

Item 10b

SEDGEFIELD BOROUGH COUNCIL OVERVIEW & SCRUTINY COMMITTEE 3

Conference Room 1,
Council Offices,
Spennymoor

Tuesday,
12 December 2006

Time: 10.00 a.m.

Present: Councillor V. Crosby (Chairman) and

Councillors B.F. Avery J.P, D.R. Brown, Mrs. B.A. Clare, G.C. Gray,
Mrs. J. Gray, K. Henderson, A. Smith and Mrs. C. Sproat

In Attendance: Councillors A. Gray, D.M. Hancock, J.E. Higgin, J.P. Moran, G. Morgan,
Mrs. I. Jackson Smith, T. Ward and J. Wayman J.P

Apologies: Councillors M.T.B. Jones and Mrs. L. Smith

OSC(3)17/06 DECLARATIONS OF INTEREST

No declarations of interest were received.

OSC(3)18/06 MINUTES

The Minutes of the meeting held on 7th November, 2006 were confirmed as a correct and signed by the Chairman.

OSC(3)19/06 PROGRESS TOWARDS THE ACHIEVEMENT OF BEST VALUE PERFORMANCE INDICATOR 204: THE PERCENTAGE OF APPEALS ALLOWED AGAINST THE AUTHORITY'S DECISION TO REFUSE ON PLANNING APPLICATIONS

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) in relation to the above. It was explained that the Head of Planning Services was at the meeting to outline the issues involved.

The Committee was reminded that, at its meeting on 26th September, 2006, concern had been expressed at the dip in performance in relation to the above Best Value Performance Indicator. The report identified the reasons for the dip in performance and considered the issues.

It was explained that between 1st April 2005 and 30th November 2006, the Council had received 40 appeal decision letters relating to refused planning applications. 21 of the appeals (52.5%) had been dismissed and 19 (47.5%) had been allowed either in whole or part. This represented a significant worsening of performance in comparison to recent years. The figure which would usually have been expected was around 35%, close to the national average of allowed appeals.

In order to establish whether there were any underlying reasons for the reduction in performance, an analysis of appeal decisions had been made and a schedule of outcomes was included in the report.

During the review period, 23 of the appeal decisions related to householder proposals. Of those, 11 (48%) were upheld and 12 were dismissed. This was significantly above the national average of 35%.

Analysis of the decisions revealed that Planning Inspectors were giving greater credence to the effect that the development would have on the wider street scene and upon the amenity of adjacent residents, rather than the effect upon the character and appearance of the host property.

Only 1 appeal decision had been made since the Residential Extensions Supplementary Planning Document (SPD) had been adopted as Council Policy in June 2006. It was therefore difficult to establish the weight that inspectors would give to the SPD in the future.

Another factor to be taken into account was that Planning Inspectors were having to deal with increased workloads and there was an increased turnover of Planning Inspectors. This meant that there was instability and a lack of continuity in the Inspector's decisions.

There had been 7 appeals relating to residential development. 5 (71%) had been upheld and 2 (29%) had been dismissed. It was noted that 2 of the upheld appeals concerned applications where decisions had been made contrary to officer recommendation.

During the review period there had been 4 appeal decisions against enforcement notices. 2 had been upheld and 2 had been dismissed.

In respect of commercial applications, there were 4 appeal decisions, with 50% being upheld. One of the upheld appeals concerned an application where the decision had been contrary to officer recommendation.

It was noted that all appeals where the decision had been contrary to officer recommendation had been upheld.

Conclusions drawn from the analysis were :-

- It was difficult to identify any particular trends bearing in mind the diverse range of proposals involved and the small number of appeals.
- In respect of house extensions, there appeared to be a trend towards allowing proposals provided they did not have significant impact on the surrounding neighbourhood. The impact upon the host property appeared to be less important.
- The weight that would be given to the Supplementary Planning Document was unclear at present.
- There appeared to be a lack of consistency as to the weight the Inspectors would attach to the existence of similar previous extensions.

In the absence of a clearly identifiable trend, consideration was given to other contributory factors which could be affecting the appeal success rate.

