

**Kennet District Council**  
**Regulatory Committee – March 9th 2006**  
**Annual Report on Development Control**  
**Ted Howles Planning Services Manager**

**1.00 PURPOSE OF REPORT**

- 1.01 The purpose of this report is to inform members of the workload and performance of the development control team in 2005 and to examine areas where future changes may be required. The report includes an assessment of the current workload of the Regulatory Committee and makes recommendations for changes to the Scheme of Delegation to the Planning Services Manager aimed at improving the efficiency and effectiveness of the development control service.

**2.00 FINANCIAL IMPLICATIONS**

- 2.01 There is no requirement for any additional funding for any of the changes recommended in this report.

**3.00 STAFFING IMPLICATIONS**

- 3.01 No additional staff will be required.

**4.00 LEGAL IMPLICATIONS**

- 4.01 If the recommendations are adopted, there will be a requirement to make some amendments to the Scheme of Delegation to the Planning Services Manager.

**5.00 BACKGROUND**

- 5.01 The Kennet Development Control Team undertakes the Council's statutory duties in relation to handling planning applications; investigating alleged breaches of planning control; dealing with listed building and conservation area applications and protecting and enhancing the character and appearance of the 69 conservation areas and around 4000 listed buildings in the district.

- 5.02 In 2005, the team's workload included:

- Determining 1596 planning applications;
- Dealing with 288 tree work applications;

- Investigating 408 enforcement complaints;
- Handling 40 planning and enforcement appeals;
- Serving 28 enforcement notices;
- Responding to over 1600 letters requesting advice on planning matters.

5.03 As a statutory service that plays a significant role in the economy, the determination of planning applications and the delivery of the wider development control service has come under increasing scrutiny from central government. This has led to the introduction of national Best Value Performance Indicators (BVPI). Over the last three years the government has sought to improve the delivery of planning services by rewarding performance against these indicators (particularly the speed in dealing with planning applications) by making available significant financial resources (planning delivery grant). The tables that follow set out the Council's performance in 2005 against these indicators.

**BVPI 109 - Determination of planning applications**

	<b>Major applications</b> (10+ houses)	<b>Minor applications</b> (1-9 houses)	<b>Householder &amp; other applications</b>
<b>Government Statutory Target</b>	60% determined within 13 weeks	65% determined within 8 weeks	80% determined within 8 weeks
<b>Government target for maximising award of planning delivery grant</b>	70% determined within 13 weeks	77% determined within 8 weeks	92% determined within 8 weeks
<b>National average 2005</b>	62%	72%	86%
<b>National Top Quartile 2004/05</b>	68.9%	75.4%	88%
<b>Kennet performance in 2005</b>	<b>77%</b>	<b>82%</b>	<b>84%</b>

- 5.04 The table demonstrates that the Council's performance was well ahead of the government statutory targets for all three categories and met the targets for maximising the allocation of delivery grant in two of the three categories. The one area where performance did not exceed the national average and top quartile performance was in dealing with householder applications. The reasons for this will be outlined below.

**Best Value Performance Indicator 204 - Planning appeals**

	<b>National Figure</b>	<b>Top Quartile</b>	<b>Kennet figure in 2005</b>
<b>% of appeals dismissed</b>	66%	75%	68.75%

- 5.05 The figures demonstrate that the Council's performance was better than the national average. The appeals that the Council lost were mainly in relation to relatively small developments, including two garages and one single storey extension. However, the major disappointments were the upholding of the Kvernerland appeal, where the Council was faced with a significant change in government planning policy announced just one week before the public inquiry opened and the loss of the Spitalcroft appeal. These added over 300 new houses to the numbers approved in Devizes.

**BVPI 205 - Quality of Planning Services Checklist**

	<b>National Figure</b>	<b>Top Quartile</b>	<b>Kennet figure in 2005</b>
<b>Score against an 18 point quality of planning services checklist</b>	78.8%	88.9%	100%

- 5.06 The Quality of Services Checklist examines whether the Council's development control service provides pre-application advice; specialist design and conservation advice; a multi-disciplinary approach to determining major planning applications and an electronic planning service. (A copy of the checklist is attached as appendix 1 to this report). By the end of December, the Council's service had attained each of these targets.

