

London Borough Of Merton

Report and recommendations arising
from the scrutiny review of
The planning application process

Regeneration and public realm overview and
scrutiny panel
July 2007

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Acknowledgements:

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Foreword by Chairman

The planning application process is a key function of the Council and has a wide impact on all residents across the borough, shaping the place in which they live. Due to its nature it is also a function that comes under question on a regular basis. It was partly concerns held by residents that prompted the Regeneration and Public Realm Overview and Scrutiny panel to establish a cross-party task group to review the planning process. I would like to thank the task group members for their efforts; this has been a good example where political divides can be overcome to reach sensible conclusions to help the residents of Merton.

We have received numerous representations about policy issues. National government legislation and the Mayor of London's influence on planning process and policy may lead residents to think that Merton ends up with the responsibility, but little authority to do what local residents want. Needless to say the terms of reference agreed for this review excludes planning policy matters and therefore concentrates on the planning process only.

Examining the process from an objective viewpoint has proved a valuable experience. Although Merton is largely performing well in a statistical sense the task group has recommended a number of initiatives that will hopefully improve performance and increase public satisfaction.

I am pleased to present this report to Cabinet, the Planning Application Committee, and Standards Committee and hope that they will accept our recommendations. In closing may I thank all those organisations and members of the public who submitted evidence through the electronic questionnaire and other means.

Councillor Chris Edge

Chairman of scrutiny task group - planning application process

Summary of Recommendations

The report covered all aspects of the planning applications process and makes 35 recommendations under 5 main areas:

- Information, Guidance and Training (for residents and Councillors)
- The Planning Application Committee
- Consultation with residents
- Speed, efficiency and operations
- Member involvement

The main conclusions are that statistically the planning application performs well, however a number of improvements can be made across the entire process to develop a better understanding by all parties, increase transparency, and ultimately resident satisfaction with the process. The table below presents a summary of our recommendations and the decision-making body who will hopefully agree them.

Recommendation	Decision-making body
Information, Guidance and Training	
R1 The council should consider developing a handbook for residents. This can be posted on the website and be made available to download. A hard copy should also be available on request (see appendix 7 for an outline of what could be included).	Cabinet
R2 The council should consider providing information sessions, either quarterly or every six months, for residents. Officers and members can present key aspects of planning to increase residents understanding. This can be run jointly with the plans and projects team who can present key aspects of the UDP/LDF.	Cabinet
R3 The council should consider producing a handbook for councillors, similar to the one for residents but with additional sections specifically for councillors. This can include information about their role, outline protocols for speaking at PAC meetings, how best to discuss concerns with planning officers, what advice they can give residents.	Standards Committee and Planning Applications Committee
R4 The council should continue to provide tailored training sessions, especially for newly elected ward councillors on planning matters. This could fit in with the wider member development plan. Party leaders, and the council as a whole should encourage members to take an active interest in planning policy and processes.	Standards (so far as training relates to probity) and Planning Applications Committee.
R5 The council should consider making it compulsory for new PAC members to undergo training and update the code of conduct accordingly.	Standards Committee and Planning Applications Committee
R6 The council should consider that all planning teams develop, in consultation with PAC members, tailored training sessions to increase members' capabilities. Additionally PAC members should recognise that they need to constantly 'top-up' their skills and liaise with the planning teams to highlight their weaknesses and develop their skills.	Cabinet
R7 The council should review the structure, appearance and content of the planning website ensuring that key information is easily accessible.	Cabinet

The Planning Application Committee	
R8 The council should consider developing a system to allow PAC members to ask key questions before a meeting in order to help speed up processes. Over time questions can be monitored and recurring questions can be answered automatically by officers.	Standards Committee and Planning Applications Committee
R9 The council should consider allowing the PAC chairman to ask applicants/objectors for points of clarification during the discussion of the application.	Standards Committee and Planning Applications Committee
R10 The council should consider altering speaking times for objectors at PAC meetings allowing them a 30 second summation following their initial 3 minutes. Applicants should still only be allowed a maximum of 9 minutes.	Standards Committee and Planning Applications Committee
R11 The council should consider reducing councillor speaking time at PAC from 5 to 3 minutes. This is in order to compensate for R12 and reflects their experience in public speaking.	Standards Committee and Planning Applications Committee
R12 Additional evidence objectors/applicants want to provide PAC members to support their presentation must be submitted to the planning department before 1200 the day preceding the relevant PAC. The documentation will be included with the amendments sheet.	Standards Committee and Planning Applications Committee
R13 The council should consider exploring the possibility to facilitate PAC members using laptops during meetings.	Standards Committee and Planning Applications Committee
R14 The council must consider increasing funding for training ensuring that planning officers continually 'top-up' their skills.	Standards Committee and Planning Applications Committee
R15 The council should consider removing the officer's verbal introduction before each application is considered at PAC.	Standards Committee and Planning Applications Committee
R16 The council should consider ensuring reports are structured and presented consistently and should include a 'key information' sheet in officer reports. This will highlight information such as the number of objections in a clear manner and also require officers to enter details twice hopefully reducing inaccuracies.	Standards Committee and Planning Applications Committee
R 17 The council should consider managing the workload of an individual meeting and the need to give full consideration of applications by publishing and managing a forward plan of applications to be heard.	Standards Committee and Planning Applications Committee
R 18 To consider publishing dates for overspill meetings at the beginning of the municipal year and making use of the additional meetings when the forward plan requires it. This may require membership numbers for a specific meeting to be flexible.	Standards Committee and Planning Applications Committee
R 19 The council should consider giving an indication of timings for when applications will be discussed at PAC. This is to avoid residents having to sit through the entire duration of the meeting waiting for their application to be considered.	Standards Committee and Planning Applications Committee

Consultation with residents	
R20 The council should consider means to clearly communicate the decision dates for applications when inviting representations.	Standards Committee and Planning Applications Committee
R21 The council should consider only advertising those planning applications in newspapers that they are required to by statute.	Standards Committee and Planning Applications Committee
R22 The council should consider requiring planning officers to erect site notices when they undertake site visits and consider how we can improve the clarity of the design and size of the display notice; for example, display boards similar to estate agents. Details of this obligation should be clearly communicated to residents.	Standards Committee and Planning Applications Committee
R23 The council should consider providing a link to site notices and letters on the web site to enable residents to print off and circulate if required.	Standards Committee and Planning Applications Committee
R24 In agreement with previous reports the council should consider streamlining advertising arrangements across the council to achieve value for money.	Standards Committee and Planning Applications Committee
R25 The council should consider producing documentation to outline why it charges for pre-application advice and what the council will deliver, communicate the benefits to residents/developers, and suggest how applicants can get the most out of the advice.	Standards Committee and Planning Applications Committee
R26 The council should consider introducing a planning e-bulletin/email list. Residents can sign up to be emailed new applications by geographical area (e.g. ward/postcode). They will then be sent a regular email informing them of new or modified applications and also information such as PAC dates and agendas.	Standards Committee and Planning Applications Committee
R27 The council should allow residents to comment on applications directly by using an online form on the Council's website.	Standards Committee and Planning Applications Committee
Speed, efficiency and operations	
R28 In light of the benefits of increased online applications and the supporting evidence the council should consider participating in the fast track scheme but only for online applications. Initially the council should only apply this to household applications but, as the scheme develops it could be extended. It should initially operate on an individual basis within Merton but if neighbouring authorities adopt the scheme the council should look to share accreditations	Cabinet
R29 The council should examine the feasibility and legality of increasing correspondence by email throughout the planning application process to all interested parties.	Cabinet
R30 The council should consider undertaking a review of planning enquiries and if economically justifiable implement an 'expert system' to act as a first point of reference for residents deciding if they need planning permission.	Standards Committee and Planning Applications Committee

R31 Taking into account the increasing importance of IT in planning and the wider benefits it can bring. The council should consider working with the development control team to improve the current systems taking as set in paragraphs 7.35 to 7.44 of the report.	Cabinet
R32 The council should consider consulting and involving PAC members on the development of planning policy especially when it has an impact on decision-making.	Cabinet
R33 The council should consider reviewing the effectiveness of current working arrangements to foster a closer working relationship between development control and plans and projects.	Cabinet
R34 The council should consider reviewing the issue of design in planning as soon as possible primarily considering how they can ensure a consistency in decision-making at all levels.	Planning Applications Committee
R35 The DC team must work to communicate their functions to the public in order to distinguish and improve the public's perception of them.	Cabinet
R36 Due to the high profile nature of planning enforcement and its impact on the planning application process the council should consider increasing resources to improve the enforcement of planning decisions.	Cabinet
R37 The council should consider carrying out an annual survey to gauge the satisfaction of applicants, objectors and residents of the planning application process.	Cabinet
Member involvement	
R38 The council should consider reinforcing that members should not be involved in pre-application discussions, other than fulfilling their advisory role as ward councillor.	Standards Committee and Planning Applications Committee
R39 Members of the PAC committee should not be involved in any pre-application discussions and when approached as a ward councillor a PAC member should refer the resident to another member of their ward	Standards Committee and Planning Applications Committee
R40 The council should note the task group's support for the existing code of conduct arrangements for PAC members between the submission of an application and the planning application committee.	Standards Committee and Planning Applications Committee

1 Introduction

- 1.1 The planning application process is a service that can have an impact on almost everyone across the borough, be it as a household applicant, developer, as an objector, or simply as a resident. Moreover, planning plays a key role in shaping the areas in which people live and it is during the application process that decisions about how the council implement their policies are made.

*'Planning is of fundamental importance to the quality of people's lives. It shapes the places where people live; allows us to create vibrant, healthy sustainable communities; protects and enhances our natural and historic environment; ensures everyone has access to green space and unspoiled countryside; and supports the economic development which is vital to creating jobs and ensuring our continuing prosperity'*¹.

- 1.2 To promote fairness the planning process is bound by many statutory obligations both on the council for example, timeframes for consultation, targets for the determination of applications, and upon our residents in terms of fees and grounds for objection.
- 1.3 The 2007 planning white paper highlights that local authorities have made a number of improvements² over recent years but there is room to improve. This review was established by the Regeneration and Public Realm Overview and Scrutiny Panel with the agreed scope to 'Examine the effectiveness of the planning application process'. The terms of reference specifically excluded the review of individual applications and of planning policy apart from where it has an impact on the application process. Consequently, the review identifies improvements that could be made to the current application process and draws its conclusions from best practice literature and guidance, public opinion, and examining how development control may change in the future.
- 1.4 The report focuses on a number of areas that have an impact on the applications process and following an introduction to the current system and performance the report is structured under the following headings:
- Information, Guidance and Training (both for residents and Councillors)
 - The Planning Application Committee
 - Consultation with residents
 - Speed, efficiency and operation.
 - Member involvement
 - 2007 White Paper

¹ Department for Communities and Local Government (2007:2)

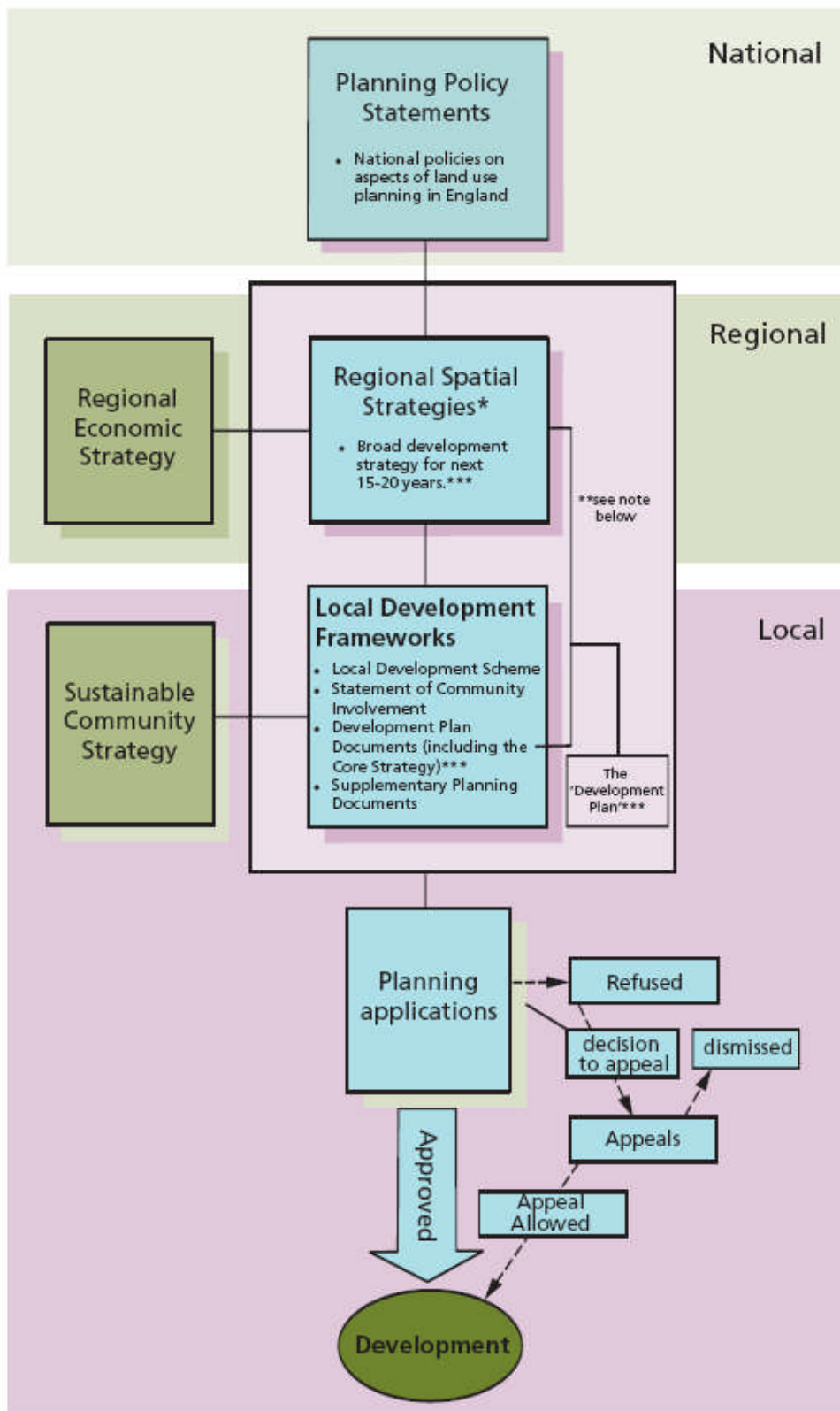
² Department for Communities and Local Government (2007b) A Communities and Local Government news release (2007/0122) also comments on an improvement in planning applications.

How the current system works

- 1.5 Figure 1 demonstrates how the planning system currently works on a national to local basis. This report focuses on the local level and specifically the last section focusing on planning applications. The diagram illustrates how the sections of the planning system fit together; at Merton the local development framework is the responsibility of the Plans and Projects team and the Development Control team have responsibility for implementing this policy.
- 1.6 Decisions on applications are made in line with the policies set out in the councils Local Development Framework (LDF). However, decisions will also take into account other issues such as noise, design, loss of light and supplementary planning documents. Certain applications will be determined by the planning application committee (PAC) which is made up of councillors from all parties however, the majority of decisions are made by planning officers on behalf of councillors, these are known as 'delegated powers' the terms of which are set out in the Councils constitution.³

³ London Borough Of Merton (2007b:12-13)

Figure 1 - How the current planning system works (Source: DCLG, 2007:6)



* Prepared within context provided by the Regional Sustainable Development Framework
 ** Spatial Development Strategy in London

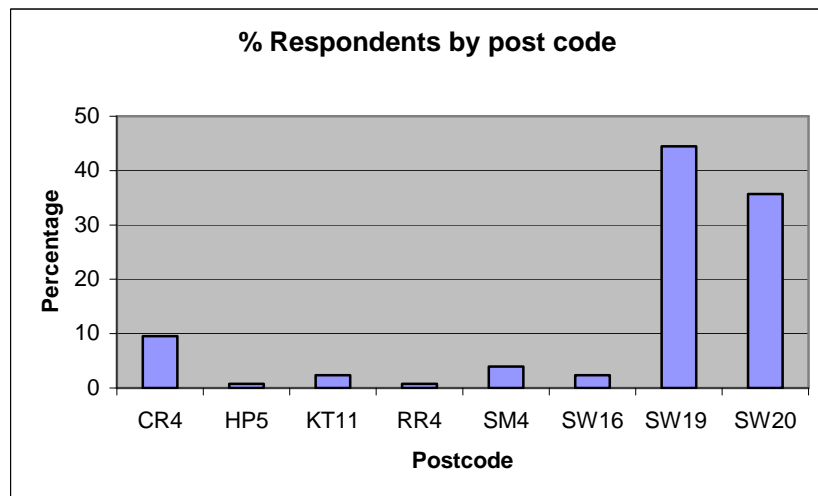
2 Method

- 2.1 Beyond reviewing available statistical data in comparison to other London boroughs the review employed a number of methods to collect evidence upon which we could base our recommendations.
- 2.2 The review attempted to identify best practice from both within London and from across the country in order to bring about improvements at Merton.
- 2.3 The group employed a number of techniques to collect public opinion these included; articles in My Merton and the local papers, an online questionnaire, and speaking with people at Area Forums. We were able to get a wide range of opinions and the results have been fed into this report.

Limitations

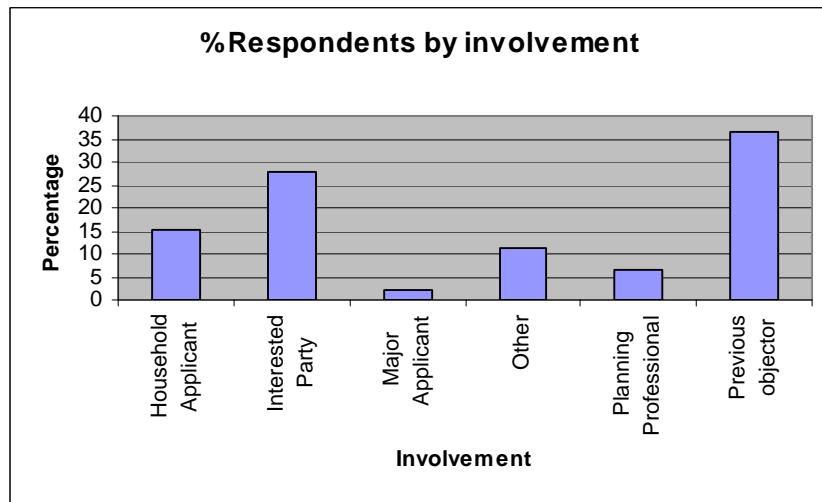
- 2.4 As with any review there are a number of limitations that should be highlighted. Although we had good responses to our public engagement it is important to recognise that some groups are easier to reach than others. Figure 2 shows the percentage of respondents by postcode; it shows that respondents mainly live in SW19 and many were from SW20 with comparatively few from other areas.

Figure 2 - % respondents by post code



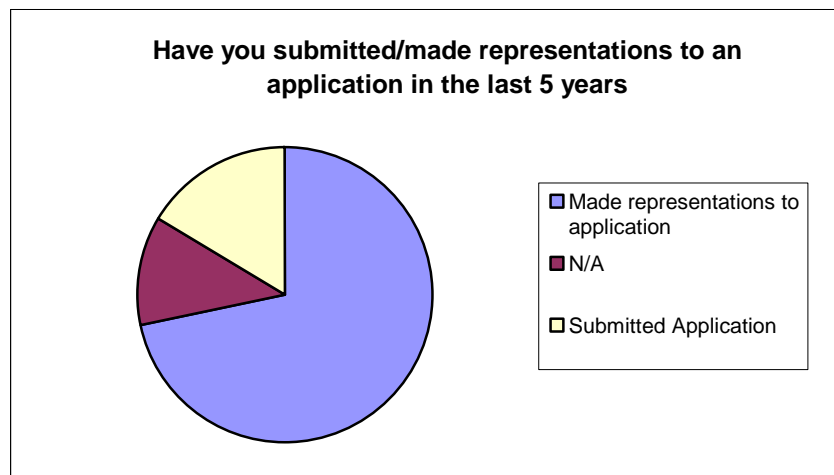
- 2.5 Similarly, it was difficult to ensure a good mix of respondents by involvement. Although we contacted a number of individuals and groups, it was primarily previous objectors who completed the questionnaire.

Figure 3 - % respondents by involvement



2.6 Finally, as figure 4 the majority of respondents had previously submitted representations to an application and comparatively few were actual applicants.

Figure 4 - % respondents who have made representations in last 5 years



3 Current Performance

- 3.1 This review looks at Merton's performance in a London wide context as, due to geographical and demographic factors, one will not get a true reflection of performance if it is compared to authorities other than London boroughs. However, having said this, the report draws good practice examples from authorities across the country ensuring that they fit into Merton's context.
- 3.2 Merton has three Best Value Performance Indicators (BVPI) that it is required to meet. These are set by the Department for Communities and Local Government (CLG) and cover all the applications the council receives. Current performance data is published on the council's monthly dashboard⁴ and as table 1 displays the council are currently exceeding all BVPI targets.

Table 1 - Performance against BVPI

BVPI	DCLG Target	Merton YTD 31/03/2007
BVPI 109 a (Major applications)	60% determined in 13 weeks	62.74%
BVPI 109 b (Minor applications)	65% determined in 8 weeks	80.26%
BVPI 109 c (Other applications)	80% determined in 8 weeks.	92.03%

- 3.3 In comparison with other London Borough's when taken overall, Merton is in the top quartile in respect of the BVPI 109c target, which accounts for the majority of applications we receive.

⁴ <http://www.merton.gov.uk/perfmanagement.htm>

4 Information, Guidance and Training

- 4.1 Development control is a complex area and is subject to high levels of resident participation. It is therefore important that the council develops and employs appropriate measures to ensure the process remains efficient for officers, ward councillors and residents.
- 4.2 Best practice suggests that planning officers develop suitable information and guidance for residents and councillors in both hard/electronic form and also through tailored training or information sessions. Furthermore, it is important that those members directly involved in planning decisions, i.e. those who sit on the planning application committee (PAC); are equipped with the correct skills and have a detailed understanding of the key policies that shape their decisions.

