

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: N45
To: Planning Committee	Date of Meeting: 7 August 2013

DRAFT ANNUAL REPORT OF DEVELOPMENT COMMITTEE FOR 2012/13

1. Purpose of Report

- 1.1 This report summarises the work of Development Committee (now renamed Planning Committee) for the year 2012/13.

2. Recommendation

- 2.1 That, subject to any amendments which the Planning Committee may wish to make as a result of its consideration at today's meeting, Paper N45 be adopted as the annual report of the Development Committee and submitted to the Strategy Committee on 12 September 2013.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 There are no financial implications arising directly from the content of this report.

4. Risk Management

- 4.1 There are no significant risks arising directly from the content of this report.

5. Consultations

- 5.1 In view of the nature of this report consultation has not been undertaken.

6. Equality Analysis

- 6.1 There are no Equality and Diversity implications arising directly from the content of this report.

7. Shared Service / Partnership Implications

- 7.1 There are no Shared Service/Partnership Implications arising directly from the content of this report, with the exception of the following:-

- The Babergh and Mid Suffolk Development Management service is transforming and has been designed on a "One Service Model". Integration is taking place with a new shared Operational Delivery team in place from the 1st July 2013 onwards, with staff working flexibly to address workload needs across both Councils. However the sovereignty of both Councils and the Local Planning Authority status remain separate.

8. Key Information

8.1 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".

8.2 In addition to this requirement the Strategy Committee, the Overview and Scrutiny (Community Services) Committee, and the Development Committee have at various times requested that further information is provided within the annual report, including:

- the number, cost and outcome of planning appeals,
- details relating to the development of rural businesses,
- the completion of planning obligations and use of the monies received,
- the award of housing and planning grant,
- planning enforcement,
- staff retention and recruitment, and,
- the use of consultants.

8.3 In addition the Overview and Scrutiny (Community Services) Committee at its meeting on 22 May 2012,

... agreed that the Council in its Planning Authority role should consider water management and drainage implications as part of the its development of the planning framework and that this should be referred to in the Annual Report of the Development Committee which is scheduled to be submitted to a future meeting of this Committee.

8.4 Furthermore the Overview and Scrutiny (Community Services) Committee at its meeting on the 25 September 2012 agreed:-

- Information/data regarding applications not determined on time in table 5 of the report
- Details of business developments in commercial areas in Appendix 1
- Parish details in Appendix 2
- Green Agenda/Conservation issues
- Building Control finances.

The following issues were also discussed by Overview and Scrutiny (Community Services) Committee in conjunction with the Annual Report:-

- Member Training
- Staff resources
- S106 agreements
- Planning Improvement Plan.

9. The Work of Development Committee

9.1 The Development Committee primarily considers planning and associated applications for the development of land and buildings. It does, however, receive reports relating to other planning matters from time to time. With the exception of the Annual Report no other reports were received during 2012/13.

10. Development Committee Meetings

10.1 In 2011/12 Development Committee met on 18 occasions. Table 1 provides an overview of the number of items considered by the Development Committee, the number of site meetings together with information relating to the duration of meetings. Table 1A contains information on public speaking.

TABLE 1	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Schedule length	9-21	5-16	3 - 14	4 - 15	1-13	3-15
Average schedule length	15	10	7.4	8	7	7.5
Other reports	10	5	8	6	8	0
Reports from other HoS	0	0	0	0	0	0
Site inspections	24	27	36	33	36	24
Average duration of meetings	3:30	3:13	2:57	3:08	3:09	3:14
Average duration of item per meeting (minutes)	14	19	24	22	42	25

Source: Departmental Records

TABLE 1A	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Ward member speaking	16	20	15	10	16	15
Public speaking - Parish Council	14	9	10	6	12	6
Public speaking – objector	19	24	25	18	20	18
Public speaking – applicant	57	46	37	41	42	39
Total	106	99	87	75	90	78

Source: Departmental Records

10.2 Specific information requests have been made either by the Development Committee or the Overview and Scrutiny (Community Services) Committee in the past concerning particular applications types or decisions. In particular:

- decisions made contrary to the recommendation of the Corporate Manager – Development Management,
- grants of planning permission not in accordance with the Development Plan policies, and,
- decisions relating to new business development in rural areas.

Table 2 produced below contains information relating to the first category. Information on applications not in accordance with the Development Plan is contained in Table 3 in the next section of this report while information relating to development by rural businesses is contained in **Appendix 1**.

TABLE 2	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Recommendation of refusal overturned	9	11	9	13	4	7
Recommendation of approval overturned	15	12	8	7	10	5
Percentage of Development Committee recommendations overturned.	13	14	17.7	17	13.9	11.4

Source: Departmental Records

11. Training

11.1 On 13 December 2005 Council accepted the recommendation of the Overview and Scrutiny (Community Services) Committee that Members of Development Committee (and their substitutes) be required to attend at least two full days or four half-days training on planning and related matters per annum. During 2012/13 two full days of training covering a wide range of planning matters were held in January/February 2013.

12. Development Management

Planning Applications

12.1 The following table (Table 3) provides an overview of the total number of applications received and determined annually, along with the details of the number approved. It also provides details of the number of applications that were determined in accordance with the scheme of delegation expressed as a percentage of all decisions.

12.2 As will be noted 1,147 applications were received in the period 1 April 2012 to 31 March 2013 in comparison with 1,146 for the period 1 April 2011 to 31 March 2012. The percentage of decisions made in accordance with the scheme of delegation during 2012/13 was 88.5% which is marginally below the threshold of 90%, a commonly held measure of good practice. However a new protocol has been agreed by Council (April 2013) which will address this for forthcoming years.

TABLE 3	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Applications received	1716	1350	1265	1349	1146	1147
Applications determined	1609	1377	1089	1217	1119	1116
Applications approved	1357	1130	948	1076	974	956
Percentage of approved applications	84	82	87	79.8	87.04	85.66
Percentage of delegated decisions	91	90.5	87.7	89.2	87.4	88.5
Departure approvals	26	8	0	0	0	9

Source: General Development Control PS1 and PS2 Returns

Planning Appeals

- 12.3 Decisions made by the District Council are subject to appeal, either because planning permission has been refused, conditions have been imposed upon the grant of permission, an enforcement notice has been served or an application has not been determined.
- 12.4 Table 4 contains information relating to the number of planning appeals determined (excluding enforcement cases). Of the 49 cases that were the subject of an appeal in 2012/13, some of the cases relate to decisions made in the preceding year and the figures do not therefore correspond directly with the information contained in Table 2.
- 12.5 In response to a request made by the Development Committee on 11 February 2009 information is attached relating to decisions made by Planning Inspectors to assess the effectiveness of existing planning policies. Appendix 3 refers.

TABLE 4	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Total number of appeal decisions	47	56	35	39	38	49
Number of decisions upheld	36	38	17	12	14	17
Percentage of decisions upheld	77	68	49	31	36.8	34.69
Written Representations	41	47	28	35	32	44
Hearing	3	9	7	2	4	4
Public Inquiry	3	0	0	2	2	1

Source: Departmental Records

Planning Performance

12.6 Table 5 provides an overview of the annual performance of the Development Control Service against NI 157: The Determination of Planning Applications. Current Government performance indicators require all local planning authorities to determine:

- 60% of major applications within a period of 13 weeks. Since 1 April 2008 the major category has been divided into large-scale and small-scale major developments but for the purposes of this report, they are combined. (A large-scale major application is defined as a development comprising 200 or more dwellings whereas a small-scale major application is defined as a development comprising 10 or more dwellings up to 199 dwellings);
- 65% of minor residential and commercial applications within a period of 8 weeks. (i.e. up to 9 dwellings or 1000 sq metres of floor space); and,
- 80% of other applications (which are mainly householder applications) within a period of 8 weeks.

12.7 The performance figures for the year 2012/13 are contained in tables below and are expressed as percentages and measured against the targets set out in paragraph 12.6. As will be noted only the target for major planning applications was met in 2011/12. This matter is discussed in further detail below.

TABLE 5	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Percentage of MAJOR applications determined on time	71	75	64	63	60	44
Percentage of MINOR applications determined on time	57	68	67	61	59	54
Percentage of OTHER applications determined on time	76	82	82	76	79	67

Source: General Development Control PS2 Return

New Homes Bonus

12.8 The New Homes Bonus scheme has replaced the former award of Housing and Planning Delivery Grant. The scheme is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth and will be in operation for the next six years. For each additional property that is constructed the District Council will receive a payment equal to the national average council tax band for that property. The scheme is now in operation and the District Council received £295,392 (in April 2011) for 2011/12 and a further £51,025 relating to 2012/13 (received in advance in March 2012). For 2012/13 the amount received is £578,616.

Human Resources

12.9 There has been staff changes during 2012/13 arising particularly as a result of The Planning Recovery Plan so as to address performance issues and pending the establishment of the new Operational Delivery Teams under the Councils restructuring (Tier 5). The additional resources affected Development Management, Enforcement, Planning Policy and Heritage. Reports on the outcomes from the investment have been reported to JMIB (in December 2012, February, March and April 2013).

13. Building Control

- 13.1 Building Control is a statutory function but unlike some other services provided by the authority it is subject to competition from the private sector. This competition is most apparent in the commercial and volume house building sectors. During 2012/13 the District Council remained competitive.
- 13.2 Like many areas of the economy the construction industry is currently going through challenging times due to the present economic climate and Building Control is not immune from this. However, considering this situation it is only with the excellent reputation of the Building Control team that work levels have remained at reasonable levels.
- 13.3 Table 6 provides an overview of the number of applications received by Building Control and the number of inspections undertaken. It also provides an indication of the amount of work that has been retained.

