

Review of the Development Management Committee

Report by the Planning and Economy Scrutiny
and Policy Development Panel

FOR RECOMMENDATION

1.0 Purpose of Report

1.1 The purpose of this report is to present a summary of the Planning and Economy Scrutiny and Policy Development Panel's review of the Development Management Committee (DMC).

2.0 Recommendations

2.1 The Scrutiny Board recommend to Cabinet that:

2.1.1 The Development Management Committee be retained in its current form.

2.1.2 The red card procedure be retained in its current form.

2.1.3 Planning reports for major and minor developments have an executive summary at the beginning of the report; and

2.1.4 Shorter planning reports be produced for applications that have been previously considered by the Development Management Committee. Such reports to only contain details relevant to the decision to be made by the Committee.

3.0 Summary

3.1 The Panel concluded that overall the Development Management Committee is operating in an efficient and effective manner.

3.2 However, a number of improvements have been identified which focus on improving the format of the reports which should reduce printing costs and lead to more focussed debates at meetings.

4.0 Membership of the Panel

4.1 Councillors K Smith (Scrutiny Lead), Perry (Deputy Lead), Gibb-Gray, Satchwell, and Mrs Blackett.

5.0 Panel's Brief

5.1 The Panel was requested to review the Development Management Committee processes to ensure that they are fit for purpose.

5.2 The driver for the Panel's work had been the continuing pressure on resources together with the need to deliver effective and consistent planning decisions.

6.0 Scope of the Review

6.1 The Panel agreed to focus its attention on the need for a Development Management Committees and its processes particularly in the knowledge of the resources pressures and increasing service demands.

7.0 Method of the Review

7.1 The principle methods used to undertake the review were:

- interviews with a range of Council officers and the Cabinet Lead
- Visits to Chichester City Council, West Sussex County Council, Southampton City Council and Hampshire County Council
- Searches on the internet into the report formats used by other Councils

8.0 Witnesses

8.1 Witnesses who gave evidence to the Panel were:

- Julia Potter, Executive Head (Planning and Economy)
- Andrew Biltcliffe, Executive Manager, Planning Services
- Councillor Guest, Cabinet Lead for Planning and Economy

9.0 Key Findings

The Development Management Committee

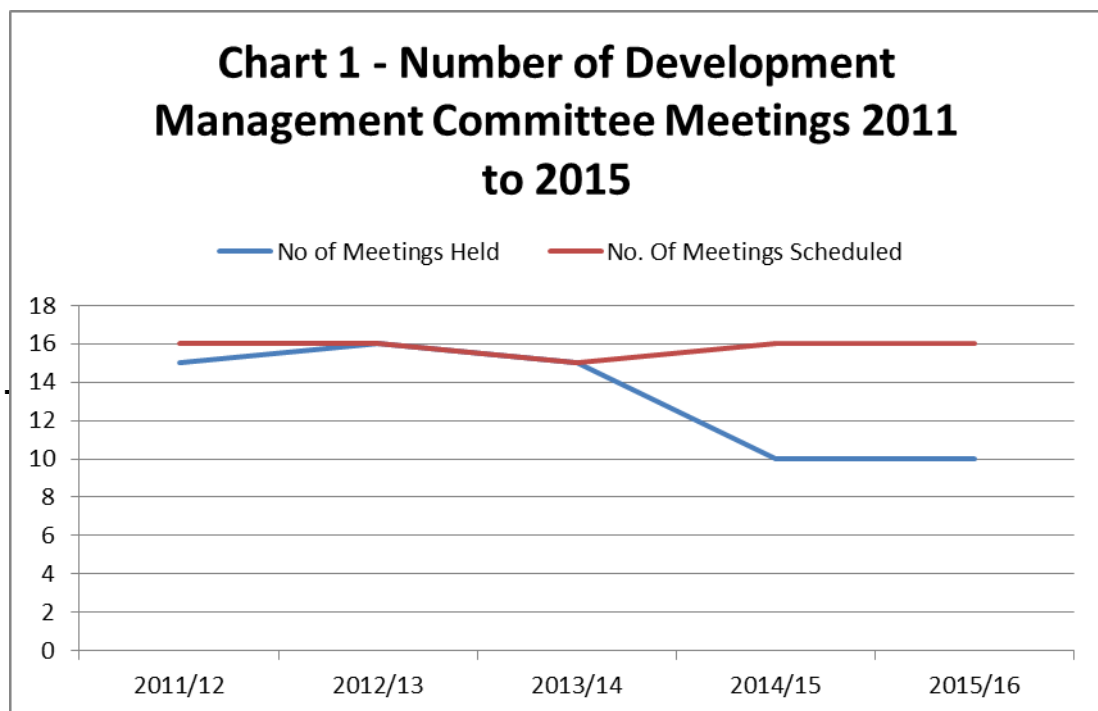
9.1 The Development Management Committee's central function is to deal with applications for planning permission and the conduct of planning appeals. A majority of applications are determined by the officers under delegated powers leaving the Committee to deal with:

