



Public Participation in Development Control

07 October 2003

Report to the City Council

**Public Participation in
Development Control**

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Public Participation in Development Control

1: Summary

- 1.1 This review focused on the opportunities given to the public for participation throughout the life of a planning application. Very closely linked to this is the ability of elected Members to represent their constituents' views.
- 1.2 Responsibility for decisions on planning applications rests with the Development Control Committee, supported by the Planning Service. The Committee does not decide every application; 87% are delegated to officers under a clear protocol. The Government target for delegation is 90%.
- 1.3 Development control performance nationally is assessed against a small number of performance indicators largely based on the time taken to determine applications. On the key indicator, it is pleasing to note that the City Council is meeting its target. Whilst the target is being met, it is important to understand that in comparison to other Core Cities, Birmingham does not perform as well. This is due to the large number of relatively complex major developments in Birmingham, compared to other cities.
- 1.4 A best value service improvement plan was agreed in May 2002, and subsequently inspected by the Audit Commission. The inspectors made a number of recommendations aimed at improving user satisfaction. In the fifteen months since then a number of improvements have been put in place. A Planning Enquiry Centre, linked to Contact Birmingham, is now operating, and the Planning Service Website has been improved. Notifying the public of applications have been revised, and the arrangements for the public to view planning applications have been improved.
- 1.5 Public speaking rights and other changes have been introduced at the Development Control Committee. Further initiatives to help improve the service are planned. During the course of our review, we identified still others, which we recommend that the Chief Planning Officer is given the discretion to consider and act upon as he sees fit.
- 1.6 The major area where quick action can be taken to improve public participation in development control is that of supporting Councillors. Members of the Development Control Committee themselves can only take their decisions on the basis of full information found in the officer's report.





Public Participation in Development Control

2: Summary of Recommendations

Recommendation



Public Participation in Development Control

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- Inform all Members of the basis on which the Enforcement system operates, including what does and does not constitute grounds for enforcement action, and the processes which must be gone through
 - Regularly inform all Members of developments to the Planning Service website, particularly what information is held and how to get to it
 - Provide Birmingham's MPs with each of these pieces of information, should they wish to receive it

R5	That the Cabinet Committee on Devolution, in consultation with the Chair of Development Control, be asked to consider the issues around a decentralised development control system and how one might operate in Birmingham, so that the City Council can decide before June 2004 whether such a system should be introduced.	Leader of the Council	May 2004
R6	Progress towards achievement of these recommendations should be reported to the Regeneration Overview and Scrutiny Committee on a six-monthly basis until completed. The first report should be made in April 2004.	Chief Planning Officer	April 2004





Public Participation in Development Control

Best Value Review and the Commission's report highlighted actions needed to improve public understanding of and participation in decisions on planning applications. Accordingly the Development

public speaking, although that pilot was not expected to finish within the O&S Committee's lifetime.

3.2.2

Therefore the Task and Finish O&S Committee approached its task by considering:

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4: Findings

4.1 The Development Control Committee and the Planning Service

- 4.1.1 Within the City Council, responsibility for decisions on planning applications primarily rests with the Development Control Committee, on which currently 15 Members sit. The Committee is supported by the Chief Planning Officer and officers from the Planning Service and in particular the Planning Control Division. A system involving a single committee is the norm for the core cities. However, Bristol, Leeds and Sheffield City Councils all have an area structure, involving 3, 2 and 3 area panels respectively.
- 4.1.2 In Birmingham, the Committee does not decide every planning application. In fact currently 87% are delegated to officers to decide. Government policy is to encourage this, and the national target for delegation is 90%. In Birmingham there is a clear protocol setting out which categories of application may be delegated. All controversial applications are decided by the Committee, which typically needs to meet three times every month, such is the volume of applications in Birmingham.
- 4.1.3 Development control performance nationally is assessed against a small number of performance indicators largely based on the time



Public Participation in Development Control

Key Indicator	Actual 2001/02 ¹	Actual 2002/03	Actual First quarter, 2003/4	Target 2003/2004
% of ALL applications determined within 8 weeks	56%	58%	76%	65%
% of MAJOR applications determined within 13 weeks	27%	26%	30%	50%
% of MINOR applications determined within 8 weeks	40%	42%	63%	50%
% of OTHER applications determined within 8 weeks	61%	65%	82%	73%
% of HOUSEHOLDER applications determined within 8 weeks	73%	73%	90%	85%

Fig. 1: Birmingham City Council planning decisions

Source: Birmingham City Council Performance Plan 2003/4 and



Public Participation in Development Control

4.1.5 The following tables compare our performance on the number of applications received and the percentage determined within 8 weeks to that of other core cities.

