming a southern extension to Beverley. Delivery varies and is highly dependent on the local market (the council highlighted that there are six distinct housing market areas in East Riding). Around 50 per cent of overall delivery is provided by national housebuilders (with some limited interest from SMEs on strategic sites), but there are smaller housebuilders in East Riding bringing forward smaller sites and taking advantage of infill opportunities within settlement areas.

East Riding is a unitary council that processes approximately 5,000 applications each year. The planning service consists of around 120 people including a service development team of five officers that assess where efficiencies can be made across the service, helping it to shift from a service that 'firefights' to one that is being proactive in speeding up the processing of determining applications and providing a better service to applicants.

The council held a workshop in late 2016 and invited developers to suggest how the pre-application and application experience could be improved. Based on this feedback, numerous innovations have helped to streamline the service.

Pre-application, validation and assessing proposals

East Riding introduced a pre-application charge for minor as well as major applications in 2016. The size of the charge depends on the size of the proposal. The council also offers specialist advice, for example relating to highways, landscape or conservation, at a charge of £78 per hour plus VAT – tailoring approaches to what the developer wants and effectively providing a consultancy service, including advice from a transport and highways assessment consultant. The council aims to return pre-application advice within 28 days (previously only 20 per cent of pre-application enquiries were responded to in this timeframe).

THEME 3

IMPROVE AND STREAMLINE THE PLANNING PROCESSES

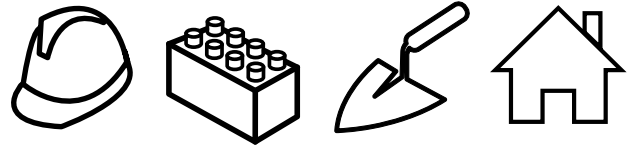
As part of streamlining efforts, pre-application enquiries are given a high degree of importance. Case officers take an application from inception to completion, and pre-application enquiries are included in the 'on-hand' list of cases – effectively giving them the same priority as full applications. East Riding has two 'away days' each year where staff learn about internal changes, changes to national legislation, receive additional training and hear from internal and external speakers on a range of planning topics. This in turn helps pre-application advice in terms of staff being able to provide more rounded information to customers to help fill in applications.

The service is also setting up a publically accessible interactive planning map of the district that shows environmental constraints such as flood risk, heritage listings and tree preservation orders. This will save both applicants and officers time, said Stephen Hunt, Head of Planning and Development Management. "We used to get a lot of phone calls from applicants trying to find out constraints, so this map will help them to find the information themselves."

Timescales for validation used to take as long as two to three weeks, as they were handled by a support services function outside of planning. To speed things along, the staff were brought in-house and are managed by a newly created team leader post who is a single point of contact when issues arise, ensuring a consistent approach between staff. The service delivery team worked to train validation officers on whom to consult and also gave them greater responsibility in identifying consultees for the case, which leaves case officers to start work on the application straightaway.

Some of the feedback from agents and developers at the workshop was that the validation process was too formulaic: instead of sending letters, a phone call would have a quicker effect in fixing minor aspects right away. About 40 per cent of applications are rendered invalid, and so an analysis of applicants who make frequent applications to the service was undertaken to see where mistakes were made. The service identified these applicants and then contacted them to discuss how future applications could be improved, the aim being to reduce the proportion of invalid applications.

The council held training sessions for officers on how the new local plan should be interpreted. Further training sessions for councillors included topics such as housing delivery and providing adequate reasoning behind decisions. The new local plan has helped simplify a complex policy environment where officers had to judge the weight of policies that included legacies from the regional spatial strategy, joint structure plan and four separate local plans.



PLANNING CONDITIONS, COMMITTEES, SECTION 106 LEGAL AGREEMENTS AND APPEALS

Standard planning conditions are currently under review with the aim of streamlining the present list, which stretches to 150 pages. One way is to amalgamate conditions, such as reducing five highways conditions into one. More time has been spent on officer training. An away-day for officers concentrated on pre-commencement conditions and how they are worded, with some input from lawyers.

For committee reports, the council commissioned a retired planning inspector to look through a sample of reports and, on the back of his advice, amended the structure. After taking a Plain English course, officers are now producing reports at half the size that they would have been previously. For Stephen Hunt, this is an obvious win: “If you are saving 40-50 per cent of space in a report, then clearly you are working more efficiently.”

Section 106 agreements are still taking a long time to complete after committee. New approaches could be to instruct legal teams earlier and ask applicants for heads of terms for a draft Section 106 agreement as part of the application. “The authority is probably not doing as well as we should be with Section 106...we asked the Planning Officer’s Society to visit and consider our processes and are now considering their recommendations.”

Allocating experienced planners to manage service delivery has brought in several changes to the way the planning service in East Riding operates. Case officers stay with a case from pre-application enquiry to final decision or appeal, and validation officers have been brought in-house, which has significantly reduced the time taken to validate. Officers also look at how a range of tasks can be done more efficiently and to a consistently high standard, such as undergoing training to ensure that officer reports are clear in their language and are not lengthy.

Does streamlining the planning process help East Riding to deliver housing?

Streamlining the planning process clearly makes for faster decision-making. At the very least, some of the barriers to delivery that developers often refer to have been removed or reduced by this process review. As the many revisions to the process are still very recent, the impact on the ground has yet to be seen – and may be hard to disentangle. However, the council noted that, at February 2018, the latest available statistics for 2017/18 indicated that some 95 per cent of their major schemes and more than 90 per cent of minor applications had been determined on time.

THEME 4

DEVELOP A CULTURE AND CAPACITY TO DELIVER

A culture of an authority and the capacity of its planning department was cited by developers as a key issue in enabling faster delivery. The transformation programme at Milton Keynes is one good example of this, and at the level of the individual scheme the approach of Rugby Borough Council, in relation to a major application in their area, holds useful lessons for councils across the country.

MILTON KEYNES PLENTY OF HOUSING GROWTH, BUT ROOM FOR MORE

Although Milton Keynes has been delivering some of the highest levels of housing growth in the country, the local authority has under-delivered on its core strategy targets from its last local plan. The focus from central Government on delivering more housing in areas of high growth has also been a catalyst for the local authority.

Under the new housing delivery test consulted on in the Housing White Paper in February 2017, Milton Keynes is falling below the required thresholds for delivery against current growth targets. In response to this, the planning service prepared a report to the council's cabinet to help gain an understanding of the reasons for this, with options for inclusion in an action plan to address the delivery shortage. Work to start developing a cross-party agreement on the delivery of homes was approved by the cabinet, and Milton Keynes is sharing its journey on this with the Ministry for Housing, Communities and Local Government as a housing delivery pilot authority.