- Applications by employees and councillors
- Applications on Council owned land
- Applications referred to the Committee by councillors ("Red Carded")
- Contentious Applications referred to it the Executive Head of Planning and Economy

9.2 Planning applications are varied and range from small proposals, for example, an extension to a private house, to large proposals, such as a new superstore or housing development.

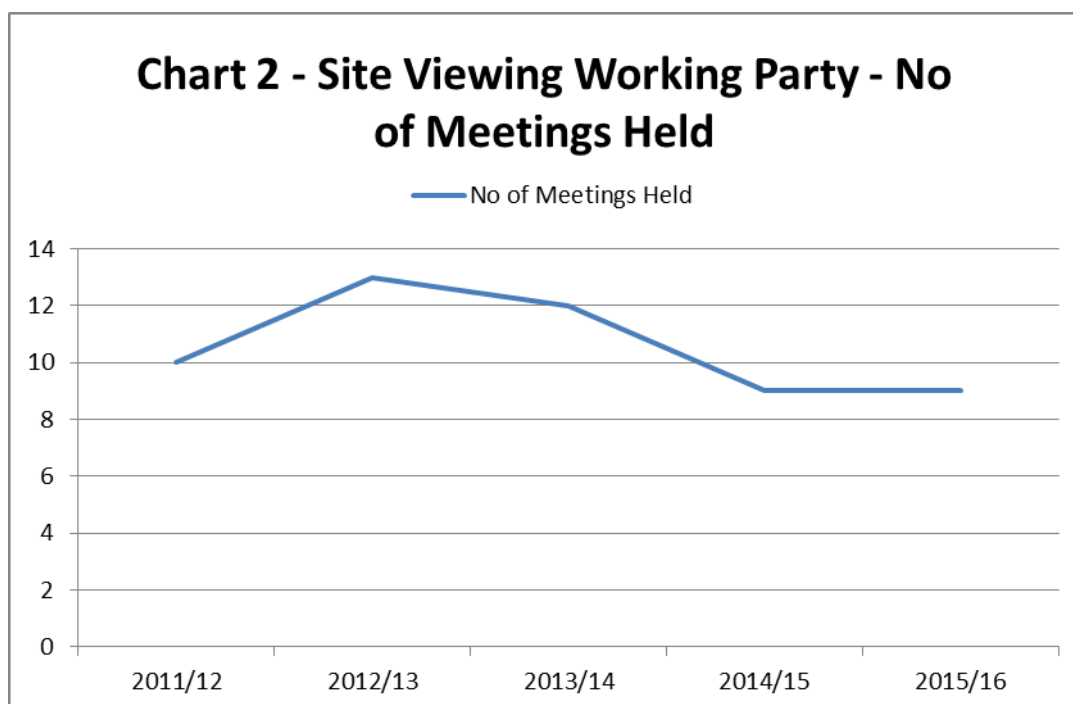
9.3 The committee also has an enforcement role in ensuring that planning conditions are complied with and that unacceptable development which has taken place without the necessary planning permission is removed or ceased, and is responsible for the protection and preservation of trees.

9.4 The Committee has seven members with standing deputies. The number of meetings has declined since the Council removed the right of third parties ask to for applications to be referred to the Committee and the powers delegated to officers were expanded in 2012 .These changes have resulted in a reduction in the number of Committee meetings* as shown in Chart 1.



