

Forest Heath District Council

(This report is not a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Planning, Housing and Transport

SPECIAL COUNCIL
25 SEPTEMBER 2013

COU13/642

FRAMEWORK FOR THE SHARED PLANNING SERVICE

1. Summary and reasons for recommendation(s)

1.1 An essential part of the business case for the Shared Planning Service was to ensure that there is a single and consistent way of operating across the two Planning Authorities. In this respect, Members may recall that a series of shared Member workshops were held to look at:

- (i) Committee Procedures
- (ii) Scheme of Delegation
- (iii) Enforcement;
- (iv) Pre-application engagement with Developers/Agents

1.2 An outline of the recommendations from these workshops were reported to:

- (i) Development Control at St Edmundsbury on 1 May 2013
- (ii) Development Control at Forest Heath on 5 June 2013

1.3 The outcome from the Member workshops forms the basis on which the shared planning service will operate. This report now looks at the detailed changes required to put these single operating procedures in place, and include proposals to change the Constitution to incorporate these changes.

1.4 The table below list the proposed protocols/changes and the detailed are contained in the relevant Appendices.

Appendices	Title
1	Notes to appear at the front of Development Control Committee
2	Amended format for reports to Development Control Committee (not attached - see Recommendation 2.)
3	Updated Site Visit Protocol
4	Guide to having your say on planning applications
5	Revised Scheme of Delegation
6	Amended Decision Making Protocol
7	Members Planning Code of Good Practice Probity in Planning Guidance
8	Quarterly performance report to Development Control
9	Protocol for Concept Statements
10	Protocol for Masterplans
11	Protocol for Development Briefs

- 1.5 This report and appendices was presented to Forest Heath District Council's Development Control Committee on 4 September 2013 and St Edmundsbury Borough Council's Development Control Committee on 5 September 2013. Comments made by Forest Heath's Development Control Committee have been included into this report and the recommendations (below) reflect those made by the Committee. Comments made by St Edmundsbury Members will be verbally reported to Council.

2. Recommendation(s)

It is recommended that:

1. The following appendices be agreed:
 - Appendix 1 (notes to appear at the front of the Development Control Committee)
 - Appendix 3 (Site Visit Protocol)
 - Appendix 4 (guide to having a say on planning applications)
 - Appendix 5 (Scheme of Delegation)
 - Appendix 6 (Decision Making Protocol)
2. Appendix 2 (format for reports to the Development Control Committee) be circulated separately to Members of the Development Control Committee for comment, following which the final format would be agreed by way of Delegated Authority to the Head of Planning and Regulatory Services, in consultation with the Committee Chairman and the Portfolio Holder for Planning, Housing and Transport;
3. The documents attached as Appendix 7 (Members' planning code of good practice and probity in planning guidance) be subject to a fundamental review by way of the establishment of a joint (with St Edmundsbury Borough Council) Member task and finish group of the authorities' Development Control Committees;
4. The format of Appendix 8 (quarterly performance report) be agreed for future quarterly performance reporting to the Development Control Committee;
5. Full Council approves and makes the necessary changes to the Council's Constitution in respect of:
 - i. Deleting from the Protocol Section of the Council's Constitution reference to 'Planning Advice Note 1 – Having Your Say on Planning Applications';
 - ii. Inclusion of the amended Scheme of Delegation to the Head of Planning and Regulatory Services (planning matters);
 - iii. Inclusion of the amended Decision Making Protocol, Part 7 of the Constitution;
6. Any changes proposed in respect of Appendices 1, 3, 4, 5, 6, and 8 be agreed by way of Delegated Authority to the Head of Planning and Regulatory Services in consultation with the Committee Chairman and the Portfolio Holder for Planning, Housing and Transport.

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3. How will the recommendations help us meet our strategic priorities?

- 3.1 Members from both authorities approved the full business case for the Shared Planning Service in June 2012. Implementation of the new service is underway, with shared service already operating across Building Control Service, Place Making and Specialist Teams. The last critical part is bringing together the Development Management Teams. This requires a single way of working.
- 3.2 The delivery of the savings identified with the Business Case, form part of the Council's medium term financial strategy is dependent on a single way of working across the two Councils.

4. Key issues

- 4.1 Members from both authorities have guided this work and shaped the future of the shared planning service. The scope of this work included not only what both authorities currently do, but looking at 'best practice' across the Country as Members recognised that this presented an ideal opportunity to deliver a step change in service delivery.
- 4.2 The outcome from these Workshops have been presented to and endorsed in principal by both authorities. This report and the various appendices look at the detailed changes that need to be put in place, to allow the new procedures to become operational.

5. Key Changes

5.1 List of material considerations

At the front of every Development Control Committee appears a list of material planning consideration and notes in relation to the schedule of applications being considered. These have been updated, and now include reference to handling of late representations received after the Committee papers have been prepared, and reference to public speaking at Committee.

Attached as **Appendix 1**, is an amended list which will appear at the front of Development Control Committee papers.

5.2 Amended Committee Format

Unfortunately the amended format was not ready at the time of publication of this report – **please see Recommendation 2.**

5.3 **Site Visits**

The Site Visit protocol has been updated to cover both authorities. This is listed at **Appendix 3**.

Members of Forest Heath's Development Control Committee did not support undertaking a procurement exercise for a bus and agreed that Members should continue the existing arrangements with regard to their transportation to site visits.

