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DATE: 4 March 2010

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)

Councillor Peter Bloomfield (Vice-Chairman)

Councillors Eric Bosshard, Katy Boughey, Martin Curry, Peter Dean, Robert Evans, Simon Fawthrop, John Getgood, Jennifer Hillier, Gordon Jenkins, Charles Joel, Anne Manning, David McBride, Gordon Norrie, Harry Stranger and Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY, 16TH MARCH, 2010 AT 7.30 PM**

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9TH FEBRUARY 2010 (Pages 3 - 6)**
- 4 **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

To hear questions received in writing by the Legal, Democratic and Customer Services Department by 5pm on Wednesday 10th March 2010 and to respond.

5 TAKING FORWARD THE GOVERNMENT'S RESPONSE TO THE KILLIAN PRETTY REVIEW: SECOND PROGRESS REPORT (Pages 7 - 10)

6 CONSULTATION BY DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT ON "IMPROVING ENGAGEMENT BY STATUTORY AND NON-STATUTORY CONSULTEES" (Pages 11 - 24)

7 RESPONSE TO CONSULTATION ON DEVELOPMENT MANAGEMENT AND ON DRAFT POLICY ANNEXES ON PRE-APPLICATION AND DETERMINATION STAGES (Pages 25 - 34)

8 IMPROVING THE USE AND DISCHARGE OF PLANNING CONDITIONS (Pages 35 - 44)

9 HERITAGE AT RISK (Pages 45 - 50)

10 SCHEME OF DELEGATION TO OFFICERS

Copies of this report and the draft Scheme of Delegation to Officers are to be circulated under separate cover (to follow).

11 STAFFING AND WORKLOAD IN THE PLANNING DIVISION: END OF YEAR UPDATE (Pages 51 - 58)

12 PLANNING BUDGET MONITORING REPORT 2009/10 (Pages 59 - 68)

13 NEXT MEETING

In view of the lack of business anticipated for the next meeting of the Committee scheduled to be held on 20th April 2010, the Chairman is of the opinion that the meeting should be cancelled. Members' views are requested.

The first meeting of this Committee in the next Municipal Year is to be held on 25th May 2010.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 9th February 2010

Present:

Councillor Michael (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Nicholas Bennett JP, Ruth Bennett,
Eric Bosshard, Martin Curry, Peter Dean,
Simon Fawthrop, Peter Fookes, Charles Joel,
Mrs Anne Manning, Harry Stranger and Michael Turner,

82 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Katy Boughey, Robert Evans, John Getgood, Mrs Jenny Hillier, Gordon Jenkins, David McBride and Gordon Norrie. Councillors Nicholas Bennett JP, Ruth Bennett and Peter Fookes attended the meeting as the alternates for Councillors Katy Boughey, Robert Evans and John Getgood, respectively.

83 DECLARATIONS OF INTEREST

There were none.

84 MINUTES

RESOLVED that the Minutes of the meeting held on 12th January 2010 be confirmed.

85 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

86 PRESENTATIONS ON “PRINCIPLES OF URBAN DESIGN”, “BUILDINGS FOR LIFE” AND “BETTER STREETS”

The Committee received three presentations on the issue of design, namely “Principles of Urban Design”, “Buildings for Life”, the national design standard for well-designed homes and neighbourhoods, and on “Better Streets”, the Mayor of London’s recent publication which had suggested design principles for street enhancement projects. The presentations were given by Esther Kurland, Director of Urban Design London, a network organisation which offered support, training and networking opportunities to those involved in urban design. This organisation’s activities were financed by London Councils, Design for London, Transport for

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9th February 2010

London and the Commission for Architecture and the Built Environment; the London Council's funding was provided through annual subscriptions (currently £2,000) paid by individual Boroughs.

An outline was provided of the principles of good design, the criteria for assessing the quality of developers' housing proposals within a best practice policy framework and the principles and functions required for improving the street scene environment. The Director of Urban Design London pointed out that these presentations were only a brief overview of the subjects concerned and that the issues referred to were covered in greater detail on her organisation's website. She also made reference to the training sessions which Urban Design London provided for Members and officers on these aspects.

Various comments/questions were put forward by Members, amongst which were the following:

- having regard to the pre-application process, the need for, and means whereby, developers were encouraged to provide acceptable buildings;
- the extension of existing property should take account of, and complement, the existing local street scene;
- the role of tall buildings in urban design;
- the need to take account of good architectural practice from other countries;
- the need for developers to be encouraged to consider the local character of areas in order to avoid the same type of building design throughout the country;
- buildings needed to be "fit for purpose";
- consultation was required between planners and highway engineers in the development of traffic management schemes;
- the role of Planning Inspectors in development proposals; and
- the need for incremental improvements in the enhancement of the street scene, including the de-cluttering of street furniture such as safety barriers where appropriate.

In response to some of these views, the Chief Planner's representative commented on the manner in which proposals were discussed with potential developers as part of the pre-application process and indicated that two accredited "Buildings for Life" assessors were to be employed in the Planning Division by the end of this year to assist with the pre-application stage. He assured Members that consultation took place between planners and highway engineers on the development of traffic management schemes that were appropriate to particular areas, and that the development of the Supplementary Planning Document as part of the Council's Local Development Framework would help maintain the characteristics of local areas.

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The Chairman, on behalf of the Committee, thanked Esther Kurland for her very clear and comprehensive presentations which she felt had concentrated Members' minds on the principal issues involved. It was felt that these issues should be included as part of the induction programme for newly elected Councillors in the summer.

ALEXA MICHAEL
Chairman

The meeting started at 7.00 pm and ended at 9.00 pm.

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Agenda Item 5

Report No.
DRR10/00031

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

<Please select>

Decision Maker: **Development Control Committee**

Date: **16th March 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **Taking Forward the Government's Response to the Killian
Pretty Review-Second Progress Report**

Contact Officer: Bob McQuillan, Chief Planner
Tel: 020 83134441 E-mail: bob.mcquillan@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: N/A

1. Reason for report

The second progress report has just been published and sets the context for the consultation papers, reports on which follow on this agenda.

2. **RECOMMENDATION(S)**

Members note the report

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £3.3m
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 In March 2009 the Government published its response to the Killian Pretty review of development control. Five key workstreams were identified:
- a) reducing the number of small scale developments that require a full planning application
 - b) making the planning application process more efficient and effective for all involved
 - c) improving the quality of information available to users of the planning application system
 - d) improving local authority capacity and performance in the process
 - e) streamlining the national policy framework

3.2 During 2009 Members considered and responded to a number of consultation papers addressing these five workstreams:

- In July 2009 draft proposals for consultation were published to reduce the number of small scale non-domestic developments that require a full planning application.

The consultation period ended on 23 October 2009. Subject to the outcome of the consideration of the consultation responses, it is expected that any changes will take effect in April 2010.

- In July 2009 the Government outlined how it proposed to promote a significant culture change in the way proposals for development are handled from pre application to implementation. Through the adoption of a development management approach, the Government wants to encourage a move from a largely reactive and controlling approach to proposals, to one which is more aligned to the positive and proactive delivery of sustainable development.
- In response to the Killian Pretty Review, the Government accepted the need to revise the current approach to performance targets, to move away from a narrow focus on the time taken to decide an application once submitted, to an approach which measures performance in a more holistic way.

3.3 In July 2009 a discussion paper was published on alternative ways of measuring development management performance. Any revised national indicator set would come into force in April 2011.

3.4 The second progress report and a further raft of consultation papers were published in December 2009. These consultation papers are the subject of subsequent reports on this agenda. They cover the following topics:

- *Development management: Proactive Planning from pre-application to delivery*
- *Improving engagement by statutory and non-statutory consultees*
- *Improving the use and discharge of planning conditions*

Non-Applicable Sections:	Policy, Financial, Legal, Personnel
Background Documents: (Access via Contact Officer)	Taking forward the Government's Response to the Killian pretty Review- Second Progress Report

Report No.
DRR10/00025

London Borough of Bromley

Agenda
Item No. **XX**

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **16th March 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSULTATION BY DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT ON "IMPROVING ENGAGEMENT BY STATUTORY AND NON-STATUTORY CONSULTEES"**

Contact Officer: Chris Evans, Manager, Major Developments Team
Tel: 020 8313 4554 E-mail: chris.evans@bromley.gov.uk

Chief Officer: Bob McQuillan, Chief Planner

Ward: All

1. Reason for report

The Department for Communities and Local Government has issued a consultation paper on "Improving engagement by statutory and non-statutory consultees" in the planning application process.

2. **RECOMMENDATION**

The responses set out in Appendices B and C to this report be forwarded to the DCLG.

Corporate Policy

1. Policy Status: New policy. The Statement of Community Involvement (adopted by the Council in September 2006)
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division budget
 4. Total current budget for this head: £3.3M
 5. Source of funding: Existing revenue budgets
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: not known
-

Legal

1. Legal Requirement: Statutory requirement. DCLG Consultation regarding planning applications, including consultations required by statute
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 This consultation paper sets out the Government's proposals for changes to the arrangements for consultation for statutory and non-statutory consultees on planning applications. The proposals respond to Recommendation 9 of the Killian Pretty Review of the planning application process, that –

Government should clarify and improve the process for consulting on applications so that it is clearer which organisations need to be consulted, when they must be consulted and why, what response is required, and how the response should be taken into account in the decision by the local planning authority.

3.2 The consultation paper includes a Draft Policy Statement on statutory and non-statutory consultation, which is intended to be an annex to the proposed Planning Policy Statement (PPS) on Development Management.

3.3 The paper should be read in conjunction with the proposed PPS on Development Management and proposals to improve the use and discharge of conditions. The Consultations on these documents are also reported on this agenda.

3.4 Consultation on planning applications are –

- required by statute
- non-statutory but recommended in Government circulars or PPGs/PPSs or
- identified as necessary by the local planning authority (LPA)

Most statutory requirements are set out in the Town & Country Planning (General Development Procedure) Order 1995, which has been amended on many occasions. It is not proposed to change the statutory consultees, but it is proposed to consolidate the Order later this year.

3.5 Statutory Consultees must be consulted on relevant planning applications and include the Environment Agency, English Heritage, Sport England, Natural England, the local highway authority, adjacent local planning authorities and organisations with specific interests like the Theatres Trust.

3.6 Some bodies which are statutory consultees may also be non-statutory in respect of certain types of development, other non-statutory consultees include the Crime Prevention Design Advisor.

3.7 The paper places consultation with local bodies in the context of the local planning authority's Statement of Community Interest and plan-making consultation generally, stating that the SCI should identify the bodies concerned and criteria for consultation with them.

3.8 The draft Policy Statement emphasises the importance of clarity about whom the LPA is going to consult about what and why. Unnecessary or unclear consultation wastes time and resources and can delay decisions. It sets out 9 criteria for efficient & effective consultation, as follows

1. Defining what consultation is necessary – criteria for national Government to decide on changes to existing arrangements in the future, which will be of value to LPAs carrying out local consultation – is there a clear legal/policy basis for consulting, would failure to consult cause harm to interests of acknowledged importance, does the consulted body have sufficient resources to respond (including at pre-application stage and advising on discharge of conditions)?
2. Effective consultation by the LPA - it should use e-consultation wherever possible, send information promptly, be explicit about what aspects of proposal views are required on, identify timescale for response and the legislation/policy advice that triggers consultation.
3. A clear and proportionate framework for consultation - consultees should devise “standing advice” in relation to routine consultation on large numbers of applications to give a standard response to specific types of proposal (while avoiding onerous requirements), set out guidelines on what material they require to comment on applications, and make such standing advice and guidelines available on their websites.
4. Efficient processing - the 21 day period set out in the GDPO should be adequate for consultees to comment, if consultee requires more time this should be agreed with LPA if possible (though there is no obligation for the LPA to wait beyond 21days). Time taken by consultees to respond should be reduced if pre-application advice has been sought.
5. Responding to consultation – most statutory consultees have a duty to respond, and should ensure they have internal procedures in place to ensure efficient operation at application stage and to participate in pre-application discussions. The response to an application should state that there is no comment, the consultee is content, refer to standing advice, or provide advice.
6. Providing clear and consistent advice to the consulter – where advice is given, the basis for it should be explained (supported by evidence), it should not concern matters dealt with by other legislation, be clear as to whether the concerns are “fundamental, substantive or a material consideration”. Changes or a course of action should be suggested to overcome substantive concerns. In respect of a fundamental concern, the consultee should support and advise the LPA, including if there is a planning appeal.
7. Responses by non-statutory consultees – should be clear, timely and supported by evidence. Same principles as statutory consultees apply.
8. Determination of planning applications – LPAs should take into account all responses, alongside all other material planning considerations, the weight to be attached to the responses is a matter for the decision maker. LPAs should inform consultees that a decision has been issued and how to access the notice on its website.
9. Planning conditions and obligations – a consultee suggesting either of these should explain the reason. The LPA should take account of Government advice on conditions and obligations before deciding whether to act on the consultee’s comments, and should be willing to justify a decision to the consultee.

3.9 A draft code of practice on statutory consultation is also proposed, which the Government will encourage statutory consultees and LPAs to adopt, though it will be voluntary. The document also encourages non-statutory consultees to adopt the code of practice, or a similar one. The code of practice is intended to deliver

- greater consistency in approach to consultation
- greater clarity for all parties about the process of consultation
- more efficient use of resources and fewer unnecessary consultation requests
- an improvement in the quality of response submitted to the statutory consultees to local planning authorities
- better quality of development and
- improved handling of applications.

3.10 The elements of the suggested code in respect of statutory consultees mainly concern matters set out in the draft Policy Statement including availability of information, nature of advice, good procedures, time of response, support for LPA in cases of fundamental concern, monitoring of performance and submission of relevant returns to the Secretary of State.

3.11 The provisions of the code of practice for LPAs are set out in Appendix A of this report.

3.12 The consultation document also reviews the wording of the Procedure Order regarding statutory consultation. It attempts to simplify and streamline the requirements, and includes elimination of unnecessary consultation, some expansion of requirement to consult due to new national policies, clarification of wordings of types of development referable, and change/update of name of the body to be consulted. The main changes are –

- consultation with other local planning authorities, clarified to concern development within 250m of its area and likely to affect the authority concerned.
- new consultation with GLA regarding proposals over 15,000 sq m likely to affect implementation of the London Plan
- clarification of wordings regarding consultations with Environment Agency e.g. storage of mineral oils (to include biofuels), definition of deposit/recovery/disposal of waste, also no need to consult regarding proposals for cemeteries of 100 or less burial plots, but need to consult Agency regarding development within 50m of current/former landfill site (previously 250m).

The Government proposes to review recommendations for non-statutory consultations set out in PPGs/PPSs as the advice in them is updated and amended.

3.13 The consultation document sets out some further measures to improve engagement by statutory and non-statutory Consultees, as follows –

- encouraging clearer and more consistent advice from consultees – comments should be clearly identified as being within 1 of 3 categories i.e. fundamental concern, substantive concerns or material consideration
- better information – the Government proposes a consultation information resource on the Planning Portal, and has set up an initial draft of such a web-based resource
- sharing of good practice and improving links between consultees and LPAs – examples of good practice identified by Killian Pretty are given, and could be built on
- greater use of e-consultation – this would save cost, time and paper, The e-Consultation Hub has been developed by the Planning Portal to manage exchange of documents and messages between consultees and LPAs
- award of costs in event of unreasonable behaviour – paras D7-11 of Circular 03/2009 deal with circumstances where statutory consultees and the Mayor of London may be liable to costs.

The e-Consultation Hub is an internet-based service launched 2 years ago, and has been taken up by a number of LPAs. There are details on the Portal of organisations taking part, including reports of their experiences using it.

- 3.14 The consultation document also sets out proposals for improving monitoring of performance of statutory consultees and an impact assessment setting out estimates of costs and benefits of the new proposals.
- 3.15 The consultation document asks those responding to answer 20 questions. These and some suggested responses are at Appendix B.
- 3.16 The DCLG is also consulting at the same time on a draft “Comprehensive list of nationally defined consultees in the planning application process - information report”. This sets out lists of statutory and non-statutory consultees with the references in legislation and guidance to the requirements that trigger consultation with them on planning applications. The questions in this document and suggested responses are set out in Appendix C.

4. POLICY IMPLICATIONS

It is suggested that when the Statement of Community Involvement is revised as part of the LDF process, it should take account of the proposed Policy Statement, regarding consultation with local bodies.

5. LEGAL IMPLICATIONS

The consultation document proposes consolidation of the Town & Country Planning (General Development Procedure) Order 1995 and the amendments to it.

Non-Applicable Sections:	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	Improving engagement by statutory and non-statutory consultees – Consultation by Department for Communities and Local Government, December 2009

Appendix A

Local planning authorities

The relevant provisions of the code for local planning authorities are set out below:

Local planning authorities, who are signatories to this code of practice, undertake to:

1. make developers aware, as soon as possible when approached for advice prior to the submission of a planning application, of the need to contact relevant statutory consultees, where there are significant impacts on matters of importance for which the statutory consultee is responsible
2. offer the opportunity to statutory consultees to be involved in pre-application discussions, where there are likely to be matters of significant impact of relevance to the statutory consultee's responsibilities
3. consult in accordance with statutory requirements, except where the matter is covered by standing advice issued by the statutory consultee
4. send comprehensive planning application information, relevant to the interest of the statutory consultee, within two days of the validation of the application, or within a pre arranged time-scale
5. use an electronic consultation system, where this is available, to minimise financial and environmental impact and maximise efficiencies. Wherever possible the national e-consultation hub should be used as it provides a nationally consistent process and supports the drive to raise quality standards in the planning system
6. always identify specifically the relevant statutory provision that has triggered consultation and thus identify the purpose of consultation
7. clearly indicate the end of the consultation period, when forwarding the consultation notification
8. confirm when requesting comments that it has complied with the relevant code of practice requirements and identify a compliance officer within the authority in the event of a complaint
9. notify the statutory consultee when a decision is taken on an application on which it was consulted (providing a web link to the decision notice)

In addition:

10. appoint a compliance officer who will
 - be responsible for embedding the principles of the code of practice within their authority
 - investigate any complaints about compliance of the authority with the code of practice, and provide a response within 15 working days
11. develop, where appropriate and possible, bespoke agreements with statutory consultees to provide a more tailored approach to consultation locally, which is consistent with this code.

Appendix B

Summary of consultation questions

Part 2 Policy

Q1 *Do you agree with the policy principles guiding the statutory and non-statutory consultation process?*

In general, yes.

Q2 *Does the draft policy statement provide a suitable policy framework for statutory and non-statutory consultation?*

Yes.

Q3 *Are any of the proposed policies too prescriptive?*

- i) Regarding CON2, some consultees prefer to be sent paper plans so that scaled measurements can be taken, others do refer to difficulties/cost/manpower of printing the paperwork.
- ii) Regarding CON5, standing advice may be suitable for some types of application, but each proposal has its unique aspects and has to be commented on and determined on its individual merits.
- iii) Regarding CON8, informing consultees that an application has been determined will have resources/manpower implications.

Q4 *Are there any important policy omissions?*

No.

Part 3 Code of practice

Q5 a. *are the provisions of the Code in respect of statutory consultees workable and proportionate?*

There are useful guidelines, particularly in that they emphasise the need for good liaison with LPAs.

b. *are any requirements unreasonable, and if so, please explain why?*

Points 15-17 regarding performance appear to be prescriptive and problematic at a time when public bodies have difficult resources issues, they seem disproportionate to the few problems regarding response times evidenced at Bromley.

c. *are there any requirements missing, and if so, please explain why?*

No.

Q6 *Point 17 of the Code for statutory consultees, seeks to ensure that there is a strong commitment to achieving and maintaining high levels of performance. How might this element of the Code be strengthened, whilst recognising that current levels of performance by statutory consultees varies considerably and we want to encourage all statutory consultees to sign up the Code without delay?*

See response to 5b.

- Q7 a. *are the provisions of the Code in respect of local planning authorities workable and proportionate?*

Certain of the provisions are unworkable and disproportionate, see response to b.

- b. *are any requirements unreasonable, and if so, please explain why?*

Aspects of the Code are prescriptive and inflexible. It would generally be impractical to invite statutory consultees to attend pre-application meetings, it is best for LPAs to direct applicants to the relevant consultee for separate advice on its concerns (2). It will be onerous to undertake to send information to consultees within 2 days as some applications include a great deal of documentation, and workload in planning departments fluctuates from day to day (3). Not all consultees are content to receive information electronically, some have a strong preference for receiving paper documents (5). Identifying the statutory provision in a consultation letter will limit the scope for using standard letters/emails and will involve additional staff time processing applications (6). The requirement for a compliance officer is heavy-handed and out of proportion, as Bromley has no evidence of nor has had any complaints regarding alleged poor practice in respect of consultation arrangements (8 & 10). Notifying consultees of decisions will have an unacceptable resource implication for LPAs (9). Bespoke arrangements with consultees are unnecessary in the absence of good liaison between them and LPAs (11).

- c. *are there any requirements missing, and if so, please explain why?*

No.

Part 4 Existing arrangement for consultation

- Q8 *Do you agree with the changes set out in Table A? If not, please specify what change is of concern and why?*

The Mayor of London Order sets out requirements for consultation with the GLA, and an additional criteria for consultation is considered unnecessary. Regarding 10 (t), the advice of the Environment Agency regarding any burial plots is considered very desirable, and change to this requirement is inadvisable.

- Q9 *Are there further changes that could cut down unnecessary consultation?*

No.

- Q10 *Do you agree that we should review national policy recommendations for consultation when we are updating the relevant policy?*

Yes.

Part 5 Further measures to improve engagement

- Q11 *Do you agree that there should be greater clarity and consistency in the way statutory consultees provide advice on applications? Do you agree with approach we propose and the categories of advice we have identified?*

It is considered that there is no need for this to change, in that consultees' representations are generally clear as to their level of concern. The proposed approach is considered to be unnecessary and too prescriptive.

- Q12 *Do you support the development of this consultation information resource on the Planning Portal? Do you find the format of the information useful? Is there any additional information that should be provided on this site which would be particularly useful?*

The draft list is a very useful resource, no particular additional information is suggested at this time.

- Q13 *Are there other ways, in addition to a new site on the Planning Portal, that we can encourage good practice? Are there other examples of good practice that should be included on the Planning Portal site?*

No additional ways or examples spring to mind.

- Q14 *What are the main blockages preventing greater use of e-consultation between local planning authorities and statutory consultees? Are there simple and cost effective ways that the greater use of e-consultation could be encouraged?*

Some consultees prefer to receive paper plans/documents – see response to Q3 (i).

- Q15 *Should any changes be made to Circular 03/2009 to further clarify the award of costs regime in relation to statutory consultees? If so, what changes are necessary, and why?*

No.

Part 6 Improved Monitoring

- Q16 *Do you agree with these measures to improve the monitoring of the performance of statutory consultees?*

As LB Bromley do not consider that there are any particular problems with response time from consultees, the proposed measures are considered unnecessary.

- Q17 *Are there any further measures which would strengthen the monitoring of performance?*

See response to Q16.

Part 7 Impact assessment

- Q18 *Local planning authorities, statutory consultees and applicants: do you agree with the assumptions used in the IA evidence base (Annex B) to calculate the costs and benefits of these new proposals?*

No comment.

- Q19 *Is there any evidence which you would like to submit to challenge the assumptions outlined in the impact assessment?*

No comment.

Q20 *Are there other options that can be suggested which would bring about the Government's objectives?*

No comment.

Appendix C

Questions

1. *Do you agree it is useful to have a single comprehensive list of nationally defined consultees?*
Yes.
2. *Do you find the organisation in the document useful? If no, what changes would you proposed to improve the value of this resource?*
Yes.
3. *Have we omitted a body or organisation that should be included on the list?*
Not as far as can be seen.
4. *Are any of the statutory or non statutory references incorrect?*
Not as far as can be seen.
5. *Do you have any other suggestions about how we might make this information more useful?*
No, but it would be useful to provide a similar document in relation to consultation on Listed Building Consent and Conservation Area Consent applications.

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Report No.
DRR10/00032

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **16th March 2010**

Decision Type: Urgent Non-Executive Non-Key

Title: **RESPONSE TO CONSULTATION ON DEVELOPMENT
MANAGEMENT AND ON DRAFT POLICY ANNEXES ON PRE-
APPLICATION AND DETERMINATION STAGES.**

Contact Officer: Tony Stewart, Development Control Manager
Tel: 020 8313 3663 E-mail: tony.stewart@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: Boroughwide

1. Reason for report

1.1 The Department of Communities and Local Government is consulting on proposals to provide a clear national policy framework for development management in response to recommendations made within the Killian Pretty Review. The consultation period closes on 19 March 2010.

2. **RECOMMENDATION(S)**

2.1 Members are asked to note the report and agree the consultation response set out below. This generally supports the proposals but recognises that many of the proposals reflect current development control practice.

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Boroughwide
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The consultation document is divided into eight parts and those of particular relevance are:

Part 1: Introduction

Part 2: Draft Policy Statement on development management

Part 3: Draft pre-application engagement policy annex

Part 4: Draft determination policy annex

It appears that the intention is to make Parts 2, 3 and 4 Government policy whilst the remainder is included as background information.

In addition, there are a number of consultation questions which require a response.

3.2 In the introduction, the Government describes Development Management as a positive and proactive approach to shaping, considering, determining and delivering development. It is led by the local planning authority working closely with the prospective applicants and other stakeholders undertaken in the spirit of partnership and inclusiveness, supporting the delivery of key priorities and outcomes.

3.3 The document states that the traditional “development control” method of managing development has often taken a reactive and cautious approach to the processing of applications and enforcing planning control. To enable local planning authorities to fulfil their place shaping role and to actively promote sustainable development they need to:

- facilitate development opportunities;
- influence development proposals to achieve quality outcomes; and
- solve problems to deliver sustainable development proposals.

3.4 The PPS encourages a fundamental culture change for Officers and Members across the Authority to promote and achieve the vision and objectives agreed in their development plan and sustainable community strategy. However, it is important that development management retains the established practice of proper consideration and transparent determination of planning applications.

3.5 In Part 2, the Government has set out a draft planning policy statement on development management. It provides strategic direction on how development management services should be framed for success but also allows flexibility of application.

3.6 A number of annexes to the PPS will provide detailed policy on specific stages of the process:

- Pre-application (included with document)
- Application
- Consultation
- Determination (included with document)
- Appeals
- Delivery
- Monitoring
- Special Consent Regimes

- 3.7 There are 7 policies in this part which set out the Government's overall approach. These include policies for:
- partnership working between parties with a key role in delivering significant development
 - putting planning policy into action
 - front loading (i.e. pre-application engagement): this should be offered wherever appropriate and there should be clear guidance on how the engagement will work
 - a proportionate approach to the assessment of development (dependant upon scale and impact). As part of this approach there should be regular reviews of delegation and business processes.
 - effective engagement – which should ensure a fair and open process whilst enabling active participation by stakeholders and the community
 - proactive delivery – i.e. supporting the implementation of approved developments by ensuring commencement is not unnecessarily delayed by pre-commencement requirements or obligations and providing effective co-ordination between relevant services within the Authority e.g. planning, building control and environmental health
 - monitoring and review of development outcomes
- 3.8 In Part 3, there is a draft policy annex on pre-application engagement which sets out policies on:
- the pre-application planning service and how it should operate
 - dealing with advice on smaller scale developments which may not require pre-application discussion
 - guidance that should be provided by the Authority
 - the key participants at the pre-application phase, which should include statutory consultees and Members
 - fees for pre-application engagement
- 3.9 Part 4 of the draft PPS sets out a draft determination policy annex which local planning authorities must take into account when they determine planning applications. The document sets out the established policy framework (including PPG's, Circulars and policy statements etc) and specific policies covering the following aspects:
- the statutory development plan
 - emerging DPD policies
 - prematurity
 - Government statements of planning policy
 - non-planning legislation
 - other material considerations
 - private interests
 - the role of the Secretary of State
 - propriety
- 3.10 The latter part of the document explains that the Government proposes to prepare a suite of detailed policy annexes to the new PPS on development management and sets out its progress in delivering these. The consultation process itself is also explained, together with an impact assessment of costs and benefits.