	Applications	% within eight weeks
Birmingham	5,829	61
Bristol	3,126	74
Leeds	6,725	58
Liverpool	2,978	74
Manchester	2,443	76
Newcastle	2,249	50
Nottingham	1,844	69
Sheffield	3,604	65

Fig. 2: Planning decisions, decided within eight weeks – Year Ending 31 March 2003

Source: Table 7, <http://www.planning.odpm.gov.uk>

Total Major	% within 13 weeks	Total
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Public Participation in Development Control

- 4.1.6 It is clear that Leeds and Birmingham have a much greater workload than the other cities. Performance varies quite widely from city to city and from category to category. There is no simple relationship, however, between performance and the existence of a devolved development control system – the performance of Bristol, Leeds and Sheffield is neither consistently better nor consistently worse than the others.
- 4.1.7 The Development Control Business Manager at Sheffield City Council provided by e-mail this description of the system there:
- “Sheffield currently has three Area Planning and Highways Boards, which have full powers to determine planning applications referred to them. Sheffield City Council currently delegates 85% of all application decisions to senior planning officers, but major schemes or locally controversial applications are determined by the Area Boards.*
- This is a long-established system in Sheffield, designed to enable local Members to have a significant role in determining applications in their areas. In the rare event of an application raising significant city-wide issues, such as the City Airport or Heat from Waste Plant (Incinerator), the City Centre and East Board is identified as having the lead role in city-wide regeneration. The Area Board system also facilitates the Council's Chance to Speak, by its local focus and shorter agendas, giving more opportunity for additional speakers.*
- In practical terms, it also works well with the management structure in Sheffield, whereby Area Team Managers have significant responsibility delegated to them to determine the recommendations to the Area Boards, albeit under the guidance of senior managers, who otherwise have a more strategic management role.”*
- 4.1.8 Returning to the situation in Birmingham, a best value service improvement plan for Planning Control was agreed in May 2002. This was subsequently inspected by the Audit Commission. Overall the Commission assessed the service as “fair” with “promising” prospects for improvement. Of particular relevance to our review was the following recommendation of the Commission:
- “We recommend that the Council should urgently re-examine the operation of the Development Control Committee, with the aim of improving the user satisfaction of the Committee.*



Public Participation in Development Control



Public Participation in Development Control

Tower, where they can be seen by visiting members of the public. There is also a duty planner system, so that planning officers are also available at reception to answer technical questions. More locally across the city, current applications have until now been available at Neighbourhood Offices, supplemented by the pilot scheme at Harborne library. Following the success of that scheme, more libraries will be used as they have flexible opening hours and staff with more time to explain plans to local residents. A revised network of libraries and neighbourhood offices is due to be put in place later in 2003.

- 4.3.3 A Planning Enquiry Centre has been set up, consisting of a dedicated team of officers to deal with 3,500 queries received each week. It went live on 24 March 2003. The team is equipped with "scripts" setting out a series of questions and answers to allow them to deal with the majority of straight forward planning queries as they come in. The target is to deal with 80% of all queries in this way, with more complex issues being dealt with later either by the team or by other planning officers. The Enquiry Centre uses the same technology as, and is linked to, the City Council's Contact Centre. The Enquiry Centre staff have an accurate, up to date list of telephone contacts within the Planning Control Division.
- 4.3.4 The Public Participation letter has been revised. Colour, type size, layout and language were all looked at. The letter is now accompanied by a simple guide to the planning application process. It also advises on speaking at the Development Control Committee and summarises the grounds on which objections can be made on planning applications. On the outside of the envelope, there is text in eight languages explaining that the letter is important. The letter itself contains an e-mail address to respond too, as well as a postal address and a telephone number. The revised letter was introduced in May 2003.
- 4.3.5 The Planning Control Website is being improved to make it more interactive and user friendly. The officer who has recently been appointed with specific responsibility for this has identified a programme of specific improvements, many of which have already been introduced. The programme ranges from being able to access the statutory register of planning applications and current planning policy documents to being able to comment on current applications on line and logging possible breaches of planning control. Looking further ahead, work is underway to allow users to view plans on line from the turn of the year, and it is anticipated that online submission of planning applications will be available by January 2004. In addition, the Planning Service is involved in a national e-government project which will conclude in





Public Participation in Development Control

new applications on the same site;

- *Insufficient guidance to Members and the public as to*



Public Participation in Development Control

5.2 Service Improvements

- 5.2.1 The evidence we have heard demonstrates that the Planning Service goes far beyond the statutory minimum in giving opportunities for public comment. On the other hand, we have heard examples of cases where not all those potentially affected by a planning application have been notified. As elected Members, we have first – hand experience of other cases.
- 5.2.2 Many of the changes made under the service improvement plan will address the problems raised with us. We were particularly impressed by the plans for the Planning Enquiry Centre which should provide consistent advice through a single point of contact.
- 5.2.3 During our meetings, many suggestions were made for further improvements beyond those in the current service improvement plan. These are listed at Appendix Three. In our time-limited exercise we have not been able to evaluate these to test which would make the biggest impact in aiding public understanding and participation. We are also mindful of the advice from the senior management that in implementing the service improvement plan the Planning Service is undergoing a period of substantial change at the same time as increasing importance is being placed on meeting the performance targets.
- 5.2.4 Therefore in this area we are not recommending immediate, specific actions. We do, however, believe that further improvements beyond the current plan could be taken relatively easily when the time is right. In particular, the diversity of the city's population and living conditions must be recognised and addressed. This may result in, for example, ensuring adequate support is given to all in pre-application discussions, particularly

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Public Participation in Development Control

would not be costly, and could be implemented quickly.

