

Not in my back yard: Local people and the planning process	
LGSCO Key Questions (August 2023)	Executive / Service response
Does the council conform with our good practice suggestions in this report?	<p>It is assumed that this relates to the recommendations set out on page 20 of the report. I can therefore comment as follows:</p> <ul style="list-style-type: none"> • Photograph site notices – This is undertaken in the vast majority of cases. The need can be reaffirmed with officers. • Care when preparing neighbour letters – neighbour letters are sent by technical support staff. This is checked by the case officer when the file is received. It is also checked by the senior officer as part of the decision making process. • Clear record of site visits (normally with photos) – This is undertaken in the vast majority of cases. The need can be reaffirmed with officers. • Use the officer report to summarise comments – All reports set out the publicity carried out and a summary of the representations made as a result. • Officer report on the website – All officer reports have been published on the website as a matter of course as of January 2022. This is alongside the rest of the public planning file. • Good understanding of the council's constitution and code of conduct – Training is undertaken with members of the Speaker's Panel as to the planning code of conduct. There has also been training with new members. Council wide training has not been undertaken and should be considered. Officers are aware of the code of conduct, but refresher training would be beneficial. The constitution is a complex document, where training is difficult. A review is perhaps required on this. • Policy for dealing with amendments to planning applications and decisions – The terminology used by the LGSCO is not quite correct in this section, as a 'major' amendment is not something we look at. There are processes in law around agreeing non-material and minor-material amendments to developments where planning permission has been granted. Having said this, having a policy is very difficult. National Planning Practice Guidance does not define amendments in law as the context is very important. A minor change within one development, may require a new application in another. Whether third parties may want to comment is an essential consideration and is something that is taken into account. Otherwise, officers dealing with applications for amendments to planning and related applications set out the reasons for accepting changes or otherwise in a report/correspondence.

	<ul style="list-style-type: none"> Develop an enforcement plan – current information as to how planning enforcement matters will be dealt with is set out on the website. However, a council wide enforcement policy is being developed, below which a new planning enforcement policy will sit. This will set out what to expect when a complaint is made, including timescales. The service has also recently gone through a redesign where additional resource will be available in the near future. The policy will need to reflect the changes. 												
What is the council's target for building new homes and is it likely to achieve this? Failure to provide new homes can have a significant effect on the local economy and housing market.	<p>This is a complex area of planning, but can be summarised as follows.</p> <p>The provision of housing is fundamental to meeting the needs of residents in Tameside and its economic growth. It is not simply about meeting the needs of the market, although this is important, it is also about providing affordable housing as well as housing for those with particular needs such as the elderly.</p> <p>Details of the current housing requirement for Tameside is set out in the Strategic Housing and Employment Land Availability Assessment (SHELAA). Whilst a revised document is currently being prepared, the figure for 2021 to 2022 is 691 dwellings per annum (net) based on the Government's standard calculation (including a 5% buffer). The document shows that there are 3.3 years supply of deliverable sites for housing from April 2022 to March 2027, less that the Government's requirement of 5 years.</p> <p>Places for Everyone (PfE) is a joint development plan document covering 9 of the 10 local authorities in Greater Manchester. The plan is currently being examined by inspectors appointed by the Secretary of State. The plan sets out the scale, distribution and phasing of new housing over a 15 year period. In terms of housing requirement, this sets out the following proposal for Tameside, set within the context of proposals for the 9 authorities. Once adopted, this will replace the requirement in the first paragraph above.</p> <table border="1"> <tr> <td></td><td>Annual Average</td></tr> <tr> <td>2022-2025</td><td>236</td></tr> <tr> <td>2025-2030</td><td>485</td></tr> <tr> <td>2030-2039</td><td>568</td></tr> <tr> <td>Overall</td><td>485</td></tr> <tr> <td>Total</td><td>8,245</td></tr> </table> <p>The shortcomings of the housing land supply, as per the SHELAA, are acknowledged,. Proposals to reduce the requirement along with the proposed allocation of two sites that are currently in the Green Belt are also set out in PfE (Godley Green and South of Hyde). As a result, the council will ensure that there is sufficient housing land supply to meet its requirement.</p>		Annual Average	2022-2025	236	2025-2030	485	2030-2039	568	Overall	485	Total	8,245
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	<p>All local planning authorities are subject to a housing delivery test. Where housing delivery falls below set percentages, additional buffers and an action plan is required to be put into place to ensure that homes are being built on the ground.</p> <p>Progress made towards the adopted of PfE, updates to the SHELAA and progress on a new local plan specifically to look at Tameside's needs, will ensure that housing delivery is on track.</p>
What type of applications are currently decided by officers and should this be reviewed?	<p>Arrangements for decision making are set out in part 3a of the Council's Constitution. Whilst the full authority is not set out here, matters delegated to the Director of Place includes all applications for planning permission, listed building and advertisement consent, subject to a number of exceptions. The exceptions include applications such as all major developments; departures from the development plan, and where applications should be 'called in' for determination by Speaker's Panel.</p> <p>In terms of major developments, whilst many have much public interest and are complex cases, there are also those applications that are essentially major on paper, that are straight forward and where there is no public interest. More generally, no account is taken of the recommendation to be made by officers, or the level of public interest in a case.</p> <p>A review of delegated authority may be helpful in ensuring that appropriate applications are being dealt with by both officers and members and that the time spent on decisions by the latter is appropriate.</p>
How does the "call in" procedure work and how often is it used?	<p>The constitution allows members to 'call in' applications for consideration by the Speaker's Panel. This is with the exception of householders and advertisements. Notwithstanding this, it had been custom and practice for any application called in by a member to be put before the Speaker's Panel, but this has recently changed and the provisions of the constitution are now being complied with.</p> <p>Members call in applications on a regular basis. These applications, along with defined major applications generally form the majority of the agenda.</p> <p>The main issues that arise as a result are as follows:</p> <ul style="list-style-type: none"> • Members do not always articulate why an application should be determined by Speaker's Panel to the case officer. It would be advantageous to set this out in the report to inform members of the Panel as to why it is for their consideration and not for officers. • Members do not always attend and address the Speaker's Panel when they have asked for an application to be considered by them. This also means that members are not necessarily aware of the reasons why the application should be considered by them and not delegated to officers.

