

Item 14 POLICY AND PROCEDURE UPDATE

Items

- Use and Discharge of Planning Conditions
- CDC Pre-application Charging Scheme
- Historic Environment Strategy and Action Plan

Date of Implementation January - March 2017

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Background

On 31 March 2016 the Business Routing Panel resolved that a Task and Finish Group (TFG) should be set up to look at three areas within the Planning Services Service Plan; a review of the pre-application advice charging scheme, a review of planning conditions and their enforcement and the proposed Historic Environment Strategy and Action Plan. The resultant revised pre-application advice charging scheme and the procedure for the use and enforcement of planning conditions were agreed by Cabinet on 6 December 2016. The Historic Environment Strategy and Action Plan was agreed by Cabinet separately on 4 October 2016.

Overview of changes

Pre-application charging scheme

The Pre-application charging scheme has been reviewed and is now operating in its revised form, since 1 February 2017 (a copy of the scheme is included as appendix 1). The main changes introduced within the revised scheme are set out below.

- *Increased choice in advice offered & opportunities for greater cost recovery*
 - Duty Planning Officer service to be increased to include 1 afternoon per week
 - A Listed Building pre-application specific service centred around a site visit
 - A formal minor works to listed buildings advice service
 - A new planning surgery - (30min) bookable slots every Tuesday and Thursday morning to provide advice on the general issues and opportunities around developing a site
 - Introduction of a DINPP (Do I Need Planning Permission) service
 - An advert pre-application advice service
 - A review of all fees and charges across existing and proposed categories of service
- *A responsive service and expedient turnaround of advice*
 - A reduction in response time to pre-application advice from 25 working days to 20 working days in most cases
- *Transparency of service*
 - Pre-application advice and associated documentation will be published once the resultant formal planning application has been submitted to the Council.

- *Managing expectations*
 - The wording within the Pre Application Advice Scheme has been adjusted to clarify the advantages and limitations of each service.
 - An advice note is included as part of any application form in relation to the Pre Application Advice Service setting out not only the benefits of each type of pre-app advice, but also the limitations.

The procedure for the use and enforcement of planning conditions

There are three main functions in the use and enforcement of planning conditions (a) the use of conditions in the decision making process (i.e. to the granting of planning permission) (b) the discharge by the Council of details submitted pursuant to conditions and (c) the adherence to and enforcement of conditions during the construction process and beyond. In reviewing these key areas potential weaknesses in current procedures and opportunities for best practice were identified with regard to guidance, the use of standard conditions, the order and prominence of conditions on the decision notice, how conditions were discharged, and the information available to the Planning Committee when considering proposed conditions. A summary of the main changes to processes is set out below.

Guidance and Principles

10 Principles relating to the use and enforcement are have been devised and are set out in both officer procedure notes and the Council's standard conditions document. The principles encourage open discussion with applicants/agents about the use of conditions to make a proposal acceptable and to discourage the use of conditions to impose control where the plans to be approved are clearly annotated in the same respect e.g. the use of materials or levels. The engagement of planning enforcement in the use of phasing conditions on Major schemes is encouraged to identify any shortcomings or obstacles which may prevent a development being delivered in a timely and efficient manner.

Review of Standard Conditions

The Council's standard conditions that are used to control development have been reviewed to reduce the number of conditions by removing duplication and the refinement of those that remain to ensure that their meaning is clear and precise. Where standard wording is not appropriate the principles set out in the preceding paragraph (included within the revised Standard Conditions 'booklet') are to be used to ensure bespoke conditions are appropriate. In addition emboldening has been used within the conditions to draw attention to the need to discharge conditions prior to a particular event in the course of the development (implementation, occupation, etc.)

A copy of the Council's Standard Conditions Book is available via the Member's Desktop.

Revision of planning application decision notices

A revised decision notice template has been implemented which includes headings beneath which conditions are imposed having regard to the timing and phasing of the development. In addition, the importance of discharging pre-commencement conditions will be set out in an emboldened informative at the end of the decision

notice to underpin the objective of securing conditions compliance at an earlier stage and so reduce the need for formal enforcement action. A copy of an example decision notice is included as appendix 2.

How conditions are discharged

In addition to approval or refusal of individual elements of a Discharge of Condition (DOC) application; a single decision notice will now be issued at the end of the process and registered against the full planning permission to which the conditions are attached.

Condition monitoring and engagement with developers

The Enforcement team will now use a bespoke area of the Council's UNIFORM data base to track compliance with controlling conditions attached to planning permissions.

A notification slip is now included as part of all decisions which applicants/agents are requested to return to planning enforcement. This alerts the service to the commencement of a development and prompts a desk top 'investigation' of related planning permissions to ascertain whether the requirements of pre commencement conditions have been adhered to.

Enforcement resources will be directed towards Major Development sites and those sites which attract complaints. All interested parties are informed of matters arising from these investigations.

The reporting of proposed conditions to Planning Committee

The full wording of planning conditions are now included as part of the agenda papers when considered by the Planning Committee. Prior to this amendment committee reports included a section that set out the significant conditions proposed to control development as part of the officer recommendation, in the event permission was granted. As proposed conditions are now be included in full as part of the agenda it is considered by officers that for non-major applications this section is now unnecessary and will no longer form part of the agenda papers for those applications. However the conditions relating to major applications can often be numerous and complex and it is therefore intended to continue to include a summary of the significant conditions for Major applications.

The reporting of conditions in full on Planning Committee agendas is subject to review within a year of implementation as to whether the practice is worthwhile and appropriate.

Historic Environment Strategy and Action Plan

The Historic Environment Strategy has been prepared to set out the Council's approach to the management of the Historic Environment in Chichester District. A copy of the Strategy is attached at appendix 3.

It is intended that the Strategy document will be used as a procedural document in the development management process to ensure that the council continues to meet its duties and responsibilities in relation to the historic environment having regard to the Planning (Listed Buildings and Conservation Areas) Act 1990. The document

also sets out priorities for future work in relation to the historic environment and includes an Action Plan that will be regularly refreshed.

The Strategy embraces all aspects of the historic environment including the built environment, archaeological remains or features and man-made landscape and recognises that it is dynamic and changes over time. The aim of the strategy is to manage change by ensuring that development or change affecting the historic environment is appropriate in terms of its impact, and to ensure appropriate policies and programs of work are developed and put in place for its management. It is supported by a more detailed action plan setting out prioritised actions linked to strategic priorities to secure best use of available resources to achieve the Strategy objectives.

The Strategy describes and explains the various powers, processes and tools available which can contribute to conserving the historic environment and sets out our approach to their use to secure positive conservation and enjoyment of the historic environment. It also sets out areas of work to secure proactive conservation of the Districts heritage assets. These include advice on development proposals, preparation of conservation area appraisals, use of Article 4 Directions, approaches to Heritage at Risk and preparation of technical guidance.

The aim of the document is to provide a clearly defined approach to the conservation of the historic environment and to give developers certainty about the internal procedures for assessing proposals and the processes we will employ.

Recommendation

The Planning Committee is asked to note the changes to the Pre-Application Advice Charging Scheme; the new procedures in relation to the use and discharge of planning conditions and the adoption of the Historic Environment Strategy and Action Plan.
