

Kennet District Council

Regulatory Committee – March 29th 2007

Annual Report on Development Control

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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 2006 and to examine how changes that were approved last year have affected the efficiency and effectiveness of the development control service.

2.00 FINANCIAL IMPLICATIONS

2.01 There are no financial implications arising from this report.

3.00 STAFFING IMPLICATIONS

3.01 No additional staff will be required.

4.00 LEGAL IMPLICATIONS

There are no legal implications arising from this report.

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 2006, the team's workload included:

- Determining 1706 planning applications (+7% on 2005);
- Dealing with 328 tree work applications (+14% on 2005);
- Investigating 394 enforcement complaints; (- 4% on 2005);
- Handling 47 planning and enforcement appeals (+ 20% on 2005);
- Serving 27 enforcement notices (- 4 % on 2005);
- Responding to over 1900 letters (+18% on 2005) 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 four 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 2006 against these indicators.

BVPI 109 - Determination of planning applications

	Major applications (10+ houses)	Minor applications (1-9 houses)	Householder & other applications
Government Statutory Target	60% determined within 13 weeks	65% determined within 8 weeks	80% determined within 8 weeks
Government target for maximising award of planning delivery grant	70% determined within 13 weeks	77% determined within 8 weeks	92% determined within 8 weeks
National average 2006	65.51%	73.73%	86.71%
National Top Quartile 2005/06	74.75%	80.39%	91.61%
Kennet performance in 2006	75%	82.12%	89.98%

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. However,

the changes introduced to the Scheme of Delegation in April 2006 following last year's annual report has seen this figure increase from 84% to almost 90% and had these changes been in place throughout the year, the figure would have bettered the national top quartile - performance in the last quarter was 92.75%.

Best Value Performance Indicator 204 - Planning appeals

	National Figure	Top Quartile	Kennet figure in 2006
% of appeals dismissed	66%	75%	71.00%

- 5.05 The figures demonstrate that the Council's performance was better than the national average and only just outside the top quartile. The appeals that the Council lost were mainly in relation to relatively small developments, including fences and an extension. The only appeal raising significant policy issues was at Gamestech, Pewsey. Here, the Council won the appeal on design grounds but lost the argument on the employment land issue. The future of the site remains unresolved, as it is currently the subject of a further appeal.

BVPI 205 - Quality of Planning Services Checklist

	National Figure	Top Quartile	Kennet figure in 2006
Score against an 18 point quality of planning services checklist	88.8%	94.4%	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. The Council retained the 100% target that it reached last year.

6.00 Electronic Planning Service

- 6.01 This is an area where significant improvements continue to be made. The Council's decision to invest in new technology has enabled the forms, plans and decision notices of every application received since January 2006 to be scanned and visible over the Internet to anyone with access to an online computer. This investment, funded by using some of the Planning Delivery

Grant received as a result of meeting planning application performance targets, has proved very popular. Kennet's Planning Explorer web site now regularly achieves over 20,000 page impressions a month. This success has been built upon, with all correspondence and consultation responses on planning applications now being added to the web site from January 2007. This not only increases transparency, but also saves the Council money as the notification letters on planning applications direct people to the web site, avoiding telephone calls, and saving on postal acknowledgments.

6.02 Parish Councils have also welcomed the service and so far almost 20% of them have recognised the savings that they can make by e-mailing in their comments, saving time and postage costs.

6.03 The Conservation pages of the Council's web site were updated and improved. Members of the public can now access not just lists of frequently asked questions, but also Conservation Guidance leaflets and the Conservation Areas Statements.

6.04 Further developments are planned for this year, with the enforcement service and register due to go on-line, hopefully by the end of March 2007. The submission of planning and tree applications on line is also being encouraged, and was promoted at a recent seminar for agents held in conjunction with the Government's Planning Portal at Browfort in January. Appeal statements are being submitted to the Planning Inspectorate electronically, as well as being posted onto the Council's web site.

7.0 Enforcement

7.01 The Council's enforcement team investigated 394 alleged breaches of planning control, served 27 enforcement notices and were also involved in giving evidence in prosecutions for unauthorised works to a listed building at Axford.

7.02 Eight appeals against enforcement notices were determined in 2006, with the Council's decision upheld in seven of them. Unauthorised buildings required to be demolished included an unauthorised office built in a field in Bromham.

7.03 In the Courts, the owners of a listed house at Axford were convicted for carrying out unauthorised alterations to a listed building and fined.

7.04 The service of a Section 215 wasteland notice was successful in compelling

the landowner to tidy up a dilapidated property in Potterne, the condition of which was having an adverse impact on the amenity of the area.

- 7.05 The Government has introduced new enforcement powers in the form of a Temporary Stop Notice (TSN). This was used for the first time in Seend and was followed by enforcement notices that were upheld on appeal.