Austerity driving a renewed commercial focus

Budget cuts have placed numerous constraints on the capacity of the planning service. In order to mitigate the effects of austerity, a commercial approach to housing delivery was adopted. The commercial approach aimed to generate income to make the planning service self-sufficient and to stimulate investment driven by the Chief Planner, Brett Leahy. Milton Keynes Council has been advertising the town to investors and housebuilders, both internationally and nationally, to stimulate investment and competition.

A new commercial mind-set has transformed the service's working culture

Milton Keynes Council's processes and approach to delivery in the past has had a lack of direction. "Planning services are a key cog in getting housing delivered...if you give more then you get more," said Brett Leahy. As such, conflicts were uncovered internally in recent years with regard to strategies and goals amongst officers. Many had differing values and aims. The lack of visibility on performance monitoring was compounding this issue: national statistical returns were reported to Government in respect of issuing planning decisions but this information wasn't visible to officers. In 2016, there was one month cited in which no applications were determined, highlighting the slow speed of the overall process.

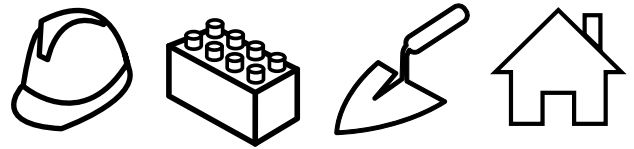


Image 4:
Stalled area of Campbell Park development showing primary groundwork completion

Incremental changes, not a grand strategy

On joining Milton Keynes Council, Brett Leahy interviewed all staff to gain an insight into their personal values and perspectives on what the department was trying to achieve, in order to streamline targets and to get a common view on how a planning service should work and what it is for. The approach to this culture shift has been described as piecemeal – a “package of various ideas towards the same aim – revisiting our purpose as a service”. This involves working on different aspects of the planning process both internally and externally with other partners.

New ways of working were developed for the policy team – reducing the time taken to make plans. Changes to the organisation of development management were introduced. Internal reorganisation split teams into sustainable numbers and reduced ‘silos’ created by separate ‘majors’ and ‘minors’ teams, which were replaced with simply ‘seniors’ and ‘juniors’. Senior officers were given delegated authority by team leaders to avoid bottle-necking, subsequently increasing capacity and speeding up processes. This reorganisation has sped up the decision-making processes. To tackle the lack of visibility, monthly performance was measured against national targets to encourage officers to consider their position within that and three-year rolling averages – at that point the council was close to special measures for performance. Having daily conversations within the decision-making process was also promoted.

THEME 4

DEVELOP A CULTURE AND CAPACITY TO DELIVER

The culture shifted to a purpose based on outcomes, not on time. Currently, the validation of new planning applications takes approximately 24 to 48 hours, now much improved compared with the four-week average two years ago. This has also served to streamline reports and to increase awareness of performance using tools which deliver high visibility for officers to achieve targets.

The council's planning service changed its view of finance from statutory fees and budgets to seeing planning as a commercial opportunity. That opened the door, not just to new income from planning performance agreements and the option to 'pick a planning officer' under their premium planning service, but to better services for customers and a more rewarding workplace for the team. The service is proactively marketing itself and the development opportunities in Milton Keynes, responding to the national housing issue and being innovative in its approach.

Leadership and sharing learning

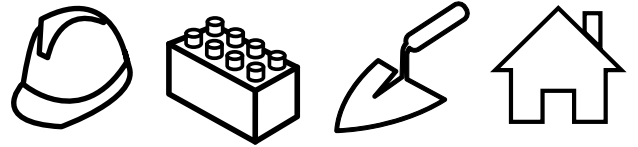
Leadership is key. According to Brett Leahy, the transformation of the planning service must take place at every managerial level, and managers must be empowered to deliver on platforms in place. There are capacity issues in local government which cause distractions, looking too much in detail at issues rather than strategy. A major skill is project management – and the need to invest in the profession. In the past, the council funded Masters' programmes within the service but this has been lost during austerity, and the tools gained through education lost with it. This leads to a lack of continuity and is harmful to strategy planning and succession planning.

Other councils are interested in investing in improved capacity and several have visited Milton Keynes to find out more. However, it is acknowledged by the Milton Keynes that despite the conferences and awards, good practice in local government is not always shared. "There appear to be barriers to local government looking at good practice and adopting it. Fundamentally, it is important for planners not to become 'siloed' and to explore new tools for supporting aims and seeking partners to increase capacity, as this cannot all be found from within the sector alone.

Delivering complex sites

Delivering large complex sites can take decades – and to get these developments on-site quickly requires a culture of delivery and capable officers. The Houlton site is a good example of this.

The Houlton development, formerly known as the Rugby Radio Station scheme, is a key allocation in Rugby's local development framework core strategy 2011 for the long-term expansion of the town. It is a 473 hectare (1,169 acre) urban extension located south-east of Rugby in Warwickshire, with outline planning permission for 6,200 homes together with a mix of employment and community facilities including a secondary school, three primary schools, a district centre and three local centres.



Consistent communication with stakeholders

From the outset, there was ongoing communication between the local planning authority and local infrastructure providers. Regular engagement through an overview group (which included local authority senior managers and councillors) throughout the application process ensured that things were moving in the right direction. There was also considerable engagement with the public and a pre-application design inquiry.

A pragmatic approach that is open to new ideas

Rugby Borough Council worked with the developers on a three-tiered approach to determining the planning application. Tier one is the outline planning permission which secures approval of the development specification and sets the overall framework for development, including land uses and general design principles. Tier two comprises the identification and approval of 'key phases' including the design and infrastructure framework for each area. Tier three covers the submission of reserved matters for infrastructure and individual development parcels within each key phase.

The usual path for larger applications is two-tier (tiers one and three). Houlton has adopted the three-tiered approach. The identification of areas of the larger site as key phases and the type and amount of development within them, including the framework guiding their development, is a requirement of conditions attached to the outline planning permission.



Image 5:
Key Phasing Masterplan maps



THEME 4

DEVELOP A CULTURE AND CAPACITY TO DELIVER

Each key phase is presented by the council's planning officers to a planning services working party, made up of a small number of councillors, for endorsement prior to discharging the relevant conditions. The 'key phase' approach provides for an overall specification of a particular part of the site and bridges the outline and reserved matters applications. Greg Vigars said: "It took a while for us to get used to this way of thinking as we were used to the two-tiered way of working, but it made sense to us as we went along with it." The site now has two key phases in place, with a third going through the permission process.

