

BABERGH DISTRICT COUNCIL

From: Planning Committee	Report Number: P26
To: Council	Date of Meeting: 24 June 2014

ANNUAL REPORT OF PLANNING COMMITTEE FOR 2013/14

1. Purpose of Report

1.1 This report summarises the work of Planning Committee for the year 2013/14.

2. Recommendation to Council

2.1 That Paper P26 be adopted as the Annual Report of the Planning Committee for 2013/14.

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 shared Operational Delivery team (in place from 1 July 2013 onwards), with some 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 which was operational until 21 April 2014 (and is therefore relevant to the period to which this report relates) provides that:

“The [Planning] Committee must report annually 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.

8.5 In addition Strategy Committee at its meeting on 12 September 2013 agreed:-

- Workshop style training would be provided during forthcoming year on various matters, and,
- Future reports would include reasons for overruns on cases which have been determined outside the statutory timescales (i.e. 8 week or 13 week or 16 week periods.)

These two matters are addressed below.

9. The Work of Planning Committee

9.1 The Planning 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, the only other reports which were received during 2013/14 were the Planning Performance Reports produced each quarter:-

- Paper N46 – Planning Committee 7 August 2013
- Paper N65 – Planning Committee 16 October 2013
- Paper N105 – Planning Committee 5 February 2014
- Paper N136 – Planning Committee 16 April 2014

10. Planning Committee Meetings

10.1 In 2013/14 Planning Committee met on 21 occasions. Table 1 provides an overview of the number of items considered by the Planning Committee, the number of site meetings together with information relating to the duration of meetings. Table 1A contains information on public speaking.

TABLE 1	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Schedule length	5-16	3 - 14	4 - 15	1-13	3-15	1-7
Average schedule length	10	7.4	8	7	7.5	3.3
Other reports	5	8	6	8	0	5
Reports from other HoS	0	0	0	0	0	0
Site inspections	27	36	33	36	24	6
Average duration of meetings	3:13	2:57	3:08	3:09	3:14	2:24
Average duration of item per meeting (minutes)	19	24	22	42	25	44

Source: Departmental Records

TABLE 1A	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Ward Member speaking	20	15	10	16	15	13
Public speaking - Parish Council	9	10	6	12	6	14
Public speaking – objector	24	25	18	20	18	33
Public speaking – applicant	46	37	41	42	39	32
Total	99	87	75	90	78	92

Source: Departmental Records

10.2 Table 1 shows a marked change in numbers of items being presented to Committee for determination, the average schedule length, the number of Committee Site Inspections and in turn the average duration of meetings. All show significant reduction which is as a result of a number of changes including:-

- the implementation of the Protocol for the Scheme of Delegation which focuses on taking strategic / significant / controversial applications to Committee,
- the number of Planning Committees per calendar month being increased from 1 to 2
- a presentation of photographs to Planning Committee for any case before Members make a decision on whether to hold a Site Inspection.

10.3 In turn those items which are now presented to Planning Committee are generally significant (with the exception of some Member referrals and cases which could be Minor but fall outside the Scheme of Delegation.) As a consequence the time taken to deal with each item has risen from 25 minutes per item (during 2012/13) to 44 minutes per item in 2013/14. However if contrasted with time taken on each item for the year 2011/12 the amount of minutes spent is comparable.

10.4 Specific information requests have been made either by the Planning 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	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Recommendation of refusal overturned	11	9	13	4	7	2
Recommendation of approval overturned	12	8	7	10	5	11
Percentage of Development Committee recommendations overturned.	14	17.7	17	13.9	11.4	18.6

Source: Departmental Records

10.5 In respect of Recommendations being overturned by Planning Committee and with reference to Table 2 above the following is clear:-

- The number of recommendations of refusals being overturned is 2, the lowest it has been since 2008/2009,
- The number of recommendations of approval being overturned is the second highest since 2008/09,
- In total this represents 18.6%; the highest percentage recorded in the 6 years starting 2008/09.

10.6 Focused activity on Major cases during 2013/14 saw a number of significant cases being presented to Planning Committee including cases at Carsons Drive, Great Cornard, Tesco Hadleigh, Fleetwood Caravans Long Melford, HMS Ganges at Shotley, Prolog in Chilton and the Solar Park at Tattingstone. Some of these cases attracted large numbers of Consultee responses and public representations, all of which Planning Committee took into account before decisions were made.

