

DEVELOPMENT COMMITTEE

17th OCTOBER 2013

REPORT OF APPLICATIONS AND ADVICE MANAGERS

DEVELOPMENT CONTROL PERFORMANCE 2013/14 (QUARTER 2)

1. PURPOSE OF THE REPORT

- 1.1** To advise the Committee, of the Performance Indicator outcomes related to the determination of planning applications for Q2 (July to September 2013), the workload trends currently present and the general performance of the team.

2. RECOMMENDATION

- 2.1** **The Committee notes the current performance data.**

3. DEVELOPMENT CONTROL PERFORMANCE

3.1 BACKGROUND

- 3.1.1** The Performance Management Framework includes the following elements:

- The performance criteria we wish to meet, which are laid down as aims and objectives. These are an integral part of the Corporate Plan, which includes both corporate level objectives, and Local Priority Action Plans. Each Service also draws up its own Service Plan, which includes aims, objectives and targets. Our Community Strategy illustrates our shared vision with partner organisations, and details what we want to achieve together.
- Measures of performance against the above criteria. These include National Performance Indicators and Local Performance Indicators, which together measure our performance against both the promises we make to the local community, and the roles which Government expects us to perform.

3.2 GROWTH AND INFRASTRUCTURE ACT

- 3.2.1** The Growth and Infrastructure Bill received Royal Assent on 25 April. The Bill has amended existing legislation and introduces a number of reforms that will affect the planning application process and performance issues.
- 3.2.2** The Bill has put in place Performance Standard, known as the 'Planning Guarantee', relates to reform which is designed to ensure that no planning application should take longer than one year to reach a decision. This implies a maximum of 26 weeks both for an initial decision by a Local Planning Authority and (should there be an appeal against refusal of permission) the Planning Inspectorate. The 'Guarantee' document has yet to be published by the Department for Communities and Local Government (DCLG) in its final form. However, a public consultation has taken place, with two criteria proposed to measure whether a Local Planning Authority is performing poorly.. These are:
- timeliness, where Local Planning Authorities are deemed to be underperforming if they determine less than 30% of applications they receive for large scale, 'major' development within 26 weeks; **or**
 - quality, where more than 20% of the Authority's decisions on major development are being overturned at appeal.

- Changes to the fee regulations came into force on 1st October which requires LPA's to refund fees in relation to planning applications not determined within 26 weeks.

Failure to meet these standards will render the LPA designated by the Secretary of State as one that is 'performing poorly' and allows applications for major development, and other connected applications, to be made directly to the Secretary of State rather than to the Local Planning Authority.

3.3 MEASURES OF PERFORMANCE OUTCOMES AND CURRENT POSITION

3.3.1 The table below shows the Council's recent and current performance against local measures and targets. Pl's measure focus on efficiency and speed rather than the development of the service, the quality of the decisions made and the outcomes secured.

Indicator	2009/10	2010/11	2011/12	2012/13	TARGET 2012/13	Q1 April – June 13	Q2 July – Sept 13
% 'major' applications determined in 13 wks	64.28 %	53.33 %	83.33 %	45.45 %	60%	66.66%	80%
% 'minor' applications determined in 8 wks	83.5 %	73%	65.59 %	67.84 %	65%	67.57%	66.67%
% 'other' applications determined in 8 wks	90.23 %	88.86 %	80.71 %	83%	80%	79.41%	81.82%
% all applications determined in 8 weeks	86.65 %	81%	73.63 %	74.51 %	80%	71.62%	68.42%
% householder applications determined in 8 weeks	91.98 %	91.49 %	80.77 %	81.82 %	90%	100%	100%

3.3.2 Planning application performance for the second quarter is considered to be excellent.

3.3.3 Targets have been met in all areas, except in 'all application determined in 8 weeks', however, this is due to the number of majors we have determined which have a 13 week determination date.

3.4 QUALITATIVE MEASURES

3.4.1 The outcome of appeals is regarded as a principal measure of decision making quality, being the means by which decisions are individually scrutinised and reviewed.

Indicator	2009/10	2010/11	2011/12	2012/13	TARGET 2013/14	Q1 April – June 2013	Q2 July – Sept 13
% of decisions delegated to officers	92.89%	89.52%	91.37%	88.55%	90%	83.78%	93.88%
%age of appeals against refused applications dismissed	62.5%	71.43%	58.82%	71.43%	66.66%	42.86%	66.66%

3.4.2 Planning appeal performance

The table below indicates the Council's appeal record for quarter 1, with key information associated with a selection of the appeals detailed in Appendix 1 below.

Appeals by decision background:

Decision type	No. of appeals dismissed	No. of appeals allowed
Delegated		1
Committee, in accordance with recommendation		
Committee, departure from recommendation	2	

3.4.3 DEVELOPMENT OF THE SERVICE

The 2013/14 Service Plan has been agreed, reports on progress will feature in future versions of this report.

