

# AGENDA ITEM 5

## DEVELOPMENT COMMITTEE

20<sup>th</sup> October 2011

### REPORT OF APPLICATIONS AND ADVICE MANAGERS

#### DEVELOPMENT CONTROL PERFORMANCE: 2011/12 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 2011), 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	2010/1 1	TARGET 2011/12	Q1 April – June 11	Q2 July – Sept 11
157 (a): % 'major' applications determined in 13 wks	75.86 %	71.4 %	79.31 %	66.66 %	64.28 %	53.33 %	60%	0% (0/1)	0% (0/1)
157 (b): % 'minor' applications determined in 8 wks	76.63 %	83.84 %	80.32 %	67.39 %	83.5 %	73%	65%	75.51%	68%
157 (c) : % 'other' applications determined in 8 wks	91.63 %	92.43 %	92.87 %	81.28 %	90.23 %	88.86 %	80%	86.74%	83.54%

LOCAL: % <b>all applications</b> determined in 8 weeks	85.73 %	87.53 %	86.18 %	74.93 %	86.65 %	<b>81%</b>	<b>80%</b>	82%	76.92%
LOCAL: % <b>householder</b> applications determined in 8 weeks	95.89 %	94.01 %	95.65 %	83.00 %	91.98 %	<b>91.49</b> %	<b>90%</b>	89%	81.48%

**3.2.2** Planning application performance for the second quarter has shown performance figures sustained for 'minor' and 'other' applications determined within 8 weeks. Performance for householder application is marginally below target and this will hopefully improve into the next quarter.

**3.2.3** Performance for major applications is poor for the second quarter, however, there has only been one major determined in this quarter which failed to be determined in 13 weeks. It is hoped that there will be an improvement in this indicator.

### **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	2010/11	TARGET) 2010/11	Q1 April – June 2011	Q2 July – Sept 2011
188: % of decisions <b>delegated</b> to officers	86.54%	85.85%	87.15 %	91.70%	92.89%	89.52%	<b>90%</b>	92.71%	87.69%
204 : %age of <b>appeals</b> against refused applications dismissed	66.66%	50.00%	55%	46.57%	62.5%	71.43%	<b>66.66%</b>	100%	50%
219a: no of Conservation Areas in Borough	44	44	44	44	44	44	<b>44</b>	44	44
219b: % of Conservation Areas with character appraisal	12	18 (41%)	21 (48%)	22 (50%)	30 (68%)	30 (68%)	<b>36 (82%)</b>	30 (68%)	30 (68%)
219c: % of Conservation Areas with published management proposals	12	18 (41%)	21 (48%)	21 (48%)	30 (68%)	30 (68%)	<b>36 (82%)</b>	30 (68%)	30 (68%)
205 : quality of Planning Service checklist	72%	83%	83%	94.44%	94.44%	94.44%	<b>94%</b>	94.44%	94.44%

#### **3.3.2 Planning appeal performance (BVPI 204)**

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.

### 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	1	1

### 3.4 DEVELOPMENT OF THE SERVICE

The 2011/12 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 Calculating the '8 Week' figure is more complex, and is dependent 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'.

4.3 There have been 2 enforcement appeals decided within this quarter, both appeals being dismissed. Both appeals were in respect of changes to upper floor windows in properties in Sherrard Street, Melton Mowbray. Both appeals were held at the same time and were determined on the same basis.

#### 58a Sherrard Street and 62a Sherrard Street, Melton Mowbray.

Separate enforcement investigations were carried out in respect of the change of upper floor windows in the two properties from traditional timber windows to uPVC double glazed windows. Officers considered that the alterations to these windows had a material effect on the external appearance of the buildings, thereby requiring planning permission, and sought to negotiate their replacement. Following negotiations that failed to secure the required works, an enforcement notice was served in respect of each breach. The decision to take enforcement action was appealed. The Planning Inspectorate agreed with the Council's reasons for the enforcement action, dismissing the appeal on all counts, requiring that the windows are replaced with windows to match those that had previously been removed.

#### 4.4 Table of performance

Indicator	2009/2010 Overall	2010/11 Overall	Q1 11/12	Q2 11/12
No. of Cases Received	231	196	43	33
No. of Cases Closed	238	206	36	43
% 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	(12) 7%	(14.3) 10.8%
Cases reaching a course of action decision within 8 weeks (target 70% of cases)	71.5%	78%	70%	76%
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	100%	100%

4.5 **The enforcement service met and exceeded the targets that have been set. Particularly satisfying are the two enforcement notice appeals that were dismissed along with the officers stance and these appeals have already been useful in securing the replacement of other windows and applications for similar proposals, ensuring a high standard of design.**

#### 4.6 **Update on the Parish Council Enforcement Project:**

Six Parish Councils have taken up the opportunity of taking part in the investigation of enforcement complaints within their area. The Parish Councils were offered the option of choosing how involved they wished to get in the process, from initial investigation procedures through to the taking of formal action. At this stage, five have chosen to carry out the initial investigation (level 2) and one has been more ambitious and has chosen to step up to the next level, determining whether there is has been a breach of planning control and recommending the next actions. A toolkit has been developed and officers have provided the initial training sessions and these have been well received from those that have attended. Level 2 training will continue through October to December, being completed by the end of 2011, with those Parish Councils starting their investigations early in 2012. Level 3 training will take place in early 2012 with those involved, with a view of taking up their extended role in April 2012. The project has been viewed by both MBC and the involved Parishes as an exemplar for partnership working and 'localism'- genuine delegation to the lowest tier of Government as advocated by the Localism Bill, but before it has taken effect. By combining our resources and using the detailed local knowledge Parish Councils retain, we will be able to deal with complaints faster and hopefully more effectively. Parishes also believed it will galvanise their role and assist them in involving more people in local issues.

