

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 26<sup>th</sup> November 2019

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

**Title:** PLANNING SERVICE IMPROVEMENTS

**Contact Officer:** Tim Horsman, Assistant Director (Planning)  
Tel: 020 8313 4956    E-mail: Tim.Horsman@bromley.gov.uk

**Chief Officer:** Director of Housing, Planning and Regeneration

**Ward:** (All Wards)

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1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service and seeks Member approval for the new committee report template for planning applications and topic list for training.

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2. **RECOMMENDATION(S)**

1. **Members are asked to note the timescales and updated actions set out in the report.**
2. **Members are asked to agree the new draft committee report template**
3. **Members are asked to agree the topic list for training**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council Quality Environment Regeneration:
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### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Non-Recurring Cost:
  3. Budget head/performance centre: Planning
  4. Total current budget for this head: £1.7m
  5. Source of funding: Existing revenue budget 2019/20
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### Personnel

1. Number of staff (current and additional): 52.19ftes
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
  2. Call-in: Not Applicable:
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### Procurement

1. Summary of Procurement Implications: N/A
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### Customer Impact

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

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

<b>Recommendation</b>	<b>Proposed Action</b>	<b>Update / Timescale</b>
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft	See para 3.2 below
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Changes agreed at DCC in October 2019
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	First report came to DCC in October 2019 and will be reported every six months
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	See para 3.6 below and Appendix 1
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	Expected to be trialled at DCC. Also see recommendation below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	See para 3.6 below and Appendix 1
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	Reported on this agenda
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	No action at present
13. Where motion goes against Officer recommendation, clear reasons for refusal or	Councillors to note and action	Ongoing

conditions to be agreed before vote is taken		
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory training should be provided for all committee members	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not	See para 3.11 below

including substitutes and a list of trained Members retained	need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Quarterly reports to DCC	Next report January 2020

### **Recommendation #1 – New Local Planning Protocol**

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’.
- 3.3 A Protocol is currently being drafted and will be presented to the January Development Control Committee for agreement.
- 3.4 The basic structure of the document will be as follows:
1. Introduction
  2. Referral of Applications to Committee
  3. Agenda and Reports
  4. Site Visits
  5. Late Representations
  6. Public Speaking Procedure
  7. Order of Proceedings
  8. Decision Making and Voting
  9. Councillor and Officer Code of Conduct
- 3.5 This approach would provide an agreed foundation for good decision making in Bromley and help avoid potential for ‘designation’ as well as challenges against decisions made including appeals and possible successful costs claims against the Council.

### **Recommendation #7 & 9 – Improvements to Committee Reports**

- 3.6 Officers have carried out research on practice from other Boroughs and carefully reviewed the existing committee report format. The result of this work can be seen at Appendix 2 in the form of a new draft committee report format template and extracts from an example report.
- 3.7 Key changes can be summarised as follows:
- The header of the report has been redesigned to include all key information
  - Paragraphs are all now numbered
  - Reason for consideration at committee is included
  - Summary information about the application is provided in table form including: land use, number of dwellings, parking spaces, number of representations, amounts and type of s106 contribution
  - Consultee comments are summarised and not normally reproduced in full

- Images including site photos and extracts from application drawings are used
  - Conclusion is much more concise and sets out clearly the matters to be considered
- 3.8 The changes are intended to convey key information more readily to help Members and the public understand the key planning considerations which are being considered. The addition of pictures and drawings will also enhance the content of the reports and assist in decision making.
- 3.9 If the proposed changes are accepted, it would be the intention to introduce the new draft format from early in 2020 to both Plans Sub Committee and Development Control Committee.
- 3.10 The possibility of visual aids using a screen to accompany the consideration of applications at Development Control Committee is also being explored.

### **Recommendation #19 – Effective Training for Members**

- 3.11 Officers are working on a comprehensive training offer for all Member and not just those who sit on planning committees. It is appreciated that training in person may not always be convenient so other methods of delivery will be made available where possible and information will be made available afterwards for reference.
- 3.12 A proposed initial topic list for training is set out below, however the training programme is intended to be adaptive and training on relevant topics can be introduced as and when needed / appropriate:
- Advertisement Control
  - Community Infrastructure Levy (CIL) and Section 106 Agreements
  - Conservation and Heritage
  - Green Belt
  - Housing Supply
  - Introduction to Planning
  - Permitted Development Rights
  - Planning Appeals
  - Planning Conditions
  - Planning Enforcement
  - Predetermination and Disclosure of Interests
  - Telecommunications
  - The Development Plan and Decision Making
  - Urban Design
  - Viability in Planning
- 3.13 Work is currently ongoing to provide a webpage that can be accessed by all Members which will include information about the Planning team at Bromley, the Local Planning Protocol, a rolling training schedule, information from past training sessions and other useful documents and links, plus key headline planning news in a simple and easy to digest format. Dates for the first training sessions will be circulated to all Members before the New Year.
- 3.14 It has also been arranged that Development Control Committee will now be held every 2 months on a more regular cycle with immediate effect. This will enable better forward planning for the selected major applications to be considered within target timescales.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Suggested measures should reduce the likelihood of successful legal challenge against planning decisions

#### **6. PERSONNEL IMPLICATIONS**

- 6.1 See financial implications above

<b>Non-Applicable Sections:</b>	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) 2013 Bromley Council Constitution