Early identification of technical details

Greg Vigars explained: "We walked all over site to understand the constraints and see what land is developable. We, as an authority, had to do this so we could get our heads around a site of this scale, and then work on the potential technical details that we could anticipate." This enabled the officers to work with the developer and agent to minimise the need for pre-commencement conditions during the processing of the outline application.

Being upfront with viability considerations

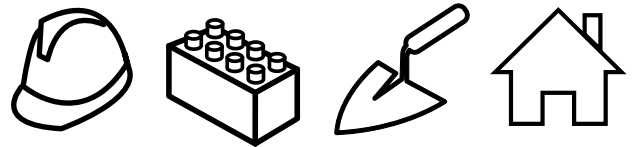
There was a good understanding of the viability fundamentals of the scheme and the council worked with the developer to respond to these. A full viability assessment was conducted by the applicants at the outline application stage, which was independently assessed on behalf of the local authority. A review mechanism, where viability is reassessed at each key phase, is incorporated in the Section 106 agreement with a view to moving towards a policy-compliant level of affordable housing provision as development of the site progresses. In addition, Homes England provided funding for a loan to build the link road at the Rugby site which helped to unlock the development, enabling key phase three of the development to go through the planning process sooner.

Project management and monitoring

Underpinning the delivery of the scheme is the project management approach and the capacity and experience of the two officers dedicated solely to the Houlton development. Previous experience of dealing with major housing developments has taught them to keep concise records, as well as constantly checking which tasks need to be prioritised.

Capacity and capability

Rugby Borough Council has dedicated enough resources for the scheme by having two full-time officers who have extensive experience to plan ahead and anticipate problems. This is coupled with a pragmatic approach, as the officers have been open to doing things differently, looking at the broader picture of enabling delivery without getting bogged down in the process. They adapted quickly to a three-tier framework suggested by the master developer, which has helped to guide expectations and enabled the council and developer to work together flexibly and ensure quality development. "Good quality development is what this is all about," said Greg Vigars. "Whilst the political expectation is that planning focuses on growth and investment – which we are doing – planning is needed to ensure



that new developments are planned and designed for people to enjoy where they live and work.”

Further details of the Milton Keynes and Rugby case studies are included in the appendix to this report.

RUGBY RADIO STATION – KEY PHASE 1: All decisions (including discharge of conditions and non-material amendments)				
<i>*Note – the identification no. used equates to that identifying the application in the list of decisions covering the whole RRS development.</i>				
<u>No.</u>	<u>Ref.no</u>	<u>Applicant</u>	<u>Description</u>	<u>A/R Date</u>
3	R11/0699	RRSLP	Definition of Key Phase 1 (cond. 9 part). <i>* see also 18. below re. addendum</i>	A. 27.6.14
4	R11/0699	RRSLP	Key Phase 1 Framework and Technical Requirements comprising:- Design Guide (cond 11a part), Delivery Plan (cond 11b part), Code of Construction Practice – Part B (cond 11e part and 26 part), Heritage Statement and Mitigation Strategy (cond 12a part), Ecological Mitigation and Enhancement Strategy (cond 12b part), Foul and Surface Water Drainage Strategy (cond 12c part), Site Investigation of Ground Conditions (cond 12d part). <i>* see also 28. below re. Update November 2015</i> <i>* see also 64. Below re. Cond 12d Update August 2015</i>	A. 30.9.14
5	R14/1070	RRSLP	Key Phase 1 Grey Infrastructure (res.matters, part conds 2, 3 and 15). <i>* see also 12. below for non-material amendment</i> <i>* see also 43 below for further non-material amendment</i>	A. 2.10.14
6	R14/1071	RRSLP	Key Phase 1 Green Infrastructure (res.matters, part conds 2, 3 and 15). <i>* see also 13. below for non-material amendment</i> <i>* see also 44 below for further non-material amendment</i>	A. 2.10.14
7	R11/0699	RRSLP	Hedgerow replacement scheme for A428 (cond 74). <i>* see also 10. below re. amended proposals</i>	A. 17.2.15
8	R14/2356	RRSLP	Construction of a junction on A428 to provide additional access into Key Phase 1 including carriageway, verge, footway/cycleway and crossing, east and west bound bus stops, drainage and associated works.	A. 25.3.15
9	R11/0699	RRSLP	Non-material amendments to details approved under conditions	A. 25.3.15

Image 6:
Monitoring sheet page 1 – Rugby Radio Station/Houlton (Rugby Borough Council)

THEME 5

ENABLING AND DELIVERING HOUSING

A report by Professor Janice Morphet and Dr Ben Clifford for the Royal Town Planning Institute, published in 2017, identified that 44 per cent of local authorities have created their own housing company and that this number is still growing. This reflects “a growing appetite and capacity in local authorities to return to or increase their roles in providing housing as a core function,”¹⁵ and an increase in the number of joint ventures between the public and private sectors in various ways. Some councils are taking on a developer role to accelerate build-out.

The approach of Sunderland City Council has been to enable development opportunities in a number of different ways. The research for this case study coincided with Sunderland City Council’s third annual development summit and housing forum, held in January 2018, where developers and housing partners heard news on the latest developments for Sunderland’s local plan and housing strategy, as well as a presentation on a site for regeneration in the city.

SIGNIFICANT ECONOMIC CHALLENGES

Sunderland has high ambitions for delivering homes and building on a need identified in the city’s draft local plan and its housing strategy¹⁶, which calls for diversification of housing stock and the provision of enough homes of the right type, in the right place and of right tenure. However, there are significant economic challenges facing the city. These include addressing the outward migration of working-age people and reducing the levels of deprivation in Sunderland, which ranked as the 37th most deprived local authority area in England in 2015¹⁷. There are several sites around the city that are earmarked for regeneration but many face issues with viability.

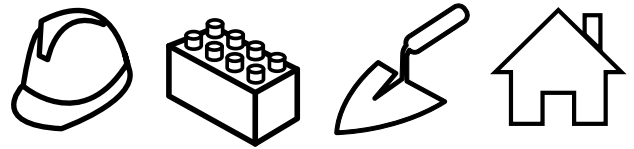
The housing market is relatively weak, as median house prices are consistently lower than the North East average (which in turn has significantly lower median prices than England as a whole). The housing strategy asserts that market conditions can be a key challenge to viable development on some sites and in some areas of Sunderland, thus hampering development coming forward.

Sunderland’s housing delivery rate has been relatively high. Addressing the development summit, Les Clark, Chief Operating Officer, said: “Net additions of new builds have reached around 900 units each year between 2014 and 2017.” These numbers demonstrate how Sunderland has been managing to increase delivery despite macro-economic challenges in the North East of England.

