

## KENNET DISTRICT COUNCIL

### OVERVIEW & SCRUTINY MANAGEMENT BOARD - 12<sup>TH</sup> JULY 2005

#### Planning decisions – Report 09/05

#### Report by Councillor C Hoddinott – Chair of the Overview and Scrutiny task group

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#### **1.0 Purpose of the report**

1.1 To report back on the findings of the Overview and Scrutiny task group.

#### **2.0 Financial, staffing and legal implications**

2.1 There are no potential staffing, financial and legal implications arising out of this report.

#### **3.0 Introduction**

3.1 The O&S Management Board set their work programme for the year for Best Value and Scrutiny reviews. This was adopted by the Board on 30<sup>th</sup> March 2004.

3.2 Having considered recent performance on planning decisions that had gone to appeal and subsequently been allowed there was concern regarding a) the officer time spent preparing for the appeal and also b) the possible loss of Planning Delivery Grant as indicated by the OPDM at that time.

3.3 An internal audit report was produced in June 2004 which had two high risk recommendations.

- There is a need for clear training for members of Regulatory Committee to make them aware of the possible implications of their actions.
- There is a need for improved feedback to committee. This could include an annual open report summarising the appeals allowed with relevant statistics.

3.4 During late 2004 and early 2005 two training sessions were held prior to Regulatory Committee meetings which concentrated on the types of planning decisions that had been overturned and the types of considerations accepted by the inspectors as reasonable grounds for refusal. The sessions were well received by members.

3.5 The scrutiny team met to consider some of the issues and set itself the following remit:-

- To consider that the arrangements to implement the internal audit action plan are appropriate and adequate.

- To ensure they are satisfied that decisions taken at Regulatory Committee are following statutory and locally set guidance.
- To ensure appropriate monitoring and review arrangements are put in place.

#### 4.0 Comparisons with other authorities

4.1 This table illustrates how Kennet compares with some similar local authorities. The national average for appeals allowed was 33% in 2003/04 (source: ODPM), the corresponding figure for Kennet in 2003/04 was 64%. The position in Kennet for 2004/05 is that of 22 overturns (from 175 planning applications (13%)) and to date 7 have had an appeal (32%). We are still awaiting the appeal decision for 6 of the appeals and one was withdrawn.

Planning Overturns	Kennet	Mid Beds	South Northants	North Wilts	Tewkesbury	Selby	South Holland
<b>2002-2003</b>							
Overturns	29	47	12	42	20	5	11
Approved	8	21	2	21	14	4	1
Refused	21	26	10	21	6	1	10
Appealed	14	14	4	10	4	1	5
% Appealed of those overturned	48%	30%	33%	24%	20%	20%	45%
Allowed	11	10	1	5	2	0 (withdrawn)	4
% Allowed of those appealed	79%	71%	25%	50%	50%	0%	80%
<b>2003/2004</b>							
Overturns	21	45	21	56	37	3	14
Approved	10	14	12	11	24	2	8
Refused	11	31	9	45	13	1	6
Appealed	11	16	4	18	7	1	2
% Appealed of those overturned	52%	36%	19%	32%	19%	33%	14%
Allowed	7	6	1	6	1	0 (dismissed)	2
% Allowed of those appealed	64%	38%	25%	33%	14%	0%	100%

4.2 The team considered the nature of the overturns which can be summarised as follows.

- Geographically spread across the district.
- Most had a parish council objection.

- Most included visual impact as a reason for refusal.
- Largest category was new homes.

## **5.0 Consultation with committee members**

- 5.1 The scrutiny team also looked at the nature of the overturns, which can be summarised as follows.
- 5.2 Meetings were held with members of Regulatory Committee and issues can be summed up as follows:-
- Members were generally unanimous that they had the democratic right to overturn decisions and should not have to bow to pressure to grant permission based on factors that did not suit the local situation.
  - Dissatisfaction was expressed with engineers at WCC, particularly that officers commenting on plans often had little experience of the local area.
  - All members agreed that this is one of the most important functions a councillor undertakes.
  - Members had mixed views on whether or not site visits should be compulsory and/or whether a book should be kept naming members who had visited sites. All agreed that the local member should visit (regardless of whether he was on regulatory), but there were issues such as cost of site visits and the size of the district, which needed to be considered. The Chair & Vice Chair visited all sites and the Chair would also flag up if the site was likely to be contentious. There were conflicting views on whether an appropriate number of members visited the sites. The scrutiny team also noted that there were plans in place to improve presentation facilities in the council chamber, for example this could enable video presentations to be shown at committee. There was however some concerns that this would reduce the number of site visits, which enabled members to get a much better feel of the area.
  - There were mixed views on the use of substitutions, particularly at the last minute. It was agreed that all members should have some training, so they could substitute effectively, however it was not generally thought that these affected the decision making process.
  - Many members felt that it was particularly difficult to speak, when parish councillors were present and there was some concern that this could affect the decision making process.
  - There were mixed views on training requirements. In general members felt current arrangements, adopted as a result of the audit were effective, however there was a strong view that training should not be held for “training sake”. It was generally agreed that all councillors need some training so they can speak effectively for their ward.
  - There were also mixed views on whether there was an issue relating to the current split arrangement between planning policies and regulatory committees. Some members felt that decisions could be improved if the policy was set by those taking the decisions; however there was a general view that this may be impractical given the respective agendas each committee had.

## **6.0 Summary**

6.1 A summary of the main issues is as follows:

- It is to some extent the nature of the planning regime.
- Split committees.
- The need to ensure that there is a clear “planning” reason for refusing.
- Substitution.
- Site visit issues

## **7.0 Recommendations**

### **IT IS RECOMMENDED THAT ;**

- The Overview and Scrutiny Management Board continue to monitor the number of overturns.
- The Planning Services Manager arrange post application site inspections to assess decisions made.
- Members be encouraged to consult with relevant officers about individual applications.
- The new training arrangements continue with all members.
- The Planning Services Manager presents an annual report to Regulatory Committee and Overview & Scrutiny Management Board each October on the above.