

## DEVELOPMENT COMMITTEE

19<sup>th</sup> NOVEMBER 2015

### REPORT OF APPLICATIONS AND ADVICE MANAGERS

#### DEVELOPMENT CONTROL PERFORMANCE 2015/16 QUARTER 2

#### 1. PURPOSE OF THE REPORT

- 1.1 To advise the Committee, of current national Performance Indicator outcomes related to the determination of planning applications for Q2 (July to September 2015) and service plan delivery.

#### 2. RECOMMENDATION

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

#### 3. DEVELOPMENT CONTROL PERFORMANCE

##### 3.1 GROWTH AND INFRASTRUCTURE ACT

- 3.2.1 The Growth and Infrastructure Act 2013 put in place Performance Standards, 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 two criteria to measure whether a Local Planning Authority is performing poorly are:

- timeliness, where Local Planning Authorities are deemed to be underperforming if they determine less than 40% 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 2015 which requires LPA's to refund fees in relation to planning applications not determined within 26 weeks without the agreement of the applicant.

**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. PI'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                                   | 2010/<br>11 | 2011/<br>12 | 2012/1<br>3 | 2013/14 | 2014/15 | TARGET<br>2015/16 | Q1<br>April –<br>June<br>15 | Q2<br>July –<br>Sept 15 |
|---|-------------|-------------|-------------|---------|---------|-------------------|-----------------------------|-------------------------|
| % 'major' applications determined in 13 wks | 53.33 %     | 83.33 %     | 45.45%      | 62.5%   | 64%     | <b>60%</b>        | 33%                         | 66%                     |
| % 'minor' applications determined in 8 wks  | 73%         | 65.59 %     | 67.84%      | 63.44%  | 62%     | <b>65%</b>        | 54.59%                      | 63%                     |
| % 'other' applications determined in 8 wks  | 88.86 %     | 80.71 %     | 83%         | 84.72%  | 73%     | <b>80%</b>        | 72%                         | 78%                     |

3.3.2 Planning application performance for quarter 2 shows a marked improvement on quarter 1 and we are above target for major applications.

### 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   | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/1<br>5 | TARGET<br>2015/16 | Q1<br>April –<br>June 15 | Q2<br>July –<br>Sept 15 |
|---|---------|---------|---------|---------|-------------|-------------------|--------------------------|-------------------------|
| %age of <b>appeals</b> against refused applications dismissed | 71.43%  | 58.82%  | 71.43%  | 68.42%  | 47%         | <b>66.66%</b>     | 75%                      | 100%                    |

#### 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                                    | 3                        |                        |
| Committee, in accordance with recommendation |                          |                        |
| Committee, departure from recommendation     |                          |                        |

### 3.3 DEVELOPMENT OF THE SERVICE

3.3.1 The 2015/16 Service Plan was approved by PFA Committee on 7<sup>th</sup> July and identifies the long term vision for service delivery within Regulatory Services. Progress on the service plan and outcomes will feature within future reports.

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

4.1 This report has shown that in quarter two standards of performance have improved and are above target for major developments.

4.2 Our appeal record for the first two quarters of the year is very good and excellent in the latter quarter.

#### Appendix 1 : Appeal decisions for Quarter 2

**Proposal: 13/00400/LB Appeal against an enforcement notice of an allegation of damage to wall and rebuilding not in accordance with the pre-existing condition at The Old Vicarage 43 Church Lane, Long Clawson**

**Level of decision:** Delegated

**Reasons for refusal:** The Enforcement Notice was served in September 2014 on the grounds of damage to wall and rebuilding not in accordance with the pre-existing condition.

**Inspector's conclusions: Dismissed** –The Inspector concluded that the changes to the wall have affected its character as a building of special architectural and historic interest due to the angular stepping nature. The works have also had an effect on the setting of the listed building and its boundary wall. The works undertaken detract markedly from the remaining boundary wall and the works are significantly harmful to the integrity of the listed wall and building and to its historic setting. The appeal is therefore dismissed.

**Proposal: 14/00844/FUL Proposed residential development and associated access and parking arrangements on land at Brook farm 8 Nether End, Great Dalby**

**Level of decision:** Delegated

**Reasons for refusal:**

- The proposed development by virtue of infilling an important green open area which lies outside of the defined village envelope would not preserve or enhance the Conservation Area and would have a detrimental impact upon the character of the area contrary to the local plan policy OS2 and BE1.
- It is considered that the relationship of plot 5 due to the rising topography and separation distances would create an overbearing impact upon the occupiers of number 10a Nether End contrary to the local plan policy BE1 and core planning principles of the NPPF in providing a good standard of amenity for existing and future occupants of land and buildings.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the proposal would cause harm to the character and appearance of the Great Dalby Conservation Area. The proposal would also cause harm to the intrinsic beauty and character of the countryside. The benefit to the supply of housing is a material consideration in favour of the proposal but the weight attributed to this is limited by the small scale of development proposed. Paragraph 132 of the NPPF identifies

that any harm to the significance of a designated heritage asset should require clear and convincing justification. That has not been demonstrated in this instance. Moreover, the harm to the designated asset, and the character and beauty of the countryside, would significantly and demonstrably outweigh the benefit of the proposed development, when assessed against the policies of the Framework, taken as a whole. The appeal is therefore dismissed.

**Proposal: 14/00951/GDOCOU Conversion of existing brick calf shed to 3 no, 1 and 2 bedroomed dwellings at Bridge Farm, Broughton Lane, Long Clawson**

**Level of decision:** Delegated

**Reasons for refusal:**

- The Council is not convinced the buildings; subject of the application, is suitably located and it would be undesirable and impractical to convert to residential dwellings due to being located within such close proximity to the livestock buildings.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the location of the proposed dwellings would result in unacceptable harm to the living conditions of future occupiers due to the odours and noise from the close proximity of livestock in the adjacent buildings. In addition, there would also be no restriction on the buildings opposite being used more intensively, or for different purposes which could be intrusive to amenity, if farming practices on the farm were to change in the future. The location and siting of the proposed dwellings would be impractical and undesirable and the appeal is therefore dismissed.