

DEVELOPMENT COMMITTEE

12TH JUNE 2013

REPORT OF APPLICATIONS AND ADVICE MANAGERS

DEVELOPMENT CONTROL PERFORMANCE 2013/14 QUARTER 4 AND REVIEW OF 2013/14

1. PURPOSE OF THE REPORT

- 1.1 To advise the Committee, of the Performance Indicator outcomes related to the determination of planning applications for Q4 (January to March 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	2010/11	2011/12	2012/13	TARGET 2013/14	Q1 April – June 13	Q2 July – Sept 13	Q3 Oct – Dec 13	Q4 Jan – Mar 14	2013/14 outturn
% 'major' applications determined in 13 wks	53.33 %	83.33 %	45.45 %	60%	66.66%	80%	60%	33.33%	62.5%
% 'minor' applications determined in 8 wks	73%	65.59 %	67.84 %	65%	67.57%	66.67%	54%	64.58%	63.44%
% 'other' applications determined in 8 wks	88.86 %	80.71 %	83%	80%	85.51%	90.80%	82.19%	77.96%	84.72%
% all applications determined in 8 weeks	81%	73.63 %	74.51 %	80%	77.48%	77.63%	70.94%	70.91%	75.53%
% householder applications determined in 8 weeks	91.49 %	80.77 %	81.82 %	90%	92.10%	96.29%	86.36%	71.43%	87.71%

3.3.2 Planning application performance for quarter 4 is below target in the majority of areas, however, there is an improvement from quarter 3 in some areas.

3.3.4 Included in the quarter 4 report are the overall outturn figures for 2013/14. Overall performance for the year is considered to be good. Targets have been met for 'major' developments and 'other' developments and is only marginally below for 'minor's'. There has been an improvement in the number of applications dealt with in eight weeks and the number of householders.

3.3.5 The outturn for 2013/14 is an improvement on that for 2012/13 in all areas with the exception of 'minor' 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	TARGET 2013/14	Q1 April – June 2013	Q2 July – Sept 13	Q3 Oct – Dec 13	Q4 Jan – Mar 14	2013/14 outturn
% of decisions delegated to officers	89.52%	91.37%	88.55%	90%	83.78%	93.88%	78%	90%	90% (est.)
%age of appeals against refused applications dismissed	71.43%	58.82%	71.43%	66.66%	42.86%	66.66%	75%	100%	68.42%

3.4.2 Planning appeal performance

The table below indicates the Council's appeal record for quarter 4, 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	4	
Committee, in accordance with recommendation		
Committee, departure from recommendation	1	

Appeals by decision background (annual):

Decision type	No. of appeals dismissed	No. of appeals allowed
Delegated	8	2
Committee, in accordance with recommendation	1	
Committee, departure from recommendation	4	4

3.4 DEVELOPMENT OF THE SERVICE

3.4.1 The 2013/14 Service Plan identifies the long term vision for service delivery within Regulatory Services. The long term vision is;

- Accessibility
- Engagement and Inclusiveness
- Outcome driven
- Customer Focus and Response
- Transparency
- Pro-Activeness
- Efficient

- Learning and self-awareness

3.4.2 The initiatives for 2013/14 are set out within the service plan and are broken down into Development Control, Conservation and Enforcement.

- Development Control included maintaining levels of Performance against PI measures, review of statutory requirements to enable streamlining/efficiencies, use of QR codes, information with decision notices to promote building control, delivering affordable housing, supporting economic development, sustainable patterns of development and involvement in the Melton Local Plan. These on the whole have been achieved.
- Conservation included extending PSiCA into Year 7 and continue to target town centre properties. This has been achieved.
- Enforcement are seeking to increase the number of Parish Councils participating in the planning investigations partnership and set a standard for resolution of planning enforcement complaints. There are two Parishes that are interested in taking on the training to take on some enforcement responsibility.

3.5 OUTCOMES

3.5.1 There is no well developed techniques to measure the quality of the outcomes of Development Control activity. However, it is helpful to consider it in terms of both 'service delivery' and 'results on the ground' and the following indicators are considered to offer insight as to the delivery of service.

3.5.2 **Impact of Development Control process on outcomes**

It is estimated that approximately 30% of planning applications are the subject of improvements to design, layout and/or content as a result of negotiations carried out through the planning process. Each of these 'add value' to the development, in terms of the quality of the outcome (the final form of development) and its impact on the surrounding environment and meeting planning objectives. This approach is furthered by the use of conditions and S106 agreements and these have been deployed to secure affordable housing and infrastructure contributions.

