

AGENDA ITEM 5

DEVELOPMENT COMMITTEE

3 FEBRUARY 2011

REPORT OF PRINCIPAL PLANNING OFFICER

DEVELOPMENT CONTROL PERFORMANCE 2010/11

1. PURPOSE OF THE REPORT

- 1.1 To advise the Committee, of the Performance Indicator outcomes related to the determination of planning applications for Q3 (October to December 2010), 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 BVPI MEASURES OF PERFORMANCE OUTCOMES AND CURRENT POSITION

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

Indicator	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	TARGET 2010/11	Q1 April – June 10	Q2 July – Sept 10	Q3 Oct – Dec 10
157 (a): % 'major' applications determined in 13 wks	75.86 %	71.4 %	79.31 %	66.66 %	64.28 %	60%	0% (0/1)	42.86%	40%
157 (b): % 'minor' applications determined in 8 wks	76.63 %	83.84 %	80.32 %	67.39 %	83.5 %	65%	80%	63.93%	71.04%
157 (c) : % 'other' applications determined in 8 wks	91.63 %	92.43 %	92.87 %	81.28 %	90.23 %	80%	87.06%	91.01%	89.85%

LOCAL: % all applications determined in 8 weeks	85.73 %	87.53 %	86.18 %	74.93 %	86.65 %	80%	83.44%	77.07%	80.85%
LOCAL: % householder applications determined in 8 weeks	95.89 %	94.01 %	95.65 %	83.00 %	91.98 %	90%	89.23%	94.34%	93.22%

3.2.2 Planning application performance for quarter three has shown performance figures sustained for 'minor' and 'other' applications determined within 8 weeks. Performance for householder application has been sustained in quarter three and the target for the overall determination of application in 8 weeks has been met in this quarter, an improvement on quarter two.

3.2.3 Performance for major application is again poor in this quarter and this is likely to effect meeting this target by the end of the year. In this quarter we have determined 10 major application with only four within 13 weeks. A significant amount of these major application are historic ones which have been waiting Section 106 agreements, this quarter also saw the determination of a windfarm application which by the nature of the proposal takes significantly longer than 13 weeks to determine. The focus on such application needs to be getting the decision right rather than meeting set timescales.

3.2.4 Again it is evident that the amount of workload has increased, albeit a slight increase, compared to the previous year. If workload continues to increase then with current staffing levels performance may start to suffer.

3.3 QUALITATIVE MEASURES

3.3.1 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	2005/06	2006/07	2007/08	2008/09	2009/10	TARGE T) 2010/11	Q1 April – June 2010	Q2 July – Sept 2010	Q3 Oct – Dec 2010
188: % of decisions delegated to officers	86.54%	85.85%	87.15%	91.70%	92.89%	90%	93.42%	83.54%	88.51%
204 : %age of appeals against refused applications dismissed	66.66%	50.00%	55%	46.57%	62.5%	66.66%	100%	62.5%	100%
219a: no of Conservation Areas in Borough	44	44	44	44	44	44	44	44	44
219b: % of Conservation Areas with character appraisal	12	18 (41%)	21 (48%)	22 (50%)	30 (68%)	36 (82%)	30 (68%)	30 (68%)	30 (68%)
219c: % of Conservation Areas with published management proposals	12	18 (41%)	21 (48%)	21 (48%)	30 (68%)	36 (82%)	30 (68%)	30 (68%)	30 (68%)

205 : quality of Planning Service checklist	72%	83%	83%	94.44%	94.44%	94%	94.44%	94.44%	94.44%
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3.3.2 Planning appeal performance (BVPI 204)

The table below indicates the Council's appeal record for quarter 3, 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	2	
Committee, in accordance with recommendation		
Committee, departure from recommendation		

3.4 DEVELOPMENT OF THE SERVICE

The 2010/11 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 Between 1 October and 31 December 2010, 44 new cases have been received and 62 cases were concluded in the third quarter. The service plan requires that 8.3% of cases per month are closed on a pro-rata basis to make 100% for the year. For the quarter alone, 8.3% would equate to 16.5 cases/month, whereas we actually resolved 20.6 cases/month or 10.5%.