**6.00 Electronic Planning Service**

- 6.01 This is an area where significant improvements have been made over the last year. In 2004, the Government commissioned a consultancy to advise on the criteria required to define an 'excellent' e-planning service. The Pendleton

consultancy produced a list of 21 criteria that were adopted by the Government and became known as the 'Pendleton points'. The 21 are set out in appendix 2 and include the capability to receive planning applications, plans and fees on line and the ability of local residents to view planning applications and plans on-line and submit their comments to the Council via e-mail. In 2005, the Government announced that each authority that could achieve the 21 points by the end of December 2005 would be eligible for a slice of additional planning delivery grant. With hard work across the Council, including the business unit, the target was achieved and has been independently validated by the Pendleton consultancy.

- 6.02 The work on electronic service delivery is continuing. The Council agreed this January with the Planning Inspectorate to accept appeals electronically and will be running a seminar for local agents with the Planning Portal in March to explain the services that are now available.

## **7.0 Enforcement**

- 7.01 The Council's enforcement team investigated 408 alleged breaches of planning control, served 28 enforcement notices and were also involved in giving evidence in prosecutions for failure to comply with enforcement notices.
- 7.02 Nine appeals against enforcement notices were determined in 2005, with the Council's decision upheld in eight of them. Unauthorised buildings required to be demolished or altered included a large barn in Baydon, a stable block at Seend Cleeve and various unauthorised structures at Seend.
- 7.03 In the Courts, O2 were fined £30,000 for failing to comply with enforcement notices at Shalbourne and Ramsbury.
- 7.04 Outstanding enforcement appeals at the end of the year included the one at Bureau West, Bishops Cannings, where the Council are seeking to bring to an end the use of the site for residential occupation by mobile caravans. However, this appeal has since been withdrawn and the notice has come into effect.
- 7.05 The Government has introduced new enforcement powers in the form of a Temporary Stop Notice (TSN). The main use of this may well be if the Council is ever faced with an unauthorised traveller site. Delegated powers for the use of a TSN in these situations has already been approved, but it would make

sense to grant the PSM delegated powers to issue a TSN in all other situations where it may be an effective enforcement tool.

- 7.06 It has also become apparent that whereas the Planning Services Manager has delegated authority to carry out the enforcement functions of the Council under the Planning Acts, the same power is not included in relation to the Planning (Listed Buildings & Conservation Areas Act). Including these powers in the Scheme of Delegation will put the pursuance of breaches in relation to listed buildings and conservation areas on the same footing as breaches of planning control.

## **8.0 Conservation**

- 8.01 The Council determined 288 applications for works to trees in conservation areas and trees protected by preservation orders. More than 99% of these were dealt with within 6 weeks. The one appeal against a refusal of consent for tree work was dismissed.
- 8.02 The Kennet Landscape Conservation Strategy, largely prepared by the Council's Landscape & Countryside Officer, was adopted by the Council in May and has since been used in several planning appeals.
- 8.03 A lot of preparatory work was undertaken in readiness for the introduction of the High Hedges legislation in the summer. There is some evidence to suggest that the existence of this legislation is now encouraging resolution of neighbour disputes over conifer hedges without coming to the Council and so far only one application has been made.
- 8.04 On the built environment front, the Government introduced a new BVPI designed to measure the quality of the Council's conservation service. BVPI 219 requires councils to prepare up to date character appraisals and published management proposals for their conservation areas. This is a large task for Kennet, which has 69 conservation areas. However, in anticipation of this, the Council has, over the last three years used consultants to deliver 52 conservation area statements (75% of the total number of conservation areas). The most recent of these, Devizes, was adopted in autumn 2005. The consultant's have now finished their contract and the Council has recruited a trainee conservation officer alongside the three establishment posts to help ensure that the increased workload can be adequately handled. A report on the work programme for the conservation team was discussed at the Planning Policies Executive Committee on March 2nd.

## **9.0 Design**

- 9.01 This year saw the introduction of Kennet's first design competition. The winning entries included the restoration of the grade 1 listed Hallam barn at Ogbourne St George and a new house at Collingbourne.
- 9.02 Some of Kennet's new buildings have also been recognised nationally, with the new pavilion at Oare House winning an award from the Georgian Society for best new building in a Georgian setting and featuring on the front page of a national Sunday newspaper supplement.. The Georgian Society also commended an extension to a listed building at Tidcombe Manor.