One of those factors was that an out-of-date Local Development Plan made it more difficult to make robust decisions.

In addition, the advent of the Planning Delivery Grant placed greater emphasis on the speed of decision-making, at the expense of quality. The time to negotiate amendments had diminished, resulting in the refusal of marginal applications to meet performance targets.

A further factor affecting the decision process was the turnover of staff, staffing levels and difficulty in recruiting experienced planning officers. This caused a lack of continuity in dealing with applications and increased pressure on existing more experienced staff.

The introduction of PPS1, which emphasised the importance of good design, had resulted in the decision to secure better quality house extensions. Inspectors, however, seemed to disagree on the weight that ought to be attached to PPS1 in recent planning appeal decisions.

Although it was difficult to establish specific reasons why performance had fallen, it was considered that a number of steps could be taken to improve performance levels.

Officers would be advised to give greater weight to the impact residential extensions would have on the wider environment. Where officers were minded to recommend refusal of an application, for reasons of impact on visual amenity, it was intended that a senior officer would visit the application site prior to the decision being made.

It was recognised that this would slow down performance, bearing in mind other demands on senior officers. Increasing reliance was being placed on temporary and agency members of staff until such time as permanent members of staff could be recruited. The changes were likely to impact on the quality of decisions and consequently the success rate at appeal.

Consideration would need to be given to the training needs of individual officers to provide officers with the necessary negotiating skills, report writing skills, etc., required in dealing with planning applications and appeals.

During discussion of this item a query was raised regarding the reasons for the decline in performance and in particular the view of the Inspectors. It was explained that a rapid turnover of Inspectors and influx of new people against a background of the new planning system, new planning guidance, etc., had given rise to inconsistency.

The Committee was of the opinion that the Council's Planning policies enabled a consistent and robust decision to be made in respect of applications and were appropriate for achieving better designs. It was considered that an emphasis should be placed on local opinion and this should take precedence. The Council should therefore continue to adhere to current Planning policies when determining applications.

Discussion took place about staffing issues, particularly staffing levels in the Development Control Division and the difficulties in recruiting and retaining experienced officers. The impact of this situation on existing staff, the lack of continuity in dealing with applications and the costs of using temporary agency staff were highlighted as concerns.

It was suggested that the matter be referred to Overview and Scrutiny Committee 1, with a recommendation that the issue be examined in further detail, including analysis of comparative salaries in adjacent authorities and the use of agency staff to fill vacant posts.

It was also proposed that the Committee review the situation in six months.

- RECOMMENDED :**
1. *Overview and Scrutiny Committee 1 be requested to examine the pay structure within the Development Control Division, including analysis of comparative salaries in adjacent authorities and the costs and implications of using temporary agency staff to fill vacant posts.*
 2. *The Authority should continue to adhere to its current policies in determining planning applications.*
 3. *The situation be reviewed in six months.*

OSC(3)20/06 OVERVIEW AND SCRUTINY REVIEW - RECYCLING SERVICES

Consideration was given to a report of the Recycling Services Review Group on future recycling service options. (For copy see file of Minutes).

The Review Group had sought to identify future recycling service options and make recommendations for consideration by Cabinet for inclusion in Sedgefield Borough Council's Waste Management Strategy.

It was explained that, although the Council had achieved its recycling targets last year, in the future the targets were likely to increase considerably. The current Kerb-it Scheme would end in March 2008. In order to meet future Government targets, alternative arrangements needed to be considered for introduction when the current Kerb-it Scheme ended.

Information had been gathered from various sources. The Review Group had met on a number of occasions, considered various options and analysed a stakeholder consultation survey which had been undertaken throughout the Borough. Visits had also been made to Derwentside District Council, to consider alternative recycling facilities, and a materials recycling facility in the Borough.

In considering the options, four key objectives were established :-

- Achieve current and future recycling/composting targets
- Convenient to use and accessible to residents

- Financially sustainable
- Operationally feasible.