- 3.11 Whilst the draft PPS refers to a culture change in the service and a change in attitude of officers and Members, many of the proposals promoted already form part of the Development Control service and have been refined over recent years. For example, Members will be aware that the scheme of delegation is reviewed regularly, that specific arrangements have been agreed for pre-application discussions and, following the lean review, the Division regularly reviews the planning application process.
- 3.12 There is also a basic shift in emphasis towards speedy decisions and delivery, particularly in respect of larger scale developments. Whilst this is to be supported, greater engagement with developers at all stages of the planning process should be balanced with corresponding community involvement to ensure an equitable outcome. In addition, there may also be issues of probity and pre-determination where Members are involved at the pre-application stage and the guidance should be expanded to provide detailed advice on this.
- 3.13 The draft PPS and accompanying annexes re-state many of the basic principles of planning (set out in previous guidance) and confirm the importance of the development plan although there is again a shift of emphasis to include consideration of other strategies (e.g. community strategies) and in essence to reflect the move toward the LDF approach.
- 3.14 As regards the Secretary of State's role on the new approach, it would appear that intervention is unlikely, as local development proposals should not have any implications at regional or national level.
- 3.15 In respect of the impact assessment, it is suggested that any increased costs resulting from the development management approach (and its emphasis on the pre-application phase) will be offset by potential fees and transferred resources from the later stages of the process (which can be enabled by efficiency savings and process improvements). However, given the considerable variation in local arrangements and circumstances, it is considered that there could be resource implications which would need to be properly assessed.
- 3.16 Generally, the proposals and processes set out in the document and annexes can be supported although, as previously stated, many of the arrangements proposed already form part of the current Development Control service.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. PERSONNEL IMPLICATIONS

7.1 None

Non-Applicable Sections:	[List non-applicable sections here]
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Background Documents: (Access via Contact Officer)	Development Management: Proactive planning from pre-application to delivery. Consultation on a draft new planning policy statement on development management, and on draft policy annexes on pre-application and determination stages.
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Consultation Questions

Development Management (Part 2)

1. *Do you agree with the objectives we have identified for development management? If not, what amendments to these objectives would you suggest?*

The principles of Development Management are generally supported although the objectives identified are more appropriate for large scale projects. In any event most are already part of the Development Control process.

2. *Do you consider that the seven key elements identified for development management suitably reflect the objectives and the role of development management in the local authority context? If not, what amendments to these elements would you suggest?*

Broadly acceptable

3. *Do you agree that we should give each authority the discretion to tailor their development management service to local circumstances? If not, what alternative would you suggest? For example, should we provide a more prescriptive national policy?*

Yes, this is the only way it will work successfully.

4. *Do you consider that the proposed development management policies provide a suitable overarching national policy framework within which local working practices can be framed?*

Yes

5. *Are any of the proposed policies too prescriptive? If yes, please indicate which ones, and suggest alternative wording or approaches.*

No comment

6. *Are there any topics relevant to development management which you would like to see in covered in:*

(a) no comment

(b) guidance on enforcement and Members' role at pre-application stage should be provided.

7. *Overall, does the proposed new planning policy statement on development management provide an effective way of supporting existing local planning authority good practice in development management, and of guiding improvements where they are needed? If not what amendments or additional/alternative approaches should be considered?*

The guidance in many respects encapsulates existing practice and improvements already being introduced by local planning authorities. In its final form, the guidance should set out a clear definition of Development Management.

Draft pre-application engagement policy annex (Part 3)

8. *Do you agree with the pre-application principles? If not, what amendments to these principles would you suggest? Are there any additional principles which should guide local planning authorities to ensure a good quality and effective pre-application service?*

The principles are broadly supported although clear and specific guidance will be required on the role of Members at the pre-application stage.

9. *Do you agree with the draft policy (PA1) on pre-application planning services? If not, what amendments would you suggest?*

Generally agreed, but the approach needs to be proportionate to the scale of development.

10. *Do you agree with the draft policy (PA2) on the approach to be taken to pre-application advice for small scale development? If not, what amendments would you suggest?*

Agreed. This has already been adopted.

11. *Do you agree with the draft policy (PA3) on the need for clear LPA guidance on pre-application advice and discussions? If not, what amendments would you suggest?*

Agreed.

12. *Do you agree with the draft policy (PA4) on the proposed scope for involvement of key participants at the pre-application stage?*

There is currently inadequate information to indicate how this will work effectively.

13. *Do you agree that the extra resources spent by applicants at the pre-application stage will be compensated by savings at the post-application stage? If not, please explain.*

There appears to be insufficient evidence to indicate that this is generally the case. Much will depend upon local arrangements and the level of service offered.

14. *Should specific fees for pre-application engagement be established in planning legislation, or do the current powers under the Local Government Act 2003 make adequate provision?*

There is already adequate provision. Current arrangements appear to work well.

Question on the draft determination policy annex (Part 4)

15. *Do you consider that the draft policy on determining planning applications is a good replacement for The Planning System: General Principles? If not, what amendments would you suggest?*

No comment.

16. *Will the draft policy on determining planning applications be useful to LPAs in terms of applying a development management approach when making planning decisions? If not, what amendments would you suggest?*

No comment.

Question on the consultation stage impact assessment (Part 8)

17. *Do you agree with the assumptions made in the estimation of the costs and benefits in the consultation stage impact assessment? We welcome evidence from LPAs and applicants on the likely impacts of the proposal.*

Insufficient information or evidence has been provided to comments on this.

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Report No.
DRR10/00033

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **16th March 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **IMPROVING THE USE AND DISCHARGE OF PLANNING
CONDITIONS**

Contact Officer: Andrew Lambert, Deputy Development Control Manager
Tel: 020 8461 7969 E-mail: andy.lambert@bromley.gov.uk

Chief Officer: Chief Planner: Bob McQuillan

Ward: Boroughwide

1. Reason for report

To advise Members of the Development Control Committee of the content of the above Department of Communities and Local Government Consultation paper.

2. **RECOMMENDATION(S)**

2.1 Members are recommended to adopt the contents of the report as the Local Authority's response to the consultation.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 Introduction

This Consultation sets out the Government's proposals for changes to the planning system in relation to:

- The use of planning conditions
- Processes for discharging planning conditions

The consultation period runs until the 19th March 2010.

The Paper is the Government's response to the Killian Pretty recommendation that the approach to planning conditions should be comprehensively improved to ensure that conditions are only imposed where justified and that the processes for discharging conditions are made clearer and faster. The Killian Pretty review identified the need to make the planning system more effective and found that the discharging of planning conditions was a problematic stage in the planning process.

Alongside this consultation paper the Government have published in full the WYG research report *Improving the Process of Discharging Planning Conditions*.

Members will note that the consultation document *Improving the use and discharge of planning conditions* and the WYG research report are available as background documents. These should be read together with this report.

In addition, the government has been working with the Planning Inspectorate (PINS) on an updated list of model conditions. This list is intended to replace the guidance on model conditions contained in Circular 11/95.

The Consultation Paper proposes updates to policy on the use of planning conditions and offers a package of measures aimed at improving the discharge of planning conditions. The measures suggested are as follows.

3.2 Summary of Proposed Policy Changes

The Paper proposes the withdrawal of Circular 11/95 on Conditions and the introduction of a new policy annex to supplement the forthcoming Planning Policy Statement on Development Management. The new policy will require that conditions should normally be consistent with national planning policies, should not duplicate matters regulated under other Legislation and should meet the six tests for planning conditions, i.e. they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects.

The new policy will provide advice on the use of S106 Agreements and this Consultation seeks views on two different options for the policy wording. Option A would prevent the use of a condition to require applicant's to enter into a s106 legal agreement and option B indicates that conditions may only be imposed to require a S106 in very exceptional circumstances.

3.3 Summary of Proposed measures to improve the discharge of planning conditions

The Paper proposes that the discussion of conditions should be a key component of pre-application engagement and this proposal forms part of the wider concept of the move toward development management.

Decision notices should also be organised to group together different types of planning condition. Planning conditions usually fall into one of four types, the standard time limit condition, pre-commencement conditions, pre-occupation of site conditions and regulatory conditions. The Paper suggests that these be set out under separate headings. The Government propose that decision notices should be shared with applicants for major schemes, before decisions are taken and this Consultation seeks views on whether the Council supports the principle of this proposal.

The Government also proposes to shorten the time limits for Local Planning Authorities to determine applications for consent, agreement or approval required by a condition attached to a planning permission. In order to drive up the performance on the discharge of conditions, the Paper proposes that the time limits for the discharge of conditions on householder permissions be reduced to 4 weeks and 6 weeks in all other cases.

The Paper proposes to introduce a “fast track” service for conditions appeals and the introduction of a planning services key performance indicator to include the use and discharge of planning conditions.

Further measures which would require legislation to bring them into force would require developers to notify the Local Planning Authority prior to starting development, require the developer to display decision notices and conditions on site and give default approval for applications made for consent, agreement or approval required by a condition attached to a grant of planning approval, if applications are not determined within the time limits.

3.4 Implications for Bromley

The implications for Bromley appear to be quite extensive. Whilst the Council welcomes the update of guidance on planning conditions, the guidance on the imposition of conditions relating to S106 Agreements is of particular concern. Although the Council acknowledges the move toward the introduction of Community Infrastructure Levy as a means of replacing planning obligations, there will be some considerable time delay before new arrangements can be brought into force.

There are further implications on the Council’s workload. It is often difficult to discharge complex planning permissions, for example, in relation to contaminated land within the existing time periods. This problem would be exacerbated with the proposed reduction in time periods for determining discharge of condition applications. It may also lead to the Council having to return fees if they are unable to meet the timescales, with subsequent loss of revenue. The Council would also be concerned that the quality of development would be compromised if developers are given consent in default if Local Planning Authority’s are unable to discharge planning conditions within the specified period.

