

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Strategic Environment Cabinet Committee

Date: 25 September 2023

Reporting officer: Assistant Director (Planning)

Subject: Overview of the Planning Service

Purpose and summary of report:

To provide the Committee with an overview of the Planning Service.

Recommendations:

1. That the Committee note the report.

Key Implications:	
Item	Implications
Legal	No implications. The report is for information only.
Finance and Value for Money	The activities detailed in the report are funded from existing budget approved by Full Council.
Corporate Plan	#1 People: a proud community; where residents can call a safe, clean and attractive borough their home. #2 Place: a dynamic borough; defined by a vibrant and productive local economy taking advantage of growth in the area, supported by its strong and active community.
Climate Change	The Council's commitment to Climate Change is addressed through both plan making and decision taking.

1. Introduction

- 1.1 Annex 1.6 of the constitution delegates the following responsibilities to the Deputy Leader and Strategic Environment Portfolio holder:

- Development Management
- Building Control
- Environmental Management
- Conservation
- Planning Policy

2. Development Management

- 2.1 Development management is a statutory function of the Council and involves pro-actively managing development to deliver the Borough's Local Plan strategic vision, objectives and policies. This is achieved by the Development Management team assessing planning applications against the Development Plan and material planning considerations.
- 2.2 The Town & Country Planning Act 1990 (as amended) defines the meaning of development (S.55). Activities classed as development include:
- Building operations
 - Engineering operations and Mining operations
 - Other operations.....in, on, over or under land
 - Material change in the use of any land and buildings
- 2.3 There are numerous types of application that can be made under the town and country planning system in England, and each must be used in the correct circumstances, some of the more frequent application types received by the Council include:
- Outline planning applications
 - Reserved Matters applications
 - Full planning applications
 - Householder planning applications
 - Listed Building Consent applications
 - Conservation Area Consent applications
 - Advertisement Consent applications
 - Applications for Certificates of Lawfulness
 - Prior Approval applications
 - Applications to vary or discharge matters reserved by planning conditions
 - Tree works applications (Tree Preservation Orders)
- 2.4 Certain types of development are granted planning permission by national legislation without the need to submit a planning application. This is known as 'Permitted Development'. In order to be eligible for these permitted development rights, each 'Class' specified in the legislation has associated limitations and conditions that proposals must comply with. Permitted Development rights can be removed through the use of Article 4 directions and planning permissions.

- 2.5 One condition set out in legislation in relation to certain classes of permitted development is the need to submit an application to the Local Planning Authority for its 'Prior Approval; or to determine if it's 'Prior Approval' will be required. This allows the Local Planning Authority to consider the proposals, their likely impacts in regard to certain specific factors (e.g. transport and highways) set out by Government.
- 2.6 In addition to considering planning applications, the Development Management team deliver a discretionary service in terms of providing pre-application advice. Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and is intended to improve the quality of planning applications and their likelihood of success. Details regarding Gravesham's Pre-Application Service can be found at <https://www.gravesham.gov.uk/planning/pre-application-planning-advice>

Contacts

Team Leaders for Development Management, Mr Richard Hart and Ms Faye Hobbs can be contacted via richard.hart@gravesham.gov.uk / faye.hobbs@gravesham.gov.uk or 01474 337751 / 01474 337317

3. Planning Enforcement

- 3.1 Planning enforcement is a discretionary service, working with the Development Management team, the Planning Enforcement team controls the development and use of land and buildings in the Borough in the public interest. In most instances carrying out development without planning permission is not a criminal offence. As set out in the Council's [Planning Enforcement Strategy](#), the Planning Enforcement team's response to a breach will be proportionate and linked to the harm that has occurred/is occurring.
- 3.2 The particular circumstance of each case has to be taken into consideration by Officers and action cannot be taken solely due to development having been undertaken without planning permission. Once a case has been investigated, it is considered closed if:
 - A breach in planning control is deemed not to have occurred.
 - A conclusion is reached that it is not expedient to take formal enforcement action.
 - The offending party discontinues the breach and makes good the land by negotiation.
 - The offending party discontinues the breach voluntarily during investigation.
 - The offending party makes a retrospective planning application to regularise the breach and permission is granted
 - Formal enforcement action is taken
- 3.3 Negotiating a resolution without the need to take formal enforcement action does in most cases resolve matters and is a cost-effective approach, however, where negotiation does not succeed, the Council has a number of avenues available to it, in the form of formal enforcement action and these include:
 - Planning Contravention Notice (PCN)
 - Enforcement / Breach of Condition Notice

- Stop Notice / Temporary Stop Notice
- Injunction
- Prosecution
- Recovery (Charges on land / proceeds of crime)

Contacts

The Planning Enforcement team, Ms Sikdeep Coyle and Mr Ian Brown, can be contacted at planning.enforcement@gravesham.gov.uk or 01474 337988. Breaches of Planning Control can be reported via the Council's website at <https://www.gravesham.gov.uk/planning/planning-enforcement>

4. Building Control

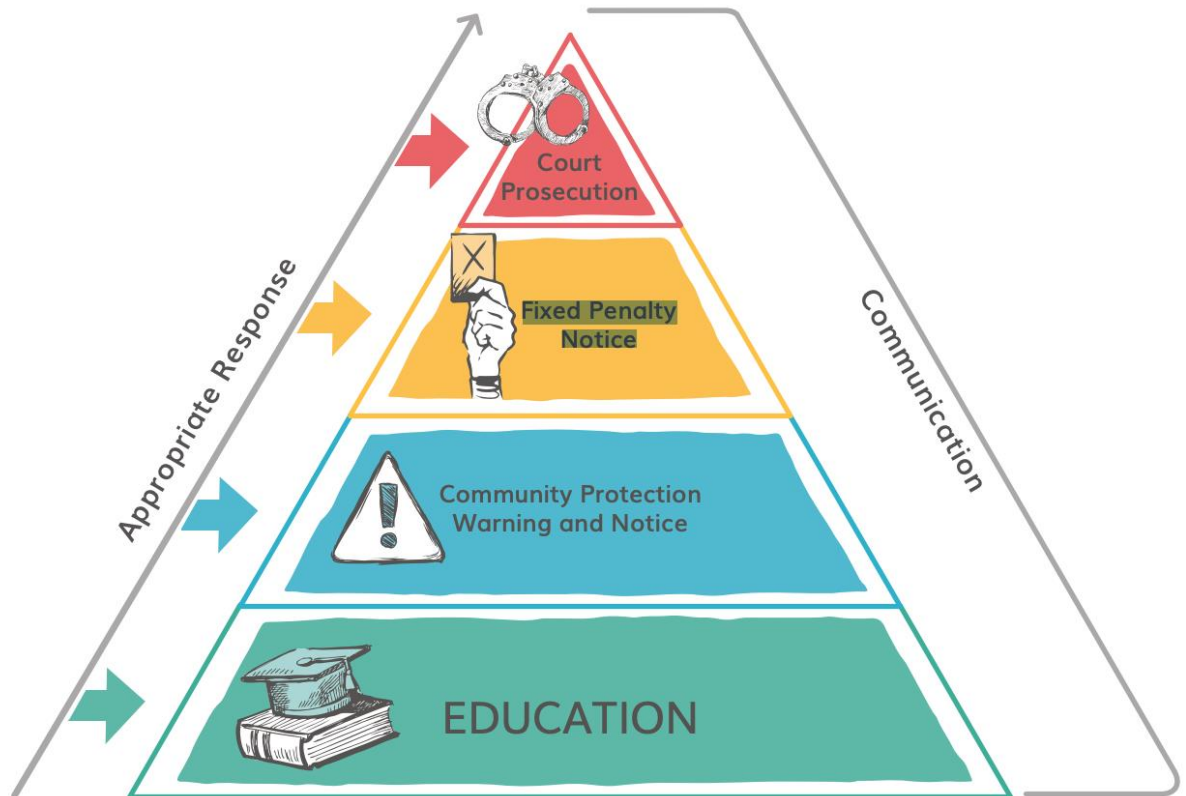
- 4.1 The primary function of Building Control is to protect people's Health and Safety in the built environment. In addition to this, Building Control ensures that fuel and power is conserved, and facilities are provided for people, including those with disabilities, to access and move around inside buildings within the built environment. This is achieved through a legal regulatory framework and the application of Building Regulations. The primary legislation is the Building Act 1984 which details the roles of duties and functions of a Building Control Body. Building Control also covers Dangerous Structures (Section 77 and 78) and Demolition (Section 80).
- 4.2 All Building Regulation documents can be accessed via the Planning Portal at <https://www.planningportal.co.uk/applications/building-control-applications/building-control/approved-documents> .
- 4.3 Building Control is a regulatory function, but applicants have the choice to use the Local Authority or an Approved Inspector. Gravesham Borough Council's duties with regards to Building Control are fulfilled by STG Building Control, a partnership formed in 2007, that carries out this function at present on behalf of Canterbury, Gravesham, Medway and Swale Councils.

Contacts

STG Building Control, can be contacted at building@stgbc.org.uk or 01634 331133

5. Environmental Management

- 5.1 The Environmental Enforcement Team is part of the Communities Directorate and is overseen by the Parking and Environmental Enforcement Manager. The Environmental Enforcement team aims to reduce littering, dog fouling and the unlawful deposit of controlled waste throughout the Borough. This is achieved by tackling the issue through proportional and appropriate enforcement, based on evidence and seriousness of the offence as determined on a case-by-case basis, as illustrated in the diagram below.



- 5.2 The team works with local residents, businesses, stakeholders and partners to prevent environmental crime and ensure Court that Gravesham is a borough in which they can be proud to Prosecution live, work and visit. Anyone involved in environmental crime is challenged, be it large scale fly tipping and illegal waste processing, littering or dog fouling.
- 5.3 Costs of investigation and clearance are recovered where possible from offenders both for Gravesham Borough Council and on the behalf of anyone who is a victim of the Fixed Penalty Notice crime.
- 5.4 Whilst the team cannot remove fly tipped waste from private land, they thoroughly investigate offences on such land, prosecute offenders and seek compensation for landowners.
- 5.5 Fly tipping can be reported to Gravesham Borough Council through the customer telephone contact centre on 01474 337000 or online on the GBC website at: www.gravesham.gov.uk/keeping-gravesham-clean/flytipping-littering

Contacts

Parking and Environmental Enforcement Manager, Mr Nicholas May,
nicholas.may@gravesham.gov.uk or 01474 337439

6. Conservation

- 6.1 As a Local Planning Authority, the Council has a number of duties related to the Historic Environment that are set out in legislation. The legislative base for historic environment services is to be found in the Town and Country Planning Acts, the

Planning (Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979.

- 6.2 The Council employs a part time Conservation Officer (Mr Allan Cox), who advises and guides planning (and related) officers on historic environment and related design issues, as well as contributing towards planning applications and planning appeals as necessary.

Contacts

Head of Planning, Mr Shazad Ghani, Shazad.ghani@gravesham.gov.uk or 01474 337483

7. Planning Policy

- 7.1 Planning in England is policy-led. At a national level, national policy is set out in the National Planning Policy Framework, National Policy Statements, Gypsy and Traveller policy, Planning Practice Guidance and ministerial statements. These are material planning considerations in terms of decision taking (development management).
- 7.2 At a local level, policy is set out within the Borough's Development Plan. This includes the Borough's Local Plan Core Strategy (2014). A key requirement of Government is for Local Planning Authorities to maintain up-to-date development plans, which are based on sound evidence, are aspirational but deliverable, prepared positively covering at least a 15 year time period, based on objectively assessed housing and employment needs, as well as duty-to-co-operate discussions.
- 7.3 The Planning Policy team is currently in the process of progressing work on the Borough's emerging Local Plan. However, they are also contributing to other streams of work, such as the examination of the Lower Thames Crossing DCO.

Contacts

Head of Planning, Mr Shazad Ghani, Shazad.ghani@gravesham.gov.uk or 01474 337483

8. Appendices

- 8.1 There are no appendices.

9. Background Documents

- 9.1 There are no background documents.

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Secondary Implications	
Risk Assessment	N/A – for information only report
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	<p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data?</p> <p>A definition of each type of data can be found on the Information Commissioner’s Office website via the above links.</p> <p>Not as a direct result of this report.</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>N/A</p>
	<p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p> <p>N/A</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.</p> <p>N/A – for information only report</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p>N/A – for information only report</p>
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Crime and Disorder	No impact
Digital and website implications	No impact
Safeguarding children and vulnerable adults	No impact