Residents

- 4.3 Many concerns residents have about the planning process relate to the consultation period, the speed of processing planning applications, a misunderstanding of the key policies that shape our decisions, and inconsistent decision-making. Combined, these concerns lead residents to feel that the planning process is shrouded in mystery and some residents also believe that the system is corrupt. Although some accusations are isolated it can be argued that many concerns by residents may be a result of a limited understanding of the planning process. The task group recognise that it is the responsibility of, and necessary for, the council to adequately communicate key information to the public to ensure a transparent system and hopefully address a number of these concerns.
- 4.4 Planning authorities are being pushed to effectively answer customer enquiries at the first point of contact effectively and accurately and it is recognised that planning departments receive a large number of enquiries. The Planning Advisory Service (PAS)⁵ believe that many enquires can be answered by effectively communicating information about the planning process to the public in a clear and easily accessible format.

'Like all specialist areas, planning has its own language which can confuse and frustrate members of the public. Provide information that customers will understand in formats that are easy to access'

- 4.5 There is a wealth of information and guidance for planning applications produced by a number of bodies⁶. These can act as a basis upon which Merton can develop its own guide/handbook setting the planning application process – and possibly the whole planning system – in a Merton specific context.
- 4.6 To reinforce the above documents the council can take a proactive approach in communicating the planning process to residents. For example, Eastleigh Borough Council⁷ run regular workshops for all parties involved in the planning application process helping them understand the process and exploring it in greater detail.

⁵ Planning Advisory Service et al (2007:4)

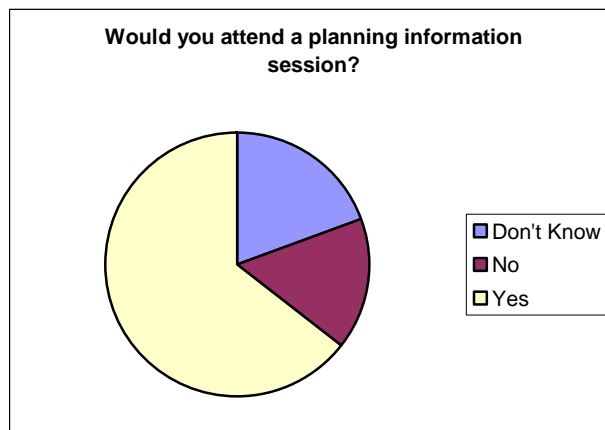
⁶ Planning Aid (2007), Urban Forum (2007), Planning Portal (2007), PAS

⁷ <http://www.eastleigh.gov.uk/ebc-33>

'The applicant gets to know about what it is like for a neighbour and vice versa. It's about education and awareness raising and explaining to people that planning is a decision-making process, we don't make decisions on an application by the toss of a coin'⁸.

- 4.7 In Merton, it is supposed ambiguity over how decisions are made that has repeatedly been cited in response to the questionnaire. In Eastleigh, this approach has led to a better perception of the planning service and has reduced the number of objections and complaints.
- 4.8 The benefits of providing clear detailed guidance/information are wide-ranging; specifically, authorities who have implemented such initiatives identify a better usage of officer time and increased public perception of the service. Drawing on indirect evidence Merton's scrutiny team have developed a handbook⁹ and it has proved an invaluable resource in conveying the processes to a number of parties.
- 4.9 Public support for increased guidance materials was positive. 64% stated that they would be interested in attending an information session designed for people with an interest in the planning system (Figure 5). Appendix 2 outlines what respondents thought should be included in such a session.
- 4.10 In light of the above the task group therefore recommends a number of measures that will hopefully increase the publics understanding of the planning application process, especially the decision-making process and the statutory obligations affecting the council and residents.

Figure 5 - Respondents interested in attending a planning information session



Recommendation 1

The council should consider developing a handbook for residents. This can be posted on the website and be made available to download. A hard copy should also be available on request (see appendix ? for an outline of what could be included).

⁸ Elaine Pettitt, manager planning support team, Eastleigh BC, cited in PAS (2007:13)

⁹ London Borough of Merton (2007)

Recommendation 2

The council should consider providing information sessions, either quarterly or every six months, for residents. Officers and members can present key aspects of planning to increase residents understanding. This can be run jointly with the plans and projects team who can present key aspects of the UDP/LDF.

Ward Councillors

4.11 Ward councillors are often one of the first points of call for enquiries about the planning process or crucially for objectors seeking support for their claims. It is therefore vital that ward councillors understand their role in the planning process and have the understanding, tools and support to deal with residents' issues without overburdening or delaying the planning process. Furthermore, when a ward councillor involves themselves correctly this can have many positive outcomes; as PAS¹⁰ states,

'The effective ward member, engaging in the planning process, will have sufficient understanding of that process to be able to focus on relevant issues, and will be able to articulate local concerns in a persuasive way whilst recognising the wider policy picture. They will understand that it is important not to raise expectation unduly but have the ability to utilise the planning process and policies for their community's benefit'.

PAS continue and emphasise a need for training to develop these skills¹¹.

4.12 Addison and Associates¹² further reinforce this when discussing member involvement in major applications. They state; 'all members must have an understanding of the planning process. This is so members that when they are approached by the public they can give an appropriate response'.

4.13 The need for member training is re-iterated by DCLG¹³ who state that:

- All members of the council should receive training in planning matters, especially if there is any possibility that they will be asked to stand in for a member on the planning committee.
- Members should be encouraged to keep their skill and knowledge up to date by attending training sessions on at least an annual basis
- Member training initiatives should include a variety of activities; actual site visits/tours of the authority area seem to be especially informative, if focused on topical issues or locations.
- Policy training should be offered to all members

4.14 Through the questionnaire councillors commented on their involvement in the planning application process. All respondents stated they were contacted between 1-5 times a month by residents enquiring about the application process. When asked about their understanding of the application process all responses ranged from average to very good. However, when asked if the council provides enough support and guidance on planning matters the vast majority said no.

¹⁰ Planning Advisory Service (2006)

¹¹ Planning Advisory Service (2006:20)

¹² Addison and Associates (2007)

¹³ Department for Communities and Local Government (2007:68)

- 4.15 The DC team do provide training for all members about twice a year. However, turnout from councillors fluctuates; the last session had around 28 councillors, in previous years sometimes only one councillor has turned up. Considering the complexities of the planning process and its high profile amongst residents it is important that the council use all means to encourage councillors to attend such a session and be flexible in accommodating councillors.

Recommendation 3

The council should consider producing a handbook for councillors, similar to the one for residents but with additional sections specifically for councillors. This can include information about their role, outline protocols for speaking at PAC meetings, how best to discuss concerns with planning officers, what advice they can give residents.

Recommendation 4

The council should continue to provide tailored training sessions, especially for newly elected ward councillors on planning matters. This could fit in with the wider member development plan. Party leaders, and the council as a whole should consider encourage members to take an active interest in planning policy and processes.

Planning Application Committee Members

- 4.16 PAC members have a key role in the planning application process. Although only responsible for on average 5% of decisions they generally have to deal with the most contentious/large scale developments. It is clear that in order to correctly determine applications consistently, within the law and according to the council's policies these councillors must develop their skill-sets beyond that of a normal ward member.
- 4.17 As PAS¹⁴ suggest such councillors should not become experts in technical, legal and policy matters, instead they must engage in a 'partnership of trust' with those who advise them on such matters. However, there must be opportunities for PAC members to receive additional training to help them understand the reasoning behind the officer's decision. It is further recognised that planning law and practice changes quickly, when such changes occur it is important that members receive such training within a reasonable timeframe.
- 4.18 PAC members must also be wary of speaking with applicants where being lobbied. The Local Government Association (LGA)¹⁵ indicate that PAC members must:
- Be careful about expressing an opinion that may be taken as indicating that they have already made up their mind on a decision.
 - Adopt a listening role and restrict themselves to giving procedural advice, including suggesting to those lobbying that they should contact the relevant officer.
 - Make it clear that they will only be in a position to make a final decision after having received the officers report and heard all the relevant evidence.

¹⁴ Planning Advisory Service (2006:5)

¹⁵ Local Government Association (2005)

- Those who do take an active stance or stand in support or assistance to an application should not take part in, and should withdraw from the planning committee deliberations.

4.19 Addison and Associates¹⁶ expand on this, speaking in the context of major applications they suggest that PAC members need more training than other members, due to the need to understand wider council objectives such as their role in delivering the community plan. It is also suggested that PAC members have input into site development briefs. They also argue PAC members should have an understanding of how decisions affect council performance and finally, it is important that PAC members support officers in their responsibility to deliver the DC process.

4.20 PAS¹⁷ reiterate the importance of training in planning:

'Planning is now such an important and high profile issue, and the risks for councils (and councillors) who do not do the job properly are so great, that it is essential for any councillor who is going to become involved in the planning process, to receive training'.

4.21 The task group interviewed PAC members who expressed concern over the guidance offered for the UDP/LDF. It is important that the policies that shape PAC decisions, that members have to justify and defend, are supported by training and guidance.

4.22 This view is supported by the DCLG (2007:68) who state: 'Policy training should be offered to all members, and should be compulsory for those on the planning committee'.

4.23 A number of other authorities make training compulsory for members sitting on PAC. The majority ensure this by including it in their code of practice for planning members. Two examples are presented below¹⁸.

'At Richmondshire, we introduced compulsory training in 1999 - for all Members involved in Development Control and Planning Policy. We organise 3 or 4 sessions per Council year, and members have to attend at least 2 to remain qualified to continue in planning. There's a mix of internal and external speakers. We have 34 members in total, with 14 on the Planning Committee - but at least 25 have kept up their entitlement'.

'Salford City Council has insisted on Member Training for a number of years. Planning Panel members are required to undergo a training session on process and probity issues before they are able to vote. We have now developed a year-long training programme and Members will be given the opportunity of attending monthly sessions on a variety of topics (such as design, car-parking standards) which they have indicated are of interest. We also encourage 'on-the-job' training by holding a reflection session at the end of each Panel meeting where Members can seek clarification of issues around policy or process which concerned them during the meeting'.

¹⁶ Addison and Associates (2007)

¹⁷ Planning Advisory Service (2006:5)

¹⁸ <http://www.pas.gov.uk/pas/forum/thread-maint.do?topicId=24871>

Recommendation 5

The council should consider making it compulsory for new PAC members to attend undergo training and update the code of conduct accordingly.

Recommendation 6

The council should consider that all planning teams develop, in consultation with PAC members, tailored training sessions to increase members' capabilities. Additionally PAC members should recognise that they need to constantly 'top-up' their skills and liaise with the planning teams to highlight their weaknesses and develop their skills.

Website

- 4.24 One of the best media for conveying large amounts of information and guidance is the councils website. However, it is important that this information is easily accessible to all those without internet access – the group are aware that developing electronic resources may currently exclude a number of residents and this is discussed at length on 29.
- 4.25 Through the questionnaire respondents considered that the Development Control section of the planning website was average to fairly good. However, comments suggested that more evidence could be included and made more accessible.
- 4.26 If information were to increase, it is also necessary to make sure that the key documents/information are clearly accessible. The information can largely reflect that in the handbook; however, additional, more in depth, information can be included.
- 4.27 From our questionnaire many respondents stated that the planning website was difficult to navigate and key information was difficult to find. Linking this with the recommendations to increase the availability and extent of information and guidance it is crucial that the council prioritise what information is important and ensure that it is easily accessible.
- 4.28 For example, some of the key information that residents believed should be included is the content of representations and a list of valid grounds on which to object. A full list of what consultees think should be included on the website is included in Appendix 2. Beyond this useful items could include an easily identifiable FAQ section that will address popular concerns and highlight key evidence that is available.

Recommendation 7

The council should review the structure, appearance and content of the planning website ensuring that key information is easily accessible.

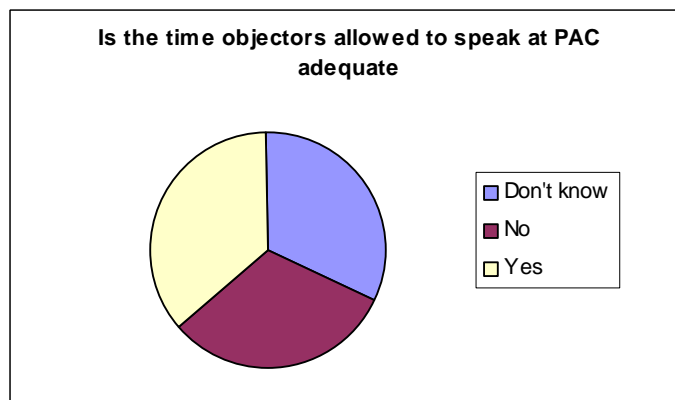
5 The Planning Application Committee

- 5.1 The level at which applications are decided is determined by the Council's agreement of delegation which forms part of the Council's constitution¹⁹.

Speaking at PAC

- 5.2 With the exception of very large developments when the PAC Chairman has discretion the Council currently allows three objectors to speak at PAC for a total of three minutes each. The applicant is then allowed to speak for the sum of time the objectors were allowed, i.e. if two objectors speak then the applicant can speak for up to six minutes.
- 5.3 There is no statute dictating the length of time, if any, members of the public are allowed to speak. Although most authorities allow public speaking to some extent some authorities, such as London Borough Wandsworth, allow no public speaking at PAC meetings.
- 5.4 An important point to consider when examining speaking times is the impact that this has on the duration of a PAC meeting. However, there is an important balance to be struck to ensure that the best quality decision is made.
- 5.5 When asked if the speaking allowance for objectors was adequate 34% of respondents thought that it was adequate with 27% saying it wasn't. However when asked to state the duration they thought best the results averaged in favour of 5 minutes.

Figure 6 - is the time objectors are allowed to speak acceptable



- 5.6 Coupled with the above, a number of consultees highlighted that objectors are often inexperienced at public speaking; as a result they are often cut short before summing up their objection. Although the task group did not think speaking times should be extended they did agree that speakers could be given more guidance. It was agreed that either a signal would be given when 30 seconds remained or the lights in the chamber could be used to signify the time remaining.

¹⁹ London Borough Of Merton (2007b:12-13) *Matters Reserved By Planning Applications Committee Part 3-F* (Section F) <http://www.merton.gov.uk/constitution>

- 5.7 The council and committee endeavour to make a balanced decision at PAC and therefore want objectors to express their views effectively. The group recommend that part of the improved guidance will focus on how to object to applications and also how to effectively maximise speaking at PAC.
- 5.8 The task group would like to take this opportunity to remind residents that, even if the above statement is not agreed by cabinet, they are entitled to speak for nine minutes, as long as it is split between three separate speakers. The group recognise the benefits of objectors working together, it allows them to fully express their views and further it reduces duplication of evidence that will benefit all parties.
- 5.9 Also in an attempt to reduce the meeting length of PAC, the task group agreed to reduce the time non-committee councillors can speak on an application from 5 minutes to 3 minutes reflecting they are more used to speaking in the council chamber.
- 5.10 PAC members highlighted that it is sometimes useful to ask objectors for points of clarification on some of the details of their representation, coupling this with public concern that sometimes councillors misunderstood the content of representations led to a discussion on how this could be resolved. The London Borough of Sutton for example allow cross-questioning of witnesses; however after observing this the task group determined that it had an adverse affect on decision-making. The group however agreed to propose a compromise allowing the chairman to ask for points of clarification, at his discretion, throughout the discussion of the application.
- 5.11 The task group observed a number of PAC meetings as part of the review and one of the main observations is that PAC members ask a number of questions about an application that could be answered by officers beforehand. Further, if questions are monitored, recurring questions can be included in key information handed to the members. The group therefore propose that the council encourage PAC members to ask such questions and officers develop an adequate system to facilitate this.

Recommendation 8

The council should consider developing a system to allow PAC members to ask key questions before a meeting in order to help speed up processes. Over time questions can be monitored and recurring questions can be answered automatically by officers.

Recommendation 9

The council should consider allowing the PAC chairman to ask applicants/objectors for points of clarification during the discussion of the application.

Recommendation 10

The council should consider altering speaking times for objectors at PAC meetings allowing them a 30 second summation following their initial 3 minutes. Applicants should still only be allowed a maximum of 9 minutes.

Recommendation 11

The council should consider reducing councillor speaking time at PAC from 5 to 3 minutes. This is in order to compensate for R12 and reflects their experience in public speaking.

Agenda Length

- 5.12 There are often many items included on a PAC agenda and this can be seen as the main contributor to the length of the meeting. It is in the best interest of both residents and members that efforts are made to reduce this.
- 5.13 A number of authorities have fortnightly meetings which greatly reduce the duration of PAC meetings. However, DC teams in these authorities have the resources to allow this. In Merton the DC team have indicated that they would not be able to move to fortnightly PAC meetings unless staff resources were increased.
- 5.14 One of the main reasons that PAC agendas have previously had so many items is the inconsistency of meetings throughout the municipal year. Although meetings are generally held every month, sometimes PAC meetings have lacked regularity that results in a build up of applications needing to be considered. The nature of the corporate calendar means that it is difficult to impose strict rules upon it due to bank holidays and other considerations. However, this fault has been recognised and the corporate calendar for the 07/08 municipal year has set out more regular meetings.
- 5.15 Due to the length of meetings it is also important that PAC members restrict comments/discussion to those that directly concern and are applicable to the application in question. It is the responsibility of the chairman to ensure discussion is focused.

Circulation of additional information

- 5.16 There has been an increasing trend in speakers at PAC circulating additional information to members during their speech; these include photos, and additional plans. The task group recognise the validity of such items and believe that people making representations have a right to support their objections by using visual aids.
- 5.17 However, a number of concerns are raised regarding the method that such aides are circulated. When new evidence is directly presented it is human nature to award it more attention. Second, this evidence may distract the members from listening to the actual content of both the objectors representation and the subsequent applicants response.
- 5.18 It is therefore considered more beneficial and fair for speakers, members and officers that any additional evidence is submitted before the PAC meeting. It is proposed that additional evidence must either be submitted alongside the original representation or before 12:00 hours the day preceding the meeting and will be circulated with the amendments sheet provided to members at the beginning of the meeting.

Recommendation 12

Additional evidence objectors/applicants want to provide PAC members to support their presentation must be submitted to the planning department before 1200 the day preceding the relevant PAC. The documentation will be included with the amendments sheet.

Using laptops at PAC

- 5.19 Speaking with PAC members the group considered how the council could make it easier for PAC members to review applications both before and during the meeting., particularly when large and complex drawings are involved and can not easily be seen on A4 or even A3 paper. Anticipating an increase in electronic submissions it was felt that members could view full agendas and additional information on individual computer screens. For the meeting members could be issued a CD with all the necessary evidence. This would also allow members to access additional information, not required in the officer report, if they so wished.

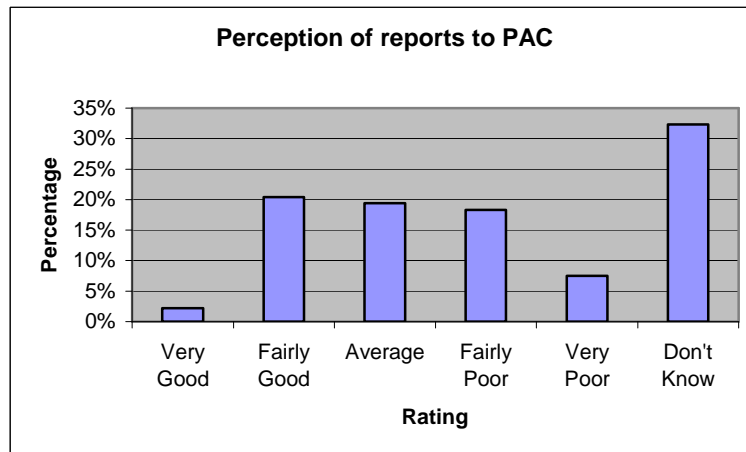
Recommendation 13

The council should consider exploring the possibility to facilitate PAC members using laptops during meetings.

Officer Reports

- 5.20 The perception of officer reports to PAC was mixed (Figure 7). As highlighted in Appendix 4, many consultees were concerned with the quality of officer reports going to PAC. Their primary concern was the number of inaccuracies that were present and secondly the quality of the drawings included.
- 5.21 Considering the large number of reports that go to PAC compared to the number of responses to the questionnaire it is worth considering that these may be isolated incidents. The responses nonetheless point to a problem that is important to resolve.

Figure 7 - Perception of reports presented to PAC



- 5.22 The task group decided that a number of options to improve this should be considered. First, the council must continually ensure that the planning team receive training to 'top-up' their skills. Secondly, reports should include a cover sheet of key information; this would be a standard sheet and could include information such as the number of objections received, ownership of buildings and section 106 details. This would not only provide a clear outline of the report but also require officers to enter the information twice hopefully the number of errors.

- 5.23 The DC team have recognised the occasionally poor quality of drawings and aim to improve their software and scanning capabilities, see appendix 6 for further details.
- 5.24 Concern was also expressed that planning reports sometimes contradicted the UDP. The group decided that this could be a result of the Development Control and Plans and Projects sitting in different divisions within the department. Coupled with the discussion regarding guidance and training the task group consider that the council should examine the effectiveness of the current organisational arrangements. It is also important to remember that the UDP is open to various interpretations; nonetheless, the council must take steps to ensure policies are implemented as consistently as possible.
- 5.25 The review has already seen an improvement at PAC relating to officer reports. Previously, officers used to introduce each application; the group suggested stopping this and it was trailed to effect in the March and April PAC meetings. Therefore the group recommend that this be continued.

Recommendation 14

The council must consider increasing funding for training ensuring that planning officers continually 'top-up' their skills.

Recommendation 15

The council should consider removing the officer's verbal introduction before each application is considered at PAC.

Recommendation 16

The council should consider ensuring reports are structured and presented consistently and should include a 'key information' sheet in officer reports. This will highlight information such as the number of objections in a clear manner and also require offers to enter details twice hopefully reducing inaccuracies

Accuracy and minutes

- 5.26 A number of consultees often stated that the minutes of PAC meetings were not detailed enough, especially when needing to make a decision. The task group considered recording PAC meetings via webcam and making them available on the council's website allowing all parties concerned to examine the evidence presented at the meeting²⁰.
- 5.27 Additionally, minute taking will also be aided by the chairman clearly stating the committees decision at the end of each application.

Management of meetings

- 5.28 The task group agreed that the council could manage PAC meetings more effectively and a considered that a number of small changes could improve the experience for councillors, officers and residents.