Additional financial commitment may also be required to enable the Council’s computerised planning application management system to be redesigned to allow decision notices to be structured. The Paper does not indicate who would be required to monitor that decision notices are displayed on site and the Council would lack resources to enforce this requirement.

These specific areas of concern with regard to the proposals are highlighted in the attached responses to the consultation questions. It is therefore recommended that Members endorse the suggested responses, which will then be forwarded to the Department of Communities and Local Government.

3.5 Consultation questions:

Questions on proposed policy annex (Part 2)

1 Please provide your comments on the proposed new policy on the use of planning conditions, as set out in Part 2 of this document.

Bromley Council welcomes the emphasis on agreeing the appropriate level of detail to be submitted as part of an application during the pre-application stage, with the aim of keeping conditions to a minimum. The Council's conditions monitoring resources are stretched as developers are often keen to bring forward schemes without sufficient detail, resulting in matters being agreed after the application has been determined. The Council recognises the benefits of structuring decision notices. The Council is concerned that the new policy with regard to S106 agreements would prevent them imposing a Grampian style condition at all or except in specified exceptional circumstances.

2 In policy C018 in Part 2 of this document, Option A repeats the general principle established in Circular 11/95, that planning permission cannot be granted subject to a condition that the applicant enters into a planning obligation. Option B retains the general principle but provides additional policy guidance on the use of such conditions in exceptional circumstances, and on how they can be appropriately drafted.

2 (a) Which is the better policy approach to granting planning permission contingent to the completion of a s106 agreement? Option A or Option B?

The Council would object strongly to option A. The Council considers that option B does not give sufficient scope for the use of conditions to require S106.

2 (b) If you support Option 3, do you agree with the 'exceptional circumstances' suggested, and is the additional policy interpretation guidance helpful?

The Council has considerable experience of dealing with S106 matters. Requiring agreements to be resolved in advance will slow the application process down, add costs to developers at a point where they may not find it easy to commit funds and much needs to be resolved before schemes can progress. This would be an additional burden if development does not proceed..

Questions on proposed measures (Part 3)

Measure (1): Discussion of potential conditions to be a key component of pre application engagement

3 Other than new policy references, are there other measures which could be used to encourage pre application discussions, and including matters relating to the use of planning conditions within these discussions?

A new PPS on Development Management will give guidance on front loading. Bromley Council would notify regular agents of this requirement via an agents' forum and would publicise revised requirements on the Council web site.

Measure (2) Structuring decision notices

4 Do you agree we should commend the use of structured decision notices along the lines recommended above?

This would make decision notices easier for stakeholders to understand and would enable conditions monitoring to be more straightforward. However, the Council will need to devote resources to re-writing standard planning conditions to ensure that conditions are split so that do not require various actions eg, the submission and approval of a scheme prior to commencement, and the implementation of the approved scheme on site.

5 If yes, what would be your preferred method of implementation?

5(a) Encourage LPAs to structure their decision notices as good practice?

5(b) Include the structuring of decision notices within policy as a specific requirement?

5(c) Make this a statutory requirement through an appropriate legislative change?

6 To which kinds of applications should this apply?

This Authority considers that it would be sufficient to encourage LPA's to structure decision notices as a matter of good practice.

Measure (3) Sharing draft decision notices for major applications with applicants before decisions are taken

7 Do you agree that sharing draft decision notices with applicants in advance of making a decision (in the case of delegated applications) or of the planning committee meeting would help to ensure that conditions imposed accord with national policy and meet the six policy tests?

In principle, this Authority does not object to the principle of discussing conditions with applicants as a matter of good practice. However, planning officers are usually better placed to determine whether proposed conditions meet the tests for conditions than applicants and agents. Discussion regarding conditions should take place prior to submission of an application or at the earliest stage possible during the course of an application. The Council is unsure of the specific benefits that sharing decision notices with applicants 5 days prior to determination. There is also enormous potential to delay the issue of a decision notice within an 8 week period whilst the applicant/agents makes comments or delays matters.

In this Authority, to provide value for money case officers are expected to carry significant workloads with many demands on their time and are expected to achieve performance targets. The proposed measure may impact on the Council's ability to meet targets.

8. If this measure is taken forward, do you believe this should be made a statutory requirement, rather than encouraged as good practice?

If this measure was taken forward it has to be a statutory requirement to ensure all local planning authorities are acting equally.

These measures focus on the work and practices of Local Planning Authorities. There is limited onus or responsibility put on applicants to discuss proposals in sufficient depth in advance, and to develop well thought through proposals which will reduce the need for conditions. There is a very real risk that

measures such as these will add to workload, cost and delay in advance of a decision rather than allowing matters to be resolved post decision when an applicant has the benefit of permission and the time to address matters as and when they want.

9. If this requirement or recommendation were introduced, would the proposed five day timescale be reasonable and achievable?

No, as described in question 7. Possible increase in costs (where postal correspondence required) increased officer time in managing a procedure all for very little gain.

9. (a) If not, would that alternative proposal of 10 days be reasonable and achievable?

Again, the principle applies that the proposal would produce very little positive gain whether 5, 10 or 15 days prior to determination.

9. (b) If not, what timescale do you think would be reasonable and achievable?

Please see answer to 9(a)

10 Besides the LPA and the applicant, should other parties be able to access and comment on the draft decision notice? In what circumstances would this be appropriate?

In some limited circumstances a neighbour to the site who is particularly affected by the proposed development could benefit by the certainty of seeing any proposed mitigating conditions to reassure themselves. This should be organised at the discretion of the LPA. Again this has resource implications

Measure (4) Shortening the time limits for discharging conditions

11 Do you agree that time limits for dealing with an application for written consent, agreement or confirmation required by a condition should be tightened?

No. The current system works very well.

12 Do you think the time limits proposed here are reasonable and achievable, namely four weeks for applications related to householder development and six weeks for all other development?

No. The current time limits work well with the ability of the LPA to extend and reduce limits with discretion of the LPA and agreement of the applicant. The proposal would be likely to result in more Discharge of Conditions applications being refused as issues cannot be satisfactorily resolved within the proposed time periods.

13 If not, what alternative limits would you suggest and why?

N/A

14 Would you support an equivalent change to the timescales for decision on section 73 variations?

No

15 Do you think that we should amend the Fees Regulations 2008 to require that where an application of the types listed above has not been determined within the relevant timescale the full fee should be refunded?

No. The relevant system of refunding after 12 weeks unless otherwise agreed with the applicant is satisfactory and we have received no objection or concern from applicants.

Measure (5) A planning services key performance indicator to include the use and discharging of conditions

16 Do you agree that the performance of local planning authorities in handling applications to approve details required by a condition should be monitored and taken into account in a new performance indicator?

LPA's are likely to carry out their own performance monitoring to check the level of staff performance and income related to amount of work. It should not be an issue to collect this data.

17 Have you any specific suggestions about how best this matter could be monitored, in an efficient and effective way?

In a similar way to planning permissions as most LPAs are probably recording the discharge or variation of conditions like planning permissions.

Measure (6) A fast-track conditions appeals service

18 Do you think a conditions appeals service, as described, could work for the types of appeals proposed? If not what amendments do you suggest?

The number of such appeals appears to be small so the benefits of a specific appeals service for these types of appeals seems limited.

19 Other than those already suggested, are there any types of appeals which should be excluded from a fast-track conditions appeals service?

Enforcement appeals

20 If refusal of section 73 applications were made eligible for the potential fast-track conditions appeal service, should those section 73 applications which only seek to vary approved plans be excluded?

No. Any relevant plans submitted for consideration should be able to be submitted in the usual fast track manner.

21 Third party involvement has been excluded from the proposed conditions appeals service as comments on the original application will have been taken into account when that application was determined, and reflected where appropriate in the conditions attached to it, and the initial consultation on that application will have referred to the fact that that this is the case and their representations will be taken into account in the event of any subsequent conditions-related appeals. Is this a reasonable assumption?

Yes

22 If third parties were for be included in the proposed conditions appeals service, how could this be managed effectively in order to ensure an appropriate balance between inclusiveness and efficiency?

This authority would argue that involving third parties at this stage will make a fast track system slow and defeat the fast track objective. Appeals which require an opportunity for a third party to make a second comment are not the type of appeals which should be fast tracked.

Measure (7) Developer to notify LPA prior to starting development

23 Should we seek legislative powers to require those implementing a permission to inform the LPA when they commence development?

Yes. This would be very helpful

24 If you agree this measure should be introduced: (i) how much, if any, advance notice should be given before works start; and (ii) should this requirement apply to major applications only, or all schemes.

This should apply to all schemes. The notice should be received no later than 7 days before the expected commencement of works.

It may also be a consideration to require the developer to notify all parties who expressed an interest in the application.

Measure (8) Developer to display of decision notices and conditions on site

25 Should we seek legislative powers to require those implementing a permission to put up a notice displaying the planning permission and all pre commencement approvals required by condition?

The issue of displaying any notices is the maintenance for the responsible party and enforcement of such a requirement. Many authorities experience great difficulty in securing notices on site which are commonly removed accidentally or otherwise. It would seem unwise to apply harsh legislative action relating to this function when interested parties receive a copy of the decision notice if required and the decision notice is freely available to view on most LPA websites.

26 Should this requirement apply to major applications only, or all schemes?

This requirement should not apply.

27 Are there further steps that should be taken to make information about decision notices and conditions publicly available?

The developer could be required to write to any interested parties and enclose a copy of the decision notice with notification of there intention to commence works.

Measure (9) Default approval for applications made for consent, agreement, or approval required by a condition attached to a grant of planning permission.