* The figures are based on the meetings held in each financial year. 2015/16: two further meetings are scheduled for this year.

9.5 The DMC is supported by the Site Viewing Working Party (SVWP). The role of the SVWP is to familiarise themselves with a site's characteristics before making a recommendation on a planning application or other matter scheduled to be considered at a future meeting of the DMC: The changes in the call in procedure and delegated powers has also resulted in a reduction of the number of meetings of this Working Party.



The Future of The Development Management Committee

- 9.6 The Panel considered the future of the DMC and in particular the following three options:

Dissolving the Committee and Delegating Authority to Determine all Applications to the Officers

- 9.7 The majority of planning applications are currently determined by officers under delegated powers. A complete transfer of authority would still enable the public and councillors to be involved in the decision making process. However, there would be no transparency in the planning decision making system, particularly on large and contentious planning applications.
- 9.8 The Panel considers that there is a need to balance democracy with costs and this option would not adequately involve the public in decisions on contentious and large applications. Therefore, the Panel does not consider this an acceptable option.

Creating a Single Regulatory Committee to deal with all the Regulatory Functions of the Council

- 9.9 The Committee discussed retaining the existing level of officer delegation and merging the DMC and the Licensing Committee into a single Regulatory Committee.
- 9.10 The benefits of this option would be:

- A potential reduction in the number of meetings
- A potential reduction in meeting costs (the six Licensing Committees will form part of the 16 DMCs)
- Ensure that the decision making process is transparent for contentious and large planning applications

9.11 The disadvantages would be:

- The size of planning meetings would revert back to its previous size of 15 members, which in a earlier review was considered inefficient and costly (the Licensing Act 2003 requires that the committee dealing with licensing functions should be at least 8 members with a maximum of 15. Advice from Licensing consultants recommend that licensing committees should have at least 15 members to cope with the licensing hearings)
- The meeting would require members to be highly skilled in planning and licensing
- There would be an increase in costs due to longer meetings and an increase in attendance by officers
- A large part of licensing Committees are held in camera
- Members of the public would have to wait for lengthy periods before the applications they have an interest in is heard

The Panel considered the reversion of the Committee back to 15 members would result in an unwieldy and unworkable Committee.

Retaining the Existing Development Management Committee

9.12 It was considered that the current system provided an effective and efficient decision making body which struck a balance between democracy and costs. The public are able to see and take part in the decision making process for contentious and large applications but at the same time a majority of the decisions are made by professional officers under delegated powers. The costs of the DMC had been considerably reduced since 2012 and could be justified in terms of democratic scrutiny.

Recommendation 1

The Development Management Committee be retained in its present form

Areas of Good Practice

Red Card procedure

9.13 The existing red card procedure enables Councillors to refer a matter to the DMC provided that a request is submitted within the consultation period and good planning reasons are given for the referral.

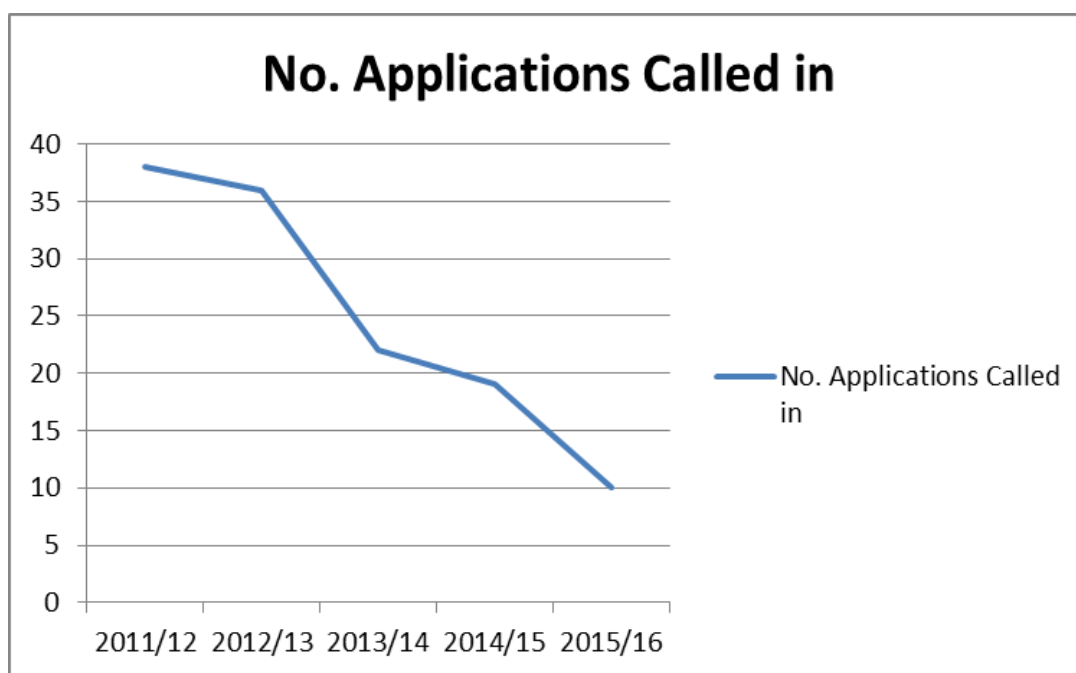
9.14 When the DMC was formed it was proposed that:

“Ward Members need to proactively address their responsibilities to represent their Ward issues at the DMC meetings as required by their electorate”

The red card procedure is one of the ways a ward Council can represent their ward constituents.

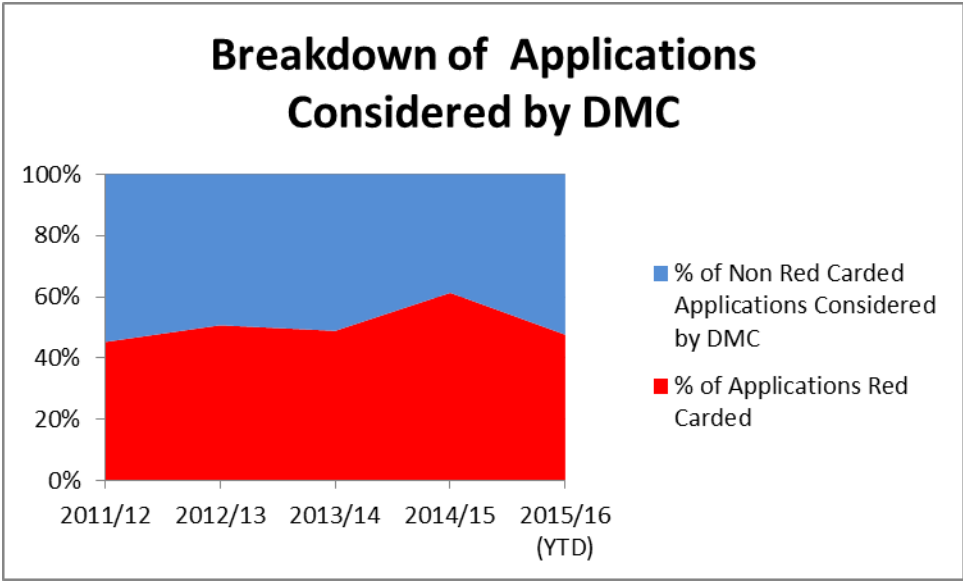
