

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 16th March 2010

Present:

Councillor Michael (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Nicholas Bennett JP, Katy Boughey,
Martin Curry, Peter Dean, Simon Fawthrop (for part of the meeting),
Peter Fookes, Mrs Jenny Hillier, Gordon Jenkins, Charles Joel,
Mrs Anne Manning, David McBride, Gordon Norrie, Harry Stranger
and Michael Turner

87. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Robert Evans and John Getgood. Councillors Nicholas Bennett JP and Peter Fookes attended the meeting as the alternates for Councillors Robert Evans and John Getgood, respectively.

88. DECLARATIONS OF INTEREST

There were none.

89. MINUTES

RESOLVED that the Minutes of the meeting held on 9th February 2010 be confirmed.

90. QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

91. TAKING FORWARD THE GOVERNMENT'S RESPONSE TO THE KILLIAN PRETTY REVIEW: SECOND PROGRESS REPORT Report DRR10/00031

The Chief Planner reported that, during 2009, the Government had published its response to the Killian Pretty review of development control practice and this Committee had considered and responded to a number of consultation papers addressing the five key work streams for change which had been identified. Subject to the outcome of the consideration of the consultation process, it was expected that any changes would take effect in April 2010. The Government had accepted the need to revise the current approach to performance targets, moving away from a narrow focus on the time taken to decide an application once submitted to an approach which measured performance in a more holistic way.

The second progress report taking forward the Government's response to the Killian Pretty review together with further consultation papers, had been published in December 2009 and the Council's suggested responses to the three consultation papers are set out in Minutes 92, 93 and 94 below.

RESOLVED that the report be noted.

**92. CONSULTATION BY DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT ON "IMPROVING ENGAGEMENT BY STATUTORY AND NON-STATUTORY CONSULTEES"
Report DRR10/00025**

In response to Recommendation 9 of the Killian Pretty review, the Department for Communities and Local Government had issued a consultation paper setting out the Government's proposals for changes to the arrangements for consultation for statutory and non-statutory consultees on planning applications. The consultation paper included a Draft Policy Statement on statutory and non-statutory consultation which was intended to be an annex to the proposed Planning Policy Statement (PPS) on Development Management. A draft code of practice on statutory consultation was also proposed whilst, in addition, the consultation document also reviewed the wording of the Procedure Order regarding statutory consultation and set out some further measures to improve engagement by statutory and non-statutory consultees. The Chief Planner set out, in Appendices B and C to his report, suggested responses for the Council to the summary of consultation questions.

The Chairman, supported by other Members, expressed strong reservations in relation to some of the proposals, in particular in relation to e-consultation, standard advice and the recommended appointment of a compliance officer. Another Member commented on the importance of receiving a response from statutory consultees as part of the consultation process in dealing with planning applications and of the impact on the processing of such applications where no comments were submitted.

RESOLVED that the Chief Planner's suggested responses to the consultation questions be agreed, subject to the amendment of the response in relation to question 7 (c) to read as follows: "Comments are required from statutory consultees promptly as without them there could be a detrimental impact on the decision-making process of planning applications."

**93. RESPONSE TO CONSULTATION ON DEVELOPMENT MANAGEMENT AND ON DRAFT POLICY ANNEXES ON PRE-APPLICATION AND DETERMINATION STAGES
Report DRR10/00032**

A consultation document had been received from the Department of Communities and Local Government regarding proposals to provide a clear national policy framework for Development Management in response to the recommendations which had been made within the Killian Pretty Review. Comments were required by the Government by 19th March 2010. A report was received from the Chief Planner which made particular reference to Part 1 (Introduction), Part 2 (Draft Policy Statement on Development Management), Part 3 (Draft Pre-Application Engagement Policy Annex) and Part 4 (Draft Determination Policy Annex) of the consultation document and submitted a suggested response to the consultation questions relating to Parts 2, 3 and 4.

Whilst the Government had described "Development Management" as a positive and proactive approach to shaping, considering, determining and delivering development, Members were not supportive of these principles as they felt that it was implied that Local Planning Authorities would have to accept and manage development where as "Development Control" enabled Councils to exercise some measure of control over development in their areas. Members were of the opinion that this Borough and its residents had been served well over the years by the "Development Control Committee" of this Council. The Committee felt that a strong response was required from this Council in relation to these proposals.

RESOLVED that the Chief Planner's suggested responses to the consultation questions be agreed, subject to the responses in relation to questions 1, 2, 3 and 5 being amended as follows:

Questions 1 – Reword response to read as:

"The principles of Development Management are not supported. The objectives identified are more appropriate....."

