

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 9 April 2013

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Alexa Michael (Vice-Chairman)  
Councillors Graham Arthur, Katy Boughey, Lydia Buttinger,  
Nicky Dykes, Simon Fawthrop, Peter Fookes, John Ince,  
Russell Jackson, Charles Joel, Mrs Anne Manning, Russell Mellor,  
Tom Papworth, Richard Scoates, Colin Smith and Harry Stranger

### **Also Present:**

Councillor Tony Owen

#### **47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Douglas Auld and Eric Bosshard; Councillors Colin Smith and Charles Joel attended as their respective substitutes.

#### **48 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **49 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 FEBRUARY 2013**

**RESOLVED that the Minutes of the Meeting held on 28 February 2013 be confirmed and signed as a true record.**

#### **50 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

#### **51 GLA SPG CONSULTATION**

##### **Report DRR13/056**

As a supplement to town centre policies in the 2011 London Plan, the Mayor of London had recently published a draft Town Centres Supplementary Planning Guidance (SPG). The Mayor had also published an SPG on 'Shaping Neighbourhoods: Character and Context' to help with the implementation of policies in Chapter 7 of the 2011 London Plan, particularly

Policies 7.4 on Local Character and 7.1 on Building London's Neighbourhoods and Communities.

Both SPGs were available for consultation until 12<sup>th</sup> and 31<sup>st</sup> May respectively and in order to meet these deadlines, Members were requested to agree that the Council's response to the two draft SPGs be prepared and submitted by the Acting Chief Planner in consultation with the Chairman of the Committee.

Having outlined the report to Members, the Chairman suggested that a response be formulated as recommended and circulated to Members for them to submit any comments or queries prior to the Annual Council meeting scheduled for 15 May.

Referring to the fifth bullet-point of paragraph 3.3 in the draft Town Centres SPG, Councillor Fawthrop was disappointed to note that the guidance focused solely on access to town centres via public transport and contained no reference to the provision of facilities for private transport users such as parking.

Councillor Michael requested that in future, when documents were too large to be appended to reports in paper form, that a web link be circulated for Members to view them electronically. An Executive Summary containing explicit information about the subject matter should also be provided.

Councillor Joel suggested that a copy of the National Planning Policy Framework be circulated with the draft response and that Members be requested to submit comments by no later than a given deadline.

**RESOLVED that the Council's response to the public consultation on the GLA Town Centres Draft Supplementary Planning Guidance (2013) and the GLA Shaping Neighbourhoods: Character and Context Draft Supplementary Planning Guidance (2013) be prepared and submitted by the Acting Chief Planner in consultation with the Chairman of the Committee (taking into account any relevant financial or legal implications) and be circulated for Member comments prior to 15 May.**

**52 PROPOSED PERMITTED DEVELOPMENT RIGHTS FOR  
CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL:  
RESPONSE TO GOVERNMENT REQUEST FOR EXEMPTIONS**

**Report DRR 13/055**

Members considered the Council's proposed submission to the Department of Communities and Local Government (DCLG), concerning the exemption of specific areas of the Borough from the proposed new rules to allow offices to convert to homes without the need for separate planning permission. The submission was outlined in Appendix A to the report.

Referring to Annex A, page 17, paragraph 3 of the report, Councillor Ince sought clarification on the statement that the Cray Business Corridor

contained over 50% of the Borough's designated business land. Councillor Ince also observed that as the Wards seeking exemption were generally areas of deprivation, a loss of office space would have a major impact on the economy of those areas.

The Acting Chief Planner informed Members that the Cray Valley area also contained a large amount of floor space which, although not currently used as office space, had the potential to be redeveloped or utilised as such.

Councillor Arthur was concerned that the proposed permitted development rights would impact greatly on the Borough's infrastructure. The 'new homes bonus' would not compensate for the reduction of income from business rates as a result of the loss of office space. Councillor Arthur emphasised the need to include for exemption, all areas within the Borough which yielded a high business rate income.

Yeoman House in Penge, Orpington Town Centre and Homesdale Road, Bromley were put forward as possible areas for exemption.

Councillor Mellor objected to the proposals commenting that the Greater London Authority perceived them as having a negative impact on London in the future. He stated that as buildings were designed for a specific purpose or use, former offices would not be suitable for conversion to housing. The 'new homes bonus' was a short term gain as opposed to the long-term gain of business rate income. Councillor Mellor strongly supported the exemption of the key areas as recommended, together with the addition of further identified areas within the Borough.

**RESOLVED that Appendix A of the report be endorsed as the Council's submission to the Department of Communities and Local Government.**

## **53 PLANNING PERFORMANCE AND IMPROVEMENTS**

### **Report DRR 13/052**

In January 2012, Members endorsed the Outline Planning Improvement Plan as a framework for improvement and identified customer service as the first priority area.

The report before Members focused on the trend of planning application performance and other customer service improvements, together with actions undertaken to date and those proposed for the future.

Visiting Member Councillor Tony Owen addressed the Committee and explained that his interest in planning improvements originated in 2006 when he arranged a presentation on Lean Service Delivery at the Cranfield University School of Management from which a project involving planning improvements had been initiated. Councillor Owen referred to a published book entitled *Delivering Public Services That Work - A Case Study* which illustrated the following:

- Flawed management thinking is the root cause of poor performance.
- Putting staff who can solve people's problems at the first point of contact improves service and reduces cost.
- Performance indicators do not reflect the true customer experience.
- Costs fall when service is improved.
- Improvement is not a one-off activity - it's every day.
- IT should enable the process, not dictate it.