3.5.3 The NPPF facilitated progress in terms of addressing housing mix and sustainability issues. Using the evidence base collected in 2006 and 2008 this has enabled decision making to require house sizes to meet local need, including examples of the refusals of applications where they have presented the wrong type or mix of housing need and sustainable locations at recent appeals.

3.5.4 **Decision Making**

The central purpose of decision making is to determine planning applications in accordance with decision making responsibilities defined by s38(6) of the Act : in accordance with the development plan unless material considerations indicate otherwise. This encompasses the identification of all material considerations and their balancing with the Development Plan. Measures of the robustness of this process are considered to be appeal results (particularly any awards of costs which illustrate unreasonable decision making), complaints to the ombudsman regarding misapplication of policy or failure to take into account material considerations and departures from the development plan. The following examples have taken place in 2013/14:

- 1 complaint to the Ombudsman: complaint dismissed. This related to neighbour notification and consideration of objections. The Ombudsman found that procedures had been properly followed and the objections had been adequately and correctly considered.
- 2 applications for costs has been made against the Council, both in relation to refusals of single wind turbines, these applications were refused by the Inspector

and the Council had not acted in an unreasonable manner so as to cause the appellant to incur unnecessary costs.

- In contrast, the Council successfully applied for partial costs against Network Rail for considerably delaying the Asfordby Windfarm Inquiry.

3.5.5 Contribution to Council Priorities and objectives

In common with all other services, the Development Control team seek to contribute to corporate priorities and objectives and, in terms of development, the service delivers the implementation of these ambitions, together with the content of the Local Plan. The objectives and priorities are embedded within the day to day service delivery and the teams positive approach to development (e.g. seeking solutions to problems rather than a direct refusal) has enabled development to make its contribution. Members will be aware of numerous examples of permissions being granted that contribute to these objectives:

9. Help provide a stock of housing accommodation that meets the needs of the community, including the need for affordable housing

- Securing 40% affordable housing contributions in Melton Mowbray.
- Ensuring a mix of house types and sizes within new developments: rejection of applications which do not address identified housing needs or do not provide adequate affordable housing. Successfully pursuing such arguments through the appeal process.

5. Meeting the Economic Needs of the Borough and;

7. Improve quality of life for people living in the most disadvantaged neighbourhoods

- Approving rural employment development in Bottesford and Old Dalby
- Approving development of Brooksby Melton College
- Including training and employment opportunities in decision making in Melton

6. Maximise the potential of Melton Mowbray Town centre

- Secured shop front improvements in the Town Centre

10. To provide high performance services that are efficient and meet customer needs

- Achieved national “Smarter Planning Champion” status. Accreditation awarded in recognition of the use of electronic planning processes such as endorsement of submission of applications via the Planning Portal, electronic consultation and working towards a paperless office. These enable applications to be processed more efficiently by Melton BC. First authority in Leicestershire to have achieved this status.

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.