28 Should we seek legislative powers to allow for default approval of applications required to discharge planning conditions?

No. If an default approval is introduced there is a risk that LPAs will be forced to refuse applications to discharge planning conditions when they get close to the deadline, even when they could be potentially close to agreeing a complex scheme/resolution. An enforced premature refusal will lead to annoyance, unnecessary work for all parties and a likelihood of no amicable resolution.

29 If default approval were introduced, how much time would it be reasonable to give local planning authorities to consider such applications?

This should not be introduced. If it is, a default time of at least 12 weeks for minors and 20 weeks for major applications.

30 Are there any matters that should not be subject to a default approval method?

No

Questions on consultation stage impact assessment (Part 6)

31 Do you have any questions on the consultation stage impact assessment particularly the anticipated benefits for applicants?

N/A

Non-Applicable Sections:	Policy, Financial, Legal, Personnel
Background Documents: (Access via Contact Officer)	Improving the use and discharge of planning conditions Consultation Improving the process of discharging planning conditions

Report No.
DRR10/00034

London Borough of Bromley

Agenda
Item No. **XX**

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **16th March 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

TITLE: HERITAGE AT RISK

Contact Officer: Jacinta Fisher, Conservation Planner
Tel: 020 8313 4664 E-mail: jacinta.fisher@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: All

1. Reason for report

English Heritage published the Heritage at Risk Register in 2009 which refers to listed buildings, registered parks, scheduled ancient monuments and conservation areas. This report refers to those properties on the Register in the London Borough of Bromley with special emphasis on properties that are in Council ownership. The measures being taken to secure the future of properties and have them removed from the register is described; properties that are being considered for inclusion on the 2010 edition of the HARR are listed.

2. **RECOMMENDATION(S)**

Members are asked to:

- (i) note the properties in English Heritage's Heritage at Risk Register 2009 (particularly those in Council ownership) also the measures being taken to secure their future and thereby remove them from the register in due course.
- (ii) consider the list of properties to be added to the Heritage at Risk Register in 2010.

Corporate Policy

N/A

Financial

1. N/A
 2. N/A
 3. Budget head N/a
 4. Total budget for this head £
-

Staff

1. Number of staff (current and additional) – N/A
 2. If from existing staff resources, number of staff hours – N/A
-

Legal

1. Non-statutory - Government guidance:
 2. Call-in is not applicable:
-

Customer Impact

Estimated number of users/beneficiaries (current and projected) - N/A

3. COMMENTARY

3.1 The Heritage at Risk Register (HARR - formerly the Buildings at Risk Register) is compiled by English Heritage every year and aims to understand the overall state of England's heritage by assessing each of its different components. In particular, it seeks to identify those heritage assets that are facing the greatest pressures and threats.

3.2 The register includes listed buildings of all grades as well as scheduled monuments, registered parks and gardens and conservation areas. There are 22 items on the register within the boundaries of the London Borough of Bromley, five of which are Scheduled Monuments and one of which is a Registered Park (there are no Conservation Areas at risk in the Borough). Seven of the properties are owned by the London Borough of Bromley of which two are currently undergoing works and are expected to be removed from the register when the works are completed.

3.3 The properties on the register under London Borough of Bromley ownership are as follows:

(i) 28 Beckenham Road, Beckenham (referred to as The Studio in HARR 2009),

A Listed Building Consent and Planning Application have been submitted for 'disabled access lift, covered buggy store and glazed entrance canopy to northern elevation together with refurbishment of building'. These applications have not yet been determined as amended plans are being awaited from the applicants (Citygate Church). It is envisaged that this property will be removed from the Heritage at Risk Register once works have been completed and the building has been re-occupied.

(ii) Balustraded Walk at Royal Watermen's Asylum, High Street, Penge

Listed Building Consent has recently been granted for 'repair and reconstruction of balustrade/ repair and reconstruction of brickwork piers'. Work is due to commence before the end of the financial year. As such, it is envisaged that this property will be removed from the Heritage at Risk Register in when works are completed.

(iii) Pedestrian subway under Crystal Palace Parade, Crystal Palace Parade

The Victorian vaulted pedestrian subway linked the High Level railway station (now redeveloped) to the former Crystal Palace under Crystal Palace Parade. It is currently in a poor condition with some concern regarding the structural stability of the boundary walls which is being investigated. It is likely that significant investment would be required to repair this area in order to make it safe for reuse or public access. English Heritage have indicated that grant funding may be available due to it being on the HARR. Estimates are being made of the costs of such work and potential options for re-use are being examined.

(iv) Upper and Lower Terraces, Crystal Palace Park

The terraces contain a number of balustrades and steps built at the same time as the original Crystal Palace. The structures are mainly in a poor condition with many loose or missing sections. The Masterplan for Crystal Palace Park includes proposals for the repair of these areas (without any indication of the extent or source of funding required). The Masterplan was subject to a public inquiry in 2009 and it is expected that a decision will be given in July 2010.

(v) Former National Sports Centre, Ledrington Road, Crystal Palace

Repair and refurbishment work on this property has been completed by the London Development Agency and as such it will be removed from the register in 2010.

(vi) Crystal Palace Park (Grade II* registered park at risk)

The Masterplan for Crystal Palace Park was subject to a public inquiry and it is expected that a decision will be given in July 2010.

(vii) Old Town Hall, Tweedy Road, Bromley

The Old Town Hall is on the HARR because it is currently vacant and awaiting a new use. It will be removed once the building has been re-occupied.

3.4 The HARR also includes 4 Scheduled Ancient Monuments on land owned by Bromley Council:

- (i) camp on Keston Common (at risk from visitor erosion);
- (ii) High Elms Ice House (at risk from scrub/tree growth);
- (iii) Romano-British masonry building and Saxon cemetery, Fordcroft, Orpington (at risk from vandalism)
- (iv) Romano-British site Wickham Court Farm, West Wickham (at risk from arable ploughing)

3.5 Privately owned properties on the HARR in the Borough are as follows.

(i) Derwent House, 68 Camden Park Road, Chislehurst:

Work is currently being carried out to implement the Listed Building Consent and Planning Permission granted in 2004 and it is envisaged that this property will be removed from the register when works are completed.

(ii) Crystal Palace Low Level Station

Consent for upgrading the station ticket hall has been granted and works have commenced. It is envisaged that this property will be removed from the register on completion of works.

(iii) West Camp, Main Road, Biggin Hill (four separate entries):

The former RAF buildings at West Camp have been vacant for some while and there is evidence of deterioration. A plan has been prepared by the Council for re-use of the properties as a business park and negotiations are continuing with the owners with a view to securing the re-use of the buildings.

3.6 There is no further update on the properties 20-22 Hamlet Road, Crystal Palace, the Icehouse to Sundridge Park, Plaistow Lane or Downe Court Manor, Cudham Road, Downe.

3.7 The following privately owned buildings are proposed to be added to the 2010 HARR:

- (i) The Royal Bell Hotel, Bromley High Street (Grade 2 Listed and Conservation Area) - currently vacant and boarded up;

- (ii) The Star and Garter Hotel, Bromley High Street (Grade 2 Listed and Conservation Area) - currently vacant.
- (iii) Pulham Rockeries, Bromley Civic Centre Site (Grade 2 Listed) have suffered from neglect in previous years as they were buried and unknown. However, work has been carried out by the 'Friends of Bromley Town Parks' to uncover the rockeries and to remove damaging vegetation from them. Consideration is being given to an application to the Heritage Lottery Fund to continue that work.
- (iv) Klinger Factory Building, Edgington Way (Grade 2 Listed) - currently vacant.
- (v) Holwood Mediaeval Tile Kiln (Scheduled Monument) has been suffering from water ingress due to failure of structure built as a shelter.

4. POLICY IMPLICATIONS

4.1 The strategic objective in the UDP is to preserve, enhance and raise awareness of the Borough's heritage,

5. FINANCIAL IMPLICATIONS

5.1 The inclusion of a property on the HARR means that it can become eligible in some cases from grant funding from English Heritage.

Non-Applicable Sections:	Legal, personnel implications
Background Documents: (Access via Contact Officer)	Heritage at Risk Register 2009

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Report No.
DRR10/00029

London Borough of Bromley

Agenda
Item No. **XX**

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **16rd March 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

**TITLE: STAFFING AND WORKLOAD IN THE PLANNING DIVISION-
END OF YEAR UPDATE**

Contact Officer: Bob McQuillan, Contact Officer's Title Chief Planner
Tel: 020 8313 4441 E-mail: bob.mcquillan@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: N/A

1. Reason for report

- 1.1 At the Chairman's request Committee on 3rd November considered a report on the staffing and workload position in the Planning Division. This report provides an end of municipal year update.
-

2. **RECOMMENDATION(S)**

- 2.1 Members note the report.

Corporate Policy

N/A

Financial

1. N/A
 2. Recurring cost
 3. Budget head N/A
 4. Total budget for this head £N/A
-

Staff

1. Number of staff (current and additional) – N/A
 2. If from existing staff resources, number of staff hours – N/A
-

Legal

1. No statutory requirement or Government guidance
 2. Call-in is not applicable:
-

Customer Impact

Estimated number of users/beneficiaries (current and projected) - N/A

3. COMMENTARY

- 3.1 At the Chairman's request, this report updates Members on the current workload and staffing position in the Planning division. Where appropriate current workload and staffing are compared with that for previous years. Carrying out a meaningful comparison exercise has of course been affected by the recession. As the budget monitoring report (Included elsewhere on this agenda) explains management action in response to the recession has resulted in 13.63 posts being held vacant and a number of other reductions in running expenditure.
- 3.2 To ensure that the Council maintains performance levels and compares favourably with that of other boroughs, further ongoing examination of the budget, work loads and fee income will be required over the next year. This will ensure that the Council has the staffing levels required to deal with and respond to both, the Councils statutory obligations and to our customers needs, demands and workloads when the Building Industry fully recovers.
- 3.3 Each of the different sections within the Division is looked at below.