²⁰ For example see Croydon: http://www.croydon.ukcouncil.net/site/webcasts.php?l=en_GB

- 5.29 A number of residents felt they could be informed that an application is likely to go to PAC earlier in the process. Although the handbook and improved guidance will communicate the guidelines the council adheres to it was felt that a clear forward plan should be published in advance of meetings.
- 5.30 On occasion applications cannot be considered at PAC meetings due to time constraints. In order to resolve applications quickly it was agreed that 'overspill' meetings should be built into the corporate calendar. These would be cancelled if all applications were decided at the original meeting and it is also important to remember that only 4 councillors need to attend.
- 5.31 Finally, the council should look to provide an indication of the time an application will be considered to prevent residents waiting for their application to be heard. The council must not consider the application before the stated time.

Recommendation 17

The council should consider managing the workload of an individual meeting and the need to give full consideration of applications by publishing and managing a forward plan of applications to be heard.

Recommendation 18

To consider publishing dates for overspill meetings at the beginning of the municipal year and making use of the additional meetings when the forward plan requires it. This may require membership numbers for a specific meeting to be flexible.

Recommendation 19

The council should consider giving an indication of timings for when applications will be discussed at PAC. This is to avoid residents having to sit through the entire duration of the meeting waiting for their application to be considered.

6 Consultation with applicants and interested parties

- 6.1 This section will cover how we consult residents throughout the planning application process. It examines how we inform the public about a planning application in line with our statutory obligations, how we ensure consultation is taking place, how people can object and how we respond to these.
- 6.2 The recommendations have been determined by consulting with residents, the DC team, coupled with the consideration of reducing costs, increasing efficiency and employing web-based solutions.
- 6.3 The council has certain statutory requirements to consult with residents on applications that are determined by the Town & Country Planning legislation. It requires that in most cases applications be publicised either by means of a site notice or individual notification letters to neighbouring addresses.
- 6.4 When the development is in a conservation area, affects a listed building, is a major category development or the proposals are the subject of an Environmental Impact Assessments, these must also be publicised by a notice in the press.
- 6.5 For most applications the Council are required by statute to consult residents for a period of 21 days. This is stipulated in the Town & Country Planning General Development Procedure Order 1995 (Article 8). Although it is possible to extend this period, the task group believes there is little merit in doing so in a formal manner as the DC team consider representations up to the date the decision is made if practical to do so.
- 6.6 However, there are some criticisms surrounding this, the primary complaint is that the 21 day period includes weekends and public holidays and doesn't consider elements such as school holidays when households are more likely to be away from home.
- 6.7 As evidenced in box 1 there are certain times of year, such as mid-December to January, that make the consultation period difficult. But still, it is difficult to justify any changes in the process at other times of the year; unfortunately, working life continues throughout school holidays and as there are no set dates when families' leave, changes due to this are wholly unjustifiable. Further, the task group feel that by, in practice, considering representations up to the decision day, where possible to do so, makes up for the inclusion of weekends and public holidays.
- 6.8 Having said this, the group consider that the council should be clearer in stating when the decision date will be and work to ensure that letters are sent on time – this is a responsibility of both the DC team and post room. This will benefit both the council and residents.

Box 1 - Example of limitations with 21-day consultation**Case Example**

We request an extension to the 21 days that you stated in your letter, which is 1 January 2007, because it gives us little time over the Christmas period to organise professional legal and technical support to appeal against the above Application.

The reason we request an extension of the 21 days is the result of your letter dated 11 December 2006 was only received on 15 December 2006. Wimbledon Library is not in possession of the plans and does not expect to receive them until the middle of next week, 20 December 2006. Six of the days are weekends and there are three Public Holidays. Taking into account that professional offices are not open at the weekend or on Public Holidays, the total number of days available for us to act is reduced to nine days.

We believe it is not fair or reasonable of Merton Council to give us such a short time to mount an appeal against the Proposal and we request an extension of 21 days that excludes weekends and Public Holidays, which is 17 January 2007.

- 6.9 At present the council currently goes beyond its statutory obligations by advertising more applications than required in the local newspapers. The council currently pays full advertising costs to advertise in the free papers. Considering the limitation that not everyone receives such newspapers coupled with the understanding that representations from these are small the group agreed to recommend that the council should reduce advertisements only to those that they are statutory obligated.
- 6.10 Additionally, the task group identified lack of formal advertising arrangements within the council. Advertising is approached in an ad hoc manner with individual departments taking responsibility. In the interests of value for money a number of reports have advocated coordination across departments²¹ and the task group support their recommendations.
- 6.11 Site notices and mailings to neighbours are the most direct ways to inform interested parties about a planning application; despite not being statutorily obliged Merton does both. However, there have been a number of complaints regarding missing site notices or them being poorly displayed. It can be argued that site notices are the primary method to inform the public of a planning application and to save confusion it is suggested that planning officers be required to erect site notices during their site visits.
- 6.12 Some developments, especially larger scale developments, may affect a number of streets or areas. The requirement to only erect one site notice may not be adequate in such cases. On developments that affect a wide area site notices should be erected according to the proposed plans and be either erected or checked by the site officer. Consideration should also be given to provide the facility to download site notices and letters from the councils website so residents can print off and circulate.

²¹ London Borough Of Merton (June 2007:25) Scrutiny review of income generation. And London Borough Of Merton (2007) Internal audit review of advertising.

Recommendation 20

The council should consider means to clearly communicate the decision dates for applications when inviting representations.

Recommendation 21

The council should consider only advertising those planning applications in newspapers that they are required to by statute.

Recommendation 22

The council should consider requiring planning officers to erect site notices when they undertake site visits and consider how we can improve the clarity of the design and size of the display notice; for example, display boards similar to estate agents. Details of this obligation should be clearly communicated to residents.

Recommendation 23

The council should consider providing a link to site notices and letters on the web site to enable residents to print off and circulate if required.

Recommendation 24

In agreement with previous reports the council should consider streamlining advertising arrangements across the council to achieve value for money.

Cross-boundary consultation

- 6.13 Some residents asked how we consult residents of other authorities when an application is located on the edge of Merton. The group were informed that the DC team contact the relevant planning authority and ask them for comments. Additionally they write to immediate neighbours as with planning applications in Merton. Representations are accepted from residents outside Merton.
- 6.14 The task group believe that the proposals made to improve consultation within Merton can be extended to residents who share a boundary with the borough.

Pre-application Advice/Discussions

- 6.15 Guidance literature is unanimous about the benefits of pre-application discussions in producing better outcomes for both the planning authority and applicant.

'Pre-application discussions are critically important and benefit both developers and local planning authorities in ensuring a better mutual understanding of objectives and the constraints that exist ... Local planning authorities and applicants should take a positive attitude towards early engagement in pre-application discussions so that formal applications can be dealt with in a more certain and speedy manner and the quality of decisions can be better assured'²².

- 6.14 However, local authorities are not under any statutory obligation to offer this service. Merton currently offers such advice to all applicants however; a charge is made for advice on major/complex and minor/conversion applications²³. This power was granted

²² Planning Advisory Service et al (2007)

²³ London Borough of Merton (2007a)

in section 93 of the Local Government Act 2003²⁴ allowing authorities to charge for discretionary services.

- 6.15 Pre-application discussions and reports are demanding on officer's time and the introduction of a charging structure provides the council with the resources necessary to offer a professional service that will benefit all parties concerned. Many authorities believe charging has led to a fall in speculative and poorly thought through proposals²⁵. Additionally, developers have broadly accepted this charge so long as the detail of the report reflects this²⁶.
- 6.16 The council should continue to charge for pre-application advice. Time should be invested in developing clear documentation that outlines exactly what the council will offer applicants for their fee and also provide information/guidance that will support applicants in providing all the information necessary to allow the council to undertake a fair appraisal.
- 6.17 Additionally In the spirit of co-operation the guidance should encourage applicants to alert their immediate neighbours about proposed applications prior to submitting them in order to reduce disputes.
- 6.18 All pre-application reports are made public unless there is a request by applicant that certain information of a confidential nature be withheld (typically this relates to fiscal matters). The reports are available on the website although some information, such as fiscal matters, is kept confidential.

Recommendation 25

The council should consider producing documentation to outline why it charges for pre-application advice and what the council will deliver, communicate the benefits to residents/developers, and suggest how applicants can get the most out of the advice.

How does the Council consult and respond to objectors

- 6.19 A number of comments to our consultation highlighted that the department's responses to representations are very generic and could offer more specific information about the case. Although the group would like the DC team to respond individually to each representation at least 2500 letters/representations are received a year. On top of their caseloads it would be impractical to respond in this manner. This must be clearly communicated through all correspondence.
- 6.20 Nonetheless, it is important that the department continually works to ensure that all correspondence is delivered on time. In relation to this the report discusses initiatives to improve correspondence below.
- 6.21 A number of consultees felt that the council should communicate with objectors to the same extent that they do with applicants. This was discussed within the task group and determined that, although it would be beneficial, for such activity to take place with the number of representations received it would not be feasible within current capacity.

²⁴ Local Government Act 2003

²⁵ Planning Advisory Service (2007:16)

²⁶ Planning Advisory Service (2007:4)

- 6.22 Additionally, applicants pay a fee to have their application determined by the council and correspondence is a key part of this agreement. To provide an opportunity for objectors the council could examine the legalities of charging objectors, at a comparative rate to application fees, for officer time.
- 6.23 The task group also thought that the details of representations, excluding personal information, should be displayed on the website where practical. This will be made easier when more representations are made online.
- 6.24 The task group also reviewed the current letter formats and although effective it was considered that a number of improvements could be made:
- Links to information and guidance could be more apparent
 - Explanation of key issues could be improved
 - The overall tone of letters could be softened

New forms of consultation

- 6.25 The task group recognise the debates surrounding the increased use of IT and this is discussed fully in section 7.

Planning e-bulletin by ward

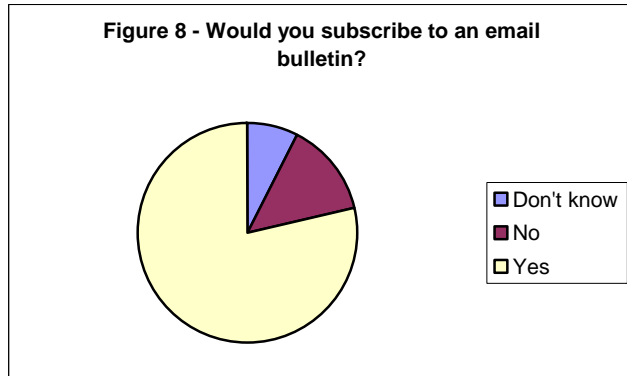
- 6.26 Emails are quickly becoming the preferred mode of correspondence largely because of technological improvements coupled with a recognition of the environmental impact of letters. A growing proportion of residents now have email accounts and regularly use them for communication with many preferring them as a means for consultation. There is also increasing demand for services to be more direct by the council informing residents by email and not requiring them to visit the council website or offices.
- 6.27 The Council currently publish a weekly list of new applications²⁷ and another list for decisions²⁸. These lists cover the whole borough meaning residents must work through them to find applications relevant to them. People can also conduct a search for applications by a number of criteria although this again is cumbersome.
- 6.28 Many organisations use e-mailing lists to consult/inform individuals on items specifically chosen by the individual. In planning's case the council could establish a mailing list where residents can sign-up to be sent weekly emails detailing newly submitted planning applications.
- 6.29 The review has not found any other authority pursuing such an initiative. Nonetheless, the group think that this will become a valuable consultation tool and will be utilised by organisations and residents. It will show the council is pro-actively engaging with its residents and also provide a blueprint that can be replicated for other services across the council. Furthermore, these email addresses can be used, with the users consent, to disseminate other planning initiatives inviting residents to comment on major projects and policies. Residents could also sign up to be automatically sent PAC agendas and other key information about the planning application process.

²⁷ <http://www.merton.gov.uk/living/planning/weeklyplanlist.htm>

²⁸ http://www.merton.gov.uk/living/planning/weekly_decision_list.htm

6.30 East Riding council have moved in this direction by allowing residents to search for planning applications by postcode²⁹ and providing a link to comment on them directly. Merton offers a similar service but it is much less effective.

6.31 Results from the questionnaire suggest that the public are largely in favour of this 78.5% of respondents stated that they would sign up to such an alert, 7.5% were unsure and the remaining 14% said they wouldn't sign up (Figure 8).



6.32 Further, it was suggested that the council could developed this system and use it to disseminate information from across the entire council in the future.

Recommendation 26

The council should consider introducing a planning e-bulletin/email list. Residents can sign up to be emailed new applications by geographical area (e.g. ward/postcode). They will then be sent a regular email informing them of new or modified applications and also information such as PAC dates and agendas.

Comment via online form

6.33 The council does not currently offer the facility for residents to directly comment on an application via an online form. Instead it requires objectors to draw out information from the relevant application and transfer this into an email³⁰. An online form would simplify this process by making sure all information is included. This method has been adopted by a number of other local authorities; a good example is Salford³¹.

6.34 Using online forms can allow users to easily subscribe to receive additional planning information. This will have the ultimate benefit of increasing public consultation throughout the planning process.

Recommendation 27

The council should allow residents to comment on applications directly by using an online form on the Council's website.

²⁹ East Riding Council

http://www.eastriding.gov.uk/myarea/cats_myareapostcode.asp?frame=1&item=6&pcode=none

³⁰ <http://www.merton.gov.uk/living/planning/devcontrol/dccomments.htm>

³¹ <http://www.salford.gov.uk/living/planning/development-control/planninglist/comment-on-a-planning-application/planning-comments.htm>

7 Speed, efficiency and operations

Development of e-planning

- 7.1 Planning, as with many other local government services, is encouraged to increase the number of online transactions. This is driven from above by central government directives and also from below in an effort to increase consultation and efficiency whilst reducing long-term costs.
- 7.2 In terms of planning services overall, the ODPM³² has developed a vision:
- ‘A world class e-Planning Service will deliver new, more efficient ways of enabling the community to engage in developing a shared vision for their local area, easier access to high quality, relevant, information and guidance and, streamlined processes for sharing and exchanging information amongst key players’.*
- 7.3 DCLG further consider that investment in e-planning services will deliver significant benefits to all stakeholders through both efficiency/productivity gains³³ and service improvements³⁴.
- 7.4 Specifically discussing the planning application process the ODPM³⁵ highlight the benefits of increasing online delivery:
- Improved services for customers – more responsive services – measured by increase in % of applicants (commercial and non-commercial) satisfied with service and reduced time from submission of application to decision date
 - Improved certainty of outcome for applicants – reduces uncertainty – measured by decrease in proportion of planning application refusals
 - Efficiencies for planning authorities – streamlines the administrative process of handling planning applications by increasing the quality of information submitted – reduces officer time to manage and track an application – measured by reduced cost per transaction or increased productivity (estimated increases of up to 5% as more applications are dealt with by the same level of staff)

³² ODPM (2004:4)

³³ **Efficiency/Productivity Gains** – Private sector comparators show that streamlining manually intensive document-based processes can deliver significant savings – this is one of the goals of transforming the nine planning services. Initial analyses show that if efficiency gains of between 1% and 5% could be achieved through investment in e-planning, then there is the potential for total savings across the public and private sector of between £33m and £175m by the end of 2010/11. (ODPM, 2004:5)

³⁴ **Service improvements** – In addition to these quantifiable gains, there will be a number of improvements in planning service delivery, for example, greater transparency; improved responsiveness; improved certainty of outcome for users; and increased levels of engagement with users of planning services and the wider community’ (ODPM, 2004:5).

³⁵ Office of the Deputy Prime Minister (2004:15-17)

- Efficiencies for applicant (public and professionals) – reduces time spent compiling planning application – measured by reduced cost per application against a baseline
- Increased transparency of process – direct access will, over time, encourage an increase in quality of planning applications, thereby improving performance of the planning system as a whole.

- 7.5 In order to deliver such benefits it is important that the DC team secure both the appropriate Member and senior management buy-in, funding and commitment to deliver a planned way forward³⁶.
- 7.6 The benefits of e-planning have been reinforced in the recent white paper³⁷: *‘The planning system has also become more efficient and effective and customer-focused with the introduction of e-planning services’*.
- 7.7 DCLG set proposals to further improve and harness the benefits of developing e-planning by encouraging increased take-up by applicants. Currently the Planning Portal processes over 5,000 applications each month nationally. They expect that the introduction of a new standard application form, by 1 October 2007, will lead to a step-change in the number of applications being made online.
- 7.8 Further, DCLG plan to establish a new e-consultation hub to facilitate a more rapid and efficient exchange of planning applications and responses between local planning authorities and consultees. It will also have the potential to improve information flows and generate a much greater degree of participation by individual citizens and others potentially affected by the planning process³⁸.

Important note

- 7.9 The task group understands that a large proportion of residents in Merton are not yet ‘e-enabled’ as they don’t have access to the Internet or, in many cases, the skills to use it. However, throughout this report we make a number of recommendations suggesting the development of the internet in planning.
- 7.10 The task group stress that we are not ignoring residents who do not have access to these facilities and, in most cases, many documents referred to will be available in hard copy. However, the planning process is becoming increasingly electronic and will continue to do so. It is therefore important to anticipate this development. Moreover, central government is applying pressure on local authorities to continually improve their service delivery through IT.
- 7.11 It is important to remember that residents who do not have access to the internet at home can access the internet for free at all Merton’s libraries. As yet there has been no problem of library staff not being able to navigate the system. Training was provided when the system was installed and remains on offer if necessary.

³⁶ PARSOL (2006:9)

³⁷ Department for Communities and Local Government (2007:8)

³⁸ Department for Communities and Local Government (2007:145)

E-planning at Merton

- 7.12 The DC team has taken a number of steps to develop its IT services and the use of IT is increasing at all stages of the process.
- 7.13 However, they are aware that a number of additional improvements are necessary in order to fully take advantage of the benefits IT systems can bring. The sections below discuss some of the improvements that can be made. Appendix 6 highlights some of the technical improvements that are needed, the barriers faced and the possible costs.

How to increase the use of online applications

- 7.14 One of the key elements to improving the speed and efficiency of the planning application process is to encourage applications via the planning portal. This has a number of benefits:
- Applications are more likely to be valid because applications cannot be submitted unless all elements are complete.
 - Payment is made electronically and is guaranteed to be received with the application
 - As all plans are online no scanning is required saving time for the administration team and avoiding any accidental errors or omissions.
 - The planning database can be automatically populated with data from the portal.
- 7.15 In 2004 the ODPM³⁹ identified a suggested target for the volume of online transactions. They anticipated that 10% of all planning applications will be submitted through electronic channels by the end of 2005, then 60% by end 2008 and 90% by end 2011. Merton currently stands at between 20-30%. Clearly, in order to reach these suggested targets the authority must implement initiatives to increase the use of online applications. As mentioned DCLG hope that the introduction of a standard application form will encourage an increase in online applications.
- 7.16 There are a limited number of ways that Merton can encourage the use of online applications because the benefits are largely in favour of the council, financial autonomy is tightly controlled by statute, and importantly penalising paper applications has a number of diversity and equality issues.
- 7.17 However, by reviewing best practice literature the group has identified a new initiative that has been employed by two councils; Waverly and St Helens.
- 7.18 They have subscribed to a fast-track accreditation scheme initiated by PARSOL⁴⁰; the scheme is set out in Box 2. The scheme was initially envisaged to be applied to all applications, both paper and electronic, to reduce the overall number of invalid applications⁴¹ and be part of a national accreditation scheme that would cut across planning authority boundaries.

³⁹ Office of the Deputy Prime Minister (2004:29)

⁴⁰ Documents concerning the Fast Track scheme can be found on this website: <http://www.planningportal.gov.uk/england/government/en/1115314019447.html>

⁴¹ It is estimated that approximately 10-15% of planning applications received by local planning authorities are invalid and must be returned for amendment or further information.

- 7.19 Although, the task group agree with the need to reduce invalid applications, it feels that due to the limited way in which councils can encourage online applications the fast-track scheme should only be applied to applications via the planning portal. It is further thought that an increase in online applications will bring about a reduction in invalid applications.

Box 2 - Fast-track accreditation scheme

How to become accredited

Agents who make regular household applications can become accredited by submitting three consecutive valid applications through the planning portal. Once these have been validated they become members of the scheme.

What happens on the Scheme

The council agrees to validate applications within one working day sending the applicant the case officers name and details and the applications reference that day. The council will also determine the application within seven weeks rather than the usual eight; this depends on it being delegated for officer approval.

Removal Criteria

If the applicant submits two applications with significant errors they have to reapply for the scheme, minor errors can be accepted on occasion as this will account for human error. They will also be removed if they bring the scheme into disrepute or they stop trading.

Benefits to applicants and planning authorities

- 7.20 A PARSOL⁴² review identified that the benefit most valued by planning agents participating in the Fast Track scheme was the fact that it has helped them to develop a better working relationship with the authority. Agents thought that the scheme had broken down barriers between them and the authority, and helped both parties to communicate more effectively. Agents felt that they were treated very fairly by the authority and had no concerns that they would be removed from the scheme for minor, unintentional mistakes.
- 7.21 Planning agents said that the scheme helped them to focus on getting the application right. They said that, although they usually know the requirements for an application, they often make unnecessary mistakes by not double-checking. Fast Track gives them the incentive to make sure they have got it absolutely right. Finally, planning agents thought that membership of the scheme increased their credibility and gave marketing benefits with their clients as accreditation implies that applications will progress smoothly.
- 7.22 Local Authorities identified benefits in implementing the scheme primarily to reduce the number of invalid applications and the time spent dealing with these. Although authorities, including Merton, make a checklist available these authorities have

⁴² PARSOL (2007)

experienced little success in reducing the number of invalid applications. PARSOL consider this to be because failure to comply with the checklist does not have any repercussion other than slowing down the application registration. The Fast Track scheme would provide motivation to comply with the checklist in order to ensure their accreditation status is maintained.

Concerns by agents and planning authorities

- 7.23 Planning agents on the Waverley scheme did not consider there were any disadvantages to the scheme and had no negative experiences of the scheme in operation.
- 7.24 Planning authorities widely thought that the scheme might put them under more pressure to deal with applications within the 8-week target because the application was termed "fast track". They considered that they may get negative feedback from agents where applications had not been decided in the 8 week target even though the reasons for the delay were beyond the validation stage. Planning Authorities stressed that the scheme should be perceived as more of a quality mark for the correct submission of applications rather than a ticket to circumvent normal procedures.

