

KENNET DISTRICT COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

10 JULY 2007

REGULATORY COMMITTEE

26 JULY 2007

Annual Monitor of Members' Planning Decisions

Report by Ted Howles, Planning Services Manager

1 PURPOSE OF REPORT

- 1.1 This report is to provide members with information on the number of officer recommendations that were overturned by the Regulatory Committee in the financial year 2006/07 and to consider the performance rate where refusals have been the subject of appeal. This monitoring is necessary to ensure that the Regulatory Committee can be an effective part of the planning process.
- 1.2 The report builds on the information contained in three previous reports to this committee on planning decisions dated 12 July 2005, 11 October 2005 and 9 June 2006. The Overview and Scrutiny Committee has in the past recommended that post application site visits be carried out where member overturns have been allowed on appeal; that consultation between members and planning officers be encouraged; that member training on planning issues should continue; and that an annual report on member's planning decisions be presented to this committee.

2 RESOURCE AND STAFFING IMPLICATIONS

- 2.1 No direct financial or staffing implications result from this report.

3 LEGAL IMPLICATIONS

- 3.1 There are no legal implications associated with this report.

4 RISK IMPLICATIONS

- 4.1 There is a risk of costs being awarded against the council at a public inquiry if it makes a planning decision which an Inspector considers unreasonable and not based on planning matters. The Regulatory Committee needs to maintain a high standard in all its planning work and in particular it should ensure that its decisions have a sound planning justification. This report

enables the committee's performance to be monitored and therefore the risk of costs to be reduced.

5 OVERTURNS

Regulatory Committee OvertURNS

Year	Applications	OvertURNS Allowed	OvertURNS Refused	OvertURNS	OvertURNS %	Appealed	Allowed %	Notes
02/03	189	8	21	29	15%	14	79%	
03/04	177	10	11	21	12%	11	64%	
04/05	175	10	12	22	13%	9	44%	
05/06	161	5	9	14	8.7%	4	50%	1 decision awaited
06/07 Govt target	102	4	7	11	10.1%	4	25%	2 decisions awaited
							<25%	

5.1 The table above shows the committee overturns for the last five financial years. The clear trend for fewer overturns continues but it is too early to see the full performance on appeal for this financial year.

5.2 The issue of costs for member decisions has not arisen because all of the appeals that have been allowed were dealt with by written representations.

6 POST APPLICATION SITE VISITS

6.1 No site visits have been made yet. It is suggested that the Regulatory Committee visit the following sites that were member overturns allowed on appeal; plus any other sites in this category suggested by members. The visits should take place after the proposals have been completed so that a full assessment of the decision can be made. Arrangements will be made for members to visit these sites as a group on a convenient day.

Sempringham Marlborough – demolition of house and replacement flats
 Salisbury Road Marlborough – demolition of bungalow and replacement flats
 Gamestech Pewsey – Redevelopment for housing

7 CONSULTATION WITH OFFICERS

- 7.1 Consultation with officers has increased and members are becoming more involved in discussing applications with planning officers. This is improving member's understanding of the planning issues involved and therefore improving decision making at committee.

8 TRAINING / BRIEFINGS

- 8.1 One briefing session and three training sessions for members were held during the financial year. As follows:
- * Briefing on sustainability appraisals and the Atkins report on the local economy, July 2006
 - * Devizes Planning Seminar, September 2006
 - * Marlborough Planning Seminar, November 2006
 - * Tidworth Planning Seminar, February 2007.

- 8.2 The last three seminars were held during the evening to give local members and local parish councillors the opportunity to discuss local issues in their area. Attendance at the Devizes seminar was good, however the Marlborough and Tidworth seminars were not as well attended. The next training session has been arranged for district councillors on 14 June in the morning before the Regulatory Committee. Members will be asked if they wish to continue with the local events.

9 ANNUAL REPORT

- 9.1 This report is the annual report for the financial year 2006/2007. The Overview and Scrutiny Management Board is asked to note its contents and members of the Regulatory Committee are asked in addition to agree arrangements for a post decision site visits and suggest topics for the next round of member training.

10 RECOMMENDATION

- 10.1 **That members note this report.**

BACKGROUND PAPERS

None

REPORT AUTHOR

Ted Howles, Planning Services Manager