10.7 In respect of two of these cases where overturns occurred against a recommendation of approval by Officers, two Public Inquiries have followed:-

- Fleetwood Caravans Long Melford (currently decision awaited)
- Solar Park at Tattingstone (Public Inquiry commenced 23 April 2014)

10.8 An Officer review of costs relating to appeals has started and training for Members on appeals and appeal processes will occur in the Member training programme for the forthcoming 6 month period starting in June 2014 (this programme will be launched shortly – see below).

10.9 Table 2 relating to the Public Speaking at Committee shows fluctuations in the type of public speaking occurring albeit overall numbers are broadly not dissimilar to activity recorded since 2008/09.

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.

11.2 Further details of the training programme for Members (including Mid Suffolk District Council Members) will be released shortly.

11.3 Six different topics have been selected as follows:-

- Enforcement.
- Building Regulations and changes in Planning Legislation
- Planning Policy, the NPPF and the NPPG.
- Heritage and Design, and,
- Renewable Energy, and,
- Appeals.

11.4 All six sessions will be run on a half day basis, and all Members will be encouraged to attend one of the half day sessions on each subject. Members who attend Planning Committee including substitutes should attend given the content of Paragraph 11.1 above. Once the training programme is launched Members will be able to book their attendance.

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 1248 applications were received in the period 1 April 2013 to 31 March 2014 in comparison with 1,147 for the period 1 April 2012 to 31 March 2013. The percentage of decisions made in accordance with the scheme of delegation during 2013/14 was 90.8% which has increased from 88.5% in the previous year and is above the threshold of 90%, a commonly held measure of good practice.

TABLE 3	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Applications received	1350	1265	1349	1146	1147	1248
Applications determined	1377	1089	1217	1119	1116	1113
Applications approved	1130	948	1076	974	956	944
Percentage of approved applications	82	87	79.8	87.04	85.7	84.8
Percentage of delegated decisions	90.5	87.7	89.2	87.4	88.5	90.8
Departure approvals	8	0	0	0	9	0

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 48 cases that were the subject of an appeal in 2013/14, 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	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Total number of appeal decisions	56	35	39	38	49	48
Number of decisions upheld	38	17	12	14	17	16
Percentage of decisions upheld	68	49	31	36.8	34.69	33.33
Written Representations	47	28	35	32	44	41
Hearing	9	7	2	4	4	5
Public Inquiry	0	0	2	2	1	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 2013/14 are contained in tables below and are expressed as percentages and measured against the targets set out in paragraph

As will be noted the target for Major and Other planning applications was met in 2013/14. This matter is discussed in further detail below.

TABLE 5	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Percentage of MAJOR applications determined on time	75	64	63	60	44	70
Percentage of MINOR applications determined on time	68	67	61	59	54	63
Percentage of OTHER applications determined on time	82	82	76	79	67	82

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 few 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 for 2012/13 the District Council received in total an amount of £871,569. The figure for 2013/14 has not yet been formulated.

Human Resources

- 12.9 There have been staff changes during 2012/13 arising particularly as a result of the Councils restructuring with a shared Development Management Operational team in place from 01 July 2013. The shared team is not yet at an “establishment fill” level and gaps are being covered by Agency staff and recruitment is still occurring.

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 2013/14 the District Council remained competitive, although the Approved Inspectors (AI’s) are becoming an increasing threat for Building Control work. It is increasingly important that the excellent reputation that the Building Control group has within the local construction service is maintained.
- 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	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Applications received	849	927	960*	943*	926*	860*
Inspections undertaken	7407	7493	7381	7751	6969	5873
Percentage of new housing (by number) retained	43	90	34	88	70	64
Percentage of new commercial work (by value) retained	99.8	87.5	93	98	37	61

* 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 2013/14 and income through other work is still being formulated at this time given the integration of a new finance system.