15 J. Morphet, B. Clifford, Bartlett School of Planning (2017) Local authority direct provision of housing, p61 www.rtpi.org.uk/media/2619006/Local-authority-direct-provision-of-housing.pdf

16 https://www.sunderland.gov.uk/media/19744/Housing-Strategy-for-Sunderland-2017-2022/pdf/Housing_Strategy_for_Sunderland_2017-2022.pdf

17 https://www.sunderland.gov.uk/media/19876/Draft-Core-Strategy-and-Development-Plan/pdf/Draft_Core_Strategy_and_Development_Plan.pdf, page 19



Delivery vehicles for new housing

In 2016 Sunderland City Council looked at what it could do to build housing types that the market is not fulfilling. Sunderland Homes Ltd is a council-owned company that is taking a hands-on approach to develop housing types that housebuilders tend not to build. Set up in the first half of 2017, Sunderland Homes obtained a loan at market rate from the authority's capital programme for housing and operates on a commercial model.

Tony Dodds of Sunderland Homes Ltd, explained: "Instead of competing directly with housebuilders, the company is looking at launching pilot schemes to tackle the lack of larger family housing (housing of four or more bedrooms), bungalows, and small-scale schemes of 10 to 40 units, which are overlooked by the larger housebuilders and are difficult for SME builders to deliver. Larger family homes account for just under 15 per cent of the stock in Sunderland – well below the national average of 28 per cent."

The company has started two schemes which were at planning stage at the time of writing. "We intend to supplement the market, rather than intervene in it. Our investments could help other builders who don't want to build housing tenures that might be seen as commercial risks, or where their margins may be smaller than the usual three-bedroom houses. We operate as a company with a loan from the council and are exposed to the same commercial risks as a normal developer." The company intends to reinvest the profits in future schemes which will also tackle 2,000 empty homes in Sunderland, where each site will have to be tackled on a site-by-site basis, and Sunderland Homes may consider delivering affordable housing with shared ownership products.

Sunderland's social housing stock was taken over by Gentoo Partnership, the city's largest housing association. It currently owns 29,148 units let at affordable rents and 155 shared ownership units. The company has proved to be an active housebuilder, with a total of 233 new homes built in 2017 (164 for sale and 69 for affordable rent). Permission has been granted for a further 300 homes in three areas of Sunderland. There are a number of future renewal programs to bring low value or unfit stock back into the pipeline in areas or on sites where viability issues for developers may exist.

Regeneration and site promotion

The city council has also worked to encourage development opportunities through regeneration programmes and site promotion. These include the Sheepfolds Clifftop, a brownfield industrial site near the city centre. The council produced a draft masterplan in the autumn of 2017 for the 30 hectare Stadium Village strategic site, which would include Sheepfolds. Dan Hattle, Regeneration Manager, said: "We knew that the market wasn't going to develop it due to viability issues of it being a city centre site... To get developers interested in the site, the authority has done a lot of the upfront work to de-risk it, with site investigations, demolitions, archaeological work and so forth." This work has also been done to attract SME builders to work on a site with a potential of up to 60 units.

THEME 5 ENABLING AND DELIVERING HOUSING



Image 7
Overlooking the Sheepfolds Clifftop site

David Gustard, Senior Chartered Surveyor, said: “We used regeneration funds to buy the site, which has massive issues of blight and antisocial behaviour...so we bought it to get it under our control. As a local authority our incentive to release the land is different from other landowners, so if the market dictates that the value is £1 then that is something we would likely recommend accepting, given the regeneration the scheme could bring.

“It’s not an approach we take to all council-owned land, because we would usually need to sell to bring in the income – but this is a regeneration site, where there’s no line on a spreadsheet saying it will bring in income, so we can work with the HCA [Homes and Communities Agency, now Homes England]. Our goal is to intervene enough, i.e. undertaking all demolition works, so that the site does become viable to builders and acts as a catalyst for the rest of the Stadium Village master plan.”

After a presentation which outlined the development brief for the site, some SME developers cast some doubts. One builder said: “The council is asking for townhouses and apartments here, which just won’t work in Sunderland. I know they want density on site for city centre living, but the preference is for three-bedroom houses in this area.”

The authority is showing flexibility towards what housebuilders are saying. Dan Hattle said: “Some of the feedback said that the site is too small, so we could think about using the first phase as an option for a second phase. If the market doesn’t think we can build apartments, then we’ll need to rethink, and continue warming the market up to the site.”

Sunderland City Council has taken an active approach to deliver housing within the local economic context. Part of this is to work with delivery partners such as housing associations to ensure that there is a mix of tenures that meet Sunderland’s housing needs. Other actions include the creation of its own housing company to address gaps that the market won’t meet, or preparing sites so that they can become more viable to housebuilders.

SUMMARY AND CONCLUSIONS

This report highlights both the potential and the limitations of the measures local authorities can take to enable timely build-out of high-quality development. There are principles that all local authorities can follow and there are actions which may work better in some areas than others, depending to some degree on market conditions and developer activity.

The first point to make is that all the local authorities featured in the case studies have carried out a lot of work to understand the issues affecting delivery in their area, and this is the crucial first step for any council. The case studies highlight different ways in which councils can act to ensure that future developments gain planning permission more quickly, have greater certainty on quality by being aligned with a strong vision, and build-out more quickly thanks to less onerous or clearer pre-commencement requirement conditions. Of particular concern at present is how the current sites with permission can be pushed into activity on site. The following actions have helped in some circumstances already and should help other sites to deliver sooner.

CONSIDER THE ROLE OF PLANNING CONDITIONS AND THEIR PROPER USE

Understand that pre-commencement conditions have the effect of delaying start on site. The approach in North East Lincolnshire uses 'pre-first brick' conditions, meaning the authority is thinking about enabling work to start on site as soon as possible. This is what a developer will want.

DESIGN CODES CAN ALSO BE A USEFUL TOOL

The earlier you can identify and agree the design position, the sooner the developer can have their permission – and critically, when used this can effectively streamline the approach for discharging design-related conditions, as Croydon Council experienced in determining the Cane Hill application.

USE EXISTING POWERS SUCH AS 'S215' ENFORCEMENT NOTICES

The stalled sites initiative has proved very successful in Sheffield through understanding the problems and working with the system to deliver solutions and development on the ground. Consider too the use of local development orders (LDOs) – these are under-utilised, and although not a silver bullet or free from issues, they have proved very effective in North East Lincolnshire. One site has finally seen development begin, and another has received renewed interest owing to the clear shift in behaviour that the LDO has signalled.