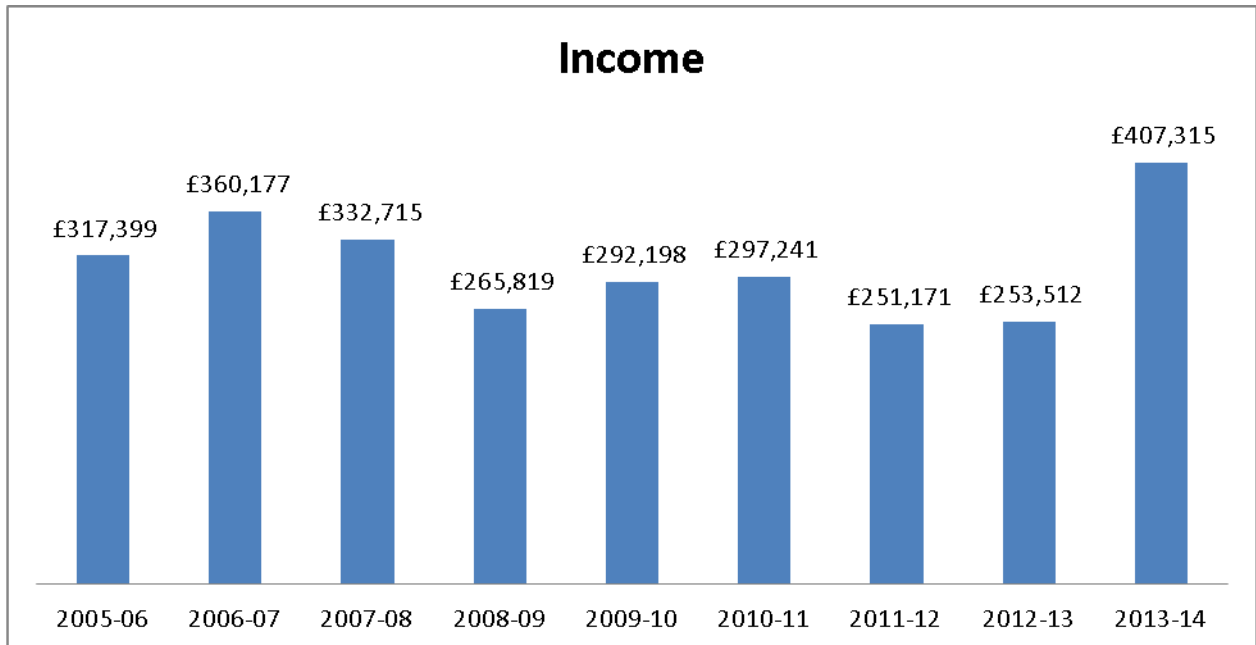
4.3 Table of performance:

Indicator	2009 /2010 Overall	2010/ 11 Overall	2011/ 12 Overall	2012/ 2013 Overall	2013/ 2014 Q1	2013/ 2014 Q2	2013/ 2014 Q3	2013/ 2014 Q4	2013/ 14 Overall
No. of Cases Received	231	196	158	192	55	47	43	39	184
No. of Cases Closed	238	206	117	252	43	80	84	37	244
% 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%	15.8%	6.7%	11%
Cases reaching a course of action decision within 8 weeks (target 70% of cases)	71.5%	78%	79.25 %	80.45%	84%	74%	81%	79.4%	79.6%
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A

4.8 The service has managed to once again meet and exceed the targets set, with the backlog of outstanding cases being the lowest it has been for many years. Whilst a total of 184 planning cases have been investigated by the service, this has been exclusive of the large amount of licensing investigations that have carried out as well, the total number of all investigations being 432.

5 WORKLOAD CONTEXT

5.1 The number of applications received in the year has slightly increased comparable to the last year (2013/2014). However, it is apparent how the nature of the applications received has changed and this is reflected in the income generated by Development Control as detailed below;



6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 6.1 This report has shown that in quarter four standards of performance has improved but there has been a slight drop in standards of performance in some areas.
- 6.2 The annual figures expressed within the report show that throughout the year on the whole national targets have been met but the local targets set are just below target.
- 6.3 The Enforcement Team's figures for quarter 4 are good and have mostly achieved targets. Overall the Enforcement Team has met with and exceeded its targets in what has been quite a challenging year.
- 6.4 A further area of good performance and worthy of note is in the defence of appeals. Defence of appeals has been strong throughout the year, particularly in this last quarter and the overall outturn for 2013/14.
- 6.5 **For the year it is considered that levels of performance are satisfactory. It is notable that there has been no contraction or failure in the 'breadth' of service provided. It is considered that performance will need to be closely monitored as the nature and types of applications are changing and the pressures this may bring to service delivery. The team should be commended for all their work and efforts over the last year.**

Appendix 1 : Appeal decisions for Quarter 4

Proposal: 10/00951/FUL Wind Farm comprising of 9 turbines together with associated ancillary infrastructure (access tracks, crane pads, control building, anemometer mast and temporary construction compound). Turbine 1 to have maximum height to blade tip of 108 metres above ground level. Turbines 2-9 to have maximum height to blade tip of 125 metres above ground level at Asfordby Windfarm Site, Bypass Road, Asfordby

Level of decision: Committee

Reasons for refusal:

- The proposed development would result in substantial harm to the setting of St Bartholomew's Church (Grade II*), Welby arising from the wind farm and turbines 1, 2, 3 and 4 in particular and significant harm to the setting of St James the Greater Ab Kettleby (Grade II*) St Peter's Church (Kirby Bellars) and the and to the setting of the Moated Site at Ab Kettleby Garden, Moat and Five Fishponds at Kirby Bellars (which are Scheduled Ancient Monuments). It would also result in a cumulative harmful impact on the setting of a wide range of other heritage assets in the immediate and wider area. It is not considered that the benefits accruing from the development in terms of renewable energy generation, the proposed landscape mitigation measures and the proposed interpretation area for the deserted Welby Medieval Village are sufficient to outweigh these identified sources of harm.
- The proposed wind turbines would, by virtue of their height, distribution in the landscape and movement, introduce a new element into this landscape that would be widely visible. This visibility and presence would exceed that of any existing local features by reason of the height, colour and movement of the proposed turbines. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation.

Inspector's conclusions: Dismissed – The appeal was subject to a Public Inquiry and recovery by the Secretary of State. The application was refused on the grounds of the impact on heritage assets and landscape. The Secretary of State dismissed the appeal due to the substantial harm to the significance of the setting of St Bartholomew's Church, coupled with the harm by reason of impact on other heritage assets, landscape, residential amenity and recreational amenity, clearly outweigh the need for the proposal and its wider economic benefit.

The appeal was also the subject to an application of partial cost and the Secretary of State awarded a partial award of costs against Network Rail on the grounds of 'unreasonable behaviour'.

Proposal: 12/00881/OUT Erection of single storey three bedroomed dwelling with velux windows (amended plans received 28.02.2013) at Land Adjacent To 29 Bowley Avenue Melton Mowbray

Level of decision: Delegated

Reasons for refusal:

- The proposed dwelling by reason of its size, siting and design would appear, if approved, cramped and out of character with the immediate area.
- The proposed parking area to the front of the site has inadequate depth to accommodate vehicles overhanging the highway to the detriment of both pedestrians and other highway users.

Inspector's conclusions: Dismissed – The Inspector concluded that the proposed development would materially harm the character and appearance of the area contrary to OS1, BE1 and the NPPF. However, in terms of the parking the Inspector concluded that the parking could be accommodated within the site and the development would not materially harm highway safety.

Proposal: 12/00816/OUT Outline application for 2 dwellings with primary access and all other matters reserved at Little Jacks Farm And Garden Centre, Orston Lane, Bottesford

Level of decision: Delegated

Reasons for refusal:

- The proposed dwellings would be in a countryside location, outside the envelope of any town or village as defined by the adopted Melton Local Plan, where there is a general presumption against the erection of new dwellings. It is considered that there is no essential, justified need for 2 no. dwellings at this location

Inspector's conclusions: Dismissed – The inspector concluded that the proposal would result in an intrusion of built form into an otherwise open setting which would have an urbanising and intrusive impact on the countryside and would appear as an isolated and incongruous pocket of residential development in a largely open frontage. It has also not been established that there is a permanent need for two dwellings to allow rural workers to live at the site, and the proposal would be contrary to both the NPPF and Local Plan Policy OS2.

Proposal: 13/00163/FUL Three bedroomed detached dwelling with forecourt parking spaces at Land Adjacent 17, Main Street, Kirby Bellars

Level of decision: Delegated

Reasons for refusal:

- The proposal would result in an unsustainable form of development in this rural location. It is not considered that there is sufficient justification to warrant a new dwelling in an area located outside the village envelope, which does not fall within the types of residential development for which an exception is made to the general presumption against such development.
- The proposed development would infill an existing open space within this linear settlement which provide important breaks between buildings and would detract from the form and character of the village

Inspector's conclusions: Dismissed – The Inspector concluded that the proposed development would be in a unsustainable location and would harm the character and appearance of the area and would not make a positive contribution.

Proposal: 13/00603/FUL New dwelling at Peacock Farm House, 27 Main Street, Kirby Bellars

Level of decision: Delegated

Reasons for refusal:

- The proposal would result in an unsustainable form of development
- The proposed new dwelling would cause undue loss of privacy and amenity to the neighbouring dwelling to the North and the host dwelling, and would create a form of cramped backland development which fails to improve the character and appearance of the area, and would cause harm to the neighbouring dwellings and the streetscene
- The proposed type of house does not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area.

Inspector's conclusions: Dismissed – The Inspector concluded that the proposed development would cause significant harm to the character and appearance of the area, would cause significant harm to living condition of nearby residents and the site performs poorly in terms of accessibility.