Barriers to the scheme for agents and planning authorities

- 7.25 The primary barrier identified was the operation of the scheme on a local basis especially for those agents operating across several authorities. Agents would not want to have to join several schemes for different authorities or wait a long time for accreditation where they deal infrequently with the same authority and are unlikely to submit three trial applications within a reasonable timeframe. In response the task group consider it reasonable, and sensible, that if neighbouring authorities wish to implement the scheme Merton could work with them in the coordination of the accreditation scheme.
- 7.26 Planning authorities considered the main barrier for the scheme was the perception that they might be put under greater pressure to meet the 8-week target. Also, the set-up resources required to get the scheme off the ground in an authority were seen as a potential barrier. Although these are not particularly significant, in an already stretched planning service it might be seen as one task too many. Based upon the experience of Waverley these fears could be allayed. The Fast Track scheme at Waverley incurred design and printing costs of approximately £5,000 as they wanted the scheme to have a very professional look for the launch, but they consider that costs could be kept much lower. In terms of staffing resources for set-up of the scheme Waverley estimate these to be in the region of only two FTE days, and on-going resources to monitor the scheme to be minimal at around 1 - 2 hours a week.
- 7.27 Taking the PARSOL review further the group spoke with the DC Manager at St Helen's where the fast track scheme only applies to online applications. They were very positive about this scheme and strongly believed that St Helen's will receive more applications online as a result. In terms of the impact on day-to-day operations, the DC Manager believed that in practice this would make little difference to the day-to-day operations of the team. He said they normally validate online applications within one day and complete the majority within seven weeks.

Recommendation 28

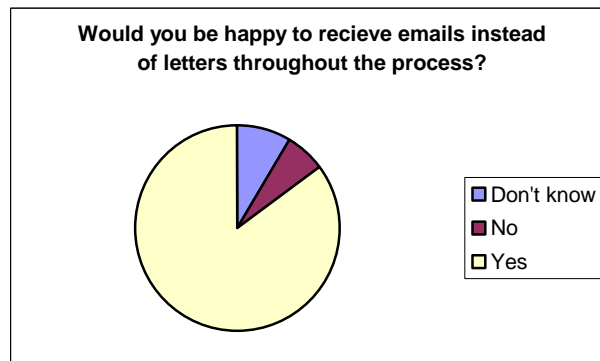
In light of the benefits of increased online applications and the supporting evidence the council should consider participating in the fast track scheme but only for online applications

Initially the council should only apply this to household applications, but as the scheme develops it could be extended. It should initially operate on an individual basis within Merton but if neighbouring authorities adopt the scheme the council should look to share accreditations accordingly.

Communication by email

- 7.28 Throughout the planning application process a large number of letters have to be sent to all parties involved informing them of developments to the application. With regard to efficiency and the environment the group consider that the planning department should look to move towards sending emails instead of letters where the applicant/interested party has given consent.
- 7.29 This move must reflect the issues outlined above and the group imagine that it will be incrementally implemented. Further, its success will be largely determined by the planning team informing applicants of the idea and selling it to them.

Figure 9 - % residents happy to receive emails instead of letters



- 7.30 84.9% of the respondents (Figure 9) from the questionnaire stated that they would be happy to receive electronic correspondence as an alternative to letters. A number of respondents commented that they would only accept this form if all relevant read receipts were in place.

Recommendation 29

The council should examine the feasibility and legality of increasing correspondence by email throughout the planning application process to all interested parties.

Expert system

- 7.31 PAS⁴³ comment that one of the most frequent enquiries regarding development control is permitted development; coupled with workloads and other priorities means that sometimes simple questions can take a long time to be answered. The development of IT can go some way to help alleviate some of these enquiries. PARSOL has developed an initiative they have called the 'expert system'. Box 3 details the programme.

Box 3 - The expert system

The expert system is a series of structured questions on a website. It allows customers, at their own convenience, to answer these simple questions online to find out immediately whether their householder development proposal is permitted or whether it requires them to submit a planning application. Customers can find out at the same time if they require building control approval.

The questions customers are asked by the expert system depend on the answers they provide as they work through the scripts (the questions posed). The pre-defined responses can be amended easily by planning staff to reflect any changes in planning legislation. The expert system can be set up so that jargon can be explained as the customer works their way through the questions. Customers can print a copy of the result of their enquiry, and the council has an electronic record of both the answers a customer supplied and the system's automatically generated response.

A key benefit of the system is that it logs and records all customer use so that records can be maintained in support of the planning decision-making process that otherwise would have been lost.

However, the council must be aware that expert systems still have shortcomings and can be costly – this must be taken into account when a decision is made.

- 7.33 Taking into account the recent White Paper's proposals to reduce the need for applications for planning permission for minor developments and allow micro-generation devices⁴⁴, such a system will prove an effective method to counter the possible confusion/enquires that may arise.
- 7.34 A number of councils including Carrick, East Riding, Kirklees, St Helens, Wakefield, Walsall, Waverley, and Wandsworth, have implemented or are in the process of implementing such a system. All these authorities consider that it has brought/will bring them a number of benefits:
- Improved public satisfaction
 - Allows customers to run a number of enquiries to find what suits them best
 - As it is electronic councils have a complete record of all submitted information that can act as a trail of evidence if the development becomes an enforcement issue.
 - It will help free up time for officers to examine applications

⁴³ Planning Advisory Service (2007:5-8)

⁴⁴ Department for Communities and Local Government (2007:148 and 108)

Recommendation 30

The council should consider undertaking a review of planning enquiries and if economically justifiable implement an 'expert system' to act as a first point of reference for residents deciding whether they need planning permission.

General System Improvements

- 7.35 There are a number of improvements that can be made to the DC teams IT system but these face a number of barriers - full details are set out in appendix 2. Ultimately the council should consider working with the DC team to identify any improvements and break down any barriers.

Re-keying of data

- 7.36 At present the planning team must re-key all applications submitted via the planning portal. The task group consider that this is deplorable and urgent action must be taken to ensure that the system becomes fit for purpose. If the suppliers, Northgate, is at fault they must be instructed to resolve this serious deficiency without delay; if it is a set up issue then their assistance should also be sought to resolve immediately.

Electronic Measuring tool

- 7.37 The measuring tool provided to work on top of Adobe files is not used by all planning officers when electronic submissions are made. Some officers print off and measure manually, whilst others request a hard copy from the applicant, defeating the aim of capturing applications electronically in the first place. It is not clear if this practise is due to lack of training or understanding, but should be addressed.

Document Management System

- 7.38 The task group understand that Merton wishes to adopt a council-wide document management system, but this may or may not be compatible with the planning system. This should be resolved as a matter of urgency to enable documents to be linked with the planning systems as soon as possible.

Case Notes

- 7.39 Although it is understood the system will allow case notes and visits to be recoded in to the system except for building control, officers do not use this method. This defeats the aim of e-government and the task group recommend that officers be immediately requested to make use of the intended functionality to enable better sharing of information and reduce paper based records in so far as is practical.

Prior Cases

- 7.40 There are no automatic links with prior case for the same property. This should be addressed with the software suppliers.

E-mail links

- 7.41 The planning system has no e-mail links at present and therefore the recommended functionality for e-mail lists etc is not possible. The software supplier should be requested to provide this functionality as soon as is practical.

Finance System Link

- 7.41 There is no link to the finance system for recoding applications received which means manual input is made twice, once for the finance system and again for the planning system, which will no doubt lead to errors and omissions not to mention reconciliation time.

General Functionality

- 7.42 PAC reports are prepared in MS Word then have to copy and paste into the report screen, rather than using the template report forms provided by the system.

Complaints

- 7.43 Complaints are recoded into Confirm the corporate complaints registration system. It is felt by planning officers that this is inadequate as it does not link to properties or applications directly thereby causing extra officer involvement – council should review this and make necessary changes. A recent Ombudsman⁴⁵ review recommended that the council review the complaint-handling systems within the planning department to ensure that the fault found here does not recur.

Function to display progress of report

- 7.44 The task group thought it would be beneficial to explore the possibility of displaying on the website the progress of a report. For example, highlight when a site visit has taken place. This will ensure transparency in the system.

Recommendation 31

Taking into account the increasing importance of IT in planning and the wider benefits it can bring, the council should consider working with the development control team to improve the current as set in paragraphs 7.35 to 7.44 of the report.

Relationship between Development Control, Plans and Projects, and Enforcement

- 7.45 Planning at Merton is made up of two main teams spread across Environment and Regeneration. Plans and Projects are responsible for developing the UDP and LDF that the development control team have to implement. Development control implement this policy through the planning application process. Planning enforcement also sits within the Development control team.

⁴⁵ Local Government Ombudsman (2007:21)

- 7.46 As development control are the primary public facing team they often have to defend the actions of other teams. They have to cite policies as justification for their decisions, and enforcement is often confused with DC, which has a negative impact on overall process.
- 7.47 It is important that all teams work closely to ensure the correct guidance and training are provided in order to establish clear links and differences that are communicated to residents.

Plans and Projects

- 7.48 As mentioned throughout this report the development control team must work in close association with the plans and project team both at and officer and member level. This is primarily because the DC team is responsible for implementing the policies of the plans and projects team. In turn, both officers and councillors often have to defend the policies as justification for their decisions.
- 7.49 The DCLG⁴⁶ have identified through case studies that in an average authority around 45% of members are involved in DC decision making. However, it is also recognised that very few members of the PAC are involved in forward planning to any meaningful extent. DCLG consider that this may have a negative impact on the extent to which members feel they have 'ownership' of the policies they are expected to implement. They believe that establishing strong links between the policy and decision-making will, ultimately, lead to more consistent, plan-led decision-making.
- 7.50 In Merton's case many PAC members also sit on the Borough Plan Overview and Scrutiny Panel and also Conservation and Design Advisory Panel (CADAP). However, they feel that they should be consulted on planning policy, especially when it may have an impact on decision-making.
- 7.51 The group also considered the structure in which plans and projects operate alongside development control. Currently the teams are under different divisions within Environment and Regeneration. Although not an overwhelming concern this does mean that they are under different leadership and consequently do not have as much contact as would be desired. As far as the task group are aware we are one of few councils to have such an arrangement.
- 7.52 As mentioned earlier it is important that both the plans and projects and DC teams realise the need to work together to improve delivery by officers and members, and to further develop effective guidance for residents and applicants.
- 7.53 Associated with this, as it affects all teams, is a wider debate that many residents consider important; the issue of design in planning, especially in conservation areas. This is a very subjective matter and broadly speaking has to balance those who wish to 'replicate' what already exists and those who wish to replace what exists with modern designs. The task group believe that although it impacts on decision making it not only falls outside the review but given time constraints the group are unable to review it fairly. However, they recommend that the council, as soon feasible, review this subject.

⁴⁶ Department for Communities and Local Government (2007a:66)

Recommendation 32

The council should consider consulting and involving PAC members on the development of planning policy especially when it has an impact on decision-making.

Recommendation 33

The council should consider reviewing the effectiveness of current working arrangements to foster a closer working relationship between development control and plans and projects.

Recommendation 34

The council should consider reviewing the issue of design in planning as soon as possible primarily considering how they can ensure a consistency in decision-making at all levels.

Enforcement

- 7.54 As mentioned in regard to the LDF and UDP planning is made up from a number of different teams. However, Development Control is the main public facing element having to defend the work and policies of both plans and projects and the enforcement team. A large number of responses received from the public as part of this review primarily concern the role of planning enforcement; in turn, this has an impact on the reputation of development control. Although measures such as the planning handbook could clear up this ambiguity this report agrees with the recent scrutiny review of enforcement that resources for planning enforcement should be increased in order to enforce the council's decisions effectively.
- 7.55 A number of previous reviews focusing on enforcement have taken place. In 2003 a Best Value Review of development and building control took place. Reviewing enforcement it identified that:
- There was no prioritisation between enforcement and investigation
 - The delays in investigating issues and complaints often meant that they were overtaken by events.
 - Only complaints were investigated
 - No checks were made as to whether planning approvals have been properly implemented
 - Some planning conditions were not enforceable
 - The service was not seen as having any teeth
 - There was over-estimation by the public of enforcement powers and practicalities.
- 7.56 In response the report recommended that:
- Inspections to be carried out as planning permissions are implemented to check compliance and act on non-compliance
 - Establish a complaints prioritisation system
 - Prepare and enforcement charter as part of the process of helping the public to appreciate the potential and limitation of the service
 - Identify situations where no enforcement action will be taken
 - Improve linkages with building control to respond to possible breaches of planning regulation where a speedy response is required.

- 7.57 Although improvements have been made the report importantly recognised that these changes could only be sustained through additional staff and resources. The report recommended that the council hire six extra officers, so far only three have been employed.
- 7.58 Additionally, in 2006 scrutiny undertook a review of enforcement across the council – their recommendations regarding planning enforcement are set out in Box 4.

Box 4 - Scrutiny review of enforcement

'With regard to planning enforcement, it was very clear that the will to be more proactive in addressing planning breaches is there but that it is felt that the resources available are not sufficient to carry this out. As one of the most high profile aspects of the council's work, public perception regarding planning matters, and particularly planning enforcement, can have a significant impact on residents opinions on the performance of the council as a whole. This, along with the fact that constructions are permanent features in the community and as such not easy to overlook, means that the council must ensure that it reacts to public concern.

This team must continue to deal with reactive work as it comes in, but also should proactively inspect and take action on breaches it identifies. In order to do this an increase in resources is required. The task group sees this as an investment because ensuring that breaches are enforced will send a message to developers and the public that breaches will not be tolerated. Over time the workload will reduce as the council's reputation will reduce the number of deliberate breaches or people 'trying their luck'.

Recommendation – That resources should be increased within the planning enforcement team in order to ensure that the team has the capacity to proactively enforce planning decisions and to publicise the message that the council will robustly enforce its planning decisions'.

Recommendation 35

The DC team must work to communicate their functions to the public in order to distinguish and improve the public's perception of them.

Recommendation 36

Due to the high profile nature of planning enforcement and its impact on the planning application process the council should consider increasing resources to improve the enforcement of planning decisions.

Devolution of planning decisions

- 7.59 There is a large emphasis in local government literature about devolving decision-making to closer reflect individual communities or neighbourhoods – this is widely known as Area Based Decision Making (ABDM). Despite a theoretical recognition of its effectiveness few councils (14%) have adopted this approach and many believe that it

will not be a practical solution moreover, a number of authorities have implemented ABDM only to re-centralise⁴⁷.

7.60 Four main concerns over ABDM have been consistently highlighted by planning authorities:

- A lack of consistent decision making
- Problems in dealing with probity in decision making
- Difficulties with improving development control performance
- Problems with maximising the use of resources.

7.61 Debating the evidence, including reading guidance and interviewing officers, the task group considered that the shortcomings and costs in this approach outweighed the benefits that might occur. Moreover, it was felt that the demographic and political make-up of the borough would impact the decision making process. It was felt that workloads would be disproportionately higher in the west of the borough and second, it would be difficult to establish committees who would reflect the political representation of the borough as well as the area the committee would represent.

7.62 However, the task group considered that this initiative could become effective in the future in light of the wider neighbourhood governance strategies⁴⁸.

Monitoring of satisfaction

7.63 The council monitors the performance of the DC team through the targets set out in Section 3 of the report. The task group feel that the council should also monitor resident's satisfaction with the process through the medium of an annual survey or equivalent. Questions must be carefully selected to ensure a true representation of the service, as residents are likely to be unsatisfied if a decision went against them.

Recommendation 37

The council should note the task group's support for the existing code of conduct arrangements for PAC members between the submission of an application and the planning application committee.

⁴⁷ Planning Advisory Service (2006a)

⁴⁸ The forthcoming scrutiny review of neighbourhood governance outlines current debates and explores how the council could implement neighbourhood governance arrangements.

8 Member Involvement in Planning Decisions

- 8.1 There is debate surrounding the level of member involvement in the planning application process outside PAC. A number of guidance documents have been produced that sum up best practice and present recommendations; on the whole, they essentially state that member involvement in the planning process is beneficial to the outcomes of the decision and also the democratic process.
- 8.2 There are a number of stages where councillors can get involved in the process; this report will discuss member involvement according to these below.

Early member involvement

- 8.3 There is great variance between local authorities at this stage from no involvement at all to full positive encouragement. However, although involvement at this stage can have positive affects local authorities must exercise a great deal of caution. Two main reports have explored this issue; the DCLG⁴⁹ recently published '*Councillor involvement in planning decisions*' and the IDeA et al⁵⁰ published a guide for councillors involved in planning.
- 8.4 Nonetheless, if authorities are confident that this is manageable then member involvement at this stage can lead to a better quality planning decision.
- 8.5 In Merton's case, the authority now charges for pre-application advice⁵¹, consequently member involvement at this stage could have an adverse affect.
- 8.6 There has also been legal criticism of the DCLG report from the Association of Council Secretaries and Solicitors on 14 February 2007⁵². The Press Statement advises caution in following the recommendations regarding pre-application involvement are flawed as it was not prepared with the involvement of public law specialists and has missed the essential consideration of ensuring natural justice in planning decision making. The Press Statement advises that the Report does not address the fact that early member involvement in the planning application process carries a risk that decision makers may be found to have breached the rules of natural justice.
- 8.7 In response, the council's legal team state:

'Essentially, the law does not say that Members cannot or should not be involved in pre-application discussions. There are no statutory provisions either requiring or prohibiting Member involvement. Rather, the main concerns which arise with Member involvement in the pre-application process is that a decision may be predetermined prior to consideration of all relevant material or that Members may exercise bias in making a decision, which can result in injustice to the applicant or other interested parties. If Members are to be involved in the pre-application process, they need to act in accordance with the principles of natural justice.'

⁴⁹ Department for Communities and Local Government (2007)

⁵⁰ IDeA (2005)

⁵¹ <http://www.merton.gov.uk/living/planning/planapplications/dcpreappadvice.htm>

⁵² The Press Statement can be found at <http://www.acses.org.uk/news/flawed-dclg-report-councillor-involvement-in-planning-decisions>

In order to avoid allegations of bias and predetermination, it is important that Members act in accordance with the Council's 'Code of Conduct for Members of the London Borough of Merton' ("the Code of Conduct") and the 'Code of Practice and Procedures for Councillors and Officers Dealing with Planning Matters in the Borough of Merton' ("the Code of Practice")⁵³.

Recommendation 38

The council should consider reinforcing that members should not be involved in pre-application discussions, other than fulfilling their advisory role as ward councillor.

Recommendation 39

Members of the PAC committee should not be involved in any pre-application discussions and when approached as a ward councillor a PAC member should refer the resident to another member of their ward.

Involvement between application and PAC

- 8.8 The task group was unanimous in supporting the current code of conduct that exists for PAC members relating to discussions with either applicants or objectors. These arrangements should be clearly communicated to residents.
- 8.9 Ward members can be involved in discussions and support applicants/objectors throughout this period. However, their role and responsibilities must be clearly defined by the council. This will be complemented through the development of a handbook and training sessions for all members outlined in section 4.

R 40 The council should note the task group's support for the existing code of conduct arrangements for PAC members between the submission of an application and the planning application committee.

⁵³ London Borough Of Merton Legal Team (29/03/07) Ref: CS/LEG/EG/2006P615

9 'Planning for a sustainable future' – planning white paper May 2007 and its impact on the planning application process.

- 9.1 '*Planning for a Sustainable Future*⁵⁴, the latest planning White Paper was published by Department for Communities and Local Government (DCLG) on 21 May 2007. The paper looks at the planning system as a whole from national policy to local decision making identifying how the system can be improved to meet current challenges. It also sets planning in the context of the wider national policy of devolving power to local government and communities as set out in the local government White Paper '*Strong and Prosperous Communities*⁵⁵.
- 9.2 The report recognises that improvements have been made across planning within local authorities and have become more customer focused (p8) however, DCLG identify six key challenges that the planning system must react to (p10-13):
- Managing the challenge of climate change
 - Supporting sustainable economic development
 - Increasing the supply of housing
 - Protecting and enhancing the environment and natural resources
 - Improving our local and national infrastructure
 - Maintaining security of energy supply
- 9.3 There is recognition that all aspects of the planning system need to change, from central government through to the local level, in order to meet these challenges. Not all of these challenges will directly impact on the planning application process however, proposals to change policy-making will inevitably have an impact on development control.
- 9.4 This section outlines the key themes of the white paper and focus on chapters six to ten which cover the impact on town and country planning, it suggests how the proposals might impact on development control in Merton. It is important to remember that the recommendations in the white paper may not be enacted as outlined at this stage, white papers act as a blueprint stating government objectives, which they hope, will be passed in an official bill.
- 9.5 To meet the challenges outlined above in the context of town and country planning DCLG have an overarching aim to:
- Provide a clear and positive policy framework within which sustainable economic development can be delivered
 - Make it easier for local planning authorities to apply policy to their plan making and development control decisions
 - Encourage action through the planning system to help tackle climate change.

⁵⁴ Department for Communities and Local Government (2007)

⁵⁵ Department for Communities and Local Government (2006)

A positive framework for delivering sustainable development (p103)

9.6 This chapter focuses on how the planning system can help deliver sustainable development, this primarily focuses on planning policy however, it is possible to highlight a number of points regarding development control.

9.7 First, planning regulations will be relaxed allowing residents to erect micro-generators without planning permission.

'... installation of domestic micro-generation equipment is currently constrained by uncertainty over whether a planning application is required before installation, and if so, how to go about doing so. The costs and time associated with an application to obtain planning permission can be a disincentive' (p108).

9.8 It is proposed that broadly all forms of householder micro-generation should be allowed without being required to obtain planning permission. This will be within certain limitations and conditions relating to noise, vibration and visual amenity to control impact on others. Further information will come following the consultation paper published in April 2007⁵⁶. It is currently unclear who will establish these limitations.