SUMMARY AND CONCLUSIONS

USE SECTION 106 LEGAL AGREEMENTS TO HELP SOLVE THE DELIVERY PROBLEM

The Central Bedfordshire approach, attaching the clause to complete development within five years of permission, encourages developers to build-out at a rate that both ensures speedy delivery and assists the authority in demonstrating a five-year land supply. This worked for them but will have limitations in different contexts. As critical an issue is as ensuring that Section 106 agreements do not become part of the delivery problem – delays from committee stage to completion of the agreement and poorly considered clauses can inhibit build-out. This was an issue raised by developers interviewed as part of this research and acknowledged by local authorities.

CULTURE CHANGE IN THE PLANNING DEPARTMENT IS A KEY

This may not sound like an action to affect current sites but a more positive outlook, coupled with flexible approaches and aligned with a strong vision for the area, has seen movement on some sites in Milton Keynes, for example. Leadership here is key at the political level and at senior officer level, but it is also about empowering officers so they are not just 'post boxes' for other views but have the capacity to add value – such as is evident from the Houlton development in Rugby.

PARTNER WITH OTHERS TO HELP UNLOCK SITES BY DELIVERING THE TYPES OF HOUSING NEEDED THAT THE INDUSTRY ISN'T ABLE TO

This not only gets sites developed, but does so whilst complementing the existing market rather than competing with it. Consider how Sunderland Homes works to complement the private sector, delivering much-needed but less attractive (in business terms) development.

The way you organise planning systems and resources flows from this 'delivery culture'. Councils may want to act to:

- Review internal processes from top to bottom and end to end, like East Riding. Where are the pinch-points and areas for improvement? For many councils this will be the validation process, lack of clarity on design and the lag between a resolution to grant planning permission and a Section 106 agreement being completed, as well as delays in the discharge of conditions. How can you respond to or avoid these issues?
- Re-organise existing teams and resources to work smarter. Are area teams working, or would the Milton Keynes 'senior/junior' split make more sense?
- Consider how you will plug the skills gaps. Prioritise design expertise and seek out people who can help deliver, as Croydon Council has done.



WHAT CAN GOVERNMENT DO TO SPEED UP DELIVERY?

Based on the study, a number of recommendations arise:

1. Continue to keep local authority resourcing and potential for localising fees on the agenda – but think beyond just fees in how to deal with capacity issues in local planning departments and associated legal teams.
2. Expand skills training for planners and councillors – particularly in relation to large-scale major development and viability and the use of compulsory purchase orders. Supporting organisations such as Public Practice, which are changing perceptions of the public sector by, for example, bringing much-needed design skills in-house, is similarly essential.
3. Continue to support the local government sector through the LGA and Planning Advisory Service to spread learning, good practice and innovation. The Future Cities Catapult's 'future of planning' programme is exploring the potential to use technology to reduce demand on officers and streamline processes. This type of innovation may help address capacity issues – and by extension help delivery – and should also be supported.
4. Continue to make grants available to help unlock blocked sites and allow authorities to 'recycle' the money into future projects – forward funding key infrastructure can make all the difference to delivery.
5. Consider how the current legal framework enables or restricts councils' ability to develop housing (either on their own or in partnerships).

SUMMARY AND CONCLUSIONS

The case studies included in this report do not include the use of compulsory purchase orders (CPOs). However, the role of CPOs was cited in interviews with officers and with agents/developers. There is a need to make it easier for authorities or the newly-reformed Homes England and local planning authorities to enter into CPOs to get sites moving – this might include the ability to cap land values and use the uplift to forward-fund infrastructure.

It is also worth highlighting that success stories and examples of good practice cited by developers outlined in this report all hinged on the confidence and ability of individual officers to manage the cases and services effectively. This was not about agreeing with the applicant or concessions; rather it was about confidently driving the process, providing clear advice and open communication. The talent, drive and innovation of individual planning officers (and in the case of Rugby their private sector counterparts as well) shone through in the case studies presented.

All of the examples presented in the report emphasise the importance of local planning authorities working closely with the development industry and seeing them as partners to achieve the end goal of timely quality housing delivery. To this end, councils might want to consider asking themselves:

- Do we understand the viability fundamentals affecting our area and key sites?
- Are we working with developers, agents and applicants to shape the processes that we will use to assess applications?

- How can we diversify the offer? Have we considered the role of the SME sector and ‘advertised’ the available sites or areas we expect them to be interested in, while striving to ensure that large schemes (contributing most to delivery) are sufficiently well resourced?

To conclude, the current debate on unimplemented permissions needs to move beyond the binary argument of unimplemented permissions being the ‘fault’ of the authority planning approach or the developers ‘land banking’. There may well be ‘fault’ in individual cases – and the Letwin Review will hopefully shed some light on this in relation to its focus on slow or stalled housing sites in areas of high housing demand.

However, in many cases the reality will be far more complex. As a minimum, local authorities need to talk to developers to find out what lies behind the issues at the level of individual sites and the statistics across your area. Then there is a need to work collaboratively with developers to progress build-out –and in some instances consider ways to enforce or take action to accelerate delivery. Finally, it should be acknowledged that the actions of local councils, while the focus of this report, are only one part of the equation. More needs to be done to support best practice in the private sector too; improvement in the private sector is just as important as improvement in local authority practice to speed up housing delivery.

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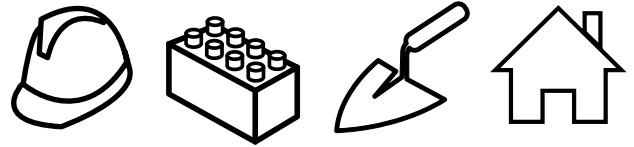
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APPENDIX: TRANSFORMING PLANNING SERVICES AND PROCESSES – EXPERIENCE OF MILTON KEYNES AND RUGBY

This note provides more detail on the experience of Milton Keynes in developing a culture of delivery, presented in shorter form in the main report. It then takes a closer look at what this culture of delivery looks like in the context of a single planning application, looking at the case of the Houlton development in Rugby, expanding on the key technical information shared by the council presented in shorter form in the main report.

Milton Keynes

Milton Keynes Council's planning service is two years into its transformation journey from the brink of 'special measures' to consistent high performance, big service improvements, a better working experience, a trading surplus and sharing successes with other planning services. The turnaround has happened quickly and in the context of a £250,000 yearly budget reduction and parallel increase in the service's customer base.

