

Decision Maker: RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: Tuesday 20 September 2016

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

Title: PLANNING PERFORMANCE AND PLANNING ENFORCEMENT

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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: All Wards

1. Reason for report

This report provides an update with progress on Planning application processing and Planning Enforcement and also refers to other issues raised by the Committee.

This report focusses on the following areas: -

- The Service by telephone;
- Planning application performance;
- Planning appeal performance;
- The Building Control process;
- Planning Enforcement.

2. **RECOMMENDATION(S)**

Progress with Planning Application Performance, Planning Appeal Performance, Building Control and Planning Enforcement to be noted.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning, Renewal and Building Control
 4. Total current budget for this head: £2.631m
 5. Source of funding: Existing Controllable Revenue Budget 2016/2017
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Staff

1. Number of staff (current and additional): 82fte (Excluding Land Charges)
 2. If from existing staff resources, number of staff hours: 20
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): those submitting and commenting upon about 3,300 planning applications per year.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: not applicable

3. COMMENTARY

Planning Application Performance

- 3.1 Performance on the processing of planning applications is now above target. The main data is shown in Appendix 1. This demonstrates that planning application performance in 2016/17 to date is clearly meeting and exceeding the targets.
- 3.2 This has been achieved by a combination of team management, improved efficiency in processing, inter-service support and ensuring that staffing levels are maintained in spite of a strong market for planners.
- 3.3 The result is: - an improved service for customers, who receive a more timely decision; a reduced backlog of applications enabling more attention to be given to the current applications; and less time spent dealing with requests for updates.

The Planning Service for telephone customers

- 3.4 The telephone system includes monitoring information. The performance over the year 2016 for the main enquiry number is 73% of calls answered within 60 seconds. In this period, the Planning team's performance was one of the highest measured performances in the Council.
- 3.5 The Planning main enquiry number (0208 313 4956) is the recommended first public contact point for Planning.

Planning Appeal Performance

- 3.6 The percentage of planning appeals that are allowed after refusal by the Council was around 34% in 2015/2016. This is a lower rate of overturns at appeal than the previous levels in the Borough and is close to the national average. Data is attached at Appendix 2.

Planning Appeal Procedure

- 3.7 A resume of the Planning Appeal Procedures is attached at Appendix 3. This outlines the Appeal procedures and the main stages of a planning appeal. The full procedure is set out in national guidance.

Building Control Briefing

- 3.8 The building control function in England and Wales works with property owners, developers, architects, contractors and trades people to ensure building work meets the standards set in the Building Regulations.
- 3.9 The role of checking that Building Regulations are being complied with falls to Building Control Bodies (BCBs).
- 3.10 There are two types of BCBs, a Local Authority Building Control service and a private sector Approved Inspector Building Control service.
- 3.11 Customers are free to choose which type they use on their project. Larger developers often have established national arrangements for their Building Control service, for example the 'NHBC'. This means that there is not a simple correlation between the volume of Bromley Council's Building Control work and planning decisions.
- 3.12 The Key Function of Bromley Building Control Section is the administration and enforcement of the Building Act 1984, The Building Regulations 2010 as amended and allied Legislation.

- 3.13 The prime purpose of the Building Regulations is to ensure well-constructed buildings that protect the health and safety of people. There are further provisions relating to the conservation of fuel and power, the welfare and convenience of disabled people, provisions for glazing safety, water efficiency and dwelling security.
- 3.14 It is the aim of Bromley Building Control to be the major provider and enforcer of the Regulations within the Borough and to administer these requirements in the most efficient manner possible, not seeking to unnecessarily obstruct proposals but to become part of the development team and achieve the aims of the Regulations to the mutual advantage of all. This will be provided on the key principles that the user should only pay for the actual service they receive at a fair, reasonable and affordable rate.
- 3.15 The Bromley Building Control Service is split between the “Fee Earning - Charging Account” and the “Non Fee Earning - Account” and these are shown at Appendix 4.

Planning Enforcement

- 3.16 The breakdown of cases dealt with by the Planning Enforcement team is shown at Appendix 5. The Council has issued a Planning Enforcement policy and this is attached at Appendix 6 (on website: http://www.bromley.gov.uk/downloads/file/1835/planning_enforcement_policy_document).
- 3.17 Following earlier member concerns over response rate to Councillors, the Planning Enforcement team has placed greater emphasis on timely responses, leading to the following sample comments from Councillors in the last month: -
- 3.18 “...I’m very pleased that the matter has been brought to such a swift and satisfactory end, considering how long the rubbish and vegetation was in situ for...”
- 3.19 “...Thank you very much indeed for such a swift and efficient turnaround...”
- 3.20 The Planning Enforcement team, in coordination with other Council services, does successfully pursue appropriate cases in the Courts, leading to penalties for those responsible.
- 3.21 In the period April 2015 to March 2016 the Council registered 594 new cases about alleged breaches of planning control. These are referred to as ‘complaints’. These are summarised in Appendix 5. This compares with approximately 649 complaints registered in the previous year.
- 3.22 In terms of enforcement activity, 32 enforcement notices were issued in respect of breaches of planning control in the period April 2015 to March 2016, in other cases, negotiation led to matters being resolved before notices were issued.

Type of Notice	Number of Notices
Building operations	3
Material Change of Use	2
Untidy Site	12
Breach of Condition	6
Planning Contravention Notice	9
Stop Notice	0
Total	32

- 3.23 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.

3.24 A wide range of complaints are received but the most frequent relate to operational development 36.7%, Breach of conditions 11.6%, not built in accordance with plans 14.1%, untidy sites 8.4% and change of use 10.9%. A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control. These unregistered complaints are investigated and researched and advice given back to the complainant, this still involves considerable staff resources to maintain the service.

3.25 In cases where an enforcement notice has not been complied with, the Council may exercise its powers of prosecution. These include the following cases.

- Business in Orpington - Prosecution concerning an unauthorised advert hoarding on vehicle. The company was fined £440 plus £44 surcharge and ordered to pay £450 in costs.
- Property in West Wickham - Prosecution for failing to comply with the Enforcement Notice concerning an unauthorised extension.
- Bromley Town: - Prosecution concerning breach of conditions
- Bromley Town: - Prosecution for failing to comply with the S215 notice.

3.26 Proceeds of Crime Act. Last year the planning enforcement team worked jointly with our Trading Standards officers and Legal Department and successfully took prosecution action in connection with an illegally converted property in Penge. Costs were awarded.

3.27 Direct Action is underway as a result of the Council taking action under Section 215 of the Town and Country Planning Act at a site in Southend Lane. Members agreed for officers to take direct action to replace the dilapidated boundary treatment with a new hoarding around the site to improve the detrimental impact on the neighbouring amenities. This work is currently underway and should be completed by the end of September.

4. POLICY IMPLICATIONS

Not applicable

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

Not applicable

7. PERSONNEL IMPLICATIONS

Not applicable

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]