

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 14<sup>th</sup> July 2020

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

**Title:** PLANNING SERVICE IMPROVEMENTS

**Contact Officer:** Tim Horsman, Assistant Director Planning & Building Control  
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**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. Aspects in this report were originally published on the agenda for the DCC in March 2020, and were subject to delegation, however some matters required Councillor decisions and these are reported below.

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2. **RECOMMENDATION(S)**

1. **Members are asked to agree the Local Planning Protocol for referral on to Full Council for adoption as part of the Council's Constitution.**
2. **Members are asked to agree the approach set out in this report in respect of planning conditions and 'Lists' for planning committee agendas and reports.**
3. **Members are asked to agree the recording of Plans Sub and Development Control Committee meetings and consider whether they wish the recordings to be published.**

### 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 Department
  4. Total current budget for this head: £1.653m
  5. Source of funding: Existing revenue budget 2019/20
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### Personnel

1. Number of staff (current and additional): 66.8ftes
  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	To be adopted by Full Council as part of Council Constitution	See para 3.2 below – draft Protocol attached for consideration
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 and in operation
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Adopted in May 2020
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	Report on this agenda
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	Planning application reports on this agenda in new format for final approval – also see para 3.7 below
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	To be taken forward as set out in Planning Protocol see Para 3.2 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	New report format now fully implemented - further information on conditions set out in Para 3.7 below
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	To be reported to future DCC
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	Ongoing
13. Where motion goes	Councillors to note and action	Ongoing

against Officer recommendation, clear reasons for refusal or 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 including substitutes and a	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly	In progress, first training session on probity successfully delivered.

list of trained Members retained	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	Previously agreed for quarterly reports to DCC, however now meetings are every 2 months, to be reported to every other meeting	Ongoing

### **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’ which strongly encourages the adoption of a local code.
- 3.3 Following initial consideration at January DCC, the draft Local Planning Protocol is appended to this report for final consideration by DCC. The draft was considered at Standards Committee on 12<sup>th</sup> March and their resolution was as follows:
- 1. The draft protocol be strengthened to clearly emphasise that all decisions in relation to planning applications have to be based purely on material planning considerations;*
  - 2. All councillors sitting on the Development Control Committee and its Sub-Committees should be fully conversant with the report of the Planning Advisory Service and the Probity in Planning document as these document clearly set out the expectations for standards of behaviour; and*
  - 3. Once the Planning Protocol has embedded the Chairman of the Development Control Committee be invited to a Standards Committee meeting to discuss the impact of the Protocol.*
- 3.4 The text has been slightly updated to reflect recommendation 1 above and the updated draft is appended to this report. It is intended that once approved by Development Control Committee, the Protocol will then be considered by full Council, to be adopted as part of the Council’s Constitution.

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

- 3.5 Members approved the format of future planning application committee reports at DCC in January 2020. The planning application reports on this agenda include a revised approach to planning conditions which provides for a clear description of each condition in a list at the end of the report.
- 3.6 Providing the complete wording of each condition for larger applications was taking up a considerable amount of space on the agenda and creating additional potentially unnecessary paper wastage. The previous approach to conditions was to use a short code at the end of each report to reference each condition; however that did not make clear what the condition required. The approach set out in this agenda is proposed as a compromise between the full and short code approach and Members are asked to agree this for all planning application reports moving forwards.
- 3.7 Members are also asked to agree the deletion of ‘Lists’ from Plans Sub Committee agendas as these are at this time no longer considered to assist with the determination process. Council

applications will continue to be clearly identified in the report header. Members should note that this would include the removal of List 4 and therefore any applications reported with a recommendation for refusal could be permitted at the same meeting.

### **Recording of Planning Committee Meetings**

- 3.8 Members are also asked to consider whether the recording of Plans Sub and Development Control Committee meetings would be helpful to those attending and those unable to attend, if they were subsequently published. This meeting and the previous DCC meeting have been broadcast on the internet due to meeting constraints created by the COVID-19 pandemic, and Members may wish to consider options for the longer term future involving technology in light of this, which does make the meetings more accessible to those who may not be able to attend in person.
- 3.9 There are a number of benefits of recording / broadcasting meetings, including the availability of clear transcript of decision making, which can be useful at appeal, in dealing with complaints and to defend cost claims. The public availability of recording would enable those who could not attend a particular meeting to listen back to the discussion.

### **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, technology and other commitments involving greater staff input or external support. This will need to be assessed based on specific proposals / decisions.
- 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.
- 4.3 As a result, if these recommendations are approved and implemented, the impact on workloads and costs be need to be monitored, with a view to manage these changes within existing resources.

### **5. LEGAL IMPLICATIONS**

- 5.1 The recommended 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) December 2019 Bromley Council Constitution