

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE
DATE: 22nd May 2012
SUBJECT: PLANNING UPDATE
REPORT FROM: DEVELOPMENT MANAGER
CONTACT OFFICER: JOHN CUMMINS

TYPE OF DECISION: COUNCIL

FREEDOM OF INFORMATION/STATUS: This paper is within the public domain

SUMMARY: The report summarises recent changes to legislation and updates the planning performance figures.

OPTIONS & RECOMMENDED OPTION The Committee is recommended to note the report.

IMPLICATIONS:

Corporate Aims/Policy Framework: Do the proposals accord with the Policy Framework? N/A

Financial Implications and Risk Considerations: Director of Finance and E-Government to advise regarding risk management N/A

Statement by Director of Finance and E-Government: N/A

Equality/Diversity implications: N/A

Considered by Monitoring Officer: N/A

Are there any legal implications? No

Staffing/ICT/Property: N/A

Wards Affected: All

Scrutiny Interest: N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

LEGISLATIVE CHANGES

1.0 Introduction

This report provides information on the recent changes to national planning legislation and a table of the performance of the development management team for 2011/12 compared with the previous 5 years.

One major change to legislation has taken place with the introduction of the National Planning Policy Framework.

Other changes include introduction of new Regulations on the protection of trees (TPO's) and mirco power generation.

I have itemised below the legislation and the main implications for the Planning Control Committee.

2.0 National Planning Policy Framework

Changes listed in National Planning Policy Framework Impact assessment include the following which directly impact on the work of the PCC:

- Introduction of presumption in favour of sustainable development.
- Removal of small scale rural office development from 'town centre first' policy.
- For major town centre schemes where full impact will not be realised within 5 years, impacts should also be assessed for a period of up to 10 years.
- Removal of the maximum non-residential car parking standards for major developments
- Removal of national brownfield target for housing development.
- Require local planning authorities to allocate and update annually a 5 year supply of housing sites with at least 5% buffer (moved forward from later in plan period) and 20%buffer (moved forward from later in plan period) where a record of persistent under delivery.
- Removal of national minimum site size threshold for requiring affordable housing to be delivered.
- Increased protection for community facilities.
- Minor technical changes to the detail of Green Belt policy.

- Requirement on local planning authorities to take strategic approach in Local Plans to creation, protection, enhancement and management of networks of biodiversity and green infrastructure.
- Recognition of designation within Local Plans of locally designated sites of importance for wildlife, geodiversity or landscape character.
- Clarification of which wildlife sites should have same protection as European sites.

In addition to the above there are changes to the way that plans need to be made for the Councils area and the timing of those plans.

One key issue is the fact that the Policies of the current UDP have weight in decision making until March 2013 and then the emerging policies of our Local Development Framework, if not adopted by then, will also carry weight.

In terms of the reports to the PCC you will now see that reference is now made to the various sections of the NPPF rather than the previous national policy documents such as PPG 2 – Green Belts

Many of the changes heralded by the NPPF have been watered down following the 20,000+ comments received. Much of the policy contained in the NPPF is similar to that contained in the original policy documents that it has now replaced. As such much of the work of the Development Management team and that of the PCC is unaffected by the introduction of the NPPF and the decisions of the PCC will still need to be based on both locally adopted policy and the national policy.

3.0 New Regulations

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

The new regulations now make it clear that there is no exemption for removing diseased or dying trees and that the only trees that can be removed without prior permission, are dead trees.

The process for making a TPO has been simplified and as soon as it is served on the land owner it comes into effect.

Clarification has been given that makes it clear that dead branches of protected trees can be removed without prior permission.

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012 - Amendment in relation to non-domestic microgeneration

Members may recall that authorisation was obtained to pursue the creation of a Local Development Order (LDO) to give the same permitted development rights to commercial properties as enjoyed by domestic properties.

Government has now issues revises regulations that now grant this permission, abet not as widely as we had initially proposed, and as such we do not intend to pursue the creation of an LDO.

4.0 Development Management Performance Table

The % of decisions made by the team is well above the statutory targets, although there is a marked reduction in the performance in relation to major applications, which is largely a statistical aberration due to the small number of

these applications and the increasing complexity of negotiating S.106 Agreements.

On householder applications the % has fallen slightly as we have changed procedure to take note of the fact that departmental costs are increased if we refuse applications when we can negotiate amendments to make them acceptable. This was identified as a potential cost saving in the national benchmarking exercise we took part in during the year. However, this is only done where we have an agreed timetable for the submission of revised drawings and is carefully monitored to ensure that neighbours are properly informed of the amendments and that we still stay well above the performance target overall.

The figures show that there is a levelling off in the number of traditional planning applications, but as noted in the table, the work of the Development Management Team is at a high level following changes in responsibility (taking on TPO work), legislation (condition discharge and non-material amendments) and working practice (formally recording pre-application enquiries) which mean that the actual number of applications processed is now similar to those of 2006/7.

5.0 Recommendation

That the update and figures below be noted.

List of Background Papers: None

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Development Management Performance Statistics April 2005 to March 2012

Decisions Performance

	2005/6	2007/8	2008/9	2009/10	2010/11	2011/12
Major Target 65% in 13 weeks	95%	76%	88%	83%	87%	79%
Minor Target 60% in 8 weeks	85%	89%	90%	94%	90%	88%
Other (this is also a Local Priority Indicator) Target 80% in 8 weeks	80%	97%	97%	97%	97%	95%
All applications Target within 8 weeks	80%	94%	92%	89%	97%	95%
Delegated decisions within 8 weeks	96%	98%	97%	98%	98%	96%
Committee decisions within 8 weeks	48%	61%	38%	61%	56%	50%

Decisions Made

	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12
% Approved	81%	85%	84%	86%	80%	87%	87%
% Refused	19%	15%	16%	14%	20%	13%	13%
% Delegated	88%	91%	90%	91%	89%	91%	90%
Total numbers (Government Return)	1623	1534	1445	1292	1035	1155	1053

The above figures relate only to the statutory returns and do not reflect the true current workload of the team which now includes pre-applications, TPO applications, condition discharge etc. In 2011/12 the total number of applications processed was 1526.

Appeal Decisions (Planning applications and Advertisement Consent)

	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12
% Allowed	45%	23.5%	47%	24%	19%	45%	25%
Total number of appeal decisions	44	51	19	33	31	20	32