

# PLANNING COMMITTEE

6th November 2014

## REPORT OF APPLICATIONS AND ADVICE MANAGERS

### DEVELOPMENT CONTROL PERFORMANCE 2014/15 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 - September 2014), 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  | 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | TARGET 2014/15 | Q1 April – June 14 | Q2 July – September 14 |
|--|---------|---------|---------|---------|---------|---------|----------------|--------------------|------------------------|
| % 'major' applications determined in 13 wks      | 66.66 % | 64.28 % | 53.33 % | 83.33 % | 45.45 % | 62.5%   | 60%            | 80%                | N/A (0/0)              |
| % 'minor' applications determined in 8 wks       | 67.39 % | 83.5 %  | 73%     | 65.59 % | 67.84 % | 63.44%  | 65%            | 66.67%             | 69%                    |
| % 'other' applications determined in 8 wks       | 81.28 % | 90.23 % | 88.86 % | 80.71 % | 83%     | 84.72%  | 80%            | 77.88%             | 75%                    |
| % all applications determined in 8 weeks         | 74.93 % | 86.65 % | 81%     | 73.63 % | 74.51 % | 75.53%  | 80%            | 71.35%             | 72%                    |
| % householder applications determined in 8 weeks | 83.00 % | 91.98 % | 91.49 % | 80.77 % | 81.82 % | 87.71%  | 90%            | 75.68%             | 72%                    |

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

3.3.3 Targets have been met on the whole and where they fall below, particularly on the 'other' applications, they are only marginally below.

### 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                            | 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | TARGET 2014/15 | Q1 April – June 2014 | Q2 July – Sept 14 |
|--------------------------------------|---------|---------|---------|---------|---------|---------|----------------|----------------------|-------------------|
| % of decisions delegated to officers | 91.70%  | 92.89%  | 89.52%  | 91.37%  | 88.55%  | 91%     | 90%            | 94%                  | 90%               |
| %age of appeals against refused      | 46.57%  | 62.5%   | 71.43%  | 58.82%  | 71.43%  | 68.42%  | 66.66%         | 100%                 | 40%               |

|                        |  |  |  |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|--|--|--|
| applications dismissed |  |  |  |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|--|--|--|

### 3.4.2 Planning appeal performance

The table below indicates the Council's appeal record for quarter 2, with key information associated with a selection of the appeals detailed in Appendix 1 below.

At the request of Members detailed in Appendix 2 is the last six month appeal record by decision background and last year's performance for appeal.

#### Appeals by decision background:

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

## 3.4 DEVELOPMENT OF THE SERVICE

3.4.1 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 Overall | 2014/15 Q1 | 2014/15 Q2 |
|---|------------------------------------|-------------------------------------|-------------------------------------|--|--------------------|------------|------------|
| No. of Cases Received   | 231                                | 196                                 | 158                                 | 192                                    | 184                | 60         | 30         |
| No. of Cases Closed   | 238                                | 206                                 | 117                                 | 252                                    | 244                | 38         | 36         |
| % Resolved per month against annual total (target 8.3% per month = 100% per year) | 8.6%<br>103%<br>total for the year | 8.75%<br>105%<br>total for the year | 7.4%<br>(74%<br>total for the year) | 10.9%<br>131.25%<br>total for the year | 11%                | 6.4%       | 10%        |

|  |       |     |         |        |       |     |            |
|--|-------|-----|---------|--------|-------|-----|------------|
| Cases reaching a course of action decision within 8 weeks ( <b>target 70% of cases</b> ) | 71.5% | 78% | 79.25 % | 80.45% | 79.6% | 75% | <b>90%</b> |
| Appeals against enforcement notices dismissed ( <b>target 100% of appeals</b> )          | N/A   | N/A | 100%    | N/A    | N/A   | N/A | <b>N/A</b> |

4.8 Quarter 2 has seen an improvement in performance in Enforcement and all performance indicators have been met.

## 5 WORKLOAD CONTEXT

5.1 The number of applications received in the second quarter has again increased when compared to the second quarter last year (2013/2014). The nature and size of the applications received has also changed placing different demands on the team.

## 6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

6.1 This report has shown that in quarter two standards of performance are acceptable, however, there are some areas of concern with the performance for 'other' applications and 'householder' applications. This is being monitored closely.

6.2 In the second quarter the performance for the appeals has dropped slightly, however, this is not an area for concern as for the first six months the target has been met.

6.3 The Enforcement Team's figures for quarter 2 are an improvement on last quarter and performance is satisfactory.

### Appendix 1 : Appeal decisions for Quarter 2

**Proposal: 13/00691/OUT Residential development comprising 3 dwellings with reserved matters for approval including access at Land To The Rear Of 12, Main Street Twyford**

**Level of decision:** Delegated

**Reasons for refusal:**

- The proposed dwellings lie outside the village envelope of Twyford where there is a general presumption against the erection of new dwellings. It is considered that there is no essential, justified need for the dwellings in this location.

**Inspector's conclusions: Allowed** – The Inspector concluded that whilst the proposed dwellings are in the countryside, they are not isolated. There are existing houses located to the north, east and west of the appeal site. This fact, coupled with the absence of a 5 year housing land supply and the advice contained within paragraph 215 of the Framework reduces the weight that he can give to Policy OS2. Whilst Twyford is a small village, there are a range of facilities available, including a public house adjacent to the site, a village hall, general store and a regular bus service which runs hourly to both Melton Mowbray and Leicester. Whilst the development of

the indicatively shown three houses would not necessarily enhance the vitality of the community, it would help to maintain this vitality. The level of support from the majority of local residents who have commented on the proposal, many of which stress their view that the village depends on expansion to support local businesses and the community, and the views of the Parish Council also seem to indicate this. The Inspector concluded that the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework and the appeal was allowed.

**Proposal: 13/00276/FUL Redevelopment of the former Lionville Brickworks and construction of a fishing lake plus 10 luxury log cabins cafe/clubhouse at Lionville Brickworks - Field Nos 6475 And 7262 Eastwell Road Scalford**

**Level of decision:** Committee

**Reasons for refusal:**

- The development is considered to represent unsustainable tourism in the open countryside contrary to paragraph 28 of the NPPF by virtue of its proposed location and limited access to facilities.
- The proposed development would result in an adverse impact on road safety as it would lead to the intensification of use of an access which is in close proximity to other junctions, where traffic is fast moving and where sightlines are likely to be obstructed.

**Inspector's conclusions: Dismissed** – The Inspector concluded on the issue of sustainability that the site is in a relatively isolated open countryside location. Local and national policies generally discourage new development in open countryside locations other than in defined circumstances and in this instance the proposal would be greater than “limited small scale development” in the open countryside. The lack of access from the site to the nearby public footpaths and bridleways adds weight to the concern that the site is not in a sustainable location. Whilst there may be some benefits to the retail and catering businesses nearby and the creation of jobs in tourism, there may also be an adverse effect on other businesses such as the fishing lake and rented accommodation in the area. Accordingly the Inspector was not convinced that the economic benefits envisaged by the proposal would outweigh the environmental harm arising from the location in the open countryside. The proposed development would therefore not constitute sustainable rural tourism and would be contrary to Policy OS2 of the Local Plan and the principles of the NPPF and Planning Practice Guidance.

On the issue of highway safety the Inspector found no evidence to disagree with the Highway Authority and accordingly concluded that adequate vehicular access could be provided without undue impact on highway safety.

**Proposal: 13/00140/FUL Demolition of existing barns and out-buildings alteration and refurbishment of 2 existing dwellings and erection of 5 new dwellings at Firdale Farm, 9 High Street, Somerby**

**Level of decision:** Committee

**Reasons for refusal:**

- The proposal is likely to result in an increase in the number of vehicles using Church Lane which is narrow in design, has no formal turning facilities and has poor visibility at its junction with High Street for the speed at which vehicles approach the junction. This could result in additional dangers to road users and would not be in the best interests of Highway safety.
- The proposed type of houses, Plots 2, 3, 4 and 5, do not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the

area.

- The proposed seven bedroom dwelling would result in the creation of a residential dwelling on land partly within the open countryside, outside the designated Village Envelope. This would represent in an unwarranted extension into the surrounding countryside which contributes to the village setting and would be detrimental to the rural character and appearance of the village, and detrimental to the character of the countryside.