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. A further review of the eligibility criteria has taken place and a report will be presented to Strategy on 8 May 2014.
- 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 2013/14 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 The Council reviewed its practice and procedures relating to unauthorised development in 2009 to ensure they are in accordance with national guidance. The Council's 'Planning Enforcement Policy, 2009' was subsequently approved by Committee and has since been used to assess alleged breaches of planning control.
- 16.2 In response to a request by the Overview and Scrutiny (Community Services) Committee in 2008 a summary has been produced 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. This summary is presented in Table 7.
- 16.3 The number of cases received during 2013/2014 has increased from the previous year, but is still significantly down from preceding years. The general downward trend 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 receives a quicker response.
- 16.4 The number of enforcement notices served during 2013/14 is slightly lower than the preceding year. However, Members are reminded that alleged breaches of planning control should be resolved through negotiation wherever possible and that the service of an enforcement notice must always be seen as the last resort. This is in accordance with our Planning Enforcement Policy and also the Council's overarching Enforcement Policy. The team also secured a successful prosecution against a national retailer during the year following persistent non-compliance with the Advertisement Regulations and the harm it was causing to the Sudbury Conservation Area.

TABLE 7	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Number of alleged breaches investigated	486	394	368	365	264	301
Number of enforcement notices served	37	11	11	8	7	5
Number of enforcement notices appealed	12	10	2	0	6	3
Percentage of enforcement notices upheld	75	86	100	N/A	50	33.3
Planning Contravention Notices	51	12	38	24	16	14
Breach of Condition Notices	0	0	0	0	1	0
Number of prosecutions	6	0	0	0	1	1
Number of Injunctions	1	0	0	0	0	0
Number of Stop Notices	1	0	0	1	0	0
Section 215 Notices (untidy sites)	0	0	0	0	0	0

Source: Departmental Records

17. Complaints

- 17.1 The District Council 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 now in place which was launched in April 2013. Complainants who remain dissatisfied after going through this procedure may go on to pursue their complaint with the Local Government Ombudsman.

TABLE 8	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Complaints received	14	13	17	13	3*	43
Complaints pursued to Ombudsman	4	2	1	2	0	2
Ombudsman declined to investigate	0	2	0	0	0	0
Maladministration found	0	0	0	2	0	0
Outstanding cases with the Ombudsman	0	0	0	1	0	0

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

Source: Departmental Records

- 17.2 The number of formal complaints (which includes Stage 1 and Stage 2) has risen in 2013/14 albeit the figures for 2012/13 are not capable of being used for comparison purposes as they were incomplete due to the launch of a new complaints procedure.
- 17.3 Whilst there is an increase in the amount of complaints this is perhaps expected given the number of Major and high profile planning cases which were considered in the last year. Where possible the Corporate Managers – Development Management have brought in new practices and ways of working so as to address any lessons learnt through the complaints process.

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 29 Conservation Areas. The District is therefore rich in designated heritage assets, which contributes to its distinctive character.
- 18.2 The new operational delivery team was established on 1 July 2013 and should be fully staffed by summer 2014. Despite this some 687 internal consultations have been considered and advice has been offered on submitted proposals. 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-led planning and design matters and applications for neighbourhood planning area designations have been approved in two parishes during the year. In addition support has been provided to other parishes that are considering other approaches, such as the production of Village Design Statements

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 quality well designed environments. This approach is reflected within the Core Strategy, in particular Policy CS15 – Sustainable Development. The Core Strategy has now been adopted and has full weight in planning policy terms. The National Planning Policy Guidance documents have recently been introduced by Government to support the NPPF.

- 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 2013/14.

20. Planning Income

- 20.1 Table 9 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 2013/2014. As will be noted below, £450,884.50 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 £23,243.50 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	01.04.13 to 30.06.13	01.07.13 to 30.09.13	01.10.13 to 31.12.13	01.01.14 to 31.03.14
Number of fee applications received	243	223	260	271
Cumulative fees received (£)	77,924	201,728.50	302,163	450,884.50
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 – Focused activity on Major cases continues with emphasis on completion of Minor cases given the fact that performance is 2% below the national target of 65%. Performance in respect of Major and Other applications are above the national target of 60% and 80% respectively.
- 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. Some of these cases include applications which were subsequently withdrawn. Although a request was made by Strategy Committee in September 2013 to include reasons for 'overrun' decisions, some alterations need to be made to the computerised system in order for this to occur. However with the appointment of the Delivery and Performance Officer in January 2014 it is hoped that this information can be electronically collected from 1 April 2014 onwards.

22. Appendices

Title	Location
Appendix 1 – Business and Commercial Developments in Rural Areas	Attached
Appendix 2 – Planning Obligations Completed 2013/14	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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