

BABERGH DISTRICT COUNCIL

**FROM: CHIEF PLANNING CONTROL
OFFICER**

REPORT NUMBER **G26**

TO: DEVELOPMENT COMMITTEE

DATE OF MEETING: 13 June 2007

DRAFT ANNUAL REPORT OF DEVELOPMENT COMMITTEE FOR 2006/07

1. PURPOSE OF REPORT

1.1 To summarise the work of Development Committee for the year 2006-07

2. RECOMMENDATION

2.1 That Members consider the report and agree any further comments to be submitted to the Overview and Scrutiny (Community Services) Committee at its meeting on 24 July 2007.

3. INTRODUCTION

3.1 Article 7.05 of the Council's Constitution provides that:

 "The Development Committee must report annually to Overview and Scrutiny (Community Services) Committee on its performance with particular reference to those decisions taken contrary to policy, decisions taken contrary to officer recommendations and also relating to its performance on appeals".

3.2 In addition, the meeting of Strategy Committee on 11 October 2001, resolved:

 "That the Head of Planning (Control) and the Head of Legal and Administrative Services make an annual report to Overview and Scrutiny Committee concerning the number, cost and outcome of planning appeals, the use of consultants generally and any contributions from applicants or potential applicants".

3.3 In the interests of good stewardship a report has been made annually to Development and Overview and Scrutiny Committees about the contributions obtained from developments through S106 Planning Obligations, and finally this Committee asked at its meeting of 12 July 2005 that Development Committee also reports to it on:

- the planning delivery grant
- staff retention and recruitment
- support for rural businesses

4. THE WORK OF DEVELOPMENT COMMITTEE

4.1 The work of Development Committee comprises aspects of the Town and Country Planning Service, principally all facets of Development Control – including enforcement, listed buildings and tree preservation, and implementation and enforcement of the Building Regulations and dangerous structures. In addition it handles several other aspects of the Council's work, including the adoption of open spaces, consultations on transportation and highway matters, the provision and maintenance of car parks, historic buildings and other grants under the Council's Conservation Strategy.

5 COMMITTEE MEETINGS

- 5.1 In 2006/7 Development Committee met on 13 occasions; at each meeting the reports included a schedule from the Head of Planning (Control)/Chief Planning Control Officer of applications for planning permission and other consents, for consideration and determination by the committee.

	2003/04	2004/05	2005/06*	2006/07
Schedule length	12 - 31	10 - 26	8 - 21	7 - 24
Average schedule length	21	17	14.9 (14)	15
Other reports from HoP(C)	11	18	13	5
Reports from other HoS	1	3	2	1
Public speaking -parish council	17	14	12 (13)	4
Public speaking – applicant	60	55	61 (64)	61
Public speaking – objector	43	25	28 (32)	27
Public speaking – total	119	94	101 (109)	92
Ward member speaking	19	21	20 (23)	16
Committee member acting as Advocate	0	0	0	0
Site inspections	55	41	40 (41)	37
Average duration of meetings	4 hrs 16	3 hrs 40	3 hrs 47 (3hrs 45)	4hrs 23
Duration of meetings per item (minutes)	12	13	15 (16)	17

* figures for 2005/06 exclude the additional meeting held to consider HMS Ganges - those in brackets include that meeting

- 5.2 Specific requests have been made either by Development Committee or this committee concerning particular types of applications or decisions. To date these are:-

- decisions made contrary to the recommendation of the Head of Planning (Control)/Chief Planning Control Officer
- grants of planning permission not in accordance with the policies of the development plan
- decisions relating to development by or of businesses in rural areas.

A summary of each of these categories is attached as *Appendix 1*; Total figures for the first two categories are in the table:

	2004/05	2005/06	2006/07
Recommendation of refusal overturned	21	18	16
Recommendation of approval overturned	13	12	4
TOTAL RECOMMENDATIONS OVERTURNED (% of total committee decisions)	34 (12%)	30 (14%)	20 (10%)
Departure approvals	16	19	10

6. TRAINING

- 6.1 The Council on 13 December 2005 resolved that Members of Development Committee (and their substitutes) should be required to attend at least four half-day training sessions in planning per year. In 2006/07 2 members of Development Committee (and 7 substitutes) failed to undergo the requisite amount of training.

7. DEVELOPMENT CONTROL

	2003/04	2004/05	2005/06	2006/07
Applications received	1882	1823	1857	1724
Applications decided	1733	1793	1721	1599
Applications approved	1482 (86%)	1541 (80%)	1485 (86%)	1354 (85%)
% decided by HoP(C)/CPCO	81%	85%	88%	87%
Breaches investigated	499	521	460	525
Enforcement Notices Issued	30	34	18	34
BCNs issued	3	6	1	1

- 7.1 There has recently been a staffing restructuring in Development Control; this has resulted in the loss of one fte technical post – the BPR exercise currently being implemented concluded that this reduction in resources could be accommodated without any deterioration in capacity. The previous and present structures are as follows:

PREVIOUS

Head of Planning (Control)
2 Development Control Managers
4 Senior Development Control Officers

1 Conservation Officer
2 Development Control Officers

7 Technical Officers

PRESENT

Chief Planning Control Officer
Development Control Manager
3 Principal Development Control Officers
1 Senior Development Control Officer
1 Conservation Officer
2 Development Control Officers
1 Business Support Manager
6 Technical Officers

In addition there are 2 Planning Assistants employed on three year contracts funded by the Planning Delivery Grant and 3 temporary technical staff employed for a period of one year to assist in the implementation of BPR, CAST and DIP and PAI. The enforcement officer and his technical assistant have been transferred from Planning (Control) to Environmental Protection.

- 7.2 There has been a considerable staff turnover this year. Three of the permanent staff and one of the Planning Assistants have left for other posts in the year; in addition since then one Principal DCO has started a period of maternity leave and by the time of the committee meeting one of the Development Control Officers and the Chief Planning Control Officer will also have left. So far it has proved possible to fill most of these posts. .
- 7.3 Some planning application work and much appeal work is currently being handled on the Council's behalf by external consultants.

8. BUILDING REGULATIONS

- 8.1 Much of the work within the purview of Development Committee is delegated to officers, and this includes almost all the work of implementing the Building Regulations. Building Control is, like Development Control, a statutory function, but differs in being subject to outside competition from the private sector. This competition is most apparent in large new commercial works and new housing schemes.

	2003/04	2004/05	2005/06	2006/07
Applications received	1036	956	1013	945
Inspections undertaken		10500	9767	9964
% new housing (by number) retained	87	92	86	77
% new commercial work (by value) retained	94.5	96.5	73	91

9. PLANNING APPEALS

- 9.1 Development Control decisions made by Development Committee and by the Head of Planning (Control) are subject to appeal, either against refusal, against conditions imposed on a grant of permission, against an enforcement notice or in the event of an application not being determined.

	2003/04	2004/05	2005/06	2006/07
Total appeal decisions	57	41	42	53
Number (%) won by the Council	36 (63%)	27 (66%)	29 (69%)	38 (72%)
Written Reps	41	34	40	45
Hearing	10	6	2	7
Public Inquiry	1	1	0	1

10 PERFORMANCE INDICATORS.

- 10.1 Our performance is as follows (% applications determined in 8 weeks – 13 weeks for major applications):

	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7
MAJOR APPLICATIONS	35	65	62	57	68	62
MINOR APPLICATIONS	49	52	68	57	70	60
OTHER APPLICATIONS	73	74	78	74	84	77

11. CONTRIBUTIONS OBTAINED

- 11.1 Annually the contributions made by developments to the provision of services or facilities in mitigation of some of the effects of that development are reported. These are contained in *Appendix 2*. This contains all Planning Obligations relating to developments that are not completed. S106 Obligations relating to other purposes (eg controlling occupancy) are not included.

12. PLANNING DELIVERY GRANT

- 12.1 The Planning Delivery Grant has been paid for five years, and the formula has changed each year. In year one (2003/04), only a small sum was available, and the majority of authorities such as Babergh received £75000. In 2004/05 payment was performance-related, and because of our good Development Control performance at that time Babergh was awarded £341000. In 2005/06 our grant was £175000, the reduction being due to a change in formula and a lessening of our speed of decision. The grant for 2006/07 is £106000 which reflects in part at least, a change in formula and a reduction in the overall fund from 170m to £135m. The grant for 2007/08 has not yet been announced.
- 12.2 To date the grant has been spent on employing the Planning Assistants (see para 7.2 above), and a modern apprentice, in employing consultants and in staff training. A considerable sum is now being invested in implementing Document Image Processing – software which will enable planning application documents to be handled and stored digitally.

13. COMPLAINTS

- 13.1 The Council's formal complaints procedure acts as a first port of call for those aggrieved with aspects of the service they have provided. Complainants who remain dissatisfied after going through this procedure are then able to pursue their complaint with the Ombudsman. Nationally complaints about planning form a high proportion of the total, and Babergh is no exception.

	2003/04	2004/05	2005/06	2006/07
Complaints received	17	15	18	14
Complaints pursued to Ombudsman	3	11	2	4
Ombudsman declined to investigate	2	8	1	3
Maladministration found	0	1	0	1

14. APPENDICES

Appendix 1 – Summary of types of applications and decisions.

Appendix 2 – Planning Contributions (including Affordable Housing) June 2007

15. BACKGROUND PAPERS

None

CONTACT: Christine Thurlow

DIRECT LINE: 01473 825860