**Inspector's conclusions: Dismissed** – The Inspector concluded on the first issue of highway safety that although Church Lane is not an ideal route to take additional traffic, the traffic likely to arise from the two dwellings to be served by the access would be low in relation to the existing traffic on the lane. For this reason and given that vehicle speeds on the Lane are likely to be low, the means of access onto Church Lane would not adversely affect highway safety. He also concluded that the visibility at the junction of Church Lane with High Street is adequate and although the traffic from the proposed development would increase the number of vehicle movements at the junction by a small amount it is unlikely that this would affect highway safety. On the issue of Housing Need the Inspector was satisfied that the proposed new three bedroom dwellings and the three bedroom conversion provided flexible accommodation and would contribute to a balanced housing supply in terms of the Council's identified local housing need. The proposed seven bedroom dwelling would not meet local need but was intended for occupation by the appellant and would replace the existing dwelling which was not considered to meet local need because of its location within the farm. Accordingly overall the proposals would positively contribute to local housing supply and would meet identified local housing needs. On the issue of character and appearance the existing buildings would be sympathetically converted and the new dwellings would be built in a courtyard arrangement to reflect the existing layout of the site. The dwellings would be in keeping with the character of the Conservation Area in terms of their design, scale, architectural detailing and the materials to be used. The proposal would enhance the site in terms of bringing it more fully into residential use and in terms of replacing the existing open fronted barns and likewise this would enhance the setting of All Saint Church (grade I Listed). The proposed seven bedroom dwelling would partially project beyond the village envelope but it would not be harmful to the character of the countryside or the setting of the village. Although this projection is contrary to policy OS2 the proposals would be of some benefit in terms of enhancing the character and appearance of the Conservation Area and the setting of All Saints Church and would also provide much needed housing in a sustainable location. These benefits outweigh the limited conflict with Policy OS2.

**Proposal: 14/00048/ OUT Outline application for one new dwelling at Saratoga, 1 Main Street, Kirby Bellars**

**Level of decision:** Delegated

**Reasons for refusal:**

The proposed development would result in the erection of a dwelling in an unsustainable location, where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development.

**Inspector's conclusions: Dismissed** – The Inspector concluded that given the general lack of facilities in the village it would be necessary to travel to access services, facilities and employment. There are regular bus services which weighs in favour of the proposal but there are no footpaths along the A607 and therefore for reasons of convenience it is likely that a high proportion of trips would be by private car. This does not accord with the principles of sustainable development as set out in the NPPF. There is no evidence that facilities nearby are under threat or that the proposal would be of benefit in supporting those facilities and therefore the dwelling would not be justified on this basis. The proposal would make a contribution to the five year

supply of housing and would meet local need however, the inaccessibility of the site to facilities would significantly and demonstrably outweigh the benefit.

**Proposal: 14/00064/GDOCOU Proposed change of use from office building to a dwelling at Station Road, Old Dalby**

**Level of decision:** Delegated

**Reasons for refusal:**

- The prior notification was refused due to the development being considered to be contrary to the provisions of the National Planning Policy Framework as it lies in an unsustainable location.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the Council has raised additional matters that should not have formed part of the determination and conclude that the appeal should be allowed and approval granted.

**Appendix 2 : Appeal record for 01.04.14 – 30.09.14**

| <b>Decision type</b>                         | <b>No. of appeals dismissed</b> | <b>No. of appeals allowed</b> |
|--|---------------------------------|-------------------------------|
| Delegated                                    | 2                               | 2                             |
| Committee, in accordance with recommendation |                                 |                               |
| Committee, departure from recommendation     | 2                               | 1                             |

**Copy of Appeal record for 2013/14 from Q4 Performance Report 12<sup>th</sup> June 2014**

| <b>Decision type</b>                         | <b>No. of appeals dismissed</b> | <b>No. of appeals allowed</b> |
|--|---------------------------------|-------------------------------|
| Delegated                                    | 8                               | 2                             |
| Committee, in accordance with recommendation | 1                               |                               |
| Committee, departure from recommendation     | 4                               | 4                             |