## **10.0 Planning Delivery Grant**

- 10.01 The Planning Delivery Grant (PDG) is awarded to local planning authorities on the basis of their performance against set targets. These targets are changed each year but have always had a heavy emphasis on meeting the performance targets for dealing with planning applications. In 2004 the Council was awarded £623,000, followed by £673,000 in 2005. The Government is now reducing the amount of PDG available and in 2006 the amount is likely to be in the region of £300,000 (£237,000 directly attributable to meeting the planning application performance targets). In comparison, whilst North Wilts DC will get a similar amount for a broadly comparable performance, West Wilts DC are likely to get far less, with only £33,000 provisionally awarded for planning application performance. Beyond 2007, there is no guarantee that PDG will still be available.

## **11.0 Regulatory Committee**

- 11.01 It is now two years since public speaking was first permitted at the Regulatory Committee. The opportunity to speak has been taken up by many applicants and objectors alike and has become an accepted part of the committee. However, it has resulted in meetings lasting longer. In addition, to improve the service for members and the public alike, many major applications are now being introduced to the Committee by the Development Control Team Leader with power point presentations. The combination of public speaking, power point presentations and discussions of controversial applications has led to some meetings either going on into the early evening or being split into morning and afternoon sessions. This raises the issue of whether the committee workload could be reduced. This may become a more significant issue if the committee is also to have the opportunity to consider and make its

views known to the planning policies committee on the evolving local development framework.

- 11.02 The Regulatory Committee workload for 2005 has been examined. Excluding site visits, the committee met 17 times and considered 164 applications. Analysis of the applications considered has revealed that 54 of them (33%) were submitted by householders. Out of these, only 6 (11%) had the recommendation overturned. In each case, these six applications were those brought before the committee at the request of the ward member. Most of the other householder applications came before the committee because of either a parish council objection or more than three letters of objection being received but the recommendations were not overturned. The question to be asked is whether consideration by the Regulatory Committee of those householder applications not brought forward by members is adding any value to the decision making process, or whether it is a poor use of resources.
- 11.03 The large number of householder applications coming before the Committee has also had an effect on the performance of the Council on householder applications (see table 1 above). Although at 84% performance is above the statutory target, it is below the 92% level that would have maximised the Council's allocation of planning delivery grant this year and below the national average of 86%. Householder applications referred to the committee are rarely capable of being dealt with within the 8-week target.
- 11.04 To improve the situation, it is suggested that the Scheme of Delegation should be changed to the effect that applications for householder development (including householder applications for listed building consent) should only go before the Committee where the ward member requests it. In circumstances where there is an objection to the householder development by a parish council, and the application is to be recommended for approval, the case officer will contact the ward member to discuss whether the application should go to committee, with the final decision resting with the ward member.
- 11.05 The adoption of this change would have the following advantages:
- Greater dialogue between case officers and ward members;
  - Reduction in Committee workload in dealing with minor applications;
  - Improved performance in dealing with householder applications within 8 weeks;
  - Increase in officer time to deal with other applications/enquiries.

## **12.0 CONCLUSIONS**

The Council's Development Control Team has met and surpassed almost all Government targets for performance, quality of service, appeals and electronic delivery, exceeding both the national average and top quartile performance on the majority of them. The one area where performance is below the national average is in dealing with householder applications and suggestions for improvement in this area have been made and are set out as recommendations below. The need is for continuous improvement and areas that have been identified for change in 2006 include further improvements to the electronic planning service; closer integration with building control; speedier resolution of section 106 legal agreements; improved delivery of legal services and the submission of more information accompanying applications at the outset. This will be in addition to the changes that the Government will be introducing, which will include initiatives to increase the take up of electronic planning; the introduction of design and access statements to accompany planning applications; the roll-out of a single national planning application form and proposals for changes to permitted development rights and listed building/scheduled monument consents.

## **13.0 RECOMMENDATION**

**13.01 It is recommended that the Council amend the Scheme of Delegation to the Planning Services Manager in the following three areas:**

- 1) Householder planning and listed building applications will only be referred to the Regulatory Committee when requested by the Ward Member (as set out in paragraph 11.04 above);**
- 2) The Planning Services Manager be authorised to serve a temporary stop notice where it is judged expedient to do so to remedy a breach of planning control. (paragraph 7.05 above)**
- 3) The Planning Services Manager be authorised to carry out the functions of the Council in accordance with Part IV of the Planning (Listed Buildings and Conservation Areas) Act (the enforcement functions) subject to the same limitations as already apply in the Scheme of Delegation to the enforcement of the 1990 Planning Act (paragraph 7.06 above)**

**Mike Wilmott    Head of Development Control & Conservation  
February 2006**