Question 2 – Reword response to read as:

"Not broadly acceptable."

Question 3 – Add further sentence to response as follows:

"..... Modern planning policy handed down from Central Government is already too prescriptive."

Question 5 – Include following comment:

“The whole ethos of Development Management is not supported as it implies a reduction in the amount of control over planning and development available to Local Planning Authorities, and elected Members in particular. In addition, less jargon and more plain English are required in relation to the Government’s overall approach.”

**94 IMPROVING THE USE AND DISCHARGE OF PLANNING CONDITIONS
Report DRR10/00033**

The Killian Pretty Review had recommended that the approach to planning conditions should be comprehensively improved to ensure that conditions were only imposed where justified and that the processes for discharging conditions were made clearer and faster. As a result, a consultation paper had been received from the Department of Communities and Local Government which set out the Government’s proposals for changes to the planning system in relation to the use of planning conditions and the processes for discharging planning conditions. The paper proposed 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.

The Chief Planner submitted a report which summarised the proposed policy changes and measures to improve the discharge of planning conditions and set out suggested responses to the consultation questions. Members were mindful that the implications for Bromley of these proposals appeared to be quite extensive and the guidance on the imposition of conditions relating to Section 106 Agreements was of particular concern. Furthermore, in relation to the Council’s workload, the current difficulties of discharging complex planning permissions within the existing time schedules would be exacerbated with the proposed reduction in time periods for determining the discharge of condition applications.

RESOLVED that the suggested responses set out in the report of the Chief Planner be adopted as this Council’s response to the above consultation paper.

**95 HERITAGE AT RISK
Report DRR10/00034**

The Chief Planner reported that the Heritage at Risk Register (HARR – formerly the Buildings at Risk Register), which was compiled and published by English Heritage every year, referred to listed buildings, registered parks, scheduled ancient monuments and conservation areas. The report referred to those properties on the Register in the London Borough of Bromley, both those under the Council’s

ownership as well as privately owned properties, and described the measures that were being taken to secure the future of these properties and have them removed from the Register; and listed those properties which it was proposed should be added to the Register in 2010. Details relating to these properties and an explanation of the background to Heritage at Risk were illustrated in a power point presentation given to Members by the Head of Planning Strategy and Heritage.

Various questions were raised by Members in relation to these properties and it was pointed out that reference in paragraph 3.7 of the report to Pulham Rockeries, Bromley Civic Centre Site (Grade 2 Listed) as being privately owned was incorrect. In response to a further question, the Head of Planning Strategy and Heritage indicated that the primary purpose for including buildings on the Register was to raise alarm where buildings were at risk from damage or faced an uncertain future but, in addition, it also facilitated funding from English Heritage. A Member felt that further detailed consideration should be given to this matter and that a report be received in the next Municipal Year setting out the Council's policy, including its responsibilities and those of private owners, the problems involved and how these could be counteracted in taking the policy forward, the report to include input from all appropriate Council departments and interested bodies. To this end, reference was made to the Bromley Civic Society and to the friends of Bromley Town Parks for the work they had carried out in relation to Buildings at Risk.

RESOLVED that

(1) the properties included in the Heritage at Risk Register 2009 (particularly those in Council ownership) published by English Heritage and also the measures being taken to secure their future and thereby remove them from the Register in due course be noted;

(2) the proposed list of properties to be added to the Heritage at Risk Register in 2010 be agreed;

(3) a further in-depth report be submitted to a future meeting on the Council's policy towards the care of Listed Buildings and other local heritage in the Council's ownership, the report to include input from both the Planning and the Property Divisions of the Council; and

(4) Members be invited to comment on the Borough's heritage within their respective Wards.

**96 SCHEME OF DELEGATION TO OFFICERS
Report LDCS10047**

The Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's Chief Officers and their staff and was normally updated for approval at the Council's Annual Meeting in May each year. Changes to Executive

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arrangements required under the Local Government and Public Involvement in Health Act 2007 meant that any executive powers delegated to officers had to be delegated not by the Council but by the Leader of the Council.

The General Purposes and Licensing had instigated a review of the Scheme in the summer of 2009 and, as a result of that review, the new legal requirement to attribute each delegation to either the Council or the Leader and, in addition, recent changes to departmental arrangements, the Scheme required further updating. At the request of the Constitution Improvement Working Group and the General Purposes and Licensing Committee, all PDS Committees and this Committee had been requested to review the sections of the scheme relating to their specific areas of responsibility and to highlight any further changes that were needed before the Scheme was submitted for approval at the Annual Council Meeting. A report from the Director of Legal, Democratic and Customer Services, which had been submitted to all these bodies, was considered.

