

AGