

DRAFT Planning in Gravesham – The Gravesham Borough Council Planning Service Strategy 2023-2028.

Foreword

Planning and development management is one of the core statutory functions of any Borough, District or unitary local authority in the United Kingdom.

Although much is governed by legislation or statutory guidance there are some flexibilities to ensure that all applications meet locally defined priorities as laid in in local plans, supplementary planning documents or strategies.

This strategy is to codify our vision and strategic aims and objectives for the planning service in Gravesham over the next five years. It covers our expectations of those that seek to develop in the Borough and offers clarity as to our vision of what to expect from Planning Officers and the planning service in the Borough. It also offers assurance that our Planning Enforcement regime will be proactive not just reactive and will use its full powers although these are limited. This strategy sets out the Administration's response to local residents call for the devolution of more powers and resources to the Borough Council in regards to planning as currently this is too centrally governed and because of this decisions, while legally compliant, are not felt by residents to be in the best interests of the Borough. For this to change, the law and statutory guidance must change.

Planning is a system that is highly governed and at times highly emotive but it must be fair and it must be timely, it must be consistent and it must be justifiable. This strategy aims to ensure that within the current legislative and regulatory system, for all those that live, work or visit our Borough can assured of a planning service that seeks to meet their needs and ensure our Borough has development to be proud of.

Cllr Shane Mochrie-Cox

Deputy Leader of the Council and Cabinet Member for Strategic Environment

Introduction

Service users of the Planning Service fall under many categories. These can include those applying for planning permission, those making representations on applications, Parish and County Councils, the business community, HM Government, Councillors and MP's, other Council services, statutory bodies, community and interest groups and other individuals and organisations interested in planning applications and the planning process.

Our service users will each have differing interests and requirements, some directly use our services, some would like us to take a particular action on a planning issue, some seek to influence the decisions we make, some seek information, support, and advice, whilst others wish to work in partnership with us.

We aim to provide a professional, courteous, and consistent service and strive to maintain high standards to ensure a sustainable planning and development system in line with national and local policies.

This strategy and the standards have been developed to demonstrate how we will work with our service users, while assessing and making decisions on planning matters that fulfil the requirements of national legislation, local policy, and statutory and non-statutory guidance.

Our Vision

Underpinned by Planning legislation, national guidance such as the Government's National Planning Policy Framework the Borough's Development Plan which includes our Local Plan, and strategies such as our planning enforcement strategy, the vision of the Planning service in Gravesham will be that it shall be fair, consistent, timely and justifiable.

Planning in Gravesham will have a balanced approach of the needs of the service user and the needs of the Borough, its residents, businesses and visitors and will ensure that all assessment and decisions on development are in accordance national requirements, the Borough's adopted Development Plan and material planning considerations. This includes ensuring that development that we have a decision-making or enforcement role in promotes good quality, excellent design in keeping with the identity and heritage of our Borough and promotes sustainability, protects the environment, is policy compliant and overall delivers for the needs of the wider Borough.

Strategic Aims

1) A Balanced Approach

- a. This includes delivering sustainable development in the Borough, a balanced approach will be taken of the needs of the service user and the needs of the Borough, its residents, businesses and visitors.

2) Fair, Timely, Consistent and Justified

- a. All decisions or work of the planning service be it to validate applications, in writing reports, in proposing recommendations and decision making of all planning applications will be fair, timely, consistent and justified.

3) Positive for Gravesham and in keeping with the Borough

- a. The planning service will ensure that planning decisions accord with the Development Plan and material planning considerations a key element of which involves promoting beauty and positively contributing towards the Borough

including place making, thereby enhancing the Borough's rich and diverse identities, history and heritage.

- b. Developer contributions more commonly known as S106 planning obligations shall be sought to mitigate the impacts of proposed development, in order to ensure that the users of the development have access to adequate infrastructure and services.

4) Sustainable and Environmentally Friendly

- a. We have a climate emergency so the planning service will seek to ensure that in line with legislation and the Development Plan, planning applications address Climate Change in line with our Corporate Plan and Climate Change Strategy, protect the environment, whilst delivering much needed jobs, homes, and local infrastructure and services.

5) In line with legislative frameworks and national and local policy, procedures and strategies

- a. All planning decisions will be made in accordance with legislation and local policy and where decisions are made under delegated powers or recommended to planning committee to be made then the policy relied upon for decision making shall be clear.

6) Open and Transparent

- a. All decisions shall be made in an open and transparent manner with documentation made available online including comments received.
- b. All formal comments received regarding any planning application from developers, agents, statutory and non-statutory consultees, residents, organisations, and individuals shall be, in the interests of openness and transparency, be publicly available.

7) Timely and Accurate Communication and Feedback

- a. All those seeking to contribute to the planning system in Gravesham

8) Lobby for more powers, resourcing and local decision making

- a. In listening to local residents regarding planning in Gravesham it is clear that they wish for more to be done in the following areas that are outside of our control therefore we shall commit as an authority to use all available opportunities to ask for the following under item b:
- b. Much of the work of the planning service is governed by nationally set legislation or statutory guidance. This Administration calls for more powers and flexibility for this to be fully resourced from central government to allow for the protection and enhancement of the Borough in line with local needs
 - i. The devolution of more planning enforcement powers that is fully resourced by central government to enable this planning enforcement to take place.
 - ii. The devolution of powers and resources to make more local area decision making and flexibility on decision making without recourse to the government.
 - iii. The devolution of more powers and resources for public infrastructure and adoption of infrastructure.

- iv. The devolution of regulation and enforcement powers (including fully resourcing this from central government) of land and property management companies.
- v. The devolution of more powers and resources on Compulsory Purchase Powers to bring community assets, housing and land into use for the people.

Our commitments and guiding principles

We make the following commitment to our service users to:

- Be **honest** - we will act with honesty and integrity and will treat our service users fairly, objectively and respectfully.
- Be **accessible** - we will make the planning process easy to access including via our website.
- Be **transparent** - we will publish all relevant information, policies, planning applications and decisions on our website, whilst meeting our requirements under Data Protection and other relevant legislation.
- Be **responsive** - we will be responsive and provide timely communication, in line with the Council's Corporate Customer Service Charter, Putting the Customer First.
- Be **effective** - we will ensure quality and sustainable development which is aligned to the strategic aims of the Council, as set out in the Local Plan, the Corporate Plan, and other relevant strategic and policy documents.
- Be **decisive**: Make planning decisions based upon planning legislation, regulations, the local plan and material considerations.

Our expectations of those seeking to use the planning services of Gravesham Borough Council

- Be **accurate** - Submit **valid** planning applications and make **accurate** and relevant representations based on planning matters.
- Be **understanding** – there are legal, procedural, and professional constraints of the planning service and we expect all service users to treat our Officers with respect.
- Be **informed** – Information about planning law, statutory guidance, the local plan and other strategic policies are readily available. We encourage service users to use our website or to contact us or others to get the services and information you need.
- Be **patient** – Many timescales for responses are set out in law or statutory guidance to comply with consultations and to compile accurate reports. Please allow time for the planning service to respond in line with outlined timescales.

We will not:

- Be **always** able to give you what you want but we will explain to you why. For planning applications this information readily available on our website via Decision Notices and delegated/committee reports accompanying the planning application.

Planning Application Categories and Standards

General Planning Enquiries

Gravesham Borough Council shall seek to be as open and helpful as possible regarding planning applications for residents, businesses, designers, and developers, and this will be via a fair, consistent, and timely approach. With this aim of being helpful the Council provides planning related information via our website, the Council will also answer generic queries in a timely manner but any queries that are of (but not limited to) a substantial, detailed, technical or policy nature shall only be

answered by the recommended Pre-Application Process or should a Pre-Application Process not be undertaken then through the formal decision-making process for planning applications.

- Generic queries will be answered within 5 working days.
- Any queries that fall within our Pre-Application service will only be dealt with on submission of a pre-application and once payment has cleared.
- Neighbour consultation responses will not be responded to – as these are used to inform decisions on planning applications where they can be taken into account and in relation to material planning considerations only.

Validation of Applications

Each planning application has to be validated by the Council, before it can be assessed, and comments offered, and decisions made. Before submitting any planning application please ensure that you have taken account of the Borough's Development Plan and Local Validation Checklist. The Local Validation Checklist can be found on our website <https://www.gravesham.gov.uk/planning> and carries the expectations and requirements of applications received by the council to be listed as validated.

It is not the policy or responsibility of the council or the taxpayer to correct or edit the work of developers and submissions to the council that may present of a subpar nature to ensure policy and legislative compliance but to assess and decide on fully completed applications and accompanying documents and plans fairly, consistently and in a timely manner.

Should an application be submitted that is incomplete or not of a standard that could reasonably be expected for the planning service to make an informed decision and/or recommendation for decision then this will be rejected or listed as not valid through positive communications. Should a pre-application not have been sought this may be the recommendation where the council will formally assist the applicant through the pre-application process.

We will publish information on planning applications on our website, via the online planning register (Public Access), within 5 working days of the documents being validated.

Pre-application service

Gravesham Borough Council will have a Pre-Application service for advice that falls out with the general advice defined above but is not yet ready for submission of a full planning application. This will be subject to the fees and charges strategy of the council and underpinned by the relevant legislation and guidance.

We recognise that pre-application advice is an important part of the planning process. We welcome and encourage the opportunity to discuss development proposals with applicants before a planning application is submitted.

This is not a statutory service, but an optional service that the Council offers. This service is subject to the fees and charges strategy of the council and underpinned by the relevant legislation and guidance.

Further information on our pre-application advice service including service level expectations, and the charging regime, may be found on our website: <https://www.gravesham.gov.uk/planning/pre-application-planning-advice>

Planning Applications

Planning permission is only required if work being carried out meets the statutory definition of 'development', as set out in section 55 of the Town and Country Planning Act 1990 (as amended).

A planning application is the process by which planning permission for a proposed development is usually sought, typically from the local planning authority (LPA). Some development does not necessarily require an application for planning permission as it may be minor and constitute permitted development.

Application types

The main types of planning and related applications are summarised below. This list is not exhaustive, there are other applications such as listed building consent, advertisement consent and consents relating to Tree Preservation Orders.

- **HOUSEHOLDER APPLICATION**
 - As the name suggests, these are typically small applications for alterations to a single dwellinghouse including things like extensions, conservatories, loft conversions and outbuildings.

- **FULL PLANNING PERMISSION**
 - A full planning application is required when making detailed proposals for developments which are not covered by a householder application or permitted development rights. This is commonly the case for new buildings of any kind and any 'commercial' project.

Examples of popular uses of Full planning permission can include:

- **Structural alterations or additions to builds including:**
 - Any works relating to a flat
 - Applications to change the number of dwellings (e.g. flat conversions, building a separate house in the garden)
 - Changes to use of part or all the property to non-residential uses
 - Anything outside the garden of the property
 - Demolition of buildings
 - Rebuilding
 - Other work normally undertaken by a builder

Full planning applications can be made when all the details are known.

- **OUTLINE PLANNING APPLICATION**
 - These applications seek to establish the principle of the proposed development but do not include full details. Outline planning applications may consider any of five matters: access, appearance, landscaping, layout and scale. An outline planning permission must be followed by an application for the approval of reserved matters for any matters not considered at outline stage before development can commence.

- **APPROVAL OF RESERVED MATTERS**
 - Following the grant of outline planning permission, an application for the approval of reserved matters must be submitted to provide the details on matters not considered at outline stage. An outline planning permission plus reserved matters

approval combine to provide the same level of detail as a full planning permission. The approval of reserved matters can be dealt with under one or more separate applications.

- *HYBRID PLANNING APPLICATION*

- A hybrid planning application may seek outline planning permission for one part of a site and full planning permission for another part of the same site under a single application. Hybrid applications are not defined in statute and as such it is the LPA's discretion whether to accept such an application. They are often used on major developments to enable work to start sooner on one part (or phase) of the site before the full details of the other part(s) are known.

- *DISCHARGE OF CONDITION*

Most planning permissions are granted subject to conditions (see In plain English: Planning conditions), covering a wide range of matters. Where a condition requires the submission of further details to the LPA, an application to discharge the condition is required. Conditions will be subject to different time requirements (for example, prior to development commencing or prior to first occupation) and these must be satisfied.

- *VARIATION/REMOVAL OF CONDITION*

An application can be submitted to vary or remove a condition imposed on an earlier grant of planning permission and will be required to demonstrate adequate justification for the change. Such an application cannot be used to change the description of the development and, in England, cannot be used to extend the time limit within which a development must be started or an application for approval of reserved matters made.

If granted, the outcome will be a new planning permission for the same development as previously permitted subject to the new or amended condition(s) plus all of the unaffected conditions imposed on earlier permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation (see In plain English: Planning obligations).

- *NON-MATERIAL AMENDMENT AND MINOR MATERIAL known as SECTION 73 APPLICATION*

- Following a grant of planning permission, it is possible to make amendments to planning permissions without requiring a new planning permission. There are two main mechanisms to achieve this. A Non-Material Amendment (NMA) application can be submitted to make changes that are not considered material to the development and a Minor Material Amendment (MMA)S.73 applications can be submitted if the changes are material but the impact is considered minor. Prior Approvals

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.

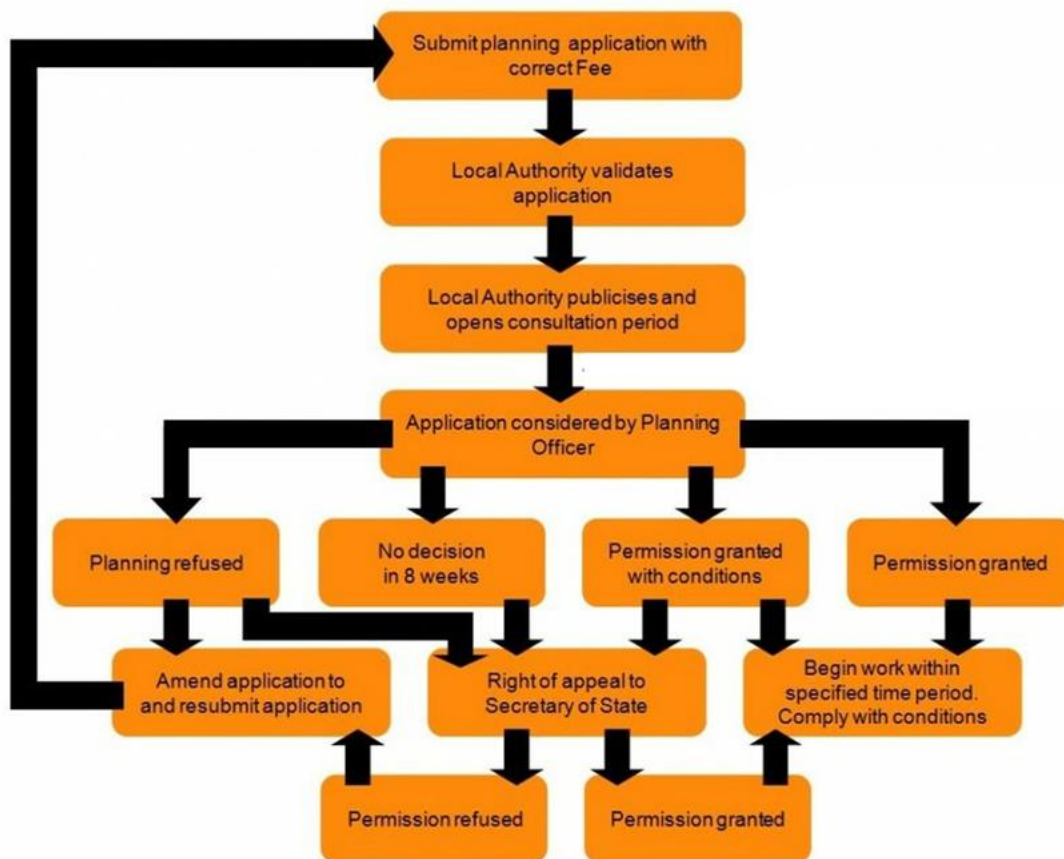
One such condition on certain classes of permitted development is the need to submit an application to the Local Planning Authority for its 'Prior Approval; or to determine if it's 'Prior Approval' will be required.

This allows the Local Planning Authority to consider the proposals, their likely impacts in regard to certain specific factors (e.g. transport and highways) and how these may be mitigated.

This does not mean that they are exempt from planning enforcement and full powers will be used in this regard.

Life cycle of a planning application

Example of the life cycle of a householder application (example)



Submission of application (validation)

- The information that you will need to submit will depend on the type of application and the constraints in the location of the proposal, as set out in our local planning validation checklist.
- The Local Validation list sets out the expectations and requirements of applications received by the council to enable an application to be validated and then move through the process to validation.
- It is not the responsibility of the council or the taxpayer to correct or edit the work of developers and submissions from developers to the council that are of subpar nature to ensure policy and legislative compliance.

- Applications that are received that is incomplete or not of a standard that could reasonably be expected for the planning service to make an informed decision and/or recommendation for decision, then this will remain invalid and returned to the applicant.
- The council's role is to assess and decide on applications fairly, consistently and in a timely manner. No liability will be accepted on behalf of the council or taxpayer to any delay to a scheme due to the full list of correct and valid application and documentation not being received.
- We will aim to tell you if your application is valid, or if information is missing, within 5 working days for minor and householder applications, and 10 working days for major applications or as agreed under a planning performance agreement.
- If you have submitted an invalid application, we will tell you if additional information is needed, clarifying what information we require from you, and give you xxx days to provide that information.
- the assessment and determination period for an application will not commence until an application is made valid which includes the requirement that each and every required piece of documentation is submitted and the appropriate fee is paid in full before an application is judged to be valid.
- Should the full information required not be supplied to the council in a timely manner then the council reserves the right to ask for the application to be submitted in full again.

Notification, consultation and site visits

- Gravesham Borough Council will carry out consultation and publicity based on the requirements set out in the Town & Country Planning (Development Management Order 2015 (as amended) and our Statement of Community Involvement.
- We will post a site notice near to the site when an application affects a listed building, or its setting, or affects a conservation area, so that the community is aware.
- We will be clear when neighbour views are not being sought, such as for Lawful Development Certificates, or when factors that can be considered are restricted, such as for some Prior Approval applications.
- Public Access (<https://www.gravesham.gov.uk/planning/view-comment-planning-application>) enables you to see a weekly or monthly list of planning applications that have been determined or are available to view and comment upon.

Commenting on planning applications

- Our planning register is available on our website at <https://www.gravesham.gov.uk/planning/view-comment-planning-application>, all valid planning applications are published on our planning register and you can sign up to receive updates for planning applications in your area.
- You can make planning representations via the planning register, if you are unable to do so, you can also e-mail or send your comments to us by post using the details found here <https://www.gravesham.gov.uk/planning/view-comment-planning-application>
- All formal comments received in regard to any planning application from developers, agents, statutory and non-statutory consultees, residents, organisations and individuals shall be, in the interests of openness and transparency, be publicly available. Neighbour disputes (or potential neighbour) or fear of disputes for example are a matter for Kent Police or the Criminal or Civil Courts and the Council and the planning service cannot and will not act as a proxy for these disputes as planning applications must be decided on their planning merit alone.

- We will only be able to take into consideration comments related to material planning considerations, when determining an application. Material planning considerations include but are not limited to:
 - Local, Strategic, Regional and National Planning Policies
 - Government circulars, orders and statutory instruments
 - Previous planning decisions (including appeal decisions)
 - Design, Visual Appearance, And Materials
 - Layout and Density Of Buildings
 - Loss of Daylight or Sunlight
 - Overshadowing/Loss of Outlook (but not loss of view)
 - Overlooking/Loss of Privacy
 - Noise and Disturbance from use
 - Smells
 - Light Pollution
 - Highway Safety Issues
 - Traffic Generation
 - Vehicular Access
 - Adequacy of Parking
 - Loss of Important Trees
 - Landscaping
 - Nature Conservation
 - Intrusion into the Open Countryside/ Green Belt
 - Risk of Flooding
 - Effect of Listed Buildings and Conservation Areas
 - Archaeology
 - Hazardous Materials and Ground Contamination
 - Disabled Persons Access

We cannot take into account the following issues (this is not an exhaustive list):

- Loss of value to a property
- Loss of views
- Personal disagreements (including damage to property, private rights of way)
- Personal circumstances of the applicant (in most cases)
- Moral objections e.g. to uses such as amusement arcades and betting offices
- Boundary disputes
- Covenants
- Commercial competition
- Construction disturbance
- Sunday trading
- Profit (or lack thereof of a site or developer)
- Matters controlled under other legislation such as the Building Regulations
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of work etc.
- The development is already completed (this is for planning enforcement).

The Council is required to undertake a formal period of public consultation, prior to deciding certain planning applications. This is prescribed in article 15 of the Development Management Procedure Order (as amended). There are separate arrangements for applications for permission in principle

which are set out in Article 5G of the Town and Country Planning (Permission in Principle) Order 2017 (as amended); for listed buildings which are set out in regulation 5 and regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (as amended) and for applications for prior approval for development which is subject to permitted development rights which are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Council encourages local residents to have their say in planning matters. The Council is responsible for making the final decision on the application and for deciding how much "weight" representations have. An application can only be refused for "planning reasons" and not because of the number of objections.

Decision making including planning conditions and Developer Contributions (Section 106)

- Decisions will be made in accordance with the Council's scheme of delegation, which means that some applications will be decided at the relevant Planning Committee.
- Approximately 90% of applications are delegated to and determined by the Head of Planning under the Constitution of the Council. The remaining applications are dealt with by Planning Committee. The Planning Committee meet monthly to decide applications.
- In the rare instance that a large application goes against the policies set out in the Local Plan the matter can or will be referred to the Government (Secretary of State for the Department for Levelling Up, Housing and Communities) who will decide whether the Council should be allowed to determine the application.
- All decisions, via Planning Committee or via delegated authority, will be made in accordance with the relevant legislation, taking into account only matters which are material and relevant.
- There is no threshold, limit or ceiling of size, scope or range of development for call in to Planning Committee other than via the method listed above unless this is changed under the constitution by resolution of full council.
- If you have commented on a planning application, the points made will be taken into account in reaching any decision if they raise material planning considerations and these material planning considerations will be reflected in general terms in the report where possible.
- We will aim to determine applications, within the statutory timeframes (e.g. 13 weeks for major and 8 weeks for other applications, or within agreed extensions of time). If we cannot reach a decision within a prescribed period, we will explain why to the applicant or if they have an agent acting their behalf, we will correspond with the agent.
- We encourage applicant-led community involvement before deciding all major applications that have a significant effect on the community.
- We will work towards the best quality of decisions and will put making the right decision first.
- Planning officers are unable to provide progress updates during the course of an application. We are unable to advise you of the likely outcome of the application during the course of the application. Revised plans and additional information will not usually be accepted, unless specifically requested by the case officer. We are unlikely to enter into ad-hoc correspondence during the course of an application
- A copy of the delegated or committee report accompanying an application will be made available to view on our website within 48 hours of the decision.
- Many planning decision notices will contain planning conditions, pre-commencement conditions will be agreed with an applicant or their agent (if applicable).

