

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 18th March 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)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service.

2. **RECOMMENDATION(S)**

1. **Members are asked to agree the Local Planning Protocol for referral on to Full Council in April 2020 for adoption as part of the Council's Constitution**
2. **Members are asked to agree the updated scheme of delegation for AD Planning & Building Control for consideration at Full Council in April 2020 for adoption as part of the Council's Constitution**
3. **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**
4. **Members are asked to agree the recording of Plans Sub and Development Control Committee Meetings and whether they wish 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:
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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 previously considered recommendations for service improvements are set out below with the latest update information

| Recommendation | Proposed Action | Update / Timescale |
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| 1. New Local Planning Protocol for Members | To be adopted by Full Council in April 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 | Fully revised draft version of AD Planning delegated powers attached to this report for agreement – see para 3.5 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 | 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.X 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 agreed at Jan 2020 DCC and to be rolled out fully from April PSC – 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 next reported to May 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 | Ongoing |

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| | respect of Member training and approach | |
| 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. | 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 | In person and online training (at least quarterly) to be offered by Planning, | In progress |

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| training should be provided for all committee members including substitutes and a list of trained Members retained | 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. | |
| 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 | Report on this agenda |

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. It is proposed to be considered at Standards Committee on 12th March following publication of this agenda and therefore any requested changes by Standards Committee will be reported verbally, and a revised draft published before the meeting if necessary.
- 3.4 It is intended that once approved by Development Control Committee, the Protocol will then be considered by Full Council in April 2020, to be adopted as part of the Council’s Constitution.

Recommendation #4 – Assistant Director Planning Delegated Authority

- 3.5 As part of a Council-wide review of Delegated Authority, the Assistant Director Planning’s delegated powers have been fully reviewed. The current and proposed updated versions are attached to this report for initial agreement by DCC before the fully revised version is presented to Full Council in April.
- 3.6 The key changes are set out below:
- reordering and rationalisation of existing powers into more coherent format
 - addition of requirement for reason when Members call in to withdraw delegated powers
 - removal of power to determine cases in CA and ASRC without one metre sidespace
 - addition of power to revoke hazardous substances consent
 - addition of power to agree s106 spending
 - addition of power to agree fees across the service in accordance with legislation
 - addition of CIL powers
 - addition of written agreement for delegated and non delegated matters with Chairman of DCC in respect of all Planning Policy matters

Recommendations #7&9 – Improvements to Committee Reports

- 3.7 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.
- 3.8 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.
- 3.9 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

- 3.10 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.
- 3.11 There are a number of benefits of this 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 and other commitments involving greater staff input or external support. This will need to be assessed.
- 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

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| 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) December 2019 Bromley Council Constitution |