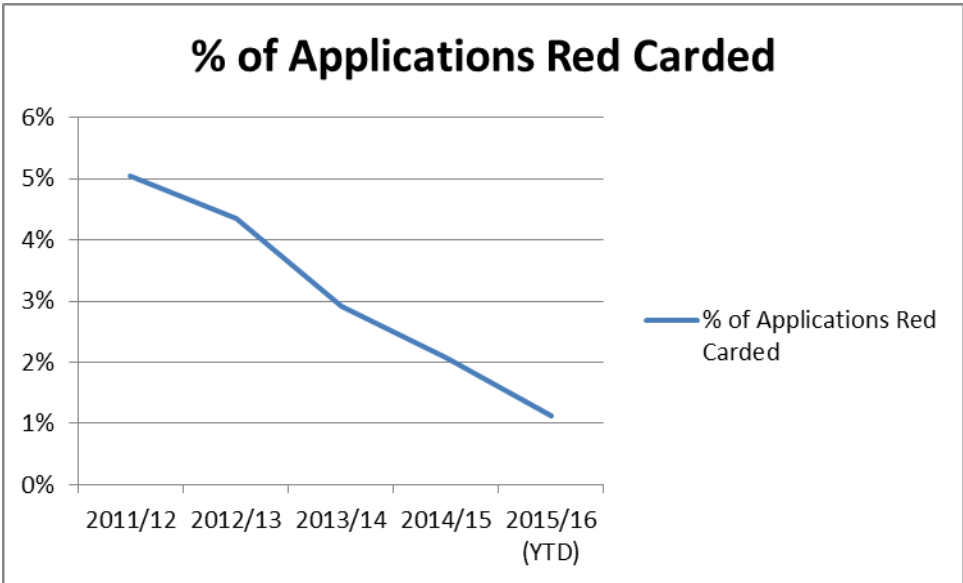
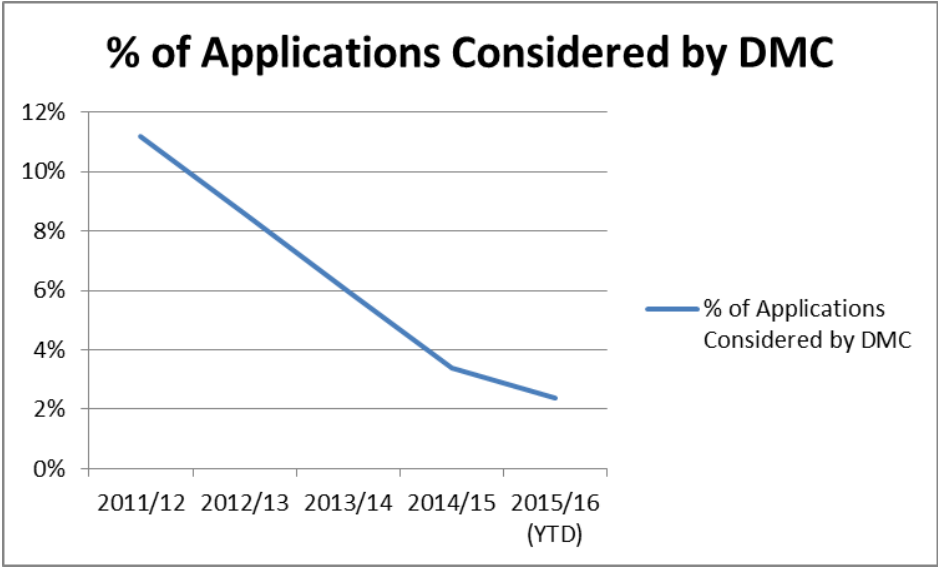
9.15 Concerns have been raised that there has been an increase in the number of red carded applications with a resultant increase in costs. **The productivity cost for each red card is approximately £700.**

9.16 In 2012/13, the red card procedure was amended by only allowing councillors to red card an application: third parties have to request their ward councillors to call in an application. Chart 3 shows that the number of applications red carded has dramatically decreased over the years. The dramatic drop in red carded applications from 2012/13 to 2013/14 is due to the Council’s change to the constitution whereby only ward councillors can red card an application: prior to this third parties had the right to call in application.



9.17 It would be reasonable to assume that the change in the call in procedure would have resulted in the DMC considering more red carded applications compared to non red carded applications. However, the following charts show that:

- the percentage of applications received that have been considered by DMC has continually decreased since 2011/12
- the percentage of applications received that have been red carded has continued decreased since 2011/12
- Apart from 2014/15, the percentage of applications considered by DMC that have been red carded has been under 50% since 2011/12.



- 9.18 The table in Appendix A sets out the DMC meetings in the current financial year. It can be seen that of the 16 scheduled meetings, four have been cancelled due to no business. Five of the twelve remaining meetings have or are projected to be held solely following 'red cards' from members. The other seven meetings would have needed to take place either because they involved Council applications, departure from the Development Plan or a Head of Development referral.
- 9.19 The two currently remaining DMC meetings scheduled for this financial year on the 25 February and 17 March are anticipated to involve the Costa coffee, Emsworth application (red card: Councillor Gibb Gray) and the Market Parade, Havant outline for 130 flats (Head of Development referral) on the 25 February, subject to progress. The 17 March meeting is currently only likely to consider the Meadowlands school residential development that has been red carded by Councillor G Shimbart. If the two remaining meetings hear three red carded applications, there will still be slight reduction in the number of items called in from last year.
- 9.20 The data for 2015/16 DMC meetings shows that where they have not been required they have been readily cancelled. There has been a relatively high level of Council applications which necessitated holding two of the meetings, whilst five of the meetings were held at the request of Councillors, using the 'red card' process. The analysis shows that 31% of all the scheduled meetings were required through 'red cards'. In the democratic process of planning this could be considered reasonable. Of the five 'red card' meetings, only one was concerned with a householder application (30/04/15), all the others were minor or major development, which again could be justified as appropriate for democratic scrutiny.
- 9.21 The majority of the applications that are determined by the planning service is high. In 2015/16 from April 1 - 617 planning decisions have been made; plus 153 Tree Preservation Order decisions. Of these 16 decisions (and 2 TPO decisions) have been made by the DMC. Therefore 97.4% of planning decisions have been made under delegated powers and 2.6% at DMC. Similarly 98.7% of TPO decisions have been made under delegated powers with DMC determining 1.3% of TPO decisions.
- 9.22 The Panel considers that the current system is an acceptable balance between democracy and costs. The number of meetings held and items called in has reduced. The requirement that all red card requests have to be supported by good planning reasons avoids the Committee having to consider applications that raise no material planning considerations.

Recommendation 2

The Red Card system be retained in its current format.

Format of Committee Reports

- 9.23 It has been suggested that HBC reports are often bulky and can be difficult to assimilate requiring searching through the main body of the report to find the pertinent pages. It was felt that a comparison with reports produced by other authorities could be a useful exercise.
- 9.24 Visits have been made to Chichester City Council, West Sussex County Council, Southampton City Council and Hampshire County Council to compare their formats for planning applications with this Council. An internet search of the planning reports produced for the councils listed in Appendix B was also undertaken. We made a point of studying various reports during these visits to see if there was anything to be learned in terms of improving reports produced here at HBC.
- 9.25 Overall it has been found that a majority of councils use a similar design and content to the format adopted by this Council. However, the following variations appeared to be an improvement to our layout.

The Inclusion of an Executive Summary at the Beginning of the Report for major and Minor Developments

- 9.26 This is a practice that has been used for many years in private business. It is acknowledged that some of our reports already include an executive summary. However this is usually contained within the body of the report. We consider that if the summary is at the beginning of the report, readers can rapidly become acquainted with a large body of material before reading it all.

Shortening the Reports on Applications Previously Considered

- 9.27 The Panel noted that some councils such as Chelmsford District Council produce shorter reports for applications that have been previously considered by their Planning Committee. These shorter reports only contain details to be considered (i.e. does not list all the issues previously considered such as main considerations, history of the site etc.). The Panel considers that by adopting this approach debates at meetings could be shortened and the Council could save on printing costs.

Recommendation 3

Planning reports for larger developments have an executive summary at the beginning of the report.

Recommendation 4

Shorter planning reports be produced for applications that have been previously considered by the Development Management Committee. Such reports to only contain details relevant to the decision to be made by the Committee.

10.0 Implications

10.1 Resources:

The recommendations can be implemented within the existing budgetary provision.

10.2 **Legal:**

None

10.3 **Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

10.4 **Risks:**

N/A

10.5 **Communications:**

N/A.

10.6 **For the Community:**

N/A.

10.7 **Consultation:**

N/A

10.8 **The Integrated Impact Assessment (IIA):**

N/A

Appendices

Appendix A – Analysis of Red Carded Applications 2015/16

Appendix B Internet Search of Report Formats Used by Other Councils

Appendix C Development Management Committee Data 2011/12 to 2015/16

Appendix D Breakdown of Applications Received 2011/12 to 2015/16(YTD)

Background Papers:

Development Management Committee Agendas and Minutes

Agreed and signed off by:

Legal Services: 2 March 2016

Financial Services: 2 March 2016

Executive Head for Economy and Communities: 2 March 2016

Contact:

Councillor Ken Smith

Job Title:

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