	<ul style="list-style-type: none"> Members use of call in is regardless of the recommendation to be made by officers. The majority of applications that members are concerned about are those that are to be approved, where a member is objecting. However, applications are regularly considered where the recommendation is to refuse and members are supporting this recommendation. As Speaker's Panel meetings take place every 4 to 5 weeks, this can create delay and uncertainty for residents and applicants, when a decision can be made more quickly.
How many of the council's decisions are overturned by the Planning Inspectorate?	<p>The number of council decisions overturned by the Planning Inspectorate is set out below. Figures relate to appeal decisions reported to Speaker's Panel (Planning) over the last 3 years, out of the total reported.</p> <p>2021 10 out of 28 2022 5 out of 20 2023 3 out of 17 (to end of July 2023)</p> <p>Where decisions are overturned, officers discuss the case at a regular meeting as a learning experience. This means that awareness and principles of good practice and consistency form part of the decision making process.</p>
How many complaints does the council receive about decisions on planning applications, what are the outcomes and how has the council used them to improve its services?	<p>For the last 3 years, the number of complaints about decisions on planning applications are as follows:</p> <p>2021 18 2022 7 2023 2 (as of end August)</p> <p>The figures show that there has been a significant decrease in the number of complaints specifically about decisions on planning applications. It should be noted that a number of the complaints in 2021 related to two sites, but were from more than one individual.</p> <p>The complaints received relate to a number of issues including the following:</p> <ul style="list-style-type: none"> Lack of notification; All of the relevant matters were not considered; The decision was incorrect or wrong; and There was a lack of communication during the determination period.

	<p>In the vast majority of cases, reference to the planning database and officer report are helpful in explaining the council's position and no maladministration was found. Officer reports have been made available as a matter of course as of January 2022 which has given easy access to residents about the decision and the reasons for it.</p> <p>Residents commonly raise matters that are not material to the planning decision such as the content in deeds, encroachment or impact on house value. This is understandable but an explanation as to why these issues cannot not be taken into account is given in the response. It may be that a review of the information available on the website may be helpful.</p>
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