

Report on the Panel's Scrutiny of the Council's Process for Dealing with Planning Applications

1. Terms of Reference

The following Terms of Reference were approved by the Panel at its meeting held on 5th February 2001 (Minute 36 refers):-

"To consider the efficiency, effectiveness and performance of the Council's Planning Service both in Development Control and in Strategic Planning".

2. Method of Review

- 2.1 The Panel received a presentation from the Head of Planning outlining the three main purposes of the Planning Division.
- 2.2 The Panel interviewed Councillor F Robinson, Joint Chair of the Speakers Panel to ascertain perceived concerns from the Members of the Speakers Panel when considering planning applications.
- 2.3 The Panel interviewed Steve Hughes, Group Planning Officer, Phil Connolly, Group Planning Officer and Phil Winterbottom, Building Control Manager in respect of information consisting predominantly of the statistics and performance indicators surrounding the Planning function.
- 2.4 The Panel visited the following Offices in order to look at various aspects in which the Division was involved:-
 1. Technical Administration Office - to see how the office dealt with requests for planning application forms, how applications are processed once they are received, the service provided to customers (over the phone and at the reception), record keeping and the local land charges searches function;
 2. Development Control Office - to consider at how the planners, deal with applications, make decisions on those applications, compose reports and report to meetings of the Speakers Panel;
 3. Special Projects Office - to look at regeneration work, Tree Preservation Orders, issues regarding trees and LA 21;
 4. Policy and Plans - to discuss Regional and Local Development Plans/UDP;
 5. Building Control Office - to ascertain at how the building control function works, how applications are received, when site visits are made, when completion notices are sent, when and why the Council has to serve enforcement orders and safety and sports grounds.

3. Observations Relating to Performance Indicators

- 3.1 The Scrutiny Panel acknowledges that Tameside has been instrumental in developing a democratic planning process which has been adopted by other local authorities as a good working model on which to base their considerations, and congratulates the Division for its success.
- 3.2 The statistics and the performance indicators surrounding the planning function showed that Tameside (70%) was amongst the best across Greater Manchester Authorities in terms of the percentage of applications determined within 8 weeks (BV109), however still fell short of the Government target of 80%.(See Appendix Two)
- 3.3 Tameside was also in the top three across Greater Manchester Authorities in the average time taken to determine all applications (BV110) and for the first three months of this year the figure was less than the target of 54 days.
- 3.4 The percentage of applicants and those commenting on planning applications, who were satisfied with the service received, was again the best across all the Greater Manchester Authorities with a satisfaction level of 91.6% (BV111).
- 3.5 Tameside did not perform as well in respect of BV112 which relates to a number of customer care issues, such as development plans, charters and one stop shops. The Panel were reassured that this would improve in the 2002 Best Value Performance Plan.
- 3.6 Tameside is performing well in respect of the percentage of new homes built on previously developed land at 86% which is far better than the Government target of 60% (BV106).(See Appendix One)
- 3.7 The planning cost per head of population is fairly average compared to the other Greater Manchester Authorities (BV107).(See Appendix One)
- 3.8 Appendices One and Two detail graphically, a number of performance indicators relating to the following Best Value initiatives, from 1999/00 and estimates from 2000/01:-
 1. BV 106 : Percentage of new homes built on previously developed land (99/00);
 2. BV 107 : Planning cost per head of population;
 3. BV 108 : The number of advertised departures from the statutory plan approved by the authority as a percentage of total;
 4. BV 109 : Percentage of applications determined within 8 weeks;
 5. BV 110 : Average time taken to determine all applications;

3.8 Appendix Three details graphically, a comparison of retrospective planning applications, relating to the Boroughs within the Greater Manchester area.

4. General Observations Relating to The Planning Service

- 4.1 The Planning Division has three main purposes:-

To protect and improve the environment; health and safety issues and to promote development.
- 4.2 Although neighbourhood consultation is dictated by statute, Tameside has its own policy on consultation, which expands on that statute, and includes:-

1. Site notices and newspaper advertisements for major schemes and proposals affecting highways;
2. Letters to neighbours, including those who are within four metres of the site boundary and people across the road;
3. Wider consultation on major controversial schemes.

- 4.3 The Panel was pleased to note that considerable consultations were undertaken by the Division on major controversial schemes, which could involve sending out hundreds of letters. This reflected the Council's policies and the Government's aims of open, inclusive government.
- 4.4 There were different types of complaints which were treated in different ways and Members of the Panel were pleased to note that consideration had been given to establishing successful systems in the logging and dealing with all complaints. Complaints had been categorised into the following areas:-Complaints regarding planning applications; enforcement complaints; complaints about the service and complaints from Members.
- 4.5 Members noted that in making a planning application, the applicant must certify that they own the site or that they have notified those who do so. Although the Division do not have a duty to check this information, and do not have the resources to undertake land registry checks, the Panel were informed that it would be an offence for an applicant to provide misleading information, and when issues of land ownership are raised, the Division requests the applicant to provide evidence of ownership.
- 4.6 The Panel noted that comments and objections to planning applications are summarised in reports to the Speakers Panel, in order to provide a concise précis for the Speakers Panel members.
- 4.7 Members agreed that retrospective planning applications were increasing and welcomed the Division's vigilance in dealing with unauthorised developments. Unfortunately, enforcement action required additional resources, and the Panel welcomed the Division's commitment to reviewing existing procedures and improved co-ordination, as part of its Best Value Review.
- 4.8 Fee checking is currently undertaken by planning officers due to staff shortages in the administrative section, and the Panel would like to see this matter addressed to enable professional officers to concentrate on planning matters.
- 4.9 Members were pleased to note that planning applications, together with their scaled plans and documentation are maintained for 5 years after the date of consent, and after that date are microfilmed, in order that they can be referred to later.
- 4.10 In response to questions, Members were informed that Regeneration and LA 21 Initiatives were the responsibility of the Cabinet and the Strategic Directorate.
- 4.11 The Panel noted that there was no budget for publicising improvement work in Conservation Areas, and that publicity was best given in the case of major refurbishment schemes eg. the THI fund.
- 4.12 Members were pleased to note that the Council has the powers to secure repairs of historic buildings and can act in default if the owners cannot or will not repair the building. However, the Division is careful to ensure that the Council avoids spending money, which it cannot get back.

- 4.13 Members were pleased to note that the Division gives the highest priority to winning building inspection work from the private sector and that the current Best Value review was examining such issues as marketing, competitive pricing and improved services.

5. Conclusions

- 5.1 The Panel agreed that the Council's Planning Service is the most efficient in Greater Manchester.
- 5.2 Although concerns had been raised regarding accommodation issues, the Panel was pleased to note that these have now been addressed.
- 5.3 The Panel was pleased to note that the Planning Division was exceeding most targets on their Best Value Performance Plan.
- 5.4 The Panel noted that a Development Control Charter was drafted and would be circulated for Members consideration in the near future.

6. Recommendations

- 6.1 When planning permission is sought, for fast food developments, consideration should also be given to the provision of additional litter bins in the surrounding area.
- 6.2 When planning applications are submitted retrospectively, consideration should be given to omitting officer recommendations to enable Members of the Speakers Panel to consider the application purely on the merits of the individual case.
- 6.3 That the Speakers Panel should be informed of all the objections, received to a planning application.
- 6.4 That all letters received by elected members in respect of planning applications should be made available to the Speakers Panel.
- 6.5 That the Town Wardens and Quality Audit Inspectors continue to be utilised to maintain a strong dialogue in order that developments that have not been approved can be adequately monitored.
- 6.6 That elected members be offered adequate training in aspects of new planning legislation.