The Review Group evaluated evidence collected on the advantages and disadvantages of each option and its ability to meet the key objectives. A number of conclusions were agreed, focusing on :-

- Kerbside collections
- Glass
- Bring sites
- White goods and televisions
- Green waste

The following recommendations were agreed :

1. *A separate co-mingled system for collecting dry recyclable material, using a twin wheeled bin system, be introduced to replace the current Kerb-it kerbside recycling collection scheme, to be fully operational by 1 April 2008.*
2. *Weekly household waste collections continue, with collections alternating on a two-week cycle between recyclable material and residual household waste.*
3. *The segregated collection of glass for recycling continues following the withdrawal of the Kerb-it Scheme in 2008.*
4. *Glass collection methods are continuously reviewed to allow full appraisal of collection, separation and disposal options available at that time.*
5. *Sedgefield Borough Council's 29 bring sites be rationalised, with the retention of 6 dedicated sites at Newton Aycliffe (Tesco), Sedgefield (Library), Shildon (Co-op), Spennymoor (Asda), Tudhoe Civic Amenity Site and Aycliffe Civic Amenity site, and phasing out of the remaining 23 sites.*
6. *A separate, free collection service for televisions, monitors and white goods continues to be provided to all residents of the Borough.*
7. *The free green waste collection service offered in a limited area of the Borough be withdrawn following the cessation of Waste Performance Grant funding in 2007/08.*
8. *The provision of a discretionary chargeable green waste collection service, offered throughout Sedgefield Borough, is explored for introduction post-April 2008.*
9. *A comprehensive education and awareness-raising campaign is undertaken to support the introduction of new recycling arrangements.*

Discussion was held regarding materials to be collected and, in particular, the difficulties associated with collecting plastics. A decision, however, had not been made on the materials to be collected. This would be considered at a later date, bearing in mind feasibility and cost-effectiveness of collection.

In respect of bring sites, discussion took place on the reduction in the number of bring sites. It was explained that the reduction in sites would not necessarily mean a substantial reduction in collection. The six bring sites which were to remain collected 2/3rds of the material collected from all bring sites. Improved kerbside collection arrangements may also reduce the use of bring sites.

Reference was made to charging for green waste collection services and the rationale for charging. It was explained that it would not be cost-effective to extend the trial scheme across the whole of the Borough free of charge.

To continue to provide the service to the trial area only would be contrary to the Authority's corporate value to be equitable. A nominal collection charge of less than £1 per collection, would enable the service to be rolled out Borough-wide and be financially sustainable.

A query was raised regarding properties where it would be almost impossible to accommodate two wheeled bins. It was explained that the system would be sufficiently flexible to deal with genuine cases and alternative methods would be provided.

The Committee also made reference to the County Council's Waste Disposal Strategy and whether the Council's waste collection system would be affected by future decisions by the County Council as Waste Disposal Authority. It was explained that the system did have inbuilt flexibility to accommodate any decisions made by the County Council. It was, however, recognised that the Borough Council was obliged to collect at least two recyclable materials from all households by 2010 irrespective of the County Council's decisions.

In response to a query raised regarding the commencement of the new system, it was explained that it was recommended that any new arrangements should commence in March 2008 when the Kerb-it Scheme finished.

RECOMMENDED : That the report and recommendations of the Review Group be submitted to Cabinet for consideration.

OSC(3)21/06 WORK PROGRAMME

Consideration was given to a report of the Chairman of the Committee setting out the Committee's Work Programme for consideration and review. (For copy see file of Mintues).

Members were updated on the progress of the ongoing Review in relation to the Council's Contribution to Reducing Economic Inactivity (Increasing Employability).

In relation to future items for consideration, it was noted that the presentation on climate change which was scheduled for consideration at the January meeting was also to be considered by Development Control Committee. It was considered that this item should be removed from the Work Programme and considered at Development Control Committee when all Members would be given the opportunity to consider the issues.

RECOMMENDED : (1) That the item relating to climate change be removed from the Work Programme.

(2) That the Work Programme be approved.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North 01388 816166 ext 4237 email: enorth@sedgefield.gov.uk

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