Councillor Owen was pleased to see the improvements outlined in the report however, in relation to the final bullet-point above and the improvements made to the Council's website, Councillor Owen observed that many elderly people were not computer literate and would, therefore, still rely on written correspondence. He requested that the following two areas of customer service be assessed:-

- the length of time taken to process each planning application - many went beyond the normal timeframe; an appropriate software package could be used for this purpose; and
- telephone call monitoring to establish the number of value and fault calls received.

The Chairman thanked Councillor Owen for his contribution to this item. Whilst he was pleased to see a reduction in the amount of time taken to validate applications, he was disappointed to note that no reference to the planning counter service had been made in the report.

The Chairman also highlighted difficulties experienced by members of the public and Councillors when attempting to contact planning staff via telephone. Accessing archived documents within the target time of 24 hours also proved to be a problem with the average time of receipt being approximately 10 days. He suggested that these two problematic areas should be addressed.

Councillor Michael commented that it would be useful if Members were provided with percentage figures for the number of planning applications which had been determined within their target time of 8 weeks for minor applications and 13 weeks for major applications.

Councillor Michael suggested that as enforcement action and untidy sites were important to residents and Members, they should be the next priority of the Planning and Improvement Plan. Councillor Fawthrop agreed and suggested that performance figures should be compared with those of previous years to enable identification of any emerging trends.

Councillor Mrs Manning emphasised the importance of customer service and the need for quality decisions to be made. Whilst improvements had been made during recent years, customer service should continue to be reviewed

on a regular basis. Although on-line work was increasing and improvements had been carried out to the web-site, drawings viewed on-line were still difficult to see clearly.

The Chairman suggested that the Acting Chief Planner give a presentation to Members before the next DC Committee meeting in June to address customer service issues.

Councillor Jackson agreed that enforcement action should be the next priority for review and requested information be provided on the number of long-running legacy cases within each Ward, how they were dealt with and the action being taken to bring them to conclusion.

The Chairman agreed and suggested that an Enforcement Officer be invited to attend the next meeting of the DC Committee.

Councillor Buttinger stated that future reports should be balanced by the inclusion of planning areas which were struggling. Long-term strategies should be implemented to improve targets.

The Acting Chief Planner reported that the improvement in the validation process was due to the fact that the validation of each application was usually dealt with entirely by one Technical Officer (as opposed to several), before being passed on to a Development Control Officer. Since March 2013, a total of 79% of minor applications had been completed compared to the previous figure of 63%. There were currently 650 applications pending as opposed to the 1,100 quoted on page 43 of the report. Figures reported as reductions would be compared with those of previous time periods and circulated to Members at or before the next meeting of the DC Committee.

**RESOLVED that:-**

- 1. the trend of planning application performance and other Customer Service improvements be noted;**
- 2. the Acting Chief Planner give a presentation to Members before the next DC Committee meeting in June to address customer service issues;**
- 3. the next steps in Customer Service performance, as set out in the report, be endorsed; and**
- 4. planning enforcement and untidy sites communication be the next priority for review.**

## **54 PLANNING APPEALS - COSTS DECISIONS 2012**

### **Report DRR13/053**

Members considered a summary of the award of costs in planning appeals during 2012. Details of individual cost decisions were set out in the appendices to the report.

The Chairman suggested that he, together with the Chairmen of Plans Sub-Committees and the Acting Chief Planner form a Panel Group to draw up guidelines which Members would potentially adhere to when making decisions on planning applications.

Councillor Papworth conveyed his disappointment that costs were being awarded against the Council at the expense of the tax paying public. Decisions taken on what the Planning Inspector deemed to be 'unreasonable behaviour' could be resolved with the introduction of training or guidelines. Appeals lost partly due to decisions being made against officer recommendation could be avoided if Members views were sought.

Councillor Jackson suggested that the figures for costs be compared with those of previous years to see if any trends emerged. The words "unreasonable behaviour" in Planning Inspectors' reports should not be used to describe the reason why applications had been considered as incorrectly judged.

Councillor Mellor agreed with the remarks of Councillor Jackson stating that Members could be judged unreasonable if they decided against officer recommendations. In the majority of cases, Members had the knowledge and experience to decide accordingly.

Councillor Fawthrop reported that several years ago Members had a say in what type of appeal took place; now it was decided by Planning Inspectors. He also stated that 'unreasonable behaviour' could be attributed to some Planning Inspector decisions. Councillor Fawthrop also noted that few claims were made against people whose appeals had been deemed to be unreasonable.

It was agreed that when defending appeals, officers should speak to Committee Members to clarify their reasons for the decision taken. It was noted that there had been occasions when Members overturned officers' recommendations to refuse applications and the appeal had been dismissed.

Councillor Michael reported that the system of appeals had been made easier for applicants with the introduction of the fast-track system and written appeals.

The Chairman empathised with Members' concerns but said the reality was that the Council were losing a lot of money because of the decisions taken by Members and this should be avoided wherever possible. Members must be able to justify any decisions they made including those taken against officer recommendation. The Panel Group would consider ways of minimising appeal costs.

Councillor Jackson suggested that an assessment of the way in which officers build cases to take to appeal should also be undertaken.

**RESOLVED that:-**

- 1. in order to minimise future planning appeal costs awarded against the Council due to 'unreasonable behaviour', an action plan be prepared and reported to future meetings of the Development Control Committee and the Renewal and Recreation Policy Development and Scrutiny Committee; and**
- 2. the Chairman of DC Committee together with Chairmen of Plans Sub-Committees and the Acting Chief Planner form a Panel Group to assist with the preparation of the action plan.**

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Conclusion of Meeting

As this was the final Development Control Committee meeting of the current Municipal Year, the Chairman thanked Members and officers for their work and support during the last year.

The meeting ended at 8.40 pm

Chairman