RESOLVED that no amendments be suggested.

97 STAFFING AND WORKLOAD IN THE PLANNING DIVISION: END OF YEAR UPDATE
Report DRR10/00029

At the request of the Chairman, the Committee received a report from the Chief Planner which provided an update on the current workload and staffing position in the Planning Division covering all five constituent sections: Development Control, Planning Strategy and Heritage, Building Control, Land Charges and Address Management. The current position had taken into account the effect of the recession, in response to which 13.63 posts were being held vacant and a number of other reductions had been made in the running expenditure. A Member pointed out in detail that the layout of the report did not conform to the format for the presentation of Committee reports which had been agreed by the Executive on 2nd March 2009. The Chief Planner apologised for this error and indicated that improvements would be made in this regard.

The average number of major applications received each month had increased from 10 to 13 between October 2009 and January 2010 and there had been an 11.1% increase in the number of non-major applications received between November 2009 and February 2010 compared with the same period last year. As a consequence, discussions had been held between the Chairman and Vice-Chairman of this Committee and the Portfolio Holder for Renewal and Recreation which had resulted in the transfer of an additional planner from the non-major applications team to the majors application team for the period December 2009 to March 2010 and the employment of two temporary staff in the non-major applications team for the period January to March 2010. The Chief Planner reported at the meeting that, as a result of the projected under-spending by the Planning Division of £68,000 in the current

financial year (Minute 98 below refers), these temporary additional staff were to be retained until the end of April 2010. However, he pointed out that if the number of planning applications continued at the current level, consideration would need to be given to the possible use of vacant posts.

Members noted that the difficulties of staffing levels in the Planning Division which had been highlighted by this Committee some two years ago still existed. It was indicated that the workload was such that there were tasks - as set out on page 5 of the report regarding the Planning Strategy and Heritage Section - that might not be delivered. Members expressed particular concern at the impact of this in relation to the preparation of the Local Development Framework and the protection of the Borough's Heritage. Members made various suggestions as to how the current staffing difficulties might be addressed, and possible additional income generating measures were also considered.

RESOLVED that

(1) the Committee's concerns in relation to the staffing position in the Planning Division be reaffirmed and further updates be submitted to future meetings of this Committee, such reports to include an organisational chart of the Division; and

(2) as a means of addressing these staffing difficulties, the Chief Planner be requested to give consideration to the possible use of retired, former members of staff and to liaising with University Planning Departments (e.g. Oxford Brookes) as to the possible temporary engagement of students in specific project work as identified in the report.

**98 PLANNING BUDGET MONITORING REPORT 2009/10
Report DRR10/00030**

A report was received from the Director of Renewal and Recreation providing the Committee with an update of the latest budget monitoring position for the Planning Division for 2009/10 based on expenditure and activity levels up to 31st December 2009. The latest projections indicated that the Division would be under spent by £68,000. It was noted that there had still been no notification of the Housing and Planning Delivery Grant and that a request to carry forward the monies might be required. This report was considered in conjunction with the report of the Chief Planner on staffing and workload in the Planning Division referred to in Minute 97 above.

RESOLVED that the report be noted.

99 NEXT MEETING

The Chairman reported that it was anticipated that there would be only two items for consideration at the next meeting of the Committee scheduled to be held on 20th April 2010. Since both items could be held over until the Committee's first meeting in the next Municipal Year on 25th May 2010, consideration was given to whether the April meeting should be cancelled.

RESOLVED that the meeting of this Committee scheduled to be held on 20th April 2010 be cancelled.

100 LAST MEETING

In the light of the cancellation of the scheduled April meeting (Minute 99 above refers), the Chairman pointed out that this would, therefore, be the last meeting of the Committee in the current Council term. In thanking Members and officers both of this Committee and in relation to the four Plans Sub-Committees for their hard work, she paid particular tribute to the contribution which had been made over many years by three long-serving Members of the Council, Councillors Bloomfield, Mrs Hillier and Jenkins, who were standing down at the forthcoming Borough Elections. Other Members referred to the commitment, dedication and integrity which had been displayed by these three Members over their considerable years of service on this Council, various Committees and in representing the interests of local residents.

The Chairman was also thanked for her work on the Committee over the past year.

ALEXA MICHAEL
Chairman

The meeting ended at 8.35 pm.