9.9 Second, the white paper proposes the development of a new draft planning policy statement on Planning for Economic Development covering both policy making and decision taking. In terms of decision-making DCLG (p114) outline the following:

- There will be a new approach to determining planning applications which do not have the specific support of plan policies, using market information, and other economic information as well as environmental and social information and other relevant evidence.
- Planning policy will make clear that applications should be considered favourably unless there is good reason to believe that the economic, social and/or environmental costs of development are likely to outweigh the benefits. Where development is fully in accordance with the plan it should normally be approved.
- Planning authorities should take full account of the longer term benefits, as well as the costs, of development that will create jobs, including those with wider benefits to national, regional or local economies by improving productivity and competitiveness.
- If, having taken account of the development plan and all material considerations, local planning authorities propose to turn down an application, they should set out clear and precise reasons why, on the basis of the evidence, they have decided that the disbenefits of the proposal outweigh the benefits.

Strengthening the role of local authorities in place shaping

9.10 Future improvements in development control and planning are set in context of the wider local government agenda of rebalancing the dynamics between central and local

⁵⁶ Department for Communities and Local Government (2007c:108).

government with, arguably, increased devolution to local authorities and through the streamlining of processes. It outlines how planning policy should sit in the council's priorities and how it should operate alongside the Local Strategic Partnership and Local Area Agreement as well as setting proposals for development control.

- 9.11 Regarding application process the chapter primarily discusses changes to approach in decision-making and planning fees (p138). In order to make improvements planning authorities must be sufficiently resourced. Work indicates that existing planning fees do not cover the costs of determining planning applications, especially for large developments. Until now the planning delivery grant has filled this gap, but it should not longer fall on the tax-payer to subsidise planning.
- 9.12 There is a proposal to remove the £50,000 cap to reflect the cost of complex applications, however household increases will be kept in line with inflation. A further fee will be changed to cover the costs of confirming that conditions to the permission have been met.
- 9.13 In the longer term DCLG are considering de-regulating fees allowing local authorities to set their own. However conditions of performance will apply. Finally, a pilot will be undertaken to assess a premium scheme where applicants pay a higher fee to get their application determined quicker.

Making the planning system more efficient and effective

- 9.14 Despite improvements DCLG (p148) believes there are still significant concerns about how the planning system currently operates and the outcomes it achieves. It is recognised that the current system hinders local authorities and consequently propose a range of actions in three key areas:
- Reduce the need for applications for planning permission for minor developments subject to safeguards to limit impact on others.
 - Streamline the planning application process.
 - Improve the planning appeal process.
- 9.15 It is envisaged that, in time, these proposal will free up existing resources in local authorities allowing them to concentrate on strategic development and delivering the vision for their areas.
- 9.16 Firstly, DCLG (p149) propose a range of measures which will offer greater freedom and flexibility for (a) householders wishing to make minor extensions or improvements to their home; and (b) other occupiers of buildings and land, including small businesses who wish to extend or improve their premises. They also invite views on Kate Barker's proposal to introduce neighbourhood agreements to facilitate quicker planning decisions on smaller developments such as the relaxation of constraints surrounding micro-generation equipment.
- 9.17 Applications for minor household developments are increasing and consequently 'clogging up' the planning system. DCLG (p149) envisage adopting an approach that will consider the impact of developments on neighbourhoods, and a proposal with low impact on the immediate area will be considered permitted development and not require specific planning permission from the local authority. Overall, this should

reduce the burden on local authorities. A consultation paper is being published alongside the white paper entitled '*Changes To Permitted Development Consultation Paper 2: Permitted Development Rights for Householders*'. This outlines the proposals in greater detail. It is intended to roll this approach out to other types of developments but the scope and limitations are yet to be determined. The LGA⁵⁷ express concerns that if this is poorly implemented any benefits will be negated by an increase in enforcement duties.

9.18 DCLG (p151) are unclear how Barker's recommendations for neighbourhood agreements will work in practice, although they consider it to be a good idea.

9.19 In relation to the above deregulation, DCLG (p150) will ensure authorities can safeguard and preserve areas where necessary.

9.20 Secondly, there are concerns surrounding the complexity and inaccessibility of applying for planning permission. DCLG (p151) believe the country needs a planning system that reduces the burden on people seeking planning permission, they propose to:

- Simplify the provisions which govern how a planning application is made: by reviewing the GDPO (General Development Procedure Order).
- Allow minor amendments to be made to planning permissions: by amending primary legislation to allow, at request of the applicant, discretion for the council to vary an existing permission where they consider the variation sought is not material.
- Take steps to unify consent regimes
- Rationalise the tree preservation order rules: introducing a single set of rules governing all tree preservation orders resulting in a slimmer simpler order.
- Streamline information requirements for all applications: proposing a standard application form to be used by all planning authorities from 1 October 2007 and clarifying information needed to accompany applications. Guidance will be provided (summer 2007) on new arrangements for validating applications.
- Reduce Secretary of State involvement in casework increasing the speed of processing.

9.21 Finally, DCLG (p157) propose to improve the appeals process. They hope that further encouraging a plan-led system will reduce the number of appeals while recognising that in the short-term appeals may continue to increase. A main motivation is, in light of increasing numbers, the necessity to reduce overall costs and offer greater value for money.

Comments

- An increasingly plan-led system means that both the DC team and PAC members must have a developed understanding of the policies shaping their decisions. It also needs to be clarified how the development control team and PAC fit into the wider 'place-shaping' agenda.

⁵⁷ Local Government Association (2007)

- Increasing consultation within policy-making should impact favourably on decision-making. More residents involved in shaping the policies that inform the council's decisions should encourage a greater understanding of the system.
- On the whole this White Paper suggests government recognise that the system largely constrains development control and with a relaxation and unification of key document/legislation planning authorities will be 'freed-up' to deliver better outcomes for residents and applicants.

10 Conclusions

- 10.1 This report has attempted to examine the planning application process as fully as possible. It has examined all aspect of the process from submitting applications to how final decisions are determined. Beyond this, the review has consulted a large number of residents about current practice and future initiatives.
- 10.2 The review outlined five main areas in which the process could be examined. However it is important to identify cross-cutting issues that affect all the areas such as the need to develop IT. The five Areas are: Information, guidance and training, the planning application committee, consultation with residents, speed, efficiency and operations, member involvement.
- 10.3 On the whole Merton's planning application process seems to work well in comparison with other London Boroughs. Nonetheless, there are a number of improvements that can be made and many of the shortcomings lie outside simply determining applications.
- 10.4 The review identified that improved information at all levels was promoted by best practice guidance and requested by a large number of consultees. It is the group's belief that this will 'demystify' the process for all parties involved.
- 10.5 There are a number of balances that need to be struck with the planning application committee; the time spent on an application, the amount of time objectors and applicants can speak and the length of agendas versus the quality of decision making. Unfortunately, these balances are largely constrained by the capacity of the development control team; nonetheless the report has made some recommendations that should improve the process.
- 10.6 Examining our consultation with residents another balance has to be struck between, cost, capacity and consultation. Ultimately it is not feasible to move beyond what the council currently does unless it looks to more cost effective media such as email bulletins.
- 10.7 Similarly, in reviewing our operations the main improvements with the least cost in the long-term will be utilising IT initiatives to the greatest effect pre-empting a wider change in the planning application process likely to be initiated by central government.
- 10.8 Finally, the review examined member involvement in planning decisions. The subject has been widely debated within the planning community and there are questions of legality to be aware of. Overall, the group considered involvement should stay at the current level although PAC members should become increasingly involved in planning policy development.
- 10.9 Overall two of the biggest challenges facing the planning application process are firstly, marrying improvement in IT whilst maintaining accessible information for those residents who are not e-enabled. And secondly, although capacity to determine applications at their current levels is right, there is little scope despite willingness to go beyond statutory duties. Moreover capacity issues may be a large determinant in implementing improvements.

Appendix 1-5: responses to questionnaire

Appendix 1-5 presents all the qualitative responses to the questionnaire submitted by residents. Where the question asked for comments on what the council should include on the website for example the report provides a list. Where the question asked for comments the group has attempted to respond to each in turn, highlighting the reasons for inclusion/exclusion. It is outside the groups remit to comment on a specific planning application and no decisions will be influenced/overturned as part of the review. Please note that the response is that of the scrutiny task group not the planning department.

This appendix means that all concerns/issues/suggestions raised by respondents to the questionnaire will be presented to both the Council’s Cabinet and planning department allowing them to further analyse them and take any appropriate action.

Appendix 1 - comments regarding satisfaction of comments

Comment	Response
<p>Absolutely disgusted at Merton Council allowing the application to be passed (3 bedroomed house to be built on the land adjacent to mine) At the time I wrote and phoned to oppose the planning permission but nobody was in the least bit interested. The building process is now underway and causing us major problems.</p>	<p>The report examines how the council responds to objectors. However, it also accepts that due to the volume of representations the council cannot enter into extended communication with objectors.</p>
<p>All the immediate neighbours objected, together with the local residents association, Wimbledon heritage society and some councillors to no avail.</p>	<p>The task group can't comment on individual application and believe that officers and members take public consultation into account however, if there are no grounds for refusal applications can be approved despite resident opposition.</p>
<p>Applicant still able to make minor amendments and resubmit endlessly. Not enough guidance on the type of grounds that can/can't be objected to, and why. Not enough transparency/consultation with neighbours BEFORE application submitted whereas discussion with council is possible during this time period.</p>	<p>If an applicant has the financial resources to do so they can make as many submissions as they like. The council are unable to change this. The report suggests such guidance should be available. The group believe that although this would be a beneficial process there are not enough resources or capacity to undertake such consultation. Moreover, discussions at this stage are the responsibility of the applicant and the report encourages discussion between applicants at this stage to avoid possible conflict.</p>

<p>Approval granted to replace a lovely detached family home with 3 town houses. My objection on the grounds that it would affect my business was dismissed in one sentence by a councillor who did not even know where my business is located. A summary dismissal of a family's livelihood!</p>	<p>The report highlights that councillors must be careful in their responses to both applicants and objectors throughout the process.</p>
<p>As Chair, I have commented on behalf of Lavender Residents and Tenants Association on miscellaneous planning applications. Reaction to outcomes have ranged from satisfaction to dissatisfaction. The Association is however invariably dissatisfied with the planning process itself.</p>	
<p>Awaiting outcome of June Planning Meeting, but disturbed by the lack of notices of applications displayed where the work would be done. 07/P1600 Notice in Hillside but no information in Thornton Road where the most objectionable part is proposed application will effect neighbours and a Conservation Area street-scene. 07/P0739 No notice in Hillside where the wall is proposed to be built, rather than Berkeley Place, which is hardly effected.</p>	<p>The task group have proposed that planning officers are responsible for erecting site notices. Also the council should try to explore the possibility of erecting more than one site notice if the development will affect other areas or has multiple boundaries.</p>
<p>Building work took place on a property in Rosedene Avenue, without planning permission. Despite residents alerting the Council to events, no action was taken until after work completed. Planning permission was applied for and given a YEAR after work completed - and it was sub-standard.</p> <p>Objections were made by local residents but were ignored, and written questions we put to planning department were never answered. A number of very angry and disillusioned residents was the result!</p>	<p>On the whole it is not illegal to begin building work without planning permission as a retrospective application can be submitted.</p> <p>Due to the number of representations made the council are largely unable to enter into correspondence with residents. The task group believe that this could be made clearer.</p>
<p>Council actually made basic errors - stated that planning application for building of property had been made in 2005 when permission was actually granted in 1995 and house built in 1996. Turned down application citing 1999 new build policy that was (a) wrong policy and (b) introduced 3 years after the house was built. Was also advised verbally twice during application that it would be approved only for it to be turned down on the very last day of the bellowed timeframe - very poor and quite frankly inept performance - have now had to spend over £4k going to appeal because of errors and inconsistencies by Merton Planning Department!</p>	<p>The task group have suggested measures that they hope will reduce errors in reports.</p> <p>We have also highlighted that officers and members must be careful when discussing applications before a final decision has been made.</p>
<p>Felt the consultation process was viewed as purely an exercise by the council. We were told decisions had been made while the consultation process was supposedly still going on. In all honesty we felt the whole thing was pretty pointless and there was a real lack of communication.</p>	<p>The report stresses the importance of consultation and makes a number of recommendations to improve this and make it easier for residents to comment on an application.</p>

	The report also mentions that both councillors and officers must be careful in expressing views before the application is due to be decided.
Fully satisfied with the planning committee but not the planning officers. What is so frustrating is that the applicant will always have the support of the planning department because they have the right of appeal and even though an application may be turned down by the Committee, plans A, B and C are always just around the corner!	If an applicant wants to gain planning permission they are entitled to submit new applications that will be reviewed on their own merits by the officers and members.
I have commented on a number of applications relevant to my area and have not always been happy with the decision, but I am happy with the process, save that it is sometimes difficult to know in advance what decisions might affect my area. It is only through the local residents association (WHERA) that we are informed so without this the Council's processes would be unknown. Could this be changed so e.g. we could register with the council and receive by email notices of all applications in the area when they are submitted to the Council?	The report recommends that the council develop an e-bulletin to inform interested residents of planning applications in their area.
I was advised that my original application for a loft conversion would be denied because they had not approved one like it before. The original plan did not, in my opinion, cause a problem of how it would look at the back of my house and there are some really ugly loft extensions that I can see from my house.	There is an argument that design issues/opinions must be more consistent however this points to a wider issue of design which the group suggest should be a subject of a further review.
I was an objector to an application which was rejected almost unanimously by the Planning committee. I believe that part of this success was the availability of plans and regulations on the Council website. Before the Website, our representations would not have been so effective.	As stated in the report the group suggest the council continually improve their electronic services.
I was Happy with the outcome of my appeal but was never informed of the decision and as I was ignorant of the time frame for the decisions only found out on my own 6 months later. Any interested parties and particularly objectors should be informed of the result of their objection as soon as the decision is made.	This has been highlighted in the report. With the increasing use of email this will be easier and more consistent to implement in the future and improved guidance should outline timeframes.
I was only satisfied because the application I had objected to was withdrawn, and an acceptable one by another party submitted.	
If the application was approved, fully satisfied, if not dissatisfied.	

<p>In the case of Trinity Church in Mansel Road, which is a grade 2 listed building and within a conservation zone, the representations we made about requests to ensure that the building materials used were in keeping with the style of the building were not listened to or made conditions by either the planning officer or the planning committee and has resulted in an extremely ugly building which spoils the area. Also at one planning meeting, one of the councillors was unbelievably rude to me - in the public meeting he said 'if we don't approve this the church will go bankrupt and we will approve knocking it down and building a block of flats.'</p>	<p>This comment raises the design debate. The report mentions this but recognises that this issue needs more time afforded to it.</p> <p>Regarding the councillors comment the report mentions that councillors must be careful in expressing views when discussing applications with applicants.</p>
<p>Inadequate cross borough boundary consultation on significant applications close by. Failure to respond to representations from local residents' associations (e.g. Lidl application, Rowan Road).</p> <p>Failure to control builders or to ensure development complied with agreed plans (e.g. UGI Meters site in Rowan Road) - contractor neither penalised nor to reduce the building to agreed height. Failure to contest the UDP Inspector's ruling that the 120 square metre rule for flat conversions thereby allowing predatory developers to convert unsuitably small family houses.</p>	<p>The process for cross boundary consultation is write to the local planning authority concerned asking for their views on the application as well as writing to individual residents in that borough seeking their views, too. The group considered this adequate and the improvements suggested for consultation in Merton can be extended to cross-boundary consultation.</p> <p>Although outside the remit of the review the report recommends the council increase the resources of the planning enforcement team.</p>
<p>Issues raised not addressed satisfactorily.</p>	
<p>It seems that the decisions were made well before the committee meeting date, for most meetings I have attended.</p>	<p>The PAC members determine each application on its own merit and are encouraged to deliberate applications before the meeting. Officer reports act as guidance for members and suggest whether the application should be refused/accepted based on the relevant criteria.</p>
<p>It should be a legal requirement that residents / close neighbours are consulted by developers prior to planning applications being submitted. This could enable contentious issues to be resolved early in the process</p>	<p>The council are unable to change legislation as this is set by central government. Nonetheless the council actively encourage applicants to discuss plans with residents/neighbours before submitting applications to reduce conflict and resolve any issues.</p>
<p>It took 3 months for the planning enforcement section to respond, despite three letters. it was only when I complained to my local councillors and my MP that any actions came.</p>	<p>The report identifies that planning enforcement are under-resourced and make recommendations to improve this.</p>

<p>Merton council has commissioned a survey on Conservation Areas, with which I am in full agreement. Can developers be prevented from submitting plans which ignore conservation principles? If not what is the point in paying for the surveys and advice.</p>	<p>The Council cannot prevent any application from being submitted but the material in the survey will be taken into account when considering the application. Moreover, surveys of this kind will give greater power to reinforce decisions.</p>
<p>More community involvement needed. Consultation is always needed to ensure the final plans reflects the community needs</p>	<p>In terms of the planning application the report recommends that the council attempt to extend consultation, however there is also recognition that resources and capacity are limited.</p>
<p>My main difficulty was getting to see the plans because I am not very mobile</p>	<p>The council endeavour to make the plans as available as possible however, it is not feasible to print plans for individuals.</p>
<p>My neighbours and I have been very dissatisfied with the way the council has handled applications in our road, on the following grounds:</p> <p>1) Inconsistency: No 1 Currie Hill Close was made to change his design to a "traditional" style to match the area, but a developer on the next plot (2 Currie Hill Cl) was told first to make his initial modern design into a traditional one, then told to switch it back.</p> <p>2) Ignoring the UDP: the UDP specifically comments that while 'brown-field' development is encouraged, this is not intended to foster splitting gardens and building a second house thereon. There is also guidance about too many driveways in a small area, which is being utterly ignored in this road.</p> <p>3) Indulgence towards property developers: While I am aware of John Prescott's aim of increased housing density, Merton seems to be consistently prepared to roll over and allow developers to get their way even when architecturally inappropriate, over-developed, or where neighbours' amenity will be spoiled. Often this follows repeated re-applications, as though the planning department were simply too weak to stand its ground. We have heard direct from a developer that Merton planners "are easy to get round". In the case of No2 Currie Hill Close, repeated refusals resulted in the application being pushed onward to the planning committee, where - astonishingly - the developer was given permission to build but told to submit a new design. In other words he was given carte blanche to build without a fixed design for the committee to assess. This was an utterly disgraceful decision and made a complete mockery of the entire principle of having planning</p>	<ol style="list-style-type: none"> 1) The report has highlighted inconsistency throughout the process and recommends that officers and councillors undergo continuous training to improve their skills. Further, closer working between teams may help this issue. 2) The UDP is open to various interpretations and as stated the report recommends closer links between policy and decisions making planners. 3) Applicants can make a number of re-applications which are considered on their own merit. It is disappointing that developers think we are easy to get around. 4) We are unable to comment on the specific application however; the group understand that the council are looking to improve the quality of drawings that go to the planning application committee.

<p>controls. I would be interested to know if this was even legal.</p> <p>4) Misleading application drawings: applications in this road and at 26 Arthur Road have been consistently presented using misleading drawings. Those for 26 Arthur Road made the new building appear lower than it should, while those in Currie Hill Close have repeatedly used outdated and incorrect plans of neighbours' properties in order to falsely exaggerate the distances between new and existing buildings. The same developer and architect keep using these misleading site plans, which date back to the 1960s and fail to show extensions to neighbouring properties which have been in place for 30 years. A current application for 55B Leopold Road by the same architects yet again uses these out of date site plans, dishonestly showing a far larger gap to a neighbouring house. This has been repeatedly brought to the attention of the planning department, the developer, and the architects, yet the council has not as far as I am aware made any effort to instruct the applicant to submit correct drawings. All of this is indicative of the apparent eagerness of the planning process to favour the developer over existing residents.</p>	
<p>Not enough publicity shown so people did not know and therefore could not object. It's a lottery with the committee depending on who is there and who cares.</p> <p>Now no notices have to be put up and only adjoining neighbours have to be informed even if the application is significant and large.</p> <p>Council does not protect the existing amenities and seem weak against developers who return again and again with their applications.</p>	<p>The report recommends ways to extend consultation with residents and encourages neighbours to communicate over planning issues.</p> <p>The report addresses the issue of site notices.</p> <p>The council examines each application on its own merits and applicants can submit as many repeat applications as they want.</p>
<p>Objections were shuffled between Planning and Licensing in one case. In another planning application details were sent late, in a prime holiday period and were not sent to all those impacted</p>	<p>The report discusses the timeliness of applications within holiday periods.</p>
<p>Process lack proper governance</p>	<p>Assuming this refers to delegated decision making the council's constitution allows this and it is permitted by law.</p>
<p>The applicant had virtually completed the extension in question when the Planning Committee heard the objection, despite having changed the original plan without permission. The extension itself is wholly out of keeping with the neighbourhood, and my belief is that the Committee could not face the possible legal and financial implications of refusal.</p>	<p>Residents are allowed to begin building and apply for retrospective planning permission.</p>

<p>The application failed, it has been taken to the next level</p>	
<p>The Council claim that the application had been displayed for 28 days and that parties were consulted. I live 3 doors from this request and can assure you that it had not been displayed for 28 days and I was not consulted.</p>	<p>The report recommends that a site notice be erected by planning officers on their site visit. Instead of applicants. Resources will be made available on the council's website for neighbours to circulate/erect.</p>
<p>The council did not warn us that an application had been lodged. We had only a few days to react. The Council did not take any notice of our comments even though all 38 residents opposed the application</p>	<p>The report has attempted to review the consultation aspect of the application process and has made some recommendations. However, it recognises that not everyone who may like to comment will be directly contacted by the department. The task group recommends that resources are made available for residents to circulate in interested.</p>
<p>The Council ignored all objections on the advice of their officers.</p>	<p>Officers are allowed to determine applications on behalf of members or advise PAC on their decisions under delegated powers. As discussed in the report councillors have to place trust in the officers decisions as part of this process.</p>
<p>The Planning Committee followed the Planning Guidelines and Merton's UDP and refused four planning applications to a Grade 11 Listed building, two of which were strongly refused by Planning Inspector's on appeal. All four were recommended by Planning Officers and by Merton's 'Conservation Officer' including a further four further amendments.</p> <p>None of the Planning Officers or the 'Conservation Officer' came to see the documentary information on the Listed building (in spite of repeated requests) and contrary to PPG15 C.4. Inaccurate and misleading plans were accepted contrary to PPG15 B.3. National and local Amenity bodies may have been notified but no attention was made to their views and comments by the Conservation Officer and Planning Officer contrary to PPG15 A.17.</p> <p>Merton's reputation among these bodies is very poor. There has been one excellent Planning Officer, Richard Allen, who has come to see the extensive documentary information, has requested accurate plans and does have an interest in architecture and in preserving Merton's heritage but without the support of the 'Conservation Officer' has had to take extended sick leave for stress. The enormous amount of work and stress to the neighbours, unnecessary waste of Merton's planning department time and money which could have been avoided by</p>	<p>The conservation officer sits in the plans and projects team. The report discusses the working relationship between teams.</p>