	Recommendation	Responsibility	Completion Date
R4	<p>That immediate steps be taken to:</p> <ul style="list-style-type: none">• Provide all Members regularly with the full weekly list of planning applications, in a medium of each Member's choosing• Inform Members of the scheme to delegate decisions on planning applications to officers, and in particular to make Members aware that they can request that any application be considered only by the Development Control Committee•		



Appendix 1: Schedule Summarising Written Evidence

Respondent – Councillor	Respondent – non- Councillor	Date acknowledgment sent	Willingness to appear before committee	Summary of comments
Deirdre Alden		21/11/02	Not indicated – but one of her constituents would be willing	<ul style="list-style-type: none"> • Constituents not receiving public notification letters • How fair is the consultation process? i.e. who decides how many people to consult and who? • Notification of site visits often received after the visit has happened • Public speaking at committee should be introduced
	West Midlands Planning aid Service	21/11/02	Not indicated	<ul style="list-style-type: none"> • Undertook a mystery customer survey on “public access to planning applications” – report sent to Phil Crabtree
	Walmley Residents Association (Sutton Coldfield)	21/11/02	Yes	<ul style="list-style-type: none"> • Make applications available in local libraries/community centres • Public participation letters should feature maps of the affected area • Planning Officers unhelpful • Public speaking at committee should be introduced

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Respondent – Councillor	Respondent – non- Councillor	Date acknowledged sent	Willingness to appear before committee	Summary of comments
	The Birmingham Civic Society	03/15/02	Yes	<ul style="list-style-type: none"> Planning applications should be available on BCC's website Insufficient info about "Rules & Regulations" such as "Forty-five Degree Rule" All comments in response to applications should be acknowledged
	William Hetherington (Edgbaston)	03/12/02	yes	<ul style="list-style-type: none"> Often no consistency in sending notification notices. People commenting on applications should be advised of outcome, whatever it is
	Sparkbrook Neighbour-hood Forum	03/12/02	Yes	<ul style="list-style-type: none"> More and better provision to view applications i.e. over the internet and neighbourhood forums More detailed description of nature of application rather than current one line description Planning office is slow in responding to enquiries. Enquiries addressed after relevance of issue
	Mere Green Neighbour-hood Forum	03/12/02	Not indicated	<ul style="list-style-type: none"> Alpha Tower too far to visit and local provision for inspecting applications not suitable – make these available in local libraries Consider more widely who should be consulted Advice from planning office not always consistent Too much jargon used at committee meetings and acoustics in Committee Room not good
Cllr Nicola Henry		03/12/02	Not indicated	<ul style="list-style-type: none"> Not all planning applications available at publicised places Public participation letters should be distributed more widely than just house next door
Cllr John Chapman		03/12/02	Not indicated	<ul style="list-style-type: none"> Commented last year in the Regulatory Affairs Scrutiny Committee
	Birmingham Race Action Partnership	04/12/02	Not indicated	<ul style="list-style-type: none"> You may want to consider a small scale participant study into the issue
Cllr Barbara Jackson		04/12/02	Some constituents may attend	<ul style="list-style-type: none"> Insufficient consultation, too few places to view applications, constituents not informed of all application in the area Would like to know more about the procedure, perhaps an "idiots guide" to the whole process
	Perry Hall Community Association	04/12/02	Not indicated	<ul style="list-style-type: none"> Not enough time to consider applications and respond Too much jargon Erc 1.583t a.75 104.2 0.4167 0 gl 3 -0.0403 g8ce Boards999 pub1 TO Tw 3999



Respondent – Councillor	Respondent – non- Councillor	Date acknowledgment sent	Willingness to appear before committee	Summary of comments
	Sebra Residents Association Selly Park	04/12/02	Yes	<ul style="list-style-type: none"> • Access to neighbourhood offices by appointment - not always convenient • 21 days to respond not always convenient • Service from Planning Office not always of good quality i.e. blurred information • Poor acoustics in Council House meeting room used for planning committee meetings • Too much jargon in planning applications and accompanying
	Boldmere Neighbour-hood Forum	04/12/02	Not indicated	



