

## Record of Officer Decision

### Publicity for Non-Contentious Householder Planning Applications

#### Decision Taker and Date Decision Taken:

Executive Head Assets and Business Services, in consultation with the Deputy Mayor and Executive Lead for Planning, on 08 February 2018

#### Summary of Matter or Issue Requiring Decision:

The Planning Advisory Service (PAS) has developed a Development Management challenge kit, which sets out their thoughts on how Councils should try to understand and improve their Development Management services. It is based on work they did with high performing Councils and was reviewed following a series of sessions with Councils of various types and sizes. In the challenge kit PAS identify that... *“a good planning service...”*

- *Keeps its eye on the big strategic applications: the high volume of straightforward applications can obscure the much smaller number of high impact applications that deliver “place”.*
- *Has a slicker routine and process for the high volume cases, and varies it for the less predictable.*
- *Applies a risk-based approach to some of the processes for high volume work e.g. minimal validation requirements, no site visits....”*

Currently all delegated applications are all dealt with in the same way, regardless of complexity or public interest:

- Validation
- Assigned to Case Officer
- Site Visit (including posting of a Site Notice)
- Delegated Report
- Decision signed by Senior/Principal Officer

Currently there isn't a streamlined routine, or risk-based approach to processes, for high volume cases. It is therefore the Council's intention to adopt a 'slicker' method for dealing with non-contentious householder applications and replacement window applications in flats on sites outside of a Conservation Area. The approach outlined below will provide a number of benefits:

- Improved performance figures on “minor” and “other” applications
- The Council currently has a shortfall of Planning Officers. This change will support the team's ability to deal with the incoming work stream.
- Earlier decisions for Applicants, and therefore economic benefits to the area.
- More officer time available to negotiate improvements on the more important or contentious applications, resulting in higher quality development.
- More officer time to respond to pre-application enquiries, resulting in improved quality of initial submissions (and therefore less attention required during the formal application process).
- More officer time to respond to post-application matters, resulting in quicker discharge of conditions and improved monitoring of development.

Over a 12 month period the Council receives approximately 500 householder applications. All

of these applications are advertised in accordance with the Council's adopted Publicity Procedure (which currently requires a Site Notice and letters to neighbours). As these are the less contentious applications a significant proportion do not receive objections.

The proposed new streamlined approach to dealing with these applications will be as follows:

- Validation
- Completion of delegated report in form of pro forma
- Letters to neighbours (no Site Notice)
- No Site Visit (unless objections received)
- Decision issued on earliest possible decision date (approx. 5 weeks)

This approach will separate non-contentious applications (where limited input is required from the Case Officer) from their more contentious workload, ensuring that the non-contentious decisions can be issued on the earliest possible date and are not delayed in a queue of other applications on the Case Officer's desk. All the usual checks and balances will remain in place – all applications will be included on the weekly list and the delegation scheme will still allow any of these applications to be considered for a Site Review Meeting by a Ward Member or the Chairman. If an application attracts objections the Case Officer will carry out a site visit and add an additional section on the pro-forma report taking account of the objection(s).

There will be clear benefits to this approach, as described above. However it must be accepted that there are also some risks. It is possible that the Council could be challenged by a neighbour following the grant of permission on the basis that their amenity (or some other issue) had not been properly considered. This is, however, an unlikely scenario if letters are sent to all who could reasonably be affected. The approach will be limited to householder applications and applications for replacement windows in flats outside of a Conservation Area where there are no objections. Additionally, if Planning Officers feel that there are issues that need to be investigated through a site visit or covered in a full report, despite the lack of any public interest, they will exercise their discretion and adopt the normal procedure. Bearing this in mind it is likely that a proportion of the "non-contentious" applications will still be dealt with in the normal way.

It should also be noted that these measures are not radical or ground-breaking. Many other Authorities have already adopted similar procedures whereby certain types of application are not subject to a site visit and/or where reports are not written. For example:

- Cornwall County Council – 70% of householder applications dealt with without a site visit.
- South Hams/West Devon District Councils – only visit householder applications if objections received (about 30% of applications) and use a tick box officer report.
- Taunton Deane District Council – Householder applications dealt with by Planning Support Officers.
- Teignbridge District Council - adopted this procedure in 2016.
- East Devon District Council - use this procedure.

In order to fully instigate this proposal it will be necessary to amend the Council's adopted Publicity Procedure, which currently requires a Site Notice and neighbour letters for all applications. The legislation requires a Site Notice or neighbour letters. It is considered that this current proposal (limited to the more straightforward proposals) would now result in clear efficiency benefits and savings to justify a change to our adopted Publicity Procedure:

- Fewer officer site visits per year saving officer time and also a reduction in mileage paid to officers by the Council.
- Approximately 20% of applications dealt with within 5 weeks – giving the Council a head start on achieving the government target of 80% of “other” applications within 8 weeks.
- Improved customer satisfaction

## **Main Implications**

The implications that the Council needs to be aware of are as follows:

A streamlined procedure for dealing with non-contentious applications is recognised nationally as good practice within the sector.

The streamlined procedure will result in efficiencies and budgetary savings, but these savings will only be fully realised if publicity is limited to written Neighbour Notification.

The legislation requires a Site Notice or neighbour letters, so the proposal to rely solely on Neighbour Notification fulfils statutory requirements.

The proposal to rely solely on Neighbour Notification will be limited to those applications that are suitable for dealing with through the streamlined procedure due to their very limited scope for impact. All other applications will still be advertised by a Site Notice and Neighbour Notification.

## **Groups / Individuals Consulted**

- Chairman of Overview and Scrutiny Committee
- Vice Chairman of Overview and Scrutiny Committee
- Chairman of Planning Committee
- Monitoring Officer

## **Decision Taken:**

To amend the procedure for publicity of planning applications so that planning applications follow a more streamlined procedure for non-contentious householder applications and applications for replacement windows in flats outside of a Conservation Area can be publicised solely by letters to neighbouring properties.

## **Summary of Reason(s) for Decision Taken:**

The introduction of a more streamlined procedure and service for dealing with non-contentious applications will allow the Planning Officers to spend more time dealing with those applications where intervention and negotiation may be necessary to improve the quality of development. The benefits of the streamlined approach will only be fully realised if officers do not have to visit the site to post up a Site Notice. This approach will only apply to very small-scale proposals where impacts are limited to immediately adjacent properties, which will still be notified by way of a letter. The proposal to stop posting Site Notices, in these limited circumstances, will result in efficiency and cost savings that outweigh any perceived concerns about reduced public consultation and is consistent with the approach taken by other nearby Local Authorities and is also recognised nationally as good practice within the sector.

**Summary of Alternatives or Options considered and rejected and Background Papers:**

None

**Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:**

None

**Implementation:**

This decision will come into force immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

Signed: \_\_\_\_\_ Date: 8 February 2018  
Executive Head of Assets and Business Services

Signed: \_\_\_\_\_ Date: 8 February 2018  
Deputy Mayor and Executive Lead for Planning