4.7 The Planning Enforcement Service exceeded targets in quarter two and should be commended for their efforts. This is particularly encouraging given the changes taken place through the restructure and changing roles.

## 5 **WORKLOAD CONTEXT**

5.1 Members will be aware that the above statistics have been delivered in a changing structure. The number of applications received in the second quarter has slightly increased compared to the second quarter for last year (2010/2011). The restructure would appear to have an impact on application turnaround. However, we are in the early stages and performance is expected to improve when new working processes are embedded.

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

- 6.1 This report has shown that in quarter two standards of performance is satisfactory with the majority of targets being met. The team should be commended for their work and efforts.
- 6.2 Some targets have not been met, however, target levels for major developments is not considered to be a realistic measure as we only determined one major application in this quarter which went beyond the 13 week target. The number of householder applications determined was only slightly below target and this will hopefully improve in quarter three.
- 6.3 This quarter figures are considered to be excellent when there has been a significant change in the authority due to movement and reduction in staff levels and changes to working practices which take time to be embed in.
- 6.4 The number of applications for the second quarter of this year is up compared to this quarter last year and there is a concern that if workload continues to increase then this may affect performance levels in the future.
- 6.5 The Enforcement Team's figures for quarter 2 are above target, given the changes to working practices the enforcement team should be commended for their work and efforts.

### Appendix 1 : Appeal decisions

**Proposal: 10/00218/FUL One and half storey side extension, conversion of outbuilding with a link building plus a timber car port to the front of the property at Pinetree House, 8 Sycamore Lane, Wymondham**

**Level of decision:** Committee

**Reasons for refusal:**

- The proposed development would, by virtue of its scale and position, result in an adverse impact on the residential amenity of adjacent properties, namely no. 37 Sycamore Lane by virtue of feature closer to the boundary which would seriously overbear upon and reduce visual outlook from the sitting room window of this property. The proposal is therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which seeks to ensure development is not detrimental to the residential amenity of existing properties.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the proposal would have a gable end at an angle to the main house gable set 1.2 metres in from the side boundary wall and that the gable end of the extension, because of its height, mass and position would have an overbearing impact on the outlook from the main living room window of No 37 and dismisses the appeal on this ground.

**Proposal: 10/00428/FUL Single storey side extension and car port (resubmission of 11/00218/FUL) at Pinetree House, 8 Sycamore Lane, Wymondham**

**Level of decision:** Committee

**Reasons for refusal:**

- The proposed development would, by virtue of its scale and position, result in an adverse impact on the residential amenity of adjacent properties, namely no. 37 Sycamore Lane by virtue of introducing a feature closer to the boundary which would

seriously overbear upon and reduce visual outlook from the sitting room window of this property. The proposal is therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which seeks to ensure development is not detrimental to the residential amenity of existing properties.

**Inspector's conclusions: Allowed** – The Inspector concluded that as the extension would be lower and less bulky in appearance and sited further away from the window, than the previous appeal, so reducing the visual impression to a level that would not have an unacceptable impact on the living condition of the occupiers of No 37. All other aspects of the proposal are acceptable and therefore the Inspector allows this appeal.

**Proposal: 10/00746/FUL Construction of new 3 bedroom dwelling including detached garage and means of access at Jasmine Cottage, 4 Church Corner, Redmile.**

**Level of decision:** Delegated

**Reasons for refusal:**

- The proposal is considered to have a detrimental impact on the form and appearance of the Conservation Area by over development of a site. PPS 5 states that Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. The introduction of backland development in this location will result in development visible from the canal side that will unduly alter, and harm, the character of the area. Furthermore the site is residential garden area, not brownfield land, where there is no presumption in favour of development, in terms of PPS3.

**Inspector's conclusions: Allowed** – the Inspector concluded that the proposal would be largely hidden from public views out of the conservation area because of intervening buildings. In addition it would not affect the setting of the church or public house, both listed, and nor would it have an adverse impact on the setting of the listed Jasmine Cottage. The proposal would add to the collection of buildings within the curtilage of Jasmine Cottage, but would provide adequate space around each building so as not to appear as an overdevelopment of the site. He also concluded that the development would contribute to sustainable development and on these grounds allowed the appeal.

**Proposal: 10/00811/OUT Outline application for one dwelling at Cedar Lodge, 27 Main Street, Grimston**

**Level of decision:** Delegated

**Reasons for refusal:**

- The proposal would, if approved, result in the introduction of a dwelling on a site in an unsustainable location. It is not considered that sufficient justification has been submitted to suggest that the proposed dwelling would fulfil an identified housing need and the proposal would add to the development in an unsustainable village location.
- Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon protected species.
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**Inspector's conclusions: Dismissed** – The Inspector concluded that Grimston is poorly provided with local facilities with only a church, village hall and public house and therefore the village is not therefore a sustainable location for additional new housing. He also concluded that

there is insufficient information available to indicate whether harm would be caused to wildlife and biodiversity. the Inspector dismissed the appeal.