- Planning conditions will be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- Planning obligations will only be used where it is not possible to address unacceptable impacts through a planning condition.
- Pre-commencement conditions, that are required to be discharged before development commences, will be avoided, unless there is a clear justification.
- It is unlawful for any planning obligation to be taken into account as a reason to grant a planning permission if it does not meet the 3 tests set out in the regulation. That it is:
 - Necessary to make the development acceptable in planning terms.
 - Directly related to the development
 - And fairly and reasonably related in scale and kind to the development.
- We will have a separate Gravesham S106 and developer contributions strategy to detail the requirements and expectations of both the borough and the Gravesham Borough Council in line with current legislation and planning policy.

Post-decision including appeals and Planning Enforcement

- An applicant for planning permission can make an appeal to the independent Planning Inspectorate (PINS) if:
 - Their planning application was refused by this Council, or
 - Their planning application was granted subject to conditions which the applicant objects to, or
 - We failed to determine the planning application within their deadline for doing so – this is known as ‘non-determination’.
- There are different time limits to make an appeal depending on the type of appeal and the circumstances as outlined on the reverse of the decision notice and it is only the applicant that can appeal.
- Under legislation and our planning enforcement strategy, we shall proactively use our full Planning Enforcement powers and, where needed, we shall work with other services if our enforcement powers are not the most appropriate option and this includes Kent Police, our Community Safety, Housing or Environmental Enforcement colleagues who have enforcement powers of their own.
- We shall publish our planning enforcement notices via the Council’s website and at times publish details of any action taken via our website/ social media .

Complaints and Planning Officers

- We acknowledge that some of the decisions made by planning will not be in accordance with the views of some of the public even though the decisions will have been made within the law and policy.
- The Council will seek always to protect our Officers from abuse and harassment in line with our policy and procedures.
- The Council has a complaints policy and procedure which can be found here <https://www.gravesham.gov.uk/contact-us/make-official-complaint> and we will seek to investigate and resolve your complaints in line with this policy – this will not include complaints for which there is an appeal process in place e.g. decisions relating to planning applications or the issuing of enforcement notices, which are dealt with by the Planning Inspectorate.

- In the event that we cannot or you are still not satisfied you have the right to appeal your complaint to the Local Government and Social Care Ombudsman <https://www.lgo.org.uk/>

Action Plan, Monitoring and evaluation

- We will publish an annual report to Strategic Environment Cabinet Committee including:
 - The successes and challenges of the year past, and Plans for the year ahead
- We will seek to continually improve our service to you and welcome feedback from service users.
- There will be an action plan that will be created and owned by the Head of Planning to enact this strategy and will form part of the regular reporting to the Deputy Leader of the Council and Cabinet Member for Strategic Environment and/or the Strategic Environment Cabinet Committee.

Changes to the Strategy

- In recognition of the nature of planning legislation and statutory guidance for example that is passed by Parliament or HM Government from time to time, there are elements of this strategy that may have to be changed to reflect this new statutory framework.
- So, for the avoidance of doubt where there is disconnect between this strategy and any legislation, statutory guidance, the local plan or supplementary planning document the legislation, statutory guidance, the local plan or supplementary planning document will have precedence and will supersede, anything relevant to these changes, in this strategy.