Plenty of housing growth, but room for more

Although Milton Keynes has been delivering some of the highest levels of housing growth in the country, the local authority has under-delivered on its core strategy targets from its last local plan. The focus from central Government on delivering more housing in areas of high growth has also been a catalyst for the local authority.

Brett Leahy, Chief Planner at Milton Keynes Council, said:

“Milton Keynes has historically been pro-growth because that is our legacy... but we've lost our mojo.”

Though the council owns a lot of land itself, paradoxically this has frequently produced issues around the viability of affordable housing on these sites and strategic sites with extremely long (sometimes 30-year) pipelines for delivery. In the past, there have been few small-to-medium sites and little encouragement for smaller house builders to fill this gap in delivery targets. An example of this is Campbell Park, a large strategic site within the city centre, described below.

Like many local authorities in England, Milton Keynes' housing growth has been affected by the financial crash in the last decade. According to data analysed by the council, small sites take around three years to be built out whilst strategic sites, upon which Milton Keynes has relied for most of its housing land supply, have up to a 30-year pipeline. The over-reliance on large housebuilder business models meant that the council was taking a reactive rather than proactive approach towards the market.

There is very little delivery happening in the city centre – in the last few years only three per cent of applications were in the new town's city centre grid. There was a big outline consent in Campbell Park, a strategic site that is intended to provide a mixed-use community of 2,000 homes, an important part of the council's housing trajectory. However, that consent lapsed in 2017, and only a fraction of the anticipated development has

been delivered or got to the 'reserved matters' stage.

Engaging vision with politicians

In 2015, the MK 2050 Futures Commission was set up to address the future development of Milton Keynes and to develop a vision for growth. Getting political buy-in is crucial. The 'Futures' report sought to encourage councillors of all parties to start a conversation about the future of the city.

MK Futures 2050 outlines how the local authority aims to become the biggest city in the South East outside of London. The current leader of the council has supported a pro-growth agenda, promoted by a series of reports commissioned for the 2050 initiative. This gained unanimous support from councillors, heralding the beginning of a move to rationalise goals for the future development of the city.

MK Futures 2050 has six strands: growth and strategy; an ambition for Milton Keynes to create a new university; Learning 2050; smart, shared and sustainable mobility; Renaissance MK (building high in the city centre with a hotel scheme as a catalyst) and the creative and cultured city – the commercial role of culture.

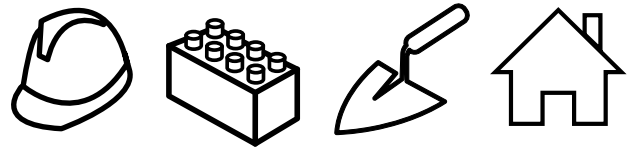
However, under the new housing delivery test consulted on in the Housing White Paper in February 2017, Milton Keynes is falling below the required thresholds for delivery against current growth targets. In response to this, the planning service prepared a report to the council's cabinet to help gain an understanding of the reasons for this, with options for inclusion in an action plan to address the delivery shortage. Work to start developing a cross-party agreement

on the delivery of homes was approved by the cabinet, and Milton Keynes is sharing its journey on this with the Ministry for Housing, Communities and Local Government as a housing delivery pilot authority.

Austerity driving a renewed commercial focus

Budget cuts have placed numerous constraints on the capacity of the planning service. In order to mitigate the effects of austerity, a commercial approach to housing delivery was adopted. The commercial approach aimed to achieve two things in principle: firstly, it generates income to make the planning service self-sufficient. Secondly, Milton Keynes Council has been advertising the city to investors and housebuilders, both internationally and nationally, to stimulate investment and competition. The planning service's presence at the Homes Expo 2017 at Olympia, the first local authority planning service to do this, may attract potential clients and investors in the future. This served to advertise that Milton Keynes is 'open for business' and to announce a growth-driven approach to invite investment. The council's own agents' forum identified that diversity is key, and that working increasingly with external partners supports delivery.

Applicants can now also select their own case officer, which helps to build relationships and greater understanding between the customer and the local authority, and can therefore expedite the planning process. This 'premium service' is enabled by the new innovative online planning hub.



A new commercial mind-set has transformed the service's working culture

The council's planning service changed its view of finance from statutory fees and budgets to seeing planning as a commercial opportunity. That opened the door, not just to new income from planning performance agreements and the option to 'pick a planning officer', but to better services for customers and a more rewarding workplace for the team. The service is proactively marketing itself and the development opportunities in Milton Keynes, responding to the national housing issue and being innovative in its approach.

A commercial approach promotes a culture shift in the mind-set of officers, triggering the implementation of a strategy of internal reform. It aimed to move away from the emphasis on professional opinion and towards the role of officers as facilitators of place-making and development, with the aim of treating the applicant like a customer to improve overall efficiency of service. One example is the applicant for the proposed Hotel La Tour scheme, who was able to select and pay for a named officer to work on their application.

Milton Keynes Council's processes and approach to delivery in the past has had a lack of direction. Brett Leahy, Chief Planner, said: "Planning services are a key cog in getting housing delivered... if you give more then you get more." As such, conflicts were uncovered internally in recent years with regard to strategies and goals amongst officers. Many had differing values and aims. The lack of visibility on performance monitoring was compounding this issue: national statistical returns were reported to Government in respect of issuing planning decisions but this information wasn't visible to

officers. In 2016, there was one month cited in which no applications were determined, highlighting the slow speed of the overall process.

Incremental changes, not a grand strategy

On joining the council, Brett Leahy interviewed all staff to gain an insight into their personal values and perspectives on what the department was trying to achieve in order to streamline targets and to get a common view on how a planning service should work and what it's for. The approach to this culture shift has been described as piecemeal – a "package of various ideas towards the same aim – revisiting our purpose as a service." This involves working on different aspects of the planning process both internally and externally with other partners.

Brett Leahy took responsibility for the development plans team alongside the development management function in the summer of 2017. A disjointed approach at the beginning of the Plan:MK process meant that the timetable agreed with councillors was not going to be reached. Politically, the agenda for growth did not have a history of support from all councillors in what is historically a local authority with a minority ruling administration. Consequently, the vision suffered from a lack of overriding political agenda and lack of a clear vision from the planning department.

Policy milestones were set within a project management framework, driving the policy team forward in a similar fashion to their development management colleagues. In order to meet the timetable agreed with councillors for the preparation of Plan:MK, four specific interventions were initiated:

- **daily task list:** focused on a review of task progress to identify slippage and reallocate resource, and to measure that tight deadlines were being realised
- **concerns log:** displayed alongside task lists and the road map to identify concerns raised to reduce repetition and speed up process
- **road map:** Plan:MK had very tight deadlines during the six months prior to its consideration by cabinet; the road map was a visual aid to help the team recognise when they were hitting targets – a motivational tool
- **third party evidence studies:** a weekly progress meeting was held and an additional road map created to monitor the delivery of evidence studies, enabling the council to hold the external company to account on given deadlines.

