

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 3 October 2019**

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

Title: **PLANNING SERVICE IMPROVEMENTS**

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Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

Following a light touch review of planning committee processes by the Planning Advisory Service, a number of recommendations were put forward by Officers for Members to consider. These recommendations were set out in a report to this Committee in July 2019, along with suggestions as to how these might be taken forward. This report provides an update on these recommendations and some specific matters for the Committee to consider.

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 proposed method for determining whether cases are reported to Development Control or Plans Sub Committee (see recommendation #3 and paras 3.4 - 3.7 below).**
3. **Members are asked to confirm the changes to the delegated powers and types of cases which are currently routinely reported to committee (see recommendation #4 and paras 3.8 – 3.12 below).**

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):
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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 Council requested that the Planning Advisory Service (PAS) carry out a review of the Council's planning committees in order to inform potential service improvements and to assist with sound decision making.
- 3.2 Officers have subsequently drawn up a number of recommendations to help take forward improvements to the planning service and in particular the operation of planning committees and this report seeks committee agreement to suggested actions following on from these recommendations.
- 3.3 The recommendations are set out below with suggested actions to be taken forward by Officers and / or Councillors and updated since the July 2019 report to this committee to include an update with timescales:

PAS Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft	Draft to be completed by end of November 2019
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 provided for agreement – see below
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Suggested changes provided for agreement – see below
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	Officers have noted improved information is being received with 'call ins' as recommended
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	Separate 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	Draft to be completed by end of November 2019
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	Expected to be trialled at November DCC
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	Draft to be completed by end of November 2019
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 November 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	No action at present
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action	Ongoing
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.	Improvements targeted for DCC November 2019
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 and first presentation to Members took place on 16 th September
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	No action at present

	Members and in the committee report	
19. Effective compulsory training should be provided for all committee members including substitutes and a list of trained Members retained	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 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.	Draft training programme to be presented to November DCC
20. Regular reports on performance of planning and appeals team	Quarterly reports to DCC	Report on this agenda

Recommendation #3 – Criteria for applications for Development Control Committee

- 3.4 Currently there are no agreed criteria to distinguish Plans Sub Committee (PSC) cases from Development Control Committee (DCC) cases. Following discussions between the Chairman, Vice Chairman and Officers, it is recommended that rather than introduce a specific criteria (such as all major applications) to determine which cases are considered at DCC, it would be preferable to have a system with some discretion but which provides more clarity than at present.
- 3.5 Having a specific threshold such as all major applications would mean it would be more difficult to avoid non-strategic applications being considered by DCC (for example a very small development on a site large enough to qualify as a major application, or a minor amendment to a previously approved major application).
- 3.6 It is therefore proposed that Officers will produce a monthly list of major applications received which will include recommended decision making route (delegated, PSC or DCC). This will be sent to the Chairman and Vice Chairman for a response within a set period (possibly 3 working days) so that strategic DCC cases can be identified and their decision route agreed at the earliest opportunity. The decision making routes agreed will then be followed with the only exception being identified delegated cases which are subsequently called in to committee, which will go to PSC.
- 3.7 This approach would also assist with some of the other points raised in the PAS report around Member / Officer liaison and major applications.

Recommendation #4 – Scheme of delegation to be broadened

Side Space

- 3.8 Although not formally excluded from delegated powers in the Council's constitution, DCC have previously resolved that any cases which involve development of 2 or more storeys and do not provide a 1 metre sidespace (in relation to Local Plan Policy 8) and where Officers wish to approve should be considered at committee and this has become standard practice. However, many of these cases are not controversial and could be determined under delegated authority.
- 3.9 Officers would recommend that all such cases be left for Officers to determine unless called in in the normal way. It has also been suggested that cases in Conservation Areas and Areas of Special Residential Character remain subject of committee decision. Members are asked to

consider this and whether normal call in powers could apply.

New Commercial Development

- 3.10 At present the delegated powers exclude all new build commercial development (except extensions, resubmissions and revisions). This means that some very minor and / or uncontroversial cases are reported to committee. It is recommended that this be altered to require only major applications for new commercial development, to allow smaller uncontroversial schemes to be determined under delegated authority.

New Housing Development

- 3.11 The current threshold for new housing development under delegated powers is 10 units or less. Whilst this threshold does not currently cause many cases to be considered at committee that would not otherwise, if the Council does start to receive more housing applications following the adoption of potentially higher housing targets in the new London Plan, it may be helpful for this threshold to be raised further, to say 20 units so that uncontroversial schemes up to this size could be considered under delegated powers.
- 3.12 With all of the above suggested changes, normal Councillor 'call in' powers would still apply.

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 legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	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