<p>proper guidance from the Conservation Officer.</p>	
<p>The process is a shambles. Meetings are not well advertised or notified to people who have made representations and are liable to change without notice. Interested parties are (with some exceptions) made to feel unwelcome.</p> <p>Mainly though, council officers, and panel members, can make statements which may not be challenged except possibly by members of the panel, and those members may not be aware that such statements could be, and in my experience sometimes is, factually inaccurate or are expressing an opinion rather than a fact.</p> <p>Meetings are not physically recorded and the minutes rarely in my experience are an accurate representation of what took place. This means that decisions based on inaccurate or biased evidence cannot be realistically challenged since there is usually no record to show how decisions were arrived at.</p>	<p>The task group has recommended that the IT system be changed to allow interested parties to register and automatically be sent PAC agendas.</p> <p>Agendas are published in advance of meetings and subsequent comments can be submitted before the meeting. From reviewing PAC meetings the group agreed that the process would breakdown if members of the public could discuss applications or correct officers/members.</p> <p>The task group has suggested that the council consider web-casting PAC meetings in the council chamber.</p>
<p>This area subject to multiple back land and in fill developments - committee consistently warn down by repeat applications. I have seen inconsistent decisions from one committee to the next. Whole planning process overwhelmingly in favour of applicant.</p>	<p>Applicants are permitted to submit repeat applications The task group believe that applications are considered on their individual merits.</p>
<p>Time taken to process application is unacceptable.</p>	<p>In some cases the group recognise complications impact on the length of decision-making. However, official statistics state that Merton processes 80/92% of minor/other applications within 8 weeks and 63% of major applications within 13 weeks.</p>
<p>Two problem areas: 1. Interpretation of the law - Merton appear to change policy over the years and do not apply general principles of law. Their interpretation therefore leads to problems that could easily be avoided if the law was applied stringently especially when applicants appear to be circumventing the law. This leads to a harasser's charter in Merton.</p> <p>2. We had to apply to the ombudsman to get our position looked at, papers were buried for approx. six months, we did not receive a legal letter from Merton and had to ask the ombudsman for a copy. It appeared that there was no fairness. The ombudsman found no systematic problems.</p>	<p>The task group will refer this comment to the council's legal team.</p>

Views of a large number of residents with valid points of view were completely ignored. The impression left is that the Council is not accountable to or working for the people of Wimbledon	The council attempts to work for people across the borough and the planning committee's membership is cross-party to reflect this.
We asked about an amendment to an existing application 4 weeks before we were told to submit a new application. We then submitted an application electronically and it took 3 weeks for someone to tell us it was invalid. It then took a further 2 weeks to validate. We submitted a tree application & it took 3 weeks before someone said that it had to be resubmitted because no applications were being processed.	We will refer this to the development control team. The report discusses consistency under a number of the sections and relates it to both officers and members.
We were advised that as our attached neighbours were also applying for a side extension, we must apply together and also complete the works together. This proved to be inaccurate, as we were eventually unable to proceed with our extension, but our neighbours successfully completed theirs independently.	Like above this relates to consistency that has been discussed in the report.
We were satisfied with the decision of the councillors on the Planning Applications Committee but were dissatisfied with the prior decision of the planning officer, which was irrational and ill-considered (and contrary to the Council's own published guidance). We were also shocked that when the extent of the planning report's shortcomings was brought to the Committee's attention in the public meeting, the planning officer in attendance failed to respond to any of the points raised.	The task group reviewed officer reports and have made a number of recommendations that will hopefully improve the process.
Whilst I'm aware of this, it's not made clear to potential objectors that they need to try to reference their objections to the UDP, so they often don't. Also, despite apparently being independent whilst sitting on the committee, the councillors tend to largely vote along party lines, speak to each other throughout the objectors' representations etc	Our further guidance and training will hopefully make objectors clear to all the things they should improve the service for everyone. The groups observation is that there are more differences between PAC members on points of planning legislation rather than any party political line. Unfortunately, the vote may sometimes unintentionally reflect party lines.
I have been satisfied when the officers and councillors have followed the conditions and the spirit of the terms of the UDP, the SPG, and the conservation area guidelines. I have not been satisfied when the officers (and councillors) have laid aside the UDP, SPG and CA guidelines, saying that the greater benefit of the scheme has to be recognised rather than the protective clauses.	The council takes into consideration all of the documents listed when considering an application. When they identify greater benefit officers and councillors must give their reasons for doing so.

<p>This is a conservation area. I objected to a garage being built in Kenwyn Road. The actual garage was modified in design so acceptable. I did not feel panel's response was good enough i.e. if applicant appealed then it would have cost ratepayers too much to defend action. Surely applicant should not have right to appeal in conservation area?</p>	<p>Applicants have the right to appeal against all applications. The right to appeal is not determined by Merton but by central government.</p>
<p>Although the planning committee listened and made many conditions these were not enforced after the scheme went through.</p>	<p>The task group discuss planning enforcement in the report and recommend that their resources be increased.</p>
<p>Living on the edge of the town centre means constant pressure on surrounding residential areas by commercial interests. Whilst appreciating the council is often circumscribed by planning regulations and fears the costs of adverse decisions, should legal action/appeals be taken/made, it often seems that the wider community interests are subordinated to vague promises of a few more jobs (often for a short period).</p>	<p>This comment relates more to planning policy than the application process.</p>
<p>Some hideous planning applications granted in Wimbledon village along the Ridgeway.</p> <ul style="list-style-type: none"> - 87 Ridgeway the 'as yet unfinished after 6 years'. - The Tesco building on the Ridgeway - The cabin line new house crammed next to listed building 55 Ridgeway - Permission was granted to partially demolish 4 Southside Common and turn a family house into flats which sets a president on Southside Common a very important site opposite Wimbledon Common; many, many residents were totally against this in a conservation area. They were ignored. 	<p>This again points to the design debate that falls outside the remit of this review. Nonetheless the report recommends that PAC members are more involved in planning policy development to ensure more consistent decision-making.</p>

Appendix 2 - Do you have any suggestions for further information/guidance that should be made available on our website?

Comment
A detailed 'time-line' of the schedule after planning consent has been invoked through the appeals and objections procedures and an explanation of why proposals are allowed / rejected and when these are made available.
All drawings including all modification drawings
All new building/demolition proposals should be made easily available to all residents in the area(s) concerned. The only occasion on which the Planning Department has given me appropriate references I was unable to access them, and my request for further elucidation has remained unanswered to date.
An email registration point through which all applications would be sent automatically to those who registered
Any applications made previous to the website becoming active should be listed against the properties so any observer can see the complete and accurate picture of any property they have concerns about.
Brief overview of similar applications nearby and whether they were granted/conditions on which they were granted
Complaints procedures against poor performance
Current policy - clearly written
Deadlines for responses
Email reminders to objectors when a repeat application is submitted.
Exactly - information. information .information is needed Developers seem to get away with keeping applications a secret. Take a look at the current behaviour for the significant application for Durham Close, SW20 which has returned again for another attack on our neighbourhood.
Future plans for the property to stop individuals completing works and cashing in by selling the property leaving residents with overcrowded streets lack of parking etc.
Greater guidance on where decisions are likely to be rubber stamped to save individuals time & stress
Guidance for valid grounds for objections would be very helpful.
Guidelines within which you assess, for example, rear dormers
Having found the details of a specific application I find it hard to track down a link which enables me to make my representation. I end up using a general e-mail address for the planning department. It would be much easier to have a direct link on each application.
How many letters of objection are needed to be heard by the planning committee.
I count myself as a reasonably experienced and knowledgeable computer user but locating planning applications is a nightmare. A recent application for a

phone mast for instance required knowledge of the date of submission as it did not appear to be accessible in any other way. Applications should be listed by type and area, preferably with added keywords, so that users can get to the item they want to see reasonably quickly and efficiently.
I do not understand what is meant by the content of representations
I don't see why the content and personal details of representations aren't always available on the website. We need more accountability all around, including from the applicant and those opposed or in favour of it.
It should be made clear that council decisions are open to questions and there should be details of organisations that can help i.e. specialist solicitors, MP's etc
LBM's website provides a useful tool for those with some understanding of the planning process, a broadband connection and a working knowledge of the website. This excludes 98% of the population. Some suggest that this is the object.
Listing of planning applications so people can set parameters and see what applications will effect their road/local area
More advice needs to be available on how you mount an objection so that residents who are contesting applications are not required to spend thousands of pounds on their own professional advisers when trying to protect the conservation area status of their surrounding area - which is the role of the council in the first place - we are effectively paying twice as we are already paying our council tax to be protected against poorly thought trough building proposals
More details of the applications needed
Names and job titles of those involved. Names and details of interested groups regularly involved.
Need clear distinction between planning and licensing criteria
Our representations (along with those of many other concerned residents) were published on the website. However, these included personal details (signatures and addresses) which caused some concern.
People should be warned that if building work is carried out without planning permission, they will be fined double the amount they would have paid had they applied for planning permission!
Plans more readily available rather than needing to go to the library to photocopy.
Real images of London Revealed of all application sites and the impact of proposed buildings etc including at different times of the year.
The answer to the first question is very poor because of the quality of the plans available on the website. An Architects drawings reduced to an eighth of its size for reproduction on the website make a mockery of any kind of accurate appraisal of the plans. Merton's inability to ensure correct plans are submitted is well known to the architects and incorrect plans are constantly produced always erring on the side of not fully representing the adverse effects of new development.
The email address of the case officer should be made available to residents associations. Our residents association found that the applicant, a member of our association, freely communicated with the case office but the case officer would not communicate with us

The potential grounds for refusal are extensive however in practice there are only a few that actually get used. Explanations of these, rather than everything in the UDP, would be useful for people. Additionally it might be worth saying what objections will (however unfortunately) hold no weight e.g. lack of parking or potential ill health from phone masts.
The UDP and London Plan are huge - we need to provide some basic guidance for how to support/object.
The Ward member on the Planning Committee should be stated just as the officer is dealing with the application
The website is not kept up to date on a prompt basis which means it is not as useful as it might be. In particular information on appeals is not kept well. For example I cannot find out the result of a recent appeal on 58 Wimbledon Hill Road from the Planning Explorer.
You should incorporate a merton watermark on drawings submitted by applicants to prevent breach of copyright.
Your Planning Explorer could not be accessed by the Safari browser on my Mac, and only with some difficulty on Microsoft's Internet Explorer. The design of the Website is much too cluttered. It compares badly with the clarity of the central government's Planning Portal. There is duplication of information between your Website and the Portal. This costs the taxpayer money. The representations should appear earlier on the website.
The Crosslinks are not always clear. Need a sub sitemap.
Better visual representations of the plans with measurements included! Plans showing the application in the context of neighbouring buildings.
Further instruction on how to make a representation when objection to an applications. E.g. I was aware when I attended the planning committee as a 'novice' I could have done more to support my case. E.g. circulate handouts and photos to councillors.
The councils website is not available to the vast majority of older people or those on low incomes. Nor are many able to navigate its complications.
The plans submitted by architects are sometimes awful and inadequate for the lay man. Often not submitting site plans and often not bothering with showing North, South etc and not showing neighbouring properties and their numbers.
Whether or not the application involves flood plain, MOL, Construction on top of a culvert.
Advice to developers, planning applicants and members of the general public on what they can and cannot apply for/object to.
Guidance on accessing officers by e-mail or e-mail/telephone help line should be available on the website.

Appendix 3 - Suggestions for topics to be included in the information session

Comment
A detailed explanation of the overall policy, as distinct from the process, and why it appears that "anything goes" despite legitimate and justifiable objections.
Accountability of planning department employees at all levels.
An explanation of how often repeated applications for the same development/extension are allowed before (or indeed if) they "time out". Also whether objections can be "carried over" from one version of an application to the next.
As previously discussed. The whole planning permission process, the objections and subsequent appeals process needs to be much clearer and transparent,
Attendance by officers; an explanation of the internal process for reviewing an application; how best to present representations
Clear explanation of grounds for refusal
Duty of care and responsibilities of the council personnel to the local residents in particular. Statutory guidelines about the time scales that any correspondence has to be acknowledged within.
Easier access to the Website and more user-friendly navigation.
Enforcement of correct plans Proper consultation of national and local amenity bodies and adherence to the Planning Policy Guidance. At the moment your Officers seem to be above expert guidance. Information sheets on how to navigate the website. Enforcement to developers who break the rules to reinstate.
Explanation as to how the Council's planning department can tell you in a letter you will be allowed to speak at their meeting but then send you, a few weeks later, a letter saying that planning permission has been granted at a seemingly "closed" meeting". Also, would like to know basic guidelines as to what can and can't be done in the borough - types of business, housing, etc. Also why Merton has far too many bars/pubs in the borough - no wonder we have so many problems with anti-social behaviour, late at night.
Focus on policies rather than process
Full explanation of the application
How best to comment on an application and the appeals process.
I am pretty befuddled by Merton's planning policies which seem to be obeyed or disregarded on a whim, but I find it very annoying when officers invoke the directions or wishes of other entities such as TfL or the GLC (whatever its official name is) or central government as it is often impossible to know exactly how mandatory any external requirements are. I would therefore be interested in knowing the exact extent of the powers of such bodies in the local planning process.
I have lived in two Conservation areas and am concerned that the principles are not being upheld. I would like to have the consideration explained.
I think planning laws need to be changed so the council can stand up to developers who know that if they push they are likely to win anyway. Take a long look at the appalling developments that have been allowed through sometimes breaking some or all of the guidance/rules.

I work long hours and have found any meetings organised by the council impossible to attend
I would like to attend such a meeting, designed for people who are planning-aware and planning-active, not a meeting for ordinary residents (who may only object to something once in 10 years....)
I would not attend now because it is too late. Planning permission was granted & I am now selling my business.
Information about why planners let so many poorly-designed/ugly buildings get through.
It should be professionally moderated - not council led with interactive GIS facilities and white boards
It should cover the process; the reasons applications can be approved or overturned and an explanation of the types of conditions that can be applied to a planning approval. It should also cover the roles of the planning officers (who they are responsible to etc) and a framework on how people should get information and who is available to help them.
Layman's information on the broad principles of planning law. Details of the consultation process.
Only because I have learnt about the process through having to deal with multiple applications in local area.
Powers of local authorities vs. national policy - many policies are only local and have no national legality
Something about managing expectations. Wants are infinite!
The basis on which the Council can prevent applications being approved - i.e. there appear to be areas that residents are concerned about but which the Council are not allowed to take into account
The key issues under which you can effectively fight an application, and advice on the kinds of issues that are simply ineffective and therefore a waste of time for people to focus on when objecting
The role of the planning officers and their ability to disregard published guidance.
The sad thing is, it's only people who know something about the planning process that would attend. Most residents are disenfranchised by the planning process.
What is national policy and where do Merton have discretionary powers.
What powers are given to inspectors by the Office of the Deputy Prime Minister to overrule local decisions
Why are the public not aware of planning applications? Free local newspapers are used to advertise applications, but the publishers refuse to deliver to deprived areas such as Lavender Fields. Few people in this area have access to broadband. The council must realise this but make no effort to inform residents of local planning applications. Why are 93% of applications in Merton decided under delegated authority applying or ignoring UDP policies in an arbitrary manner? How petitions submitted to full Council are lost? How can objectors be assured that their objections are received, let alone considered? Why does the planning department fail to require developers to respect the objectives of the Neighbourhood Renewal Strategy by including community facilities in developments as required by the UDP (e.g. Roan Industrial Site - Mortimer Road)

Why illegal additions to properties are allowed to remain if not discovered within four years. My neighbour has one as a back extension that is falling to bits. The part across the fence from me brown sandy stuff falling off of breezeblock with black mould growing on it and your department said they could do nothing about making them repair it or tear it down as although no planning permission was sought by them it was over 4 years old and none of the council's concern. How do you think that makes me feel? You can build any old junk you want and if you don't get caught and it starts to fall down your neighbours have to suffer as the council doesn't want to know and hides behind its regulations. I have to look at this every day and can get no support to force them to repair it and I am the one who has the value of my property suffer and my enjoyment of it. The stupid neighbours cannot see all of the mould and if the damp from their extension goes into our party wall the council still won't want to help me in any way.

Why reasonable local objections are often dismissed seemingly regardless without clear explanation. It often would appear only lip service is paid to objections. Why pressure to convert larger properties into several tiny ones in order to meet Government targets seems to rule the day, regardless of location and appropriate design. Why developers etc are allowed to always "play the game" and submit various tweaked plans in order to wear down the objectors. They rely on apathy and the system would appear to encourage this behaviour.

Clear guidance on what grounds are valid for objecting and what not.
Where to go to find the sections of the UDP and SPG on the website.

Better visual representations of the plans with measurements included! Plans showing the application in the context of neighbouring buildings.

A précis of planning process and a glossary of terms

Where to look for planning policies to help with representing.
Land registry details
How to seek advice before submitting an application

A glossary of Jargon

Appendix 4 - Comments on the planning application committee

Comment	Response
Although Planning Committee dates are available well in advance, the agenda are not. The rules relating to representation are complicated and poorly communicated. The whole planning process appears to be an obstacle course to confuse and obscure the decision making from the general public.	The task group hope to clear up rules relating to representations by suggesting further guidance. The group also hope that it will demystify the process and make it less of an 'obstacle course'.
Be braver in defending common sense rather than hiding behind central policy not intended to drive dogmatically every local decision.	
Better pictures needed	This is recognised in the report. The department is currently improving the IT software for scanning. The group also hope that by increasing online applications and proposing the use of laptops will also have an impact.
Communication is tardy. A recent letter dated 26th April did not arrive until 3rd May, the case officer did not return phone calls but very helpful when we spoke two days later after I had spoken to several other people who I was put through to, who could not help. Time consuming!	There is a duty officer available to discuss applications with applicants and concerned residents. Contact details are: South Team Duty Officer: 020 8545 3984 planning.south@merton.gov.uk North Team Duty Officer: 020 8545 3777 planning.north@merton.gov.uk
Council planning department does not always get facts right about areas. For example they described for a planning application the lower end of Durham Road SW20 as commercial and completely ignored the residential side including listed residential buildings.	The report recognises that there are sometimes inaccuracies in reports and has suggested a number of methods to improve this.
Email communication on its own is insufficient to explore range of considerations needing to be addressed - much better to organise local meetings with RA's and their members who are affected by an application and other interested parties.	Although discussions of this nature would be beneficial the DC team are constrained by resources. As this would not be possible for all applications meetings of this nature would raise questions of fairness. When there is a major application that has generated significant interest the council endeavour to meet residents concerned.
Good overall structure but slanted towards visual appearance, with nothing about structural soundness. Little strategic consideration on how a building or extension would fit into a Conservation Area. (The UDP calls for this, but the case Officers are more blinkered, attending only the visual amenity of immediate neighbours.) Fortunately the Councillors took a wider view in our case.	The report encourages greater working across the planning teams within the council.

How can applications be granted when local issues i.e. parking and the character of the road are not considered?	The task group were informed that these are always taken into consideration.
I do not like officers taking extra time over processing applications without apology or explanation	The group hope that officers can improve the speed of processing applications but are also aware that they sometimes take more than 8 weeks to process. The group have highlighted this to the department suggesting they should contact applicants at the end of the 8-week deadline and highlight a new target decision date.
I feel that trees, gardens and borders are being eroded by overcrowding and building right up to the road. The new flats on the Worple Road are too industrial for a residential area and Raynes Park centre is one of the most miserable places on earth	This comment relates more to policy than the application process itself. It will be passed to the relevant team.
I have a concern about the selection of neighbours to be informed about a planning application in the near vicinity. In two cases I was aware of, immediate neighbours were not written to by the Planning Division and in one case a decision was made without local residents being aware of the application.	The department ensured the group that they try to inform as many neighbours as possible. However, the report recommends that planning officers erect site notices and send letters to all residents who share a boundary with the site.
I have not been involved in the planning process so far - my only reason for completing the survey is to make the comment which I've already made under one of the questions above about the poor quality of building design. Some of the flats built in the borough recently have been ghastly! Do not let the same happen with the old (Elf?) garage site (Worple Road) and the Thames Water site (Coombe Lane.) Thank you for running this consultation.	This raises the issue of design which is outside the remit of the review.
I have seen cases of clear errors which go uncontested if not spotted by third parties - specifically traffic increase calculations, which use models that create misleading statistics - the models used need to be challenged, they do not allow for higher than average number of schools on roads and other factors that make this kind of 'average score' inaccurate. If current models are continued these calculations could be challenged by a half decent statistician / lawyer	The report recognises that errors sometimes occur. The concerns over statistical models has been passed on to the department for consideration.
I have submitted several applications for projects in different parts of Merton. All the case officers I have encountered have been helpful. There is a senior person with a particular view on dormers which it would be useful to have articulated.	The council could include such information on the website.