4.3 Calculating the '8 Week' figure is more complex, and is dependant on whether the case has been closed, awaiting compliance with a request where we've allowed a time beyond the 8 weeks or we have an application pending. All these cases would have reached a 'decision' once the perpetrator had been formally advised of the local planning authority's position and the necessary action has been taken by the perpetrator, but the case may not have been officially 'closed'. Quarterly figure is 75% of cases received reached a 'course of action' during the quarter, with further 11 'undecided' cases still within 8 weeks of receipt as of 31 December 2010.

4.4 There have been no appeals decided within this quarter.

4.5 Table of performance

Indicator	2009/2010 Overall	Q1	Q2	Q3
No. of Cases Received	231	37	67	44
No. of Cases Closed	238	65	55	62
% Resolved per month against annual total (target 8.3% per month = 100% per year)	8.6% 103% total for the year	(21.7) 14.6%	(18.3) 8.8%	(20.6) 10.5%
Cases reaching a course of action decision within 8 weeks (target 70% of cases)	71.5%	75.6%	77.6%	75%
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	N/A	N/A

4.6 During the period from October to December, a traditionally quieter period for the enforcement section, 11 notices were served in respect of breaches of planning control throughout the Borough.

4.7 The Planning Enforcement Service has met the targets for this quarter. The figures and measurable increases in performance should be commended. The objective of the service is to maintain this high level of performance for the final quarter.

4.8 The Enforcement Team has seen a change in personal due to a temporary secondment to Licensing, however, it is not predicted that this change will significantly affect the performance level within the team.

5 WORKLOAD CONTEXT

5.1 Members will be aware that the above statistics have been delivered in a changing workload context. Applications and the policies under which we operate are becoming increasingly complex and subject to change. The current policy climate and the number of application being received may be the cause for some concern. There is also a concern that there is an increase in legal challenges to the work undertaken and any challenge that comes in, whether founded or not, can take up significant Officer time. The nature of some applications received by the department can take a significant amount of time and expertise and if workload continues to increase then it may be very difficult to sustain performance figures in the future.

6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

6.1 This report has shown that in quarter three standards of performance is satisfactory with the majority of targets being met. Our performance in appeals is particularly high. The team should be commended for their work and efforts.

6.2 The only target not to be met is major development. With regards to major developments in quarter three this is down as we have managed to clear some historic application which have been awaiting Section 106 agreements and have had some more complex application which can take significantly longer to determine.

- 6.3 The nature and complexity of application is changing, particularly in the current policy climate. There is some concern with regards to increasing numbers and complexity of application and the impact this will have on achieving current performance levels.
- 6.4 The Enforcement Team's figures for quarter 3 are above target and the enforcement team should be commended for their work and efforts.

Appendix 1 : Appeal decisions

Proposal: 09/00682/OUT Erection of one two storey dwelling and single attached garage at 57 High Street, Bottesford

Level of decision: Delegated

Reasons for refusal:

- Insufficient information to apply the sequential test

Inspector's conclusions: Dismissed – The Inspector concluded that insufficient information had been submitted to assess the implications of any likely flooding of the site and surrounding area. The lack of an adequate FRA and non-application of the sequential test are contrary to PPS 25.

Proposal: 09/00906/FUL New Dwelling at Turley, 4 Hall Lane, Eastwell

Level of decision: Delegated

Reasons for refusal:

- Unsustainable location
- Impact on the character of the area

Inspector's conclusions: Dismissed - The Inspector considered the main issue to be whether the proposal would effect the character and appearance of the area. The Inspector concluded that the development would be cramped and an incongruous appearance of the development in relation to the bungalow and surrounding site. The development would significantly intensify built development away from the main built up area of the village and thereby seriously detract from the pleasant rural character of this section of Hall Lane. The dwelling would impose itself on its surrounding in an uncompromising, unsympathetic manner and materially harm the open character and rural appearance of the area. The Inspector also agreed that the development would not meet sustainable objectives.