Development Control

It is convenient to look at the constituent parts of the development control service.

Major Applications

The manager of the Majors team is supported by a deputy, 2 planners and one technical support officer. Major applications by their nature are complicated and time consuming to handle. For the period December 2009-March 2010, an additional planner has joined the team from the non majors team to assist with the workload. This additional resource together with the others referred to below was made available following discussions with the Chairman and Vice Chairman and the Portfolio and responded to an increase in workload and fee income.

Pre application meetings are an important part of the work. Consistently over the last 2 years there have been about 7 each quarter. Those requesting pre-application meetings pay £1000+vat for the first meeting and £500 for a follow up meeting.

Between April and September 2009 , an average of 10 major applications were received each month. This has increased to an average of 13 each month (October-January).

The majors team is also involved in appeal work including this year the 6 week Crystal Palace Park Local Inquiry, the management and monitoring of the section 106 procedure, the screening of proposals for compliance with the Environmental Impact Assessment Regulations, discharge of conditions and contributing to the Bromley Area Action Plan.

The majors team also deals with general queries relating to Biggin Hill Airport as well as development proposals, some of which can be carried out as permitted development.

Non Major Applications

Between November 2009 and February 2010, 1010 applications were received by the team. This compares with a figure of 909 applications for the same period last year. This represents a 11.1 % increase. Following the discussions with the Chairman and Vice Chairman and the Portfolio Holder referred to above, 2 temporary staff have been employed initially for the period January – March 2010. This was to cover the temporary transfer of an existing staff Member to the Major's team and the absence of another member of staff.

If the number of applications continue at the current level this would require a reassessment of staffing levels.

Planning Reception, Telephone Enquiry Team and Planning Support

This group of staff deals with many of the initial face to face and telephone enquiries as well as providing administrative back up. Monies associated with these services are taken and receipted. Payments are also taken at the reception for skip licenses/crossovers/special collections/street trading and cemeteries.

Many individuals and land charge search agents carrying out searches for clients require access to the public register.

Many members of the public require access to and help interpreting planning applications.

Calls to the telephone enquiry team are usually around 3000-3500 each month. The 2 TET staff are supported by a duty planner who responds to more technical queries by telephone or personal callers to reception.

Appeals

296 appeals were lodged in 2009. This compares with 337 in 2007 and 334 in 2009. The small reduction in number reflects no doubt the impact of the recession on economic activity and the development process. In the first 2 months of 2010 40 new appeals have been lodged, reflecting the number received during the same period in 2009. The high appeals workload continues to be reflected in the significant number of informal hearings (62) and local inquiries (18) during 2009.

3.1 FTEs are involved fulltime in the administration and delivery of appeal statements. The remainder of the appeals workload is shared throughout the Planning Division.

Up until the end of 2008, 3 part-time planning consultants were employed to assist in the delivery of appeal statements. Due to the downturn in the number of appeals none are currently engaged and this work is currently being undertaken entirely in-house by other planning staff in addition to their normal duties.

Planning Investigation

Since the mid 1990's complaints about alleged breaches of planning control have consistently averaged around 900-1000 each year. The figure for 2001 and 2002 was slightly higher at 1100-1200. In 2009 944 complaints were received and investigated by the Divisions 3 full-time Planning Investigation Officers resulting in the issue of 113 enforcement notices.

Planning Strategy and Heritage

The Planning Strategy and Heritage (PSH) team of 15 people was formed in 2009 from a merger of Development Plan and Heritage and Urban Design following the retirement of the Head of Development Plan. The role of the new team (that currently has two vacancies) covers all planning policy matters, in particular the Local Development Framework (LDF), urban design, conservation, World heritage, IT planning systems and data, tree protection and high hedge complaints.

There has been a marked increase in workload arising from the legislation that introduced spatial planning in 2004. In particular, an extensive evidence base is needed for the LDF (Members will recall the list of studies and assessments attached to the report to DCC on 21st April 2009). The Local Development Framework (LDF) will replace the UDP in due course as

the Council's principle land use planning tool and work has begun on the Core Strategy with the establishment of the LDF Members Advisory Panel.

The team prepared the Council's response to the Mayor on the draft replacement London Plan. A decision is awaited on the bid for World heritage status of the landscape near to the village of Downe, the home of Charles Darwin.

The PSH team's continuing workload includes the following:

- preparing responses to government consultation on policy matters; also advice on urban design, biodiversity, planning policy and conservation as well handling listed building applications;
- managing a number of information systems and databases on development including the Census;
- projects such as the Biggin Hill Heritage Centre, and the Orpington Masterplan
- bringing forward Supplementary Planning Documents (SPDs) eg on Affordable Housing and in the future on Planning Obligations.
- IT support for the Planning Division, in particular the Uniform planning applications system;
- production of digital maps via ArcView the Council's geographic information system;
- organising various public consultation processes, publicity and promotions eg the Annual Residents' Planning Seminar;
- conservation areas and listed buildings, including advice to case officers, negotiations with applicants, discharge of conditions and assistance to the Advisory Panel for Conservation Areas.
- handling tree preservation orders and high hedge complaints.
- making applications to external bodies (eg Heritage Lottery Fund) for grant funding for projects such as world heritage and public realm improvements.

The workload is such that there are risks of gaps occurring in the future. The following tasks are ones which may prove difficult to deliver:

- developing up to date design guidance for development across the Borough, such as design guides and fact sheets; also promotion and raising awareness of design and heritage matters with the public (in the past with Heritage Talks);
- proper monitoring of development trends and the assessment of the effectiveness of policies (required as part of the AMR) and building an adequate evidence base;
- negotiations with external partners involved with the LDF, in particular infrastructure providers, leading to possible delays in the process;
- monitoring of unauthorised development in conservation areas and on listed buildings and following these up with enforcement action and monitoring of buildings at risk;
- preparing statements for all conservation areas in the Borough as advised by English Heritage.

Building Control

The innovations in building design, materials, information technology and sustainability together with the changing work practices in the Building Industry mean that The Building Regulations are constantly under review so they can adapt to these new challenges.

Consultations and revisions are underway for Part A –Structure, Part L – Conservation of Fuel and Power, Part G – Hygiene and Part J – Combustion Appliances and Fuel Storage, with a view to introduction in 2010.

With every revision of these documents the scope and complexity of the Regulations is greater than before. This has increased officer responsibility especially on site where decisions have to be made.

The monitoring of workload and staffing levels, especially due to the recession, have been scrutinised over the last year. Fee earning applications are 16% down on the previous year and this has resulted in Building Control currently having 5.3 full time vacancies which is an overall staff reduction of 26.5%. This level of staff reduction has placed increased pressure on the remaining staff, which although capable of being managed in the short term, would inevitably lead, in the long term, to a reduced ability to contribute beyond the narrow scope of Building Control.

To ensure that Bromley Building Control maintains their performance and compares favourably with that of other boroughs, further ongoing examination of the budget, work loads and fee income will be required over the next year. This will ensure that the Council has the staffing levels required to deal with and respond to both, the Councils statutory obligations and to our customers needs, demands and workloads when the Building Industry fully recovers

Land Charges

Local Land Charges has an establishment of 7 staff which has greatly reduced from 12 staff before computerisation. Due to the recession the number of people purchasing property in Bromley fell and so the need for property searches reduced. Due to a mixture of staff voluntarily cutting their hours and maternity leave, the number of staff fell to the equivalent of 4.1 members of staff in December 2008 when the lowest number of property searches was carried out.

Since the nadir in December, the number of searches has picked up and a member of staff has returned from maternity leave raising the full time equivalent to 4.5 members of staff. One part-time member of staff is currently on an authorised career break from December 2009 until mid March 2010 which reduces the staff FTE to 3.9. The team is one of the few sections in the Council operating on a cost recovery trading account so any fluctuation in the number of staff will not affect the council tax payer but will be reflected in the cost of property searches. As the workload from the rising number of property searches continues so the number of hours required from temporary staff will rise. The government regulations under which the section operates are in a transitory period and it would not be appropriate to fill any post on a permanent basis until the section moves into a more stable situation.

Address Management

This group of staff controls and maintains the address database that contributes to the casework efficiency of staff from several departments and ensures the accuracy of Council records. The team is responsible for issuing official addresses for Bromley through the Street Naming and Numbering function and carries out research and problem solving for queries on existing addresses. The scope of work includes the role of NLPG project custodian for Bromley and other related central government initiatives. Design and maintenance of geographic information used by Planning and Local Land Charges is also undertaken.

Non-Applicable Sections:	Policy; Financial; Legal; Personnel
Background Documents: (Access via Contact Officer)	

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Report No.
DRR10/00030

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

Decision Maker: Development Control Committee

Date: 16 March 2010

Decision Type: Non-Urgent Executive Non-Key

Title: **PLANNING BUDGET MONITORING REPORT 2009/10**

Contact Officer: Claire Martin, Head of Finance
Tel: 020 8313 4286 E-mail: claire.martin@bromley.gov.uk

Chief Officer: Marc Hume, Director of Renewal and Recreation

Ward: Boroughwide

1. Reason for report

This report provides an update of the latest budget monitoring position for 2009/10 for the Planning Division based on expenditure and activity levels up to 31 December 2009.