TABLE 6	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Applications received	993	849	927	960*	943*	926*
Inspections undertaken	9358	7407	7493	7381	7751	6969
Percentage of new housing (by number) retained	91	43	90	34	88	70
Percentage of new commercial work (by value) retained	89	99.8	87.5	93	98	37

* Includes applications for energy ratings which generate fee income.

Source: Departmental Records

- 13.4 In accordance with the Overview and Scrutiny request (see paragraph 8.4 above) Building Control income is recorded in two ways. Statutory income which is income received through deposited Building Control applications and Non statutory income which is received through other work carried out by the Building Control team that is over and above the statutory work. The statutory income received for the year 2012/13 was £313,169 and income through other work was £14,791. The total combined income was therefore £327,960.

14. Planning Obligations

- 14.1 In line with the requirements of existing local plan policies financial contributions are sometimes made by applicants via planning obligation or Section 106 agreements for the provision of social and physical infrastructure to mitigate the effects of new development. These agreements are usually linked to the commencement of the development.
- 14.2 As Members may recall the Strategy Committee considered a paper at its meeting on 31 July 2008 which sought to secure greater Town and Parish Council involvement in the use of contributions received for recreational purposes. These arrangements have been subject to review and on 1 February 2011 the Strategy Committee resolved to amend the eligibility criteria for the use of the funds by Town and Parish Councils.

- 14.3 Members will be aware that a database has been established and that both they and the Town and Parish Councils receive updates and can view the relevant information via the website.
- 14.4 A table containing details of completed obligations for the year 2012/13 is attached at Appendix 2

15. Water Management

- 15.1 A joint response was submitted to the Department for Environment and Rural Affairs in February 2012 following its consultation on the implementation of the Sustainable Drainage Systems provisions of the Flood and Water Management Act, 2010. As yet the arrangements for the approval of Sustainable Drainage Systems are being developed in consultation with Suffolk County Council. It is not therefore possible to respond to the request made by the Overview and Scrutiny (Community Services) Committee at its meeting on 22 May 2012 at this time.

16. Planning Enforcement

- 16.1 In line with national guidance the District Council has reviewed its practice and procedures relating to unauthorised development. As Members may recall the Overview and Scrutiny (Community Services) Committee considered a report (Paper H186) at its meeting on 3 February 2009 which outlined a Planning Enforcement Policy. This policy was subsequently adopted by Strategy Committee on 12 February 2009 with some minor amendment and is now used to assess alleged breaches of planning control.
- 16.2 In response to the request by the Overview and Scrutiny (Community Services) Committee on 1 July 2008 Table 7 provides an overview of the number of alleged breaches of control that have been investigated, the number of enforcement notices served, together with information relating to enforcement appeals and other matters during the periods specified.
- 16.3 The number of cases received during 2012/2013 has dipped from those received in preceding years. This can partly be attributed to the way in which cases are handled now, with the team recording cases in the electronic system only where a visit is needed or work invested to resolve it. As such, not every matter raised is recorded as an active 'case', with preference given to responding as quickly as possible where there is no breach of control or where no action can be taken rather than investing time and resource into logging this as a 'case' and making up a file. This process is working well and appears to be well received by the customer who gets a quicker response.
- 16.4 While the number of enforcement notices served during 2012/2013 is slightly lower than the preceding year, Members are reminded that alleged breaches of planning control should be resolved through negotiation wherever possible. The service of an enforcement notice must always be seen as the last resort. Further, the team secured a successful prosecution during that period following a failure to comply with an enforcement notice. It is likely that further prosecutions will be necessary during the forthcoming year as there are cases in hand where compliance with enforcement notices has not occurred.

TABLE 7	2008/09	2009/10	2010/11	2011/12	2012/2013
Number of alleged breaches investigated	486	394	368	365	264
Number of enforcement notices served	37	11	11	8	7
Number of enforcement notices appealed	12	10	2	0	6
Percentage of enforcement notices upheld	75	86	100	N/A	50
Planning Contravention Notices	51	12	38	24	16
Breach of Condition Notices	0	0	0	0	1
Number of prosecutions	6	0	0	0	1
Number of Injunctions	1	0	0	0	0
Number of Stop Notices	1	0	0	1	0
Section 215 Notices (untidy sites)	0	0	0	0	0

Source: Departmental Records

17. Complaints

- 17.1 The District Council's operates a formal complaints procedure for those individuals who are aggrieved with the level of service they have received. This was under review during the period 2012/13 and a new complaints/compliments procedure is in place which was launched in April 2013. As such the figures recorded in table 8 below are the formal complaints received whilst the system was under review with only three formal complaints being recorded, and the remainder of cases being informally resolved through the actions of the Corporate Manager – Development Management or her staff. There is one case which was referred to the Ombudsman in the previous year (2011/12) which is still outstanding. Complainants who remain dissatisfied after going through this procedure may go on to pursue their complaint with the Local Government Ombudsman.