By developing a roadmap for Plan:MK, within only 13 weeks officers had considered all representations, made all changes, got councillors to agree a 10 per cent residential buffer with potential for an extra 5,000 to 8,000 units and presented to cabinet within the agreed timetable.

This focus on more efficient project management resulted in a drastic shortening of turnaround at validation stage from four weeks to 48 hours, and drafting a local plan for cabinet and council approval in 12 weeks. The uncertainty at the start as to whether the ambitious timetables could be achieved was alleviated by daily project management approaches for teams and individuals, helping to focus minds towards daily, weekly and longer-term goals. The more targets were met, the greater confidence grew. This new

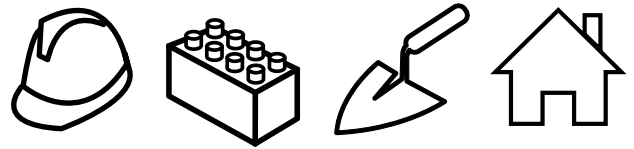
culture impacted the department in a positive way towards a future of target-driven decision making and faster application times. Due to a more streamlined department, monthly meetings turned into daily conversations with regard to applications.

Response to the new process approach was broadly positive. Streamlining was promoted by taking a project management approach to meeting targets, while daily conversations sped up the entire decision-making process, including inter-departmentally, with a project support officer overseeing professional policy officers to enable them to deliver outcomes.

Streamlining has meant that targets are clear and are being met, and policy decisions are being sped up. This has been supported by greater context around housing delivery issues and the methodology on strategically assessed need.

Reorganisation of the development management function

Internal reorganisation split teams into sustainable numbers and reduced 'silos' created by separate 'majors' and 'minors' teams which were replaced with simply 'seniors' and 'juniors'. Senior officers were given delegated authority by team leaders to avoid bottle-necking, subsequently increasing capacity and speeding up processes. This reorganisation has sped up the decision-making processes in the council. To tackle the lack of visibility, monthly performance was measured against national targets to encourage officers to consider their position within that and three year rolling averages (at that point the council was close to special measures for performance). Having daily conversations within the decision-making process was also promoted.



The culture shifted to a purpose based on outcomes not on time. Currently, the validation of new planning applications takes approximately 24 to 48 hours, now much improved compared with the four-week average two years ago. This has also served to streamline reports and to increase awareness of performance using tools which deliver high visibility for officers to achieve targets.

Ability to help the developer

The commercial approach has improved relations with developers and improved communication with councillors, and the internal culture shift has created a more efficient process and approach to delivery.

As the council has sharpened its internal processes, it is now able to help the developer. Communicating with developers used to be a 'complaining session'; however, the focus has shifted away from the council and towards the landowner as inhibiting delivery, according to Brett Leahy. In terms of delivery, Milton Keynes is still forward-funding infrastructure, with capital infrastructure operating through a tariff system in the 'expansion areas' on the edge of the city. Outside of these areas, the council is still reliant on Section 106 agreements negotiated on the basis of supplementary planning documents and guidance that pre-date the introduction of the Community Infrastructure Levy. Milton Keynes is now working on revising this guidance but is also looking ahead to better prioritise infrastructure requirements through a new framework approach.

Homes England has cited the council as an example of a local authority that is proactively pursuing delivery improvements through

better communication with developers, the public and other stakeholders through regular meetings on problematic proposals. This also ensures that they are getting the most out of public input.

Leadership is key. According to Brett Leahy, the transformation of the planning service must take place at every managerial level and managers must be empowered to deliver on platforms in place. There are capacity issues in local government which cause distractions, looking too much in detail at issues rather than strategy. A major skill is project management and the need to invest in the profession. In the past, the council funded Masters' programmes within the service but this has been lost during austerity, and the tools gained through education lost with it. This leads to a lack of continuity and is harmful to strategy planning and succession planning.

Other councils are interested in investing in improved capacity and several have visited Milton Keynes to find out more. However, it is acknowledged by the authority that despite the conferences and awards, good practice in local government is not always shared. There appear to be barriers to local government looking at good practice and adopting it. Fundamentally, it is important for planners not to become 'siloes' and to explore new tools for supporting aims and seeking partners to increase capacity, as this cannot all be found from within the sector alone.

The Houlton development in Rugby

The Houlton development, formerly known as the Rugby Radio Station scheme, is a key allocation in Rugby's local development framework core strategy 2011 for the long-term expansion of the town. It is a 473 hectare

(1,169 acre) urban extension located south-east of Rugby in Warwickshire, with outline planning permission for 6,200 homes together with a mix of employment and community facilities including a secondary school, three primary schools, a district centre and three local centres.

The outline application site was largely in the single ownership by of BT which, along with Aviva Investments, fronted a large amount of initial funding in bringing the site forward for development. During the processing of the outline application by the local planning authority, BT and Aviva selected a master developer, Urban and Civic, to deliver the long-term development of the site. The planning and design agent is David Lock Associates, who have a specialist team managing the planning application and who have consistently maintained a cooperative working relationship with the local planning authority, from pre-application to build-out. There is much to learn from this case in the context of speeding-up delivery.

Consistent communication with stakeholders

At the outset, there was ongoing communication between the local planning authority and local infrastructure providers. A pre-application infrastructure workshop was held with stakeholders, including representatives of the emergency services, health, education and highway authorities, to both inform of the proposals and to identify likely requirements.

Prior to submission of the outline application and subsequently during its processing, there were fortnightly meetings with the applicants and agent to review progress and to address any issues arising. Some of the meetings

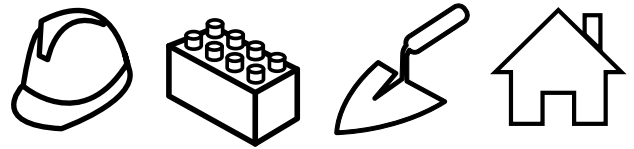
were topic-based and included technical consultees covering areas such as transport, environmental health, recreation and waste management, who were able to input from an early stage. An overview group, which included local authority senior managers and councillors, held quarterly meetings in the period between submission and determination of the outline application to ensure that things were moving in the right direction.

