

THE ASSEMBLY

18 MAY 2011

REPORT OF THE DEVELOPMENT CONTROL BOARD

Title: Development Control Board Annual Report 2010/11		For Information
Summary: <p>The Development Control Board (DCB) has responsibility for exercising the Council's local planning functions, making decisions on larger planning applications or ones that may have a significant impact on the local community.</p> <p>From 1 April 2011 all planning applications within the London Riverside part of the Borough previously decided by the London Thames Gateway Development Corporation (LTGDC) are being dealt with by the Council resulting in an increase in very important and major applications being decided by DCB.</p> <p>Over the year while the majority of DCB's work has focused on new planning applications it has also considered and commented on LTGDC planning applications, officer's reports and scrutinised decisions delegated to officers.</p> <p>This report highlights the activities of DCB over the 2010/11 municipal year.</p>		
Recommendation: <p>The Assembly is asked to note the Development Control Board's annual report for 2010/11.</p>		
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1. Introduction

- 1.1 The DCB is a committee established under Section 101(1) of the Local Government Act 1972 which permits a local authority to discharge of its functions by a Committee.
- 1.2 The work of DCB is somewhat similar to the Licensing and Regulatory Board in that the law relating to the planning process obliges members to act in a quasi-judicial and independent manner. They are required to consider planning applications, enforcement matters and site specific policy measures in line with published relevant policy (which for the Council was previously the Unitary Development Plan

(UDP) adopted in 1995 and more recently the Local Development Framework (LDF) and the Mayor of London's London Plan.

- 1.3 If a decision of DCB appears to be made other than on its merits under planning considerations it could be open to legal challenge and, if it is appealed and a decision made in favour of the appellant, could have serious cost implications for the Council.

2. Membership

- 2.1 The membership of DCB for 2010/11 was 22, although one member resigned from the committee during the year. There are current proposals to reduce the number of members on the Board. Three-quarters of the current membership were newly elected to the Council in May 2010.

- 2.2 The Divisional Director of Regeneration and Economic Development, Jeremy Grint, is the lead officer. The committee is also supported by the Group Manager for Planning, Daniel Pope, the Development Management Manager, Dave Mansfield, the Senior Lawyer for Property and Planning, Paul Field, who is responsible for providing legal advice and Sola Odusina, Senior Democratic Services Officer, who provides administrative support and advice to members on governance and constitutional issues.

3. Meetings

- 3.1 The Committee met 15 times between 26 May 2010 and 3 May 2011, devoting one full session to member training.
- 3.2 Over this period, ten Ward Councillors representing residents in their ward and 36 members of the public attended to speak at meetings. In respect of the latter group, 18 speakers were speaking against and 18 in support of planning applications.
- 3.3 The majority of DCB's time was spent considering new planning applications. The Board received 68 new planning applications, the outcome against each is summarised as follows.

Decisions in line with officers' recommendations	Decisions not in line with officers' recommendations	Deferred decisions	Applications withdrawn	Applications referred to Ombudsman
58	5	1	4	0

- 3.4 In respect of the five decisions made by the Board which did not follow officer's recommendations, three were recommendations for refusal by officers and approved by the Board and two were recommended for approval by officers and refused by the Board. To date, two appeals against refusal have been granted and costs awarded against the Council in one case.

- 3.5 The Board also noted that 37 town planning appeals were lodged with the Planning Inspectorate. Thirteen town planning appeals were allowed, 24 were dismissed and none were withdrawn.
- 3.6 In addition to planning applications, DCB received reports regarding:
- Local Development Framework (LDF) - The Board was provided with a progress update on the Council's LDF and the latest position regarding the Mayor of London's London Plan. The LDF is a key Council document which contains the plans and proposals for the future planning of the borough up to 2025 and, unless material considerations indicate otherwise, all planning applications must be determined in line with the development plan.
 - 'Review of Delegated Powers' - Members agreed to recommend to the Assembly new delegation criteria for DCB which would allow the Board more time to provide a steer on emerging issues, focus on the more complex and contentious applications, allow for quicker planning decisions and enable the Regeneration and Economic Development Service to make efficiency savings.
 - 'Planning Policy and Legislation Update' - Members were advised of the Coalition Government's proposed key changes to the planning system which include the New Home Bonus, changes to Permitted Development for Homes in Multiple Occupation and Schools.
- 3.7 DCB also made appropriate responses to planning applications which were to be determined by the LTGDC. In particular the Board highlighted health and safety issues relating to the proximity of the Thames Gateway Energy Facility to residents of Scrattons Farm and requested LTGDC to make this a priority to be looked into.

4. Key Outcomes and Conclusions

- 4.1 The transfer of powers from LTGDC will increase the frequency of very important and major applications being considered and decided by DCB. It will therefore be even more critical to the planning function of the Council that members continue to take into account relevant published Council policy in determining planning applications.
- 4.2 The new delegation criteria agreed by the Assembly will, in this climate of deficit reduction, allow the Council to make significant savings while at the same time ensuring that development which improves the borough is achieved and not delayed unnecessarily. Therefore delegating to officers the power to determine applications which attract less than five objections according to Council policy balances the workload in terms of the number of applications going to DCB which, in turn, will allow it to focus on the more complex and contentious applications.

Background Papers Used In the Preparation of the Report:

- Agendas and minutes of Development Control Board meetings 2010/11
- Council Constitution