TABLE 8	2007/08	2008/09	2009/10	2010/11	2011/12	2012/2013
Complaints received	16	14	13	17	13	3*
Complaints pursued to Ombudsman	1	4	2	1	2	0
Ombudsman declined to investigate	0	0	2	0	0	0
Maladministration found	0	0	0	0	2	0
Outstanding cases with the Ombudsman					1	0

* Additional complaints were received during this period, but they were resolved informally.

Source: Departmental Records

18. Heritage

- 18.1 The District contains nearly 3,000 listed buildings of which 273 are recorded as being of Grade 1 or Grade 2*, the highest category. In addition there are 28 Conservation Areas. The District is therefore rich in designated heritage assets, which contributes to its distinctive character.
- 18.2 Pending the establishment of the new operational delivery teams on 1 July 2013 and as part of the Planning Recovery Plan additional resources were deployed in late December 2012 to assist with the assessment and determination of heritage applications. From 1 January to 31 March (the only period for which data is available) some 200 cases were the subject of an internal consultation. This was in addition to general enquiries and other requests for information which were handled for the first time via dedicated 'duty officer' appointments.
- 18.3 The operational delivery team is also responsible for community planning and design matters and in January 2013 it supported the Suffolk Design Review Panel at its inaugural meeting. The Panel has been established so that applicants may subject their proposals to scrutiny prior to submission. The team has also been heavily involved with the progression of nationally significant infrastructure projects, such as the Bramford to Twinstead overhead line proposals, which impact upon the wider community.

19. Green Agenda (Sustainability)

- 19.1 The National Planning Policy Framework was introduced by the government in March 2012. This document introduces a principle in Favour of Sustainable Development. Sustainable Development is defined in the document along three dimensions economic, social and environmental. Traditionally the 'Green Agenda' was seen narrowly within the parameters of renewable energy and climate change. This needs to be seen within a wider context in light of the NPPF. The 'green agenda' would now include moving to a low carbon economy, protecting heritage and biodiversity, safeguard agricultural land and having healthy communities living in a quality well designed environments. This approach is reflected within the core strategy, in particular Policy CS10 – Sustainable Development. The Core Strategy is currently being examined by a government Planning Inspector who is testing its 'soundness'.
- 19.2 For Members interest, Appendix 4 relates to 'green agenda' issues being Energy Projects. It does include developments/projects for both Babergh and Mid Suffolk and some cases have been included which are outside the year 2012/13.

20. Planning Income

- 20.1 Table 3 provides an overview of the income received from fee generating applications during the last year against the projected position for that period. It therefore excludes listed building and conservation area consent applications which do not attract a fee.
- 20.2 It was estimated that some £379,500 would be received in planning fees during 2012/2013. As will be noted below, £412,327 has been received in total which is more than the anticipated position.

20.3 In addition to the income received from fee generating applications, a further £19,060 has been received from the administration of non-material amendments to existing planning applications and submissions relating to the approval of information required by planning conditions against a revised budget estimate of £15,000.

TABLE 9	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13
Number of fee applications received	232	215	203	230
Cumulative fees received	155,453	218,919	331,102	12,327
Projected fee income (cumulative)	94,875	189,750	284,625	379,500

Source: Departmental Records

21. Conclusions

21.1 The following matters are of significance:-

- Performance – performance in all three categories was below the national target for ‘Major’, ‘Minor’ and ‘Other’ cases. However, the Recovery Plan recognised there would be a shortfall and additional investment, and staff resources were made available from January 2013 onwards. This allowed for the predicted shortfall to be reduced and focused activity particularly on major cases continues. The Planning Performance Report Paper N46 (reported to Planning Committee on the 7th August 2013) demonstrates that this activity is positive with performance now exceeding the national target in two categories (Majors and Others) and a positive direction of travel in respect of Minors.
- Appeals – the appeal information is now reported to Members in a slightly different format with hyperlinks which will allow Members to access the website and view both the application documents and the appeal decisions etc. electronically.
- Data Regarding Applications not Determined on Time – Appendix 5 refers. However some of these cases include applications which were subsequently withdrawn.

22. Appendices

Title	Location
Appendix 1 – Business and Commercial Developments in Rural Areas	Attached
Appendix 2 – Planning Obligations Completed 2011/12	Attached
Appendix 3 – Appeal Decisions	Attached
Appendix 4 – Mid Suffolk/Babergh Energy Projects	Attached
Appendix 5 – Applications not Determined on Time	Attached

23. Background Papers

None

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