Urban and Civic thoroughly engaged with the process. Presentations to members of the local authority were made by David Lock Associates and Urban and Civic to outline the vision for the site, gathering and taking on board their views so that there was political consensus behind the scheme. There was also considerable engagement with the public. A pre-application design inquiry was held to consider alternative approaches to developing the site, and two rounds of formal public consultation were carried out following submission of the outline application and to deal with subsequent amendments, including public exhibitions. All assisted in lending credibility to the proposed development.

A pragmatic approach that is open to new ideas

The officers in charge of the scheme, Greg Vigers and Steve Parkes, have plenty of experience of working on large sites of up to 1,000 homes, and whilst the scale of Houlton is the largest they have ever worked on, their approach is the same. Steve Parkes said:

“You have to be pragmatic when working with applicants. We work like this on much smaller applications, but the principle is the same – and it has helped us work on a site of this scale.”



Part of the pragmatic approach is to talk to the developer and planning agent to understand how they intend to deliver a scheme so that the council can work with them. One such idea came from Urban and Civic as a three-tiered approach. “Urban and Civic introduced the idea of a three-tiered approach to the application process, where there would be a ‘key phases’ stage in between the outline and reserved matters stages,” said Steve Parkes. Tier one is the outline planning permission, which secures approval of the development specification and sets the overall framework for development, including land uses and general design principles. Tier two comprises the identification and approval of ‘key phases’ including the design and infrastructure framework for each area. Tier three covers the submission of reserved matters for infrastructure and individual development parcels within each key phase.

The usual path for larger applications is ‘two-tier’, where the applicant presents an outline application which establishes the scale and nature of the development, including phasing, and then reserved matters applications follow up on the details of the development. Houlton has adopted the three-tiered approach. The identification of areas of the larger site as key phases and the type and amount of development within them, including the framework guiding their development, is a requirement of conditions attached to the outline planning permission.

Each key phase is presented by the council’s planning officers to a planning services working party, made up of a small number of councillors, for endorsement prior to discharging the relevant conditions. The ‘key phase’ approach provides for an overall

specification of a particular part of the site and bridges the outline and reserved matters applications. Greg Vigers said:

“It took a while for us to get used to this way of thinking as we were used to the two-tiered way of working, but it made sense to us as we went along with it.”

The site now has two key phases in place with a third going through the permission process. Each key phase application includes a regulatory plan within a design guide, which coordinates reserved matters applications and sets out how builders should develop each parcel of land, without being overly prescriptive.

“The intention then is a framework for builders to ‘plug-in’ during reserved matters, and they can get on with commencement,”

said Steve Parkes.

“Many of the strategic decisions are dealt with at key phase by the councillors, so they have allowed us delegated powers to just get on with the site parcels at reserved matters ourselves.”

Early identification of technical details

Greg Vigers said:

“We walked all over site to understand the constraints and see what land is developable. We as an authority had to do this so we could get our heads around a site of this scale, and then work on the potential technical details that we could anticipate.”

Time was spent talking to technical consultees to ensure that considerations were addressed as early as possible during the pre-application and early application stages. Steve Parkes added:

“There have been relatively few major problems that we’ve had to deal with. That might be to do with the fact that the site is relatively contained and doesn’t impact neighbouring areas on that many fronts most issues have been about traffic, but we suppressed concerns early on by engaging with highways and working with them to sort out the technical details.”

The officers worked with the developer and agent to minimise the need for pre-commencement conditions during the processing of the outline application.

“Part of the reason why we get all this information up-front is so that we don’t saddle applicants with lots of pre-commencement conditions – that the work has already been done,”

said Steve Parkes. Working on technical details early on can pave the way for more strategic decisions as well.

“The green infrastructure strategy at outline really helped to conceptualise the key phases by deciding how drainage should be handled, as it was a major technical consideration. It also brought forward consideration on where we place green corridors, for example, which contributed to considerations for how the key phases link together.”

Being upfront with viability considerations

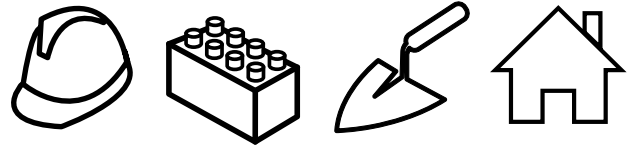
A full viability assessment was conducted by the applicants at the outline application stage which was independently assessed on behalf of the local authority. This assisted in understanding the commercial thinking of the master developer and establishing the level of affordable housing which could be supported, taking account of significant upfront infrastructure costs. A review mechanism where viability is reassessed at each key phase is incorporated in a Section 106 agreement, with a view to moving towards a policy compliant level of affordable housing provision as development of the site progresses.

Greg Vigars said:

“We have to keep to policy on affordable housing, and having the developers present their viability assessments at the application stage helps us to understand their commercial viewpoint and see where we can negotiate – and then they can work out how to provide the affordable housing we are asking for.”

Regular contact with the master developer and agent is key, as they have been able to advise planning officers upfront of what is coming forward in the submission of applications and to confirm what the priorities are commercially.

Homes England providing funding for a loan to build the link-road between the Rugby site helped to speed up delivery, as the developer would have taken longer to secure the funding which would have pushed delivery of later phases further down the timeline. The



loan has helped to build the link-road faster and has enabled 'key phase three' of the application to come forward and go through the planning process sooner.

Council capacity and project management

Underpinning the delivery of the scheme is the project management approach and the capacity and experience of the two officers dedicated solely to the Houlton development. Previous experience of dealing with major housing developments has taught them to keep concise records, as well as constantly checking which tasks need to be prioritised. The officer's monitoring system is supplemented with a quarterly monitoring report from David Lock Associates, ensuring that both sides are up to date and the data collected and recorded is consistent.

"The monitoring sheets help us to keep track of what has been done and keeps us in constant contact with the relevant stakeholder,"

said Greg Vigers.

"We can contact the builder of a particular parcel, and they can help prioritise which conditions they will be able to discharge, for example. It also helps us to keep in mind what hasn't been done yet so we can action it when the time is right."

Data management has also made it easier for the council's planning policy section, as they can keep track of construction starts and completions, attainment of the required housing mix, including affordable housing, and future phasing, so that these can be counted in the authority's five-year housing land supply.

Lessons in dealing with large-scale development

Rugby Borough Council's approach to the Houlton scheme is an example of best practice of how to deal with the complexity of large strategic sites, but this approach can apply to smaller schemes as well. Key to delivery has been the strong relationship between the stakeholders. Contact with the agent and master developer happens regularly, there is an understanding of expectations on both sides and the authority is able to understand the developer's commercial constraints.



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