<p>Important: If there is a problem with an application, for example more information is required, the Council should inform the applicant/applicants agent immediately by phone, e-mail, or fax so as to not unduly waste time e.g. register the application - weeks are currently being lost on often technicalities.</p>	<p>The group hope that the IT system will be improved following this review and initiatives such as the fast track scheme will improve efficiency when validating applications.</p>
<p>In my experience, reports seem written to support a particular view on an application and rarely seem balanced, and this applies to statements made by officers at meetings as well in most of the meetings I have attended. Items that I would consider quite important like Health and Safety, Fire Risk assessment, Traffic safety, Access, Environmental impact etc. do not seem to usually be considered unless the officers are against an application. When statements are made in reports, they seem rarely backed up by evidence and unfortunately are often accepted without question by councillors since such officers are considered 'expert', even when as in one case I attended, the numbers presented literally did not add up.</p>	<p>The group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy.</p>
<p>In our experience the reports we have seen contain numerous fundamental factual errors (e.g. miscounting the number of rooms in a property; stating that an adjacent property had a flat roof which it quite clearly did not). Published guidance is frequently ignored or dismissed without reasons. The conclusions reached often bear no relation to the quoted data.</p>	<p>As above the group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy.</p>
<p>Looking around the current spate of works being undertaken in the Wimbledon Village Ward, it seems that insufficient account is being taken of the overall environmental and aesthetic considerations which should inform the Planning Committee's decisions.</p>	<p>This comment relates to planning policy and also the design debate that is outside the remit of the report.</p>
<p>Planning officers have seemingly quoted measurements and dimensions that are simply untrue to the committee and made positive recommendations that are based on inaccurate dimensions with no course for accountability.</p>	<p>As above the group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy.</p>
<p>Planning Officers should be prepared to discuss applications to the same extent they do with applicants.</p>	<p>This is discussed in the report and is limited by the capacity of the DC team</p>
<p>The process is ridiculous. If you submit an application electronically you should receive a response electronically not using snail mail.</p>	<p>There are currently problems with IT however the report has recommended this a priority for improvement.</p>

The reports submitted by the planning officers are often inaccurate, sometimes rely on information submitted by the applicant, are often badly written etc.	As above the group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy.
The reports submitted to the Committee appear to neglect impact on the environment and on neighbours	As above the group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy.
The reports submitted to the planning committee are biased to support the applicant's case and full of errors and omissions. We gave an amended report to the Planning Committee. The whole process takes hours of time and third parties should be made aware that the planning department will always back the applicant because they have right of appeal whereas third parties do not. The whole process is very unjust as, in our case, no sooner have you defeated one application, another is being submitted!	<p>The task group disagree that reports are biased in favour of the applicant. Perhaps if the report recommends approval this may seem the case.</p> <p>New applications are often submitted soon after the original has been refused. The council is unable to do anything about this but examines each application on their own merits.</p>
The representatives from our local residents' association and our local councillor present our objections and they seem to be ignored.	The group are satisfied that both planning officers and members take representations on applications into account. This could be made more transparent in the officers report.
The whole website is far too cumbersome and unintuitive. It's a barrier to open consultation not an enabler and given it's atrocious design and frequent downtime, the council would be foolish to think of it as a reliable mechanism for consultation. You need to start again from scratch	The group has recommended the council review the structure, layout and content of the planning website.
There is a lack of consistency in reports with a poor standard overall. The implication is that pressure to meet government targets means details and representations are overlooked or ignored. Too many reports appear to be written before apparent deadlines for responses have expired, So much for consultation!	As above the group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy
There seems to be a wide range of skill from one planner to the next. If we get a 'good' planner, we feel we are heard, and if we get a 'new' or less-experienced one, we feel hard done by. Email is a superb way to get information out. Yes, please try to use the medium for both speed and cost-efficiency...not to mention saving trees!	As with any service the skill of planners may vary due to experience. However, as recommended the council should continually offer training for planners develop their skills. The report recommends increased communication via email.
They tend to be biased towards the outcome that the planning dept wish for	The PAC members have developed a good relationship of trust with planning officers. This relationship is discussed in the report and best practice considers this a necessity.

<p>We have had extensive experience of the planning process after 9 Planning Applications (including Amendments) and can show you many of the developers 'tricks of the trade'</p>	
<p>Whilst the internet is a great tool to engage a number of people with, there are still a significant number of people who won't access this information via the internet, and there should be consideration of how their views should be sought and taken into account.</p>	<p>This is discussed at length in the report. However, there is a strong emphasis on e-planning throughout best practice literature and this is reinforced in the latest white paper. Nonetheless, alongside encouraging the use of electronic communication the group encourage the council to retain, update and provide previous forms of engagement.</p>
<p>Would like local residents' real concerns to be given proper consideration during the process. It seems that, too often, commercial interests outweigh residents' concerns.</p>	<p>Although commercial interests are considered it is the task groups belief that local residents concerns are given an equal weighting.</p>
<p>Eco/Green Aspects</p>	<p>This relates to planning policy</p>
<p>There are often inaccuracies in the reports and the drawings are of a poor quality</p>	<p>As above the group has recommended that the council provide continued training for staff on report writing in an attempt to improve consistency and accuracy. The council is working on improving the quality of drawings.</p>
<p>Although in some cases they are very good, there have been instances when the planning officers have, in my opinion, lost their impartiality and presented the issues incorrectly in favour of a development being approved.</p>	<p>In the reports we reviewed officers largely made a balanced decision. It is unfortunate that decisions can sometime appear impartial.</p>
<p>There can be a problem with provisional dates at the beginning of the municipal year, partly because this is also a popular holiday period.</p> <p>RE reports: well set out but I disagree with some of the recommendations; whilst being aware of the parameters set by central government.</p> <p>Would like councillors to have an unlimited speaking time at PAC</p>	<p>We are aware of potential conflicts between dates and the holiday period and have discussed in the report. However, the group decided it would be impractical and unjustifiable to rearrange dates around personal holidays.</p> <p>The group have actually reduced speaking time for councillors at PAC to reflect their experience of public speaking.</p>
<p>The length of time objectors and applicants for minor applications is sufficient. As suggested in the reply to Question 20, it is suggested that a more extensive approach is adopted to major applications and that this would be reflected in the number and length of time allocated to speakers.</p>	<p>When a major application has generated significant interest an extraordinary committee meeting is held.</p>

Appendix 5 - Further comments about the planning application process that residents felt were not covered in this questionnaire

Comment	Response
A Question about the planning department's reaction to representations would have been helpful. Too many residents feel their views are ignored. Administration is poor - letters arriving long after their date - a problem when deadlines are involved. Lack of information about amended plans - why aren't these on the website like the originals?	The report examines letters sent by the planning department. We have looked at the administrative processes
All confidence in the professionalism of council planning officers has diminished. It seems that they are not rigorously checked by supervisors and their recommended decisions are not qualified by senior personnel to effectively cross check all aspects of the UPD and the borough Supplementary guidelines for accuracy or including all aspects that should be mentioned as appropriate to each individual application. No quality control at all on officer's recommendations.	A number of external reviews have taken place in the past including an Audit Commission review and the Best Value review of 2002/03. Officer reports are signed off by two signatures – the head of development control and by the team leader or deputy team leader.
Applications have a pronounced tendency to appear before Christmas, Easter and Bank holidays when extra time should be given to discourage this practice. It is time that electronic communication should be more generally use with the safeguard of asking for receipts if the matter is important.	We have discussed this at length in the report. As the department accept representations until the decision date this allows for public holidays – possibly make date clear. The group recommend a number of electronic improvements
<p>I am angry about the regulation about not being able to park in your front garden if there is a green in front of your house. Everyone else except a few of us in Morden Park can have the peace of mind of a parking spot and I am a nervous wreck every time I come home, not knowing how far away I will have to park as everyone dumps their extra cars on our green section.</p> <p>I am over 60 now and sometimes have to carry my groceries down the road while 25 year olds park in front of my house. The attitude of the council is tough luck that is a regulation passed in 1994. I have noticed some of the rich houses on Coombe Lane have driveways across the green in front of their houses. Must be different rules for them.</p> <p>My point is that no one ever looks at the effect of arbitrary rules or cares one iota the suffering they can cause. It is that feeling of people hiding behind rules and not caring a damn that really hurts and makes me feel contemptuous of self important council officials and councillors. You can do whatever you want and you seem never to care the effect.</p>	This concern relates more to planning policy. The group have submitted your views to the relevant department who will consider them.

<p>I am worried about the independence of the Case Officer's report. There seems to be a lack of consistency in applying planning policy.</p>	<p>The report has attempted to address this by recommending increased training for staff and a closer working relationship with the policy-making team.</p>
<p>I feel that it should be possible to bring the planning process closer to people by bringing councillors, council officers and perhaps planning applicants together with interested residents once or twice a year to discuss the planning process and development in the area. This could be coupled/supported by online forums. Developers, councillors and council officers could then get a real feeling for public opinion as to how an area should be developed, questions about the process and the substance could be asked and answered.</p>	<p>This point relates to work outside the remit of this group. It is felt that it refers more to the development of policy rather than the application process. The plans and project team undertake wide consultation when developing the planning policies.</p> <p>In terms of bringing the application process closer to the people the group have suggested holding information sessions regarding the process. The report also discusses devolving planning decision-making.</p>
<p>I have absolutely no confidence that our planning department is either willing or able to protect local interests and amenities</p>	<p>The group believe that this is not the case, they recognise that it is not a perfect system but is largely effective and on the whole consults as wide a possible and takes into account residents concerns.</p>
<p>I have seen several instances where public notifications are first displayed well into the 'consultation period' leaving much less real time to object. I have also received several letters that are dated 'x' and I receive them 7 days later - the post is not that slow!</p>	<p>This is discussed in the report that recommends that case officers display site notices to ensure they are clearly visible.</p>
<p>In most cases, by the time the objector is allowed to voice his or her opposition to a planning application, the decision has already been made by the planning officer. The councillors merely rubber stamp the decision.</p> <p>What is the point of having a hearing if the objector is allowed a mere 3 minutes to put his or her case when the committee will almost always side with the planning officers decision. A more democratic, if time consuming, approach is necessary. Councillors should directly answer/address objectors' views and objectors should be free to challenge councillors decision during the meeting. In my experience, councillors on the planning committee treat objectors' views with disdain because they are not required to justify their views to the objector.</p> <p>And something that really annoys me: Councillors should be seated so as to face the applicants and objectors. I want to see their faces!</p>	<p>Firstly, The officer recommends to the councillors their suggestion for (dis)approval. The councillors in turn take on board objector's suggestions and consider these alongside the plans.</p> <p>Secondly, Councils are not obligated to allow speakers at PAC. It is Merton's decision to allow speakers. We debate speaking length in our report and suggest... There is also a balance to be struck in hearing everyone views and effectively determining the application.</p> <p>Thirdly, there are no other rooms big enough in the civic centre to comfortably accommodate all parties attending PAC meetings.</p>
<p>In the planning application that I objected to an excellent planning brief [I do not</p>	<p>This is a valid note but as the task group cannot comment on individual</p>

<p>know the correct term] was drawn up by the planning department making good recommendations but was latter lost which was convenient for the builder involved</p>	<p>applications and the full details aren't know the group have considered this as unfortunate. Nonetheless, the council will be aware of this.</p>
<p>It is not easy to find the link for plans/drawings relating to applications on line. Also electronically submitted applications are not clear re: measurement figures.</p>	<p>The report recommends and highlights the council's commitment to improving its electronic resources.</p>
<p>It needs to be much more transparent and totally fair for all concerned. The recent trouble in our neighbourhood caused a backlash to good relations with other communities because it was believed the Council had "turned a blind eye" to infringements committed by a member of an ethnic community. Laws/regulations must apply to us ALL.</p>	<p>The group aim to make the process more transparent by recommending improved guidance and information for all parties outlining details such as statutory obligations for everyone involved in the application process.</p>
<p>It would be interesting to know whether Councillors read before the Committee Meeting: 1. The Application. 2. The Objections 3. The Case Officer's Report. 4. The rebuttal of the report. Or do they just make their minds up on the day, as a result of the representations at the meeting.</p>	<p>The Council trusts members to spend time researching documents and preparing for meetings. To support them members the report encourages further training and improved opportunities to ask questions before PAC meetings.</p>
<p>Our area of the Borough does not receive a free newspaper giving details of planning applications: this makes it hard to find out what is going on.</p> <p>In Planning Application Committee meetings, the fact that the planning officers have a right to respond to objectors' submissions but objectors have no right subsequently to correct the officers' errors or omissions is undemocratic.</p> <p>Again in Committee meetings, planning and transport officers do not have with them basic information (e.g. statistics on take-up of residents' parking permits), yet councillors are expected to decide applications in the absence of this information. This means that they will tend to favour applicants for fear of decisions being successfully challenged on appeal.</p>	<p>First, the group were made aware of the issues with newspapers. The department currently goes beyond their statutory duty, however the group suggest that this should be reduced. We have considered other ways of communicating applications to the public.</p> <p>Second, the group have suggested that the Chairman of the committee can ask for points of clarification if he feels it is necessary.</p> <p>Finally, the group have communicated this point to the department and they recognise that this could be more robust.</p>

<p>Our planning application was submitted in May 2006 and 8 weeks later we had had no response. The planning officer handling our case had no experience and gave us wrong advice on many occasions. Our case needed to go to committee but this did not come to light until October 2006 and the next available meeting was November 2006. This meeting was too busy and our case got dropped until the next emergency meeting in January 2007. As there were no objections and the reason for going before committee was a 106 agreement this was passed. As of May 2007, one year later, we are still awaiting final signing of the 106 agreement. The planning officer has never done a 106 agreement and does not know the process so progress has been painfully slow.</p>	<p>On occasion administrative processes mean planning applications are sometimes delayed. Merton has planning officers at all stages of their careers that need to develop their skills. The department will see your comment and may consider offering greater support for junior officers.</p>
<p>Planning agenda should be published earlier.</p>	<p>Unfortunately, although desirable the council cannot do this due within current resources and we currently meet our statutory obligations. The report examines means such as email alerts to speed up the process.</p>
<p>Planning Officers are often very helpful - however I am now concerned that a pre-application fee is necessary to meet a Planner.</p>	<p>This is debated within the report. Pre-application advice is encouraged and valuable however in order continue to provide this service we must attempt to recover our costs.</p>
<p>Speed of process is not the main consideration but quality of the review process is - especially the requirement that the applicant and the council officials meet with local objectors and interested parties - expecting the developer to lead on involving the local community is not equitable/fair.</p>	<p>On the most major applications, such as ??? the council often holds public meetings? The council welcome comments from objectors and interested parties. However due to the number of recommendations capacity doesn't allow the council to react on an individual basis. Capacity also doesn't allow for meetings with objectors and interested parties, however the report recommends that such parties could pay a relative fee to meet with officers and discuss applications.</p>
<p>The fact that you are not allowed to reply to points made during the meetings is an insult. Chairmanship is old fashioned and undemocratic. Applicants who often will make huge financial gains have resources and motive to overwhelm the planners and committee.</p>	<p>The group examined speaking arrangements at PAC. It was considered fair to allow objectors to speak. It was considered that allowing people to reply to points would prolong the process and have a disproportionate impact on time and resources. Allowing the chairman to ask for points of clarification will go some way to address this.</p>
<p>The last Roan application was withdrawn by the developer after nearly two years. The council could have refused this application which failed to comply with the</p>	<p>When the group spoke with officers they were informed that negotiations take place for such applications with the aim to get the best outcomes for</p>

<p>UDP or SPG and applied the CPO which it threatened both in the SPG and in 2 letters to the developer from Richard Rawes.</p> <p>Instead it did nothing and residents have had to endure a further 2 years of dereliction in the centre of a regeneration zone. We are waiting to see if a further application is forthcoming - meanwhile the decay continues.</p>	<p>residents. Unfortunately, delays sometimes occur.</p>
<p>The planning committee are well informed. As a layperson it is very difficult to find out how to object to an application. All the guidelines are open to subject interpretation by planning officers.</p> <p>Also, the use of devolved powers goes against local democracy. i.e. it is difficult to have your case heard by your elected representatives on the planning committee.</p>	<p>First, the group intend that the suggestion of a handbook will offer guidance to help laypeople understand the process.</p> <p>Second, delegated decision-making is a necessary function. It would be unrealistic and almost impossible for councillors to consider every application.</p>
<p>The process favours developers and people with large financial resources and rides rough shod over individual householders. It has allowed a serious deterioration of the local environment over the last fifteen years.</p>	<p>The group believe that the process is fair and equitable and that Merton already goes beyond many authorities. It is a fact that developers often have the financial capacity to enter numerous applications, these are considered on an individual basis and may have the unfortunate consequence of making it seem as though the council are working with developers.</p>
<p>The questionnaire is loaded in relation to the length of time opposers have to speak. It not clear if it is minutes or hours. I understand it is three minutes this is stupidly unfair in some circumstances.</p>	<p>The group apologise for any misunderstandings in the questionnaire. The report discusses speaking times at length and suggest extra guidance will help coupled with a reminder for objectors to work together in order to utilise the available nine minutes effectively.</p>
<p>The question about the length of time objectors should be allowed to speak does not make sense, because the numbers 1-9 (presumably minutes!) do not give a sufficient range, while "unlimited" is clearly unacceptable.</p>	<p>As above the group apologise for any misunderstandings. We anticipated that as speaking time is currently 3 minutes a possible tripling of this number would suffice.</p>
<p>The submission process was fine - it was let down by poor attention to detail by planning staff.</p>	<p>We have highlighted this in the report and have made some recommendations accordingly.</p>
<p>The whole process needs to be more transparent and officers need to take into account more conservation type issues. They should ensure that proper plans with detailed measurements are used (sometimes plans are very rough and difficult to interpret) and should be able to impose restrictions on building materials to be</p>	<p>The council supports members to review the planning papers properly and officers make themselves available to discuss applications with them. The report recommends that PAC members undergo continued training to help them make the best decisions. In terms of reforming the committee</p>

<p>used.</p> <p>The overall planning committee process is not very satisfactory - the councillors do not necessarily have time to review papers properly and in a busy agenda you sometimes feel that things get approved without the necessary conditions haven't been thought through - because the problem is the planning officer has just recommended it and has not put in enough conditions to reflect the often valid concerns of opposition. Indeed I am not sure that the planning committee is a good process at all as it currently operates. Also planning officers - in my experience - appear to be pretty much always on the side of the applicant and seem to regard objectors as just a nuisance.</p>	<p>structure the report discusses the devolution of planning decisions but concludes that it is not yet appropriate for Merton.</p>
<p>There has been improvement. I experienced some unwarranted delay in an application prior to the five-year period.</p>	
<p>There is a need to improve the consultation process especially on applications of some significance at the borough's boundaries and to respond to representations where appropriate even if they come from outside the borough as they would not have been submitted if people felt the points were not valid.</p>	<p>When boundary applications are submitted the council currently contacts the relevant planning authority to ask their opinions and also writes to neighbours in the same way as applications in Merton. The task group understand that responses are the same and as such are covered by the recommendations in the report.</p>
<p>There is no assurance that fair process is being assured, no measures to ensure the process is not manipulated by the incumbents, for example to hold applicants to account for false declarations on the application</p>	<p>Merton does not have the legislative powers to hold applicants to account. Due to capacity levels some parts of the application process have to operate in good faith.</p>
<p>The time allocated to speakers should be variable. I agree that some arbitrary limit is needed to prevent filibusters, and that 5 minutes may well be more than enough, but in major or complex cases, 5 minutes may not be enough to cover all that is necessary to be presented and speakers should be allowed to make representation before hand, backed up with some reasonable explanation for the request, for additional time, and this should not unreasonably be withheld. Whilst I appreciate that councillors' time is valuable and not to be wasted, nevertheless, I have seen important decisions affecting large numbers of residents pushed through in haste. This not only makes residents feel annoyed that their views may not have been properly heard, or that important matters have not been adequately discussed, but it also makes the council appear to be less than transparent.</p>	<p>It would be difficult to justify the grounds on which to decide the time allocated to speakers in this case. Arguably, the large majority of cases that go to PAC are complex, additionally, some decisions do affect more residents than others but there is no sufficient way to measure this.</p> <p>The report outlines two methods to address this; first, the group recommend that the chairman be allowed to ask for points of clarification. Second, is a general point that if objectors work together they are currently permitted up to nine minutes to speak.</p>
<p>We resent finding out applications in, say, week 2 of the three week consultation period. Sometimes the post seems incredibly slow (or Merton's postroom?). Time</p>	<p>We have looked at how we can improve informing residents. This includes initiatives such as an e-bulletin. The group also suggest that</p>

is a critical factor, when we canvas our community to see if anyone has any concerns with planning/licensing applications.	planning officers should be responsible for erecting site notices.
When an objector speaks, rather than cutting off abruptly after 3 minutes a first warning can sound but then the objector has 1 further minute in which to present succinctly any salient points. Not everyone is used to public speaking and this gives a short second chance.	The group agreed not to extend speaking times for objectors at PAC due to possible adverse affects on decision-making. However the report recommends a possibility of introducing either a warning sound at 2.5 minutes to remind speakers of the time or use the lighting system as in council meetings.
When changes are made to the proposed application the public are not alerted. The council allow illegal buildings to be built.	The task group hope that increase email correspondence will improve this.
Why is it officers cannot be held responsible for abusing time?	The task group has suggested stopping officers from verbally introducing each application at PAC.
You are inevitably driven by the 8-week deadline. It would be useful to have a brief chat with the case officer at the 4-week stage when the objection period has ended to make any small modifications that may be needed to allow the case officer to recommend approval.	This suggestion would be advantageous to all parties. There is a duty officer available to discuss applications. The group were informed that the department endeavour to contact applicants to make minor modifications, however time and resources do not always allow for this to happen.
Your time to validate applications is far too long Your lack of communication is rude	The group have looked at promoting online applications which will help the department validate applications
Judgements of the officers. Need for the officers to keep their distance from the developers or the applicants architects. Need for officers to advise applicants/developers on UDP and Council's policies, but not to negotiate with them and them become identified with the developers cause.	Officers maintain their impartiality throughout the application process. It is important to remember that applicants pay a substantial fee to receive a service that includes discussions.
Sometimes the councillors discussion goes on too long before they move to either pass or reject the applications.	This has been discussed in the report.
No check seems to be made as to whether the notices are adequately displayed outside premises which is often the only way neighbours know. Little attention appears to be made to some conditions attached e.g. time limit of one month goes by without any enforcement.	This has been discussed in the report and recommended that site officers take the responsibility of displaying site notices.