8.0 Conservation

- 8.01 The Council determined 315 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.
- 8.02 The Council has now dealt with three applications under the High Hedges legislation.
- 8.03 On the built environment front, the Council dealt with 260 listed building applications in 2006, an increase of 21% over the previous year. Work on the new-style conservation area statements continued. The Council now has over 75% of its 69 conservation areas covered by an appraisal. This is more than twice as high as the top quartile for district councils nationally, which was only 31.81% for 2005/06. The newer statements now also include management proposals, as required by BVPI 209c and the Council is on target to deliver the first ten of these by the end of March 2007.
- 8.04 The Council adopted local criteria for the adoption of new conservation areas and undertook a district wide review of possible new designations. As a result, the Council resolved to progress with five new designations and work to progress these will continue in 2007.
- 8.05 Work continues in seeking a solution to the Assize Courts. The Project Working Group has met a number of times to consider reports from consultants on the feasibility of renovating the building and finding a sustainable new use.
- 8.06 On landscape protection, extensive work has been carried out with the Ministry of Defence to ensure the proper preparation of Environmental Statements for forthcoming major planning applications for new works on Salisbury Plain.

9.0 Successful Outcomes

9.01 The Development Control Team undertook a user survey of all those who had a planning application determined by the Council between April-September 2006. This survey, required by the Government as BVPI 211, showed 81% rated the Council's service as fairly or very satisfactory. Some of the feedback received included comments such as:

'Very impressed with the level of service and expertise';

'Kennet is the most efficient Council I deal with'

'Excellent service'

'Delighted to have moved my business from Berkshire to Kennet.

Kennet is great and very helpful'

9.02 The Council entered the Urchfont Community shop in the regional Royal Town Planning Institute Awards (RTPI). Although not successful in winning it was praised by the Judges as *"a worthy scheme, with good planner involvement, clearly meeting a local need"*.

9.03 The Council has also revised its procedures for collecting and recording of monies due to the public purse through Section 106 contributions. In 2006, over £363,000 was collected from developers in contributions towards education and transportation, with a further £145,000 collected for off-site recreation provision and a community building.

9.04 An Internal audit of Development control found that the controls that exist within the team are good and that it is operating in an effective way, meeting and exceeding the majority of its targets.

10 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 significantly reducing the amount of PDG available and in 2006 the amount awarded was £315,000 (with over £237,000 directly attributable to meeting the planning application performance targets). This coming year is likely to be the last under the current grant regime. To date, the Council has already been awarded a provisional sum of over £50,000 for performance on planning applications up until July 2006. It stands to more

than double this if performance is maintained at Government targets until the end of March 2007. The Council is on track to achieve this. It is also possible that more grant may be awarded if the electronic take-up and delivery of the service continues to improve. Beyond 2007, there is no guarantee that PDG will still be available.

11 Regulatory Committee

11.01 Members will recall that following consideration of last year's annual report, changes were approved to the Council's Scheme of Delegation, with particular attention to householder applications. These changes were advocated for reasons that included:

- 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.

The changes have not yet been in place for a full year, but the improvements to the service that have already taken place have vindicated the Committee's decision to modify the Scheme of Delegation and have fulfilled the justification put forward at the time. The improvements include:

- Reduction in committee workload by 29% in 2006 (113 applications compared to 159 in 2005);
- Improved performance in dealing with householder and other applications within 8 weeks from 84.5% in 2005 to almost 90% in 2006 - despite a 10% rise in the number of applications in this category in 2006;
- Improved presentation of applications at Regulatory Committee;
- Improved level of information supplied in Regulatory Committee agenda (including plans and photographs)

11.02 The success of these changes and the Council's continued high performance in dealing with planning applications within the statutory time periods set down mean that there is no need for any further changes to the Scheme of Delegation in respect of planning applications at this time.

12.0 Future Changes

12.01 The Government have signalled that there will be further changes to the planning system over the next 12 months, with a Planning White Paper promised in Spring 2007. Some of these changes include:

- **National planning application form.** At present, each of the 365 local planning authorities can issue their own planning application forms. From October 1st 2007, the Government has indicated that any planning application will have to be made on a national form (known as 1-app) that will be acceptable across every local planning authority in the country. To take account of locally specific factors, there will be one section of the forms that will include items that each local planning authority considers must be included before an application can be validated. It is envisaged that this 'local list' will require approval by the Council after a period of public consultation. This matter will be dealt with in a separate report to the Regulatory Committee when the Government announces the final details of the legislation to enact this change, due in April 2007.
- **Householder Development Review.** The Government are likely to announce proposals for consultation to significantly alter the definition of the extent of building works that can be carried out by householders without requiring planning permission. This review of householder 'permitted development rights' is expected to remove up to 30% of current householder planning applications from the planning system, with the aim being to free time up for dealing with more significant applications.
- **Heritage Protection White Paper.** This was finally published in March this year and has implications for increasing the workload of the Council by transferring responsibilities for determining certain heritage consents to Kennet, in addition to a requirement for providing historic environment records. However, these changes require primary legislation and are not likely to be formally introduced until 2010/11.

13.0 CONCLUSION

The 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 changes introduced following consideration of last year's annual report have significantly improved both the Council's performance in dealing with planning applications and the consideration of significant developments at Regulatory Committee. The Team continue to pursue changes that will improve service delivery, with the latest example being the scanning of consultations and representations onto the web site. The overall results demonstrate that a Council the size of Kennet can deliver an efficient, effective and responsive development control service.