Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny	08 January 2008	Unrestricted		10.2

Report of:	Title:
Assistant Chief Executive	**Scrutiny Challenge Session – Determination of Major Planning Applications**
Originating Officer(s):	**Ward(s) affected: All**
Ashraf Ali **Scrutiny Policy Officer**	

1. Summary

1.1 This report updates the Overview and Scrutiny Committee on the outcome of the Scrutiny Challenge Session on how the Council Determines Major Planning Applications held on 19th November 2007.

2. Recommendation

2.1 The Overview and Scrutiny Committee is asked to note the outcome of the Scrutiny Challenge Session on how Major Planning Applications are Determined.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Background paper	Name and telephone number of and address where open to inspection
Adopted Unitary Development Plan 1998	**Ashraf Ali** **020 7364 0528**

3. **Introduction**

3.1 This report provides a summary of the Scrutiny Challenge Session held to examine how the Council Determines Major Planning Applications.

3.2 Challenge sessions are designed as a quick way for a group of members to get to grips with key policy issues and ensure a robust check on the Council's policies. The session was attended by a group of nine members led by the Scrutiny Lead for Creating and Sharing Prosperity, Cllr Alibor Choudhury.

4. **Purpose**

4.1 Tower Hamlets seeks to improve the quality of life of the people living, working, and visiting Tower Hamlets by ensuring there are opportunities for high quality development. The purpose of the scrutiny challenge session was to:

- Increase understanding and awareness of the Pre-Planning Application Process;
- Suggest ways of increasing members and community involvement;
- Provide a critical friend challenge to the Council's approach to determining major planning application.

4.2 The Group received a presentation form Michael Kiely (Service Head Development Decisions) and Owen Whalley (Service Head Major Projects Development) outlining:

- The national and local policy context;
- The Council's current position and performance;
- How the new Pre Planning Application process works;
- How the Council involves Members and the Community.

5. **Background**

5.1 The Planning and Compulsory Purchase Act 2004 is a key part of the Government's agenda for speeding up the planning process. The act brings in powers which allow for the improvement and speeding up of the plan-making system and an increase in the certainty of the planning decision-making process. The aim of the Act is to help achieve the Government's policy on the reform of the planning system, the principal features of which were set out in the policy statement *Sustainable Communities - Delivering through Planning* which was published in July 2002.

5.2 Planning Policy Statements (PPS) set out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. The policies set out in PPS will need to be taken into account by regional planning bodies in the preparation of regional spatial strategies, by the Mayor of London in relation to the spatial development strategy in London and by local planning authorities in the preparation of local development documents.

5.3 The Development Plan guides development in Tower Hamlets for the next 10 to 15 years. It provides the policy framework for decisions on planning applications. In

addition to government legislation and policy guidance, the development plan also needs to make sure the needs of local residents and businesses are taken into account.

5.4   The London Plan is a strategic plan setting out an integrated social, economic and environmental framework for the future development of London. It provides the London wide context within which individual boroughs must set their local planning policies. Finally it helps set the policy framework for the Mayor's involvement in major planning decisions in London.

5.5   Tower Hamlets Unitary Development Plan (UDP) was adopted as the Council's statutory development plan and is a policy framework to help ensure planning decisions are made against clear criteria. As the basis for determining planning applications the Plan plays a crucial role in regeneration, ensuring sustainable development and promoting the social, economic and environmental well-being of Tower Hamlets. It also provides the planning strategy to deliver the key themes of the community plan.

5.6   The Council's Strategic Plan for 2007/2008 sets out a target that 60% of Major Planning Applications should be determined within 13 weeks. Moreover in Tower Hamlets 5.54% of applications are in the major category compared to the London average of 2.54%.

5.7   Local residents need to be involved in the planning process as key stakeholders. This means maintaining regular dialogue with people and ensuring that there is a clear and transparent mechanism for them to provide feedback on Major Planning Applications. The process should be published so that it is accessible to the entire community.

5.8   Tower Hamlets has identified a number of core objectives that guarantee delivery of a fair service which is robust and ensures equality of opportunity. These are summarised in The Tower Hamlets Unitary Development Plan (UDP) as:

- To deliver an effective, sensitive and fair planning service by developing and implementing policies and proposals which address the needs of all of the residents of the Borough, including people from ethnic minority groups, people with disabilities, women, people from minority cultural and religious backgrounds and elderly people

- To welcome investment and encourage public/ private sector partnership proposals which generate employment, improve the environment, provide housing and social facilities and bring derelict sites and buildings into beneficial use

- To promote sustainable development

6   Planning Application Process

6.1   On Monday 1st October 2007 a new service was introduced to streamline and improve the planning application process for more complex applications. This new service is intended to improve the quality of major developments in the borough, while at the same time making the planning application process far more efficient and effective.