4 ENFORCEMENT SERVICE PERFORMANCE

4.1 The service plan requires a number of local performance indicators for enforcement. This is the second year that the figures have been collated and it is intended that in future figures will be monitored against past performance. Below are the indicators (and targets) used to assess the performance of the service;

- Planning Enforcement : % cases resolved per month against annual total of all cases (TARGET: 8.3%/month 100%/year)
- Planning Enforcement : cases reaching 'course of action' decision within 8 weeks (TARGET: 70% of cases)
- Planning Enforcement: % appeals against enforcement notices dismissed (TARGET: 100% of appeals)

4.2 There has been no enforcement appeals decided in the last quarter.

4.3 Table of performance:

Indicator	2009/2010 Overall	2010/11 Overall	2011/12 Overall	2012/2013 Overall	2013/2014 Q1	2013/2014 Q2
No. of Cases Received	231	196	158	192	55	47
No. of Cases Closed	238	206	117	252	43	80
% Resolved per month against annual total (target 8.3% per month = 100% per year)	8.6% 103% total for the year	8.75% 105% total for the year	7.4% (74% total for the year)	10.9% 131.25% total for the year	6.5%	14.8%
Cases reaching a course of action decision within 8 weeks (target 70% of cases)	71.5%	78%	79.25%	80.45%	84%	74%

Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	100%	N/A	N/A	N/A
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4.7 The Planning Enforcement Service has achieved targets for this quarter. This achievement is encouraging as the team have seen an increase in licensing enforcement activity which has had the effect of limiting officer time on planning enforcement cases.

5 WORKLOAD CONTEXT

5.1 The number of applications received in the first two quarters has slightly increased comparable to the first two quarters for last year (2012/2013).

6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

6.1 This report has shown that in quarter two standards of performance is very good with the majority of targets being met and those that aren't are impacted by the larger applications. The team should be commended for their work and efforts.

6.2 Target levels for appeals is good for quarter 2 and should compensate for quarter 1 figures.

6.3 The Enforcement Team's figures for quarter 2 are good and have achieved targets.

6.4 Overall quarter two has delivered a very satisfactory level of performance across all areas which is encouraging for the first half of the year. This is particularly encouraging in respect of increasing workload, pressures on resources and increasing pressures in performance from Government.

Appendix 1 : Appeal decisions

Proposal: 12/00928/FUL Construction of new single storey dwelling, including means of access and enclosure at Cedar Ridge 73 Grantham Road, Bottesford

Level of decision: Committee,

Reasons for refusal:

- The dwelling, if approved, by virtue of its positioning forward of the established and coherent building line formed by the layout of nos 73 - 99 Grantham Road, would be out of keeping with the form and character of the area, to the detriment of its character and appearance.

Inspector's conclusions: Dismissed – The Inspector concluded that although the proposal would provide an additional small dwelling in a sustainable location it would fail improve the character and quality of the area. It would be contrary to MLP policy OS1. The economic and social benefits arising from the development would not be sufficient to outweigh the resulting environmental harm.

Officer's comments – This application represented a conflict between housing need and character of the area. The Inspectorate came down on the side of the Local Plan and the

character of the area.

Proposal: 12/00853/FUL New replacement dwelling with garage to include demolitions at Windy Ridge, 34 Harby Lane, Plungar

Level of decision: Committee

Reasons for refusal:

- The proposal would lead to the creation of a dwelling in the open countryside which is not considered to be of similar size or scale to the existing dwelling or appropriate to the character of its surroundings.

Inspector's conclusions: Dismissed – The Inspector concluded that the scale and massing of the new dwelling would be such that it would be out of character with its surroundings. Consequently, the proposal is seriously at odds with LP policy C12. In considering other matters put forward in support of the proposal they recognised that the existing dwelling might well require work to bring it up to a modern standard. They accepted that the incorporation of 'PassivHaus' principles would ensure that the carbon efficiency of the new dwelling would be significantly lower than the existing, but the same might apply equally to a more modestly proportioned replacement dwelling and therefore accord that little weight.

Proposal: 13/00216/FULHH Attached garage to front elevation, Castledene, 27 Park Hill, Gaddesby

Level of decision: Delegated

Reasons for refusal:

- The proposal development would have a detrimental impact upon the character and appearance of Park Hill. Park Hill has a distinctive linear pattern to the properties and the size, scale and mass of the proposal would be overbearing and not in keeping with the Park Hill. The proposed forward projecting garage would also have a detrimental impact on No. 25 Park Hill.

Inspector's conclusions: Allowed – The Inspector concluded that the proposed garage would add some variation to the appearance of the street scene without harming the linear pattern of development or being incongruous, and therefore would not harm the character and appearance of the area. The Inspector also concluded that the proposal would not result in a significant loss of outlook for the occupiers of No 25, and so would not be materially harmful to their living conditions.

OMBUDSMAN DECISION

Proposal: 11/00913/FUL Proposed Wind Turbine, Stygate Lane, Pickwell

Level of Decision: Committee

Issues: the Ombudsman was contacted regarding the contribution of the Ward Councillor as a speaker and the fact that he addressed the Committee (in support) without declaring an interests. The complaint was that (a) an interest was present and should have been declared and (b) the Council failed to consider properly this issue through its Governance Committee.

Ombudsman's Comments; Complaint Rejected – the Ward Councillor had no interest he was required to declare under the Code of Conduct, for the reasons the complainant was advised of when he originally complained, and subsequently, through Governance Committee, properly considered all of the complainants concerns. He concluded by stating **"I have completed my investigation finding no fault by the Council."**