<p>This seems yet another attempt to curtail notification of planning applications by post. To be fair to residents, those in the locality affected (not just immediate neighbours) should be individually notified by post.</p>	<p>There are good arguments for and against this issue. The group believe that and effectively placed site notice is the best means for informing residents in the wider locality. The group suggest some new forms of consultation and encourage immediate neighbours to communicate with other households.</p>
<p>The LINK has a crucial role in the consultation process. It would be helpful to provide a telephone number for enquiring whether and application folder is actually physically present there, in order to avoid wasted journeys.</p> <p>Because planning officers, understandably prefer to deal with enquiries at the desk via telephone, there is a need to restore (as at autumn 06) one or more of the hearing –aid compatible telephones at the desk, in order to better comply with access legislation.</p> <p>The council chamber’s infrared sound system and the interface provided by facilities management for observers at committee meetings are much appreciated</p> <p>Being fast is less important than consulting adequately</p>	<p>Consultation letters and documentation associated with a planning application contain the case officers details. The task group has highlighted this issue to the department.</p> <p>The comments regarding the hearing-aid compatible telephones have been passed on.</p>
<p>21 days should be extended at least to include the period during which the public can have access to the application documents. Consultation times are often significantly reduced by the delays in postage, holiday periods and delays in delivery of plans to the Council’s libraries. Major applications require longer consultation periods. The complexity of plans and associated documents mean that it is impossible to study, evaluate and respond within the 21-day period even if it were possible to access all the relevant material on the start date.</p>	<p>The report has looked at this. However the council are tightly bound by statute. The report does express that changes due to holidays have a number of administrative and equality issues. Finally, the group consider that as the council accepts representations up to the decision date this compensates for some of the problems.</p>
<p>Consultation letters should reach a wider distribution list rather than the immediately adjacent neighbours. A greater understanding of the overall impact of developments by planning officers is required.</p>	<p>There are a number of implications surrounding an increase in consultation letters. The report recommends and email bulletin that residents can sign up for and also that site notices and letters should be available on the internet for concerned residents to print off and circulate.</p>

<p>It should be made clear that planning officers, in discussions with applicants/developers are there to give advice and not to agree any proposals. Only the Council can take a decision on an application; the planning staff have nothing to “negotiate” with, because they are not the decision making body; even if the decision is taken under delegated action, the Council is responsible for that decision and the Councillors cannot say that they are not responsible. It is up to Members to set the criteria for the delegated decision system so that they understand their overall responsibility</p>	<p>The criteria for delegated decision making is set out in the council's constitution. Members give officers the power to make decisions on their behalf, although they do remain ultimately responsible.</p>
<p>Delegated decisions on planning applications must never be taken by the case officer; they must always be taken by a more senior and qualified planner, who has had no dealings with the applicant on the particular case. This is to avoid developer pressure on the case officer (and the risk of worse). It follows that if a Chief Planning Officer ever meets an applicant, the case has to go to the Planning Committee for decision. Planning staff must also make clear every time they meet/talk to an applicant that they give advice, and cannot anticipate a future Council decision; this strengthens their hand considerably and better development should result.</p>	<p>Each report is signed off by two signatures – The head of development control and also the team leader or deputy team leader.</p>
<p>All planning applications, including those that are being dealt with by delegated action, must have formal written planning reports produced before a decision can be taken</p>	<p>All planning applications have formal written reports. These are available on the website.</p>
<p>Clear Development Control Policies are the key to helping the applicant and the case officer to achieve the 3 basic aims; safeguarding urban design and the public impact; safeguarding the legitimate daylight and privacy rights of neighbouring lands and properties and ensuring that the development itself is “fit for purpose” eg that it works in terms of energy use, access for the disabled, reasonable outlook from windows, etc. (There are, of course, other issues such as matters of wider planning policy, land use, traffic impact, etc).</p>	<p>It is hoped that improved guidance may help on such issues.</p>
<p>The Council's powers as site owner on major applications should be clearly tied to the planning process to get better results; the notion of so-called “Chinese walls” is an absurdity and plays into the hands of the developer; (there is no appeal against the owner's refusal to proceed, as there is with the planning process).</p>	<p>In discussions with officers the task group could not find any recent examples of this. Officers informed us there had been very few in the past.</p>

<p>There needs to be a clear internal consultation process set up inside the planning office that ensures that all applications which have a need for an independent and skilled input on urban design are formally passed to the relevant specialist planning staff for written comments. Such comments should always be referred to/summarised in the case officer's report (together with other comments from Highways, Archaeology, English Heritage, etc)</p>	<p>The report has examined the internal working arrangements of the planning department.</p>
<p>All pre-application discussions with applicants should be written up by planning staff (not developers) and made public (see, for example, the references to bringing in the public at this formative stage in PPS1).</p>	<p>When a potential applicant asks for formal pre-application advice a report is published. These reports will be published on the website</p>
<p>Style. The Planning Committee should re-emphasize what is said in PPS1, that (with very minor exceptions e.g. listed buildings, homogeneous terrace infills) the "style" or architectural idiom of a development is not to be a significant issue, and that an entirely modern approach is to be the aim. This approach should be linked to the need to design buildings efficiently in terms of energy (for example, avoiding sham "historic buildings" with solar panels applied as an afterthought).</p>	<p>This comment refers to the design debate. The task group have suggested that a further review is undertaken to examine this.</p>
<p>The Enforcement procedures are currently inadequate. More resources may be required by this function but current performance on communication, inspection and enforcement action are very poor</p>	<p>Although enforcement falls outside the remit of the review the report highlights that resources need to be increased for enforcement. The task group agree with the recommendations of some previous reports.</p>
<p>The manner in which Conservation Area regulations are interpreted is not consistent. Whilst at times, domestic applicants are obliged to conform rigidly, to CA Guidance, the Society has seen applications where developers of larger schemes have not respected Guidance, particularly in high density developments where standards are compromised to introduce the requisite amount of affordable housing.</p> <p>Advice should be provided on the treatment of development proposals in Conservation Areas regardless off their scale.</p>	<p>Conservation area guidance is published to support officers and councillors in making their decisions. Each application is examined on its own merit taking into account CA guidance alongside all other guidance/obligations. Nonetheless, the task group discussed the consistency in which policy/guidance is interpreted.</p>
<p>The Council has applied extensive resources to the preparation of some detailed Conservation Area Assessments and whilst these are appreciated, the process is slow and incomplete. The Society would like to suggest that there is a more urgent need for the preparation of simple Design Guidance for every</p>	<p>The group recognise there is a debate about design guidance. And have suggested that an additional review is undertaken to give this issue more time.</p>

<p>Conservation Area to reinforce the application of policies which govern development and arrest the degradation of these important parts of the Borough</p>	
<p>We would appreciate earlier publication of the Agenda papers and officers' reports. Basic reports on sites are generally acceptable but are not always balanced in the way they reflect the results of consultations. Additionally, while there may be a summary report of consultaion, the officers do not analyse these or assess their validity which can lead to an unbalanced conclusion. There are also examples of reports which repeat assertions made by applicants without attribution and accept them without comment. (eg 14 Edge Hill, 28 Calonne Road, Good Hope, Highbury Road).</p>	<p>Unfortunately capacity within the DC team means that agendas and reports are unable to be produced earlier than at present. Regarding your comments on the reports these will be forwarded to the department.</p>

Appendix 6

Appendix two outlines the improvements that the Development Control team believe are necessary to develop and IT package that will improve the planning application process. A number of these improvements have to be implemented before some of the initiatives outlined in the report such as the fast-track scheme can be employed and the wider benefits realised.

Table 2 - Improvements for planning IT ordered by priority – Not comprehensive but indicative of current pressing requirements.

Improvement	Barriers	Necessary Support	Timescale	Cost
Applications via portal to automatically update M3 planning database – Pendleton Requirement; also required for 1APP implementation in October.	Software provided by Northgate does not work ('Planning Portal' Agent) – acquired and tested in December 2005; issues not previously resolved. Help call logged but often take months to resolve.	Need to negotiate better support terms with Northgate – this may mean the purchase of dedicated support days (which cost extra; and of which we currently have none paid for in advance this year).	5 months	Starting from £4000 for 1APP implementation, £1000 approx miscellaneous costs (such as paying Graphics department to design a masthead to distinguish our 1APP forms). Will also need to pay for advertising and agent forums as DCLG will not.
	Support also required from Corporate IT who also have a large 'backlog' and resource issues.	IT need more resources in order to be more responsive and provide better support to the planning department.	3/9 months	Unknown – depends on current Corporate ITs resources.
Provision of online Enforcement database similar to online planning explorer as per the requirements set for Pendleton Assessment by DCLG (via Wandsworth, who set the targets).	Enforcement records from 2003 onwards held on Confirm. Confirm is not fit for purpose – it is not a complaints database. It was designed to manage assets such as street lights. Unfortunately it has developed a reputation for complaints management and many departments use it when a dedicated resource (either in-house or another system such as M3) would be	Need to migrate enforcement record management back to M3 or other database.	Executive decision that can be enforced in days.	

	<p>more suitable.</p> <p>This means that even though supplier of Confirm (Southbank/Datamap) has software that can gather the information to populate an online database, not all of the required fields are available. This means that the cost of £30,000 is unjustifiable; particularly as we would still need to create an online database to store the transferred records; which we would still need to be developed. Even if we used a reporting tool to transfer data from Confirm to another database we would need to make it independent from Confirm (could use XML to update records daily) as Southbank refuse access to their software in this fashion unless it is through them. The sensitivity of the data held on Confirm is such that having direct access to the database is not advisable in the event of hacking.</p> <p>Because enforcement records are no longer kept on M3 we cannot take advantage of the online Enforcement module that Northgate have developed. In any case this costs £20,000.</p> <p>Have approached Corporate IT to develop database that enforcement officers could update with limited fields as per the Pendleton requirements but without breaching data protection. In</p>	<p>Currently data held on Confirm is published in form of PDF files and published on website. Once a database is set up can obviously transfer records to it.</p> <p>Need support from Corporate IT at levels greater than existing – obviously IT have staffing issues.</p>	<p>Takes a few hours/days – once database set up.</p> <p>First estimate was for 15 contractor days.</p> <p>Second estimate</p>	<p>To utilise Confirm solution minimum of £30,000 plus cost of developing online database.</p> <p>M3 solution would be £20,000 (approx)</p> <p>Need increased cooperation from Corporate IT.</p> <p>First estimate was for</p>
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	<p>March 2007 Steve Lawrenson said that there was a backlog of 6 months for small projects such as this; that he would NOT assign the work to any of his analyst developers so that it could be developed in time for this year's Pendleton assessment (02April07); first said that he would arrange to find a contractor, then refused to do even that much or allow development to take place outside of IT (i.e. within DC – precedent has been set by Traffic and Parking who were allowed to develop their own database).</p> <p>When second request was made in April for IT to develop database in time for January next year a barrier was thrown up in the guise of having to write a detailed business justification even though the backlog was previously quantified at six months; and Steve Lawrenson still offering to find a contractor rather than assign work to analyst developers.</p>		was two-three contractor months.	<p>approx £6000.</p> <p>Second estimate was £20,000.</p>
Online consultations on planning applications that update the back office (M3 database). Required for Pendleton Assessment.	This feature is currently available but disabled due to problems. Help desk call raised with Northgate but no resolution after three months.	Once Northgate get on with it need support from IT team.	Weeks hopefully	Unknown - should be handled as normal support call as it seems to be a software error; but many need to investigate the purchase of a special support day.
Automatic email from M3 planning database	Not currently provided by Northgate. However, there are plans to develop – a 'Consultation' module will be that will allow for consultation by email.	Need to purchase module from Northgate once available. Will need support from	Unknown.	Estimate based on cost of similar modules: Minimum of £4000

		Corporate IT.		
Additional licenses for Alchemy database	Alchemy is the document management system that DC have had to acquire whilst the corporate version is being fixed. Once planning section in Merton Link is set up will need licenses for three terminals; will also need additional staff licenses – about three more.	Software already deployed – need only sort out license issue with supplier.	Weeks	Licenses are approx £1000 each; therefore total cost £6000
S.106 Module for M3 planning database	None identified; other than Corporate IT's resources.	Northgate are ready – module/support ready for purchase. Will need support from Corporate IT.	Depends upon Corporate IT's work programme.	£4000 is quoted figure from Northgate for provision of module; Corporate IT's demands as yet unknown.
New desk top scanners for Admin staff	Complaints have been received about the quality of scanned drawings for planning applications/PAC agendas. Admin staff have to scan substantial numbers of documents in limited time. The desk-top scanners from Xerox that we have are not up to the task.	Will need to order via IT so that they will support scanners/install bundled software on system without baulking.	Few weeks	Scanners that are fast, provide good resolution, don't jam, can handle business cards and fit on the desk top cost upwards of £370
Cameras	Planners currently have to share cameras. Enforcement Team have one each. Would like to achieve parity as having one's own camera will lead to increased efficiency	Will need to order via IT so that they will support scanners/install bundled software on system without baulking.	Few weeks	Good cameras with sufficient memory cards cost upwards of £100; need approx another six.

Appendix 7

Handbook – Possible Structure and content

The report recommends that the council consider developing a handbook for residents and councillors. It is not envisaged that the handbook is an exhaustive process manual, but instead a well designed and easy to understand document available for the public and ward councillors. It can be used as a reliable resource to help understand the planning process and procedures involved.

It will be largely a collection of evidence that already exists in e-format on the website and should not be a burden on the team to produce. There will be an element of tailoring and editing involved but if document/evidence collection is shared this should be relatively quick, easy and cost effective way to improve the application process. The group have outlined a proposed bare-bones structure below and also some useful guides provided by other councils.

Introduction

- Who is this handbook for?
- What is its intention?
- Structure

What is DC and how does it fit with planning?

- Where decisions about all development in the borough made
- Implementing policy of plans and projects team – LDF, UDP etc.
- Role of DC and other teams – it is not enforcement!
- Statutory obligations

How is DC/Planning Structured in Merton?

- North/South teams – include a map showing areas
- Manager
- Where it sits in the organisation
- PAC

How an application is determined

- Include flow-chart with introduction then discuss each stage
- 1. Pre-Application – what charges, why/how we can charge, why it is beneficial, who needs it
- 2. Application – who needs it, why apply, fees and charges, types, forms, how to make application.
- 3. Initial stages – Valued / Invalid
- 4. Case officer – What happens here
- 5. Delegated Decision/Committee
- 6. After decision – Appeals process

How to make a representation

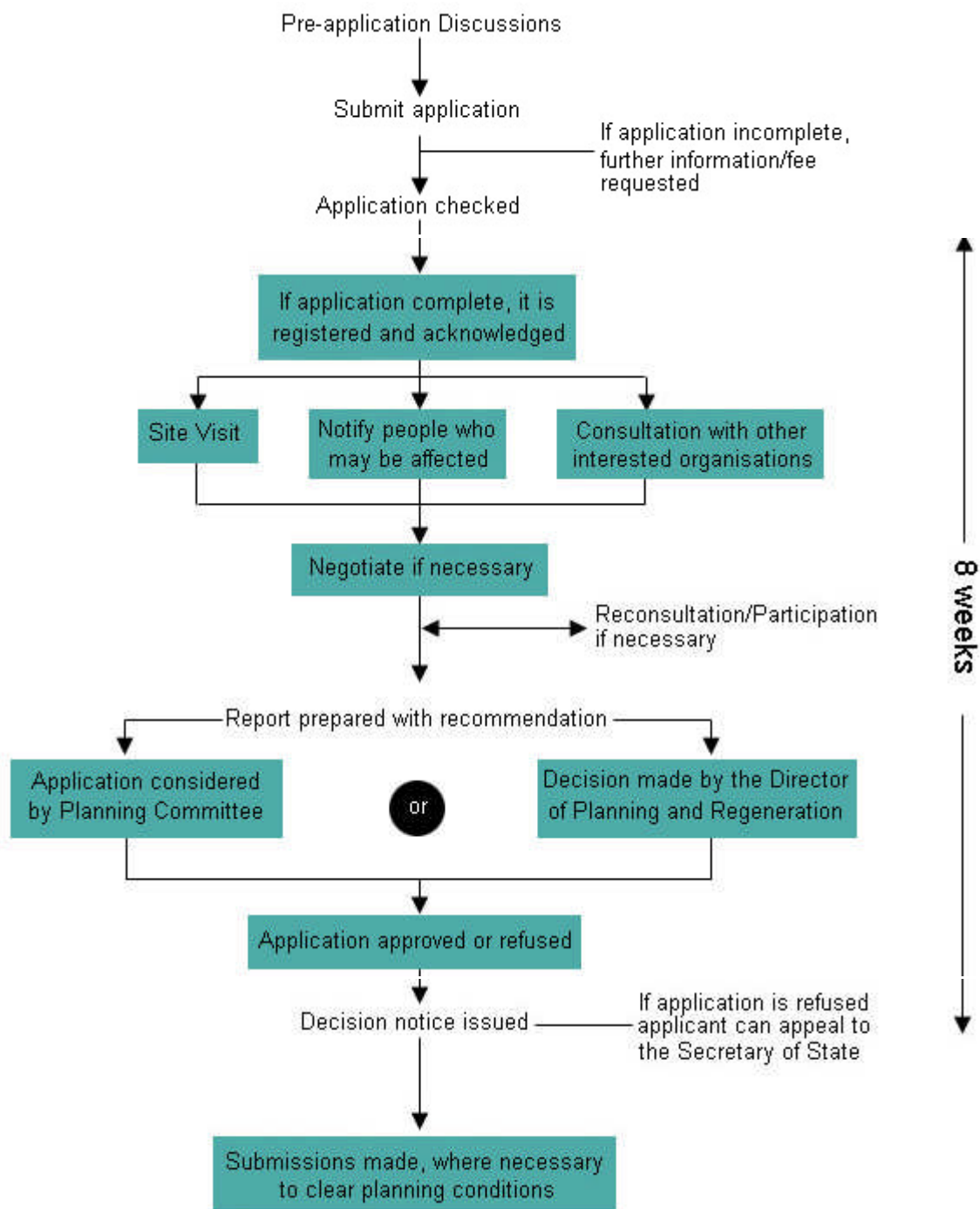
- Where to view applications – online, libraries
- Who can object
- Methods and best practice/advice

FAQs

Useful documents

- Links/references to national advisory documents
- Links to council documents

The flow chart below⁵⁸ is produced by Birmingham City Council to show applicants how the planning application process is structured. It is an example of a simple way in which Merton can convey complex information in a simple form.



⁵⁸ Birmingham City Council (2007)

Appendix 8

Additional Comments

The following comments arise from the public meeting held on 19 July 2007 and other comments made after the O&S Panel had formally agreed the report. These are not necessarily the views of the task group, but are included for as record fro Cabinet to consider.

- Question asked about measuring resident satisfaction – this had been included following the O&S RPR scrutiny panel.
- Concerns over transparency reinforced
- Concerns over planning officers' conduct – residents felt officers were arrogant and treated residents as if they didn't understand the planning process.
- A seemingly disproportionate amount of time spent on minor applications – these could be processed much faster.
- Modified drawings are not always put on website, or at least not uploaded in time, and residents are not informed.
- Website is not updated regularly – 'it is only as good as it is kept up to date'.
- Reaffirmed that a guide must be written in a way residents can understand and residents could be consulted during its formulation.
- Request that resident association chairs should be informed of applications – agreed that they could register to be sent the weekly email that is sent to councillors as a short-term solution until residents can specify what applications they want to receive.
- Concerns that the council are afraid of appeals – contested by planning committee members.
- Grey areas in the UDP are of great frustration to residents – they follow the written word as that is what they assume is correct guidance – if is frustrating when officers interpret it differently. Could be beneficial to clear up such areas and anticipate their occurrence in the LDF.
- Pre-application reports should be uploaded onto the website as soon as they are completed. Another area of frustration for residents that is simple to rectify.
- The planning portal often doesn't work at a key time – 8 to 10pm – when many residents will look at applications. It is vital that this is rectified.
- Need to consider the impact of ward Councillors called onto the PAC at short notice due to illness or other unavoidable absence when they may have been involved with the applicant and/or residents in their capacity in the ward.
- Consider keeping the café open when the PAC sits for applicants and objectors to obtain beverages and snacks.
- Greater and earlier public involvement with major applications, as advocated by Govt., in order to obtain resident and interest group input as early as possible. All pre-application discussions with applicants should be written up by planning staff (not developers) and made public (see, for example, the references to bringing in the public at this formative stage in PPS1).
- Due to the greater number of people involved with major applications, there needs to be more Case Officer and Planning Dept. time allocated to handling and responding to calls and correspondence to ensure that decisions reached

and recommendations made are understood, particularly in the case of Conservation areas.

- More time needs to be allocated at PAC meetings in the case of major applications for more interested parties to be able to speak and for residents and interest groups to express their opinion.
- It is felt that the Merton Planning Dept. is considerably under-resourced. *[The Task Group considered staffing levels see sections 5.13, 7.4 & 7.57 with recommendation 36, however whilst ideally more staff should be engaged, budget constraints may negate this]*
- Access to planning officers is extremely limited at best due to excessive workload and it may be that it is therefore necessary to employ more skilled staff rather than simply sending existing manpower away on training courses. The result of this lack of resource within the Planning Dept. is often to the detriment of residents/taxpayers rather than Developers providing an unbalanced service and leading to the kind of negative resident feelings expressed in your report.
- There is a tendency to 'fast track' some applications from frequent Developer and Architect applicants, implying that these individuals have a special and in some way favoured relationship with a Planning Dept that, as described above, is not able to service the demands placed on it by the general public. It is clearly not desirable that certain Architects or Developers receive special treatment. *[Given that the Council has no legal way of enticing people by way of discounts on fees etc to submit applications electronically the Task Group felt that it was appropriate to start somewhere, but clearly this can be enlarged once the scheme is working effectively.]*
- Delegated decisions on planning applications must never be taken by the case officer; they must always be taken by a more senior and qualified planner, who has had no dealings with the applicant on the particular case. This is to avoid developer pressure on the case officer (and the risk of worse). It follows that if a Chief Planning Officer ever meets an applicant, the case has to go to the Planning Committee for decision. Planning staff must also make clear every time they meet/talk to an applicant that they give advice, and cannot anticipate a future Council decision; this strengthens their hand considerably and better development should result.
- All planning applications, including those that are being dealt with by delegated action, must have formal written planning reports produced before a decision can be taken and in order to back up the decision made. These should be available to the public.
- There was some talk at the public meeting of the Planning Dept. having an application template. If this is the case, then it is not being applied with sufficient vigour as there are many applications with insufficient detail and inadequate drawings and plans.

Glossary of terms

ABDM - Area Based Decision Making
CADAP – Conservation and Design Advisory Panel
DC – Development Control
DCLG - Department for Communities for Local Government
LGA – Local Government Association
ODPM – Office of the Deputy Prime Minister
PAC – Planning Application Committee
PARSOL – Planning and Regulatory Services On-line
PAS - Planning Advisory Service

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