6.2   The intended improvements are improved dialogue with developers and the involvement of the local community before planning applications are submitted for decision. Planning officers are offering an enhanced service for developers of major schemes to ensure that they design and deliver the best possible.

7   Discussion and Recommendations

7.1   The Scrutiny Challenge Session provided an opportunity for Members to raise a number of issues and there was a wide ranging discussion. Following the discussions Members proposed a number of recommendations.

7.2   Members raised the issue of community consultation. They felt that given the impact of new developments it was important to insure more residents' involvement and that the process of consultation should be reviewed and improved. Michael Kiely informed Members that developers who embark upon consultation were required to feedback to all those interested parties in attendance.

7.3   To help identify which developers were engaged in consultation Members requested a list of all those who had been informed of the new arrangements. Officers are able to provide a list but indicated that it is not broken down further into those developers who had actively embarked on consultation and those who had not.

7.4   To guarantee that views and opinions of residents are expressed, it was agreed that residents should be consulted at the pre-application stage of the planning process on major developments, as well as following the formal notification and via publicity that takes place once they are submitted for determination. Follow-up feed-back meetings should be held to give residents an opportunity to understand proposed developments and contribute to their design before they are submitted as planning applications.

R1:   Improve resident involvement

7.5   Members indicated that they were not all aware of all major developments taking place in the Borough. Members requested that an update on forthcoming major applications in their Ward should be circulated by Development and Renewal to *all* Councillors insofar as issues of commercial sensitivity would allow. This could help allay any anxieties which residents may raise with them and ensure that there is improved accountability.

7.6   Government guidance and best practice emphasises engagement with councillors although the probity requirements remain in place. Strategic Development and Development Committee Members (including substitutes) must remain unbiased but other Councillors were less constrained in expressing their views on development proposals.

R2:   Lists of major planning applications to be circulated to all Councillors

7.7   Members agreed that not all residents can access documents and information, for instance not everyone has access to the Internet to view planning documents online. To help ensure that residents are treated fairly, irrespective of the resources available to them, applications should continue to be available for inspection at the Council's offices.

7.8 To facilitate access to information Members agreed that applicants should be encouraged to provide summaries of key planning application documents. These should be published on the Council's website to assist both residents and councillors in understanding issues on major planning applications.

R3: Documents should be summarised and easily accessible.

7.9 To help improve the consultation process between developers and residents the Council should continue to research good practice from other authorities in consulting residents when major developments are in process.

R4: Research into other Councils to see best practice when consulting with residents.

7.10 Training should take place to improve knowledge around how major planning applications are determined with the aim of increasing the ability of Members to decide what information is important for their constituents and develop the ability to communicate this confidently. This would help Members to resolve any potential problems as well as the complexities that can lie behind both applications and the decisions made.

R5: Members' training is needed on issues surrounding the determination of major planning applications.

8 Conclusion

8.1 Members stressed the importance of engaging them, in their community leadership role, While there are existing methods of addressing the issues raised during the Challenge Session it is vital to develop innovative and creative solutions. Equipping Members with sufficient knowledge to engage better with residents does have many potential benefits in solving the problems which arise in planning and development.

9. Concurrent Report of the Assistant Chief Executive (Legal)

9.1 There are no direct legal implications of this report.

10. Comments of the Chief Financial Officer

10.1 There are no direct financial implications of this report.

11. Equal Opportunity Implications

11.1 When in the process of making a planning decision it is very important to ensure that the policies and proposals are drafted so as to guarantee equality of opportunity for all residents. This involves both ensuring that all information in accessible but also that applications consider the impact of their proposals on a population with diverse needs.

12. Anti-Poverty Implications

12.1 The unemployment rate in Tower Hamlets is one of the highest in the country. It is therefore important to ensure that new developments protect existing jobs whenever possible. The aim to create new jobs should be a product of new developments. Depending on the nature of the new jobs coming into the Borough, training initiatives should be encouraged so that local people can have access to new opportunities.

13. Sustainable Action for a Greener Environment

13.1 There is a responsibility to ensure that development respects the environment of the Borough and to encourage development that improves the environment. This should include protection from pollution caused by development and the development process. Encouraging energy efficiency in the design of the buildings also needs to be a key factor.

14. Risk Management

14.1 There are no direct risk management implications arising from this report.