2. **RECOMMENDATION(S)**

- 2.1 The Committee is requested to consider the latest projections that indicate that the Planning Division will be underspent by £68k.

Corporate Policy

1. Policy Status: Existing policy. Sound financial management
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.2m
 5. Source of funding: Existing revenue budgets
-

Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement. The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the Accounts and Audit Regulations 1996; the Local Government Act 2000 and the Local Government Act 20
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The services covered in this report affect all Council Taxpayers, Business Ratepayers, those who owe general income to the Council, all staff, Members and Pensioners.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The 2009/10 projected outturn is detailed in Appendix 1, with a forecast of projected spend for each section compared to latest approved budget and identifies in full the reason for any variances.

4. POLICY IMPLICATIONS

- 4.1 The Resources Portfolio Plan for 2009/10 includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.
- 4.2 Bromley's Best Value Performance Plan "Making a Difference" refers to the Council's intention to remain amongst the lowest Council Tax levels in outer London and the importance of greater focus on priorities.
- 4.3 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2009/10 to minimise the risk of compounding financial pressures in future years.
- 4.4 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council's budgetary control and monitoring arrangements.

5. FINANCIAL IMPLICATIONS

- 5.1 Appendix 1 contains figures relating to the latest budget monitoring position for the Planning Division.
- 5.2 The overspend relates to a net shortfall of income projected for Building control due to the effect of the current recession.
- 5.3 Planning is shown as having a projected surplus due to the shortfall of income reducing after allowing for the savings generated by the management action of freezing posts and cutting back on expenditure. It should be noted that an overspend of £95k is projected for costs relating to lost appeals and this could rise to £200k if the Council have to meet costs for 100% of appeals lost.
- 5.4 A summary of the variations is shown in the table below: -

<u>Summary</u>	Current Variation £'000
Effect of holding 5.1FTE's vacant within Building Control	(220)
Underspend within transport, supplies and services resulting from management action within Building Control	(29)
Shortfall of building control income	354
Effect of holding 7.3FTE's vacant within planning	(297)
Underspend within transport, supplies and services resulting from management action within Planning	(115)
Overspend relating to costs awarded against the Council when appeals have been lost	95
Shortfall of income from planning fees	144
Total variation	(68)

Non-Applicable Sections:	Legal and Personnel
Background Documents: (Access via Contact Officer)	2009/10 budget monitoring files within ES finance section

PLANNING BUDGET MONITORING AS AT 31 DECEMBER 20091. Building Control Dr £105k

Income from building control is £143k below budget for the first nine months of the year and £13k below the actual for April to December 2009. The year end projection of a shortfall of income of £274k has been supplied by the Head of Building Control and represents the level of activity that is expected for 2009/10, bearing in mind the current economic climate.

Management action taken which includes holding 5.1 fte posts vacant and reducing spend on running expenses has meant that savings of £249k have been projected which partially offset the shortfall of income.

Summary of variations for Building Control	£'000
Effect of holding 5.1 FTEs vacant	-220
Underspend within transport, supplies & services resulting from management action	-29
Shortfall of building control income	354
Total variation	105

2. Planning Cr £173k

Income from planning is £77k below budget for the first nine months of the year and £59k above the actual received for April to December 2009. Planning officers have indicated that numbers of applications appear to be increasing slightly and they have therefore projected the year end income to be £144k below budget. Based on income from major applications to date, there is a surplus of £137k compared to the actual from April to December 2008-09. Within non-major applications to date, there is a deficit of £78k compared to the actual from April to December 2008-09.

Latest information indicates that there will be an overspend of £95k for legal costs arising from lost planning appeal cases. This represents a reduction from the previous projection of £106k, as following successful negotiation, some of the costs have been reduced. Officers will continue to monitor this area carefully and any variations will be reported back to Members. It should be noted that the full year effect for lost appeal cases could be up to £200k and that the extra potential costs may not be able to be contained within the Planning budget.

Management action taken which includes holding 7.33 posts vacant and reducing spend on running expenses has meant that savings of £412k have been generated. This has covered the projected shortfall and led to a surplus.

Summary of variations for Planning	£'000
Effect of holding 7.3 FTEs vacant	-297
Underspend within transport, supplies and services resulting from management	-115
Overspend relating to costs awarded against the Council when appeals have been	95
Shortfall of planning fee income	144
Total variation	-173

EARLY WARNING

There has still been no final notification of The Housing and Planning Delivery Grant (HPDG), and given the probable late arrival of it within the financial year, a request to carry forward the monies may be required. It is estimated this may be up to £110k, part of which has to be earmarked for costs relating to the production of the Local Development Framework.

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PLANNING BUDGET MONITORING 2009/10

1. Financial Monitoring Statement

2008/09 Actuals £	PCM	2009/10 Original Budget £	2009/10 Revised Budget £	2009/10 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
	Planning - Bob McQuillan						
95,852	Building Control	(133,570)	(139,120)	(34,120)	105,000	250,000	0
2,194,927	Planning	2,126,820	2,127,240	1,954,240	(173,000)	(130,000)	200,000
(862,317)	Land Charges	(285,320)	(286,730)	(286,730)	0	0	0
1,428,462	Total Controllable	1,707,930	1,701,390	1,633,390	(68,000)	120,000	200,000
247,543	Total non-controllable	0	0	0	0	0	0
1,900,707	Total excluded recharges	1,547,920	1,547,530	1,547,530	0	0	0
3,576,712	Grand Total	3,255,850	3,248,920	3,180,920	(68,000)	120,000	200,000

BUILDING CONTROL - 2009/10 FINANCIAL MONITORING

1. Financial Monitoring Statement

2008/09 Actuals £	BUILDING CONTROL	2009/10 Original Budget £	2009/10 Revised Budget £	2009/10 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
858,893	Employees	974,980	969,430	749,430	(220,000)	(200,000)	(200,000)
0	Premises	0	0	0	0	0	0
19,278	Transport	28,910	28,910	21,910	(7,000)	(5,000)	(7,000)
279,609	Supplies and Services	91,040	91,040	69,040	(22,000)	(14,000)	(22,000)
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
0	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(1,061,928)	Income	(1,228,500)	(1,228,500)	(874,500)	354,000	469,000	300,000
0	Grant related recharges	0	0	0	0	0	0
95,852	Sub total controllable budget	(133,570)	(139,120)	(34,120)	105,000	250,000	71,000
64,625	FRS17	0	0	0	0	0	0
0	Landlord maintenance	0	0	0	0	0	0
0	Insurance	0	0	0	0	0	0
0	Capital Charges	0	0	0	0	0	0
0	Property Rental Income	0	0	0	0	0	0
64,625	Sub total non controllable budget	0	0	0	0	0	0
183,034	Excluded Recharges	172,500	172,500	172,500	0	0	0
183,034	Sub total excluded recharges	172,500	172,500	172,500	0	0	0
343,511	Grand Total	38,930	33,380	138,380	105,000	250,000	71,000

PLANNING - 2009/10 FINANCIAL MONITORING

1. Financial Monitoring Statement

2008/09 Actuals £	PLANNING	2009/10 Original Budget £	2009/10 Revised Budget £	2009/10 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
2,647,698	Employees	2,884,550	2,845,570	2,548,570	(297,000)	(339,000)	0
10,802	Premises	9,200	9,200	9,200	0	0	0
21,668	Transport	32,150	32,150	21,150	(11,000)	(12,000)	0
693,737	Supplies and Services	415,910	490,910	481,910	(9,000)	(50,000)	200,000
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
0	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(1,178,978)	Income	(1,214,990)	(1,250,590)	(1,106,590)	144,000	271,000	0
0	Grant related recharges	0	0	0	0	0	0
2,194,927	Sub total controllable budget	2,126,820	2,127,240	1,954,240	(173,000)	(130,000)	200,000
173,439	FRS17		0	0	0	0	0
	Landlord maintenance		0	0	0	0	0
	Insurance		0	0	0	0	0
	Capital Charges		0	0	0	0	0
	Property Rental Income		0	0	0	0	0
173,439	Sub total non controllable budget	0	0	0	0	0	0
1,401,649	Excluded Recharges	1,090,100	1,089,710	1,089,710	0	0	0
1,401,649	Sub total excluded recharges	1,090,100	1,089,710	1,089,710	0	0	0
3,770,015	Grand Total	3,216,920	3,216,950	3,043,950	(173,000)	(130,000)	200,000

3,233,201

LAND CHARGES - 2009/10 FINANCIAL MONITORING

1. Financial Monitoring Statement

2008/09 Actuals £	LAND CHARGES	2009/10 Original Budget £	2009/10 Revised Budget £	2009/10 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
157,718	Employees	127,220	139,310	139,310	0	0	0
0	Premises	0	0	0	0	0	0
102	Transport	10	10	10	0	0	0
10,257	Supplies and Services	18,980	37,680	37,680	0	0	0
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
0	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(1,030,394)	Income	(431,530)	(463,730)	(463,730)	0	0	0
0	Grant related recharges	0	0	0	0	0	0
(862,317)	Sub total controllable budget	(285,320)	(286,730)	(286,730)	0	0	0
9,479	FRS17		0	0	0	0	0
	Landlord maintenance		0	0	0	0	0
	Insurance		0	0	0	0	0
	Capital Charges		0	0	0	0	0
	Property Rental Income		0	0	0	0	0
9,479	Sub total non controllable budget	0	0	0	0	0	0
316,024	Excluded Recharges	285,320	285,320	285,320	0	0	0
316,024	Sub total excluded recharges	285,320	285,320	285,320	0	0	0
(536,814)	Grand Total	0	(1,410)	(1,410)	0	0	0