5.4 **Public Speaking arrangement**

Both authorities have similar arrangements for public speaking at Development Control Committee. At present the 'Planning Advice note 1 Having your say on Planning Application – Your guide to taking part' sits within the Protocol section of the Council's Constitution. Whilst this document is extremely useful it is not considered necessary to be part of the Council's Constitution. As such, this leaflet has been updated to cover both authorities and is attached as **Appendix 4**, and it is suggested that the Council removes it from the Constitution but adopts this as guidance.

Members of Forest Heath's Development Control Committee did not wish to include the addition of a speaking 'slot' for an independent supporter, as was suggested by the Chairman of St Edmundsbury's Development Control Committee.

5.5 **Late Papers**

Whilst not an issue for Forest Heath District Council, St Edmundsbury Borough Council agents/applicants/developer submit a lot of additional information 'late papers' after the close of the reports but in advance of the actual Committee meeting. A formal process is therefore required to deal with this. It is therefore proposed, that these are dealt with in the following manner:

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:-

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) The Update Report will be sent out to Members by first class post and electronically on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by Officers at the meeting.

5.6 **Scheme of delegation**

The scheme of delegation to the Head of Planning & Regulatory Services has been amended, so that the same applies to both planning authorities.

In this respect, the key principles remain unaltered in that major and contentious applications are reported to Development Control Committee, together with any other application, that are referred to Committee with agreement of the Delegation Panel. All other matters are delegated to the Head of Planning and Regulatory Services to deal with.

Minor changes, include the delegation of the confirmation of Tree Preservation Orders in instances where no representation have been received, and the delegation of the applications to carry out works to Trees on land within the Council's ownership have been included.

The Scheme has also been updated to pick up the new prior approval processes introduced by the most recent changes to the Town and Country Planning General Development Order.

The proposed Scheme of Delegation to the Head of Planning & Regulatory Services (planning matters only) is attached as **Appendix 5**.

5.7 **Decision Making Protocol**

The Decision Making Protocol sits within Part 7 of the Constitution, and includes the 'minded to' recommendation when the Committee wishes to make a decision contrary to the Officers recommendation. At present the protocol doesn't allow any flexibility, such that in every case the application has to be deferred to the next meeting. In some special cases (e.g. Retail applications in Newmarket) consideration has been given beforehand to lift our standard protocol.

In reviewing this protocol, the recommendation is to make it more flexible and that only in cases where a decision contrary to the Officer recommendation, is considered to be significant in terms of the overall impact/harm to the planning policy framework, having sought advice from the Head of Planning & Regulatory Services and the Head of Lead and Democratic Services (or Officers attending Committee on their behalf), that applications need to be deferred for full risk assessment report.

A copy of the amended Decision Making Protocol is attached as **Appendix 6**.

5.8 **Members' Planning Code of Good Practice**

Within Section 7 of the Constitution is 'Members Planning Code of Good Practice', this guidance has been recently updated and reflects the advice contained within Probity in Planning Guidance. It is recommended that this be retained and approved as a Protocol, but deleted from Section 7 of the Constitution.

The Planning Code and the Probity in Planning Guidance is attached as **Appendix 7**.

Members of Forest Heath's Development Control Committee made a number of comments with regard to these documents. The majority of the Committee considered that they required a fundamental review by way of the establishment of a joint (with St Edmundsbury Borough Council) Member task and finish group of the authorities' Development Control Committees.

Until the outcome of such a review the Code of Practice which currently existed within Forest Heath District Council's Constitution would still apply.

5.9 **Quarterly Reports**

As Development Control Committee is an integral part of the Development Management process, Members at the workshop felt it was essential that they understand how the service was performing. As such it was agreed that a quarterly performance report should be presented to Development Control Committee for consideration. These reports should cover planning application performance against key performance indicator, summary of appeal decision, any award of costs, and high level information with regard to the enforcement.

An example of the format of these reports is attached as **Appendix 8** containing performance data in relation to the 1 Quarter (1 April – 30 June) 2013/2014.

6 **Policy Protocols**

6.1 Members will be aware of the Joint Development Management policies which set out the policies against which development proposals will be considered in both authorities. Section 3 of the joint documents is aimed at 'creating places - development principles and local distinctiveness', with Policies 2 and 3 promoting the use of masterplans and development briefs.

6.2 At present, St Edmundsbury Borough Council have existing protocols for the development of these documents. These are attached as **Appendices 9, 10 and 11** to this report. Moving forward, it would be sensible for Cabinet to consider adopting these protocols for the development of such documents to ensure a consistent approach across the two authorities.

6.3 No adverse comments on this proposed way forward were made by Forest Heath's Development Control Committee. Adoption of these protocols would be subject to a future report to the authority's Cabinet.

7. **New Ways of Working**

7.1 This report looks are updating our procedures and introducing a single of working across the both authorities.

7.2 The business case for the shared service also highlighted the need for introducing and maximising the use of Planning Performance Agreements. In this respect, work is currently underway on a protocol and that will be presented to Development Control Committee for approval in due course.

7.3 The other outstanding piece of work is the protocol for pre-application engagement and Member engagement during the lifespan of the application.

8. Implementation

8.1 If Members agree the recommendations to this report and relevant constitutional changes these will then be embedded into our practices and should be operational from 1 October 2013.

9 Background papers

9.1 Reports to FHDC Development Control Committee on 5 June 2013 & 4 September 2013.

9.2 Reports to SEBC Development Control Committee on 1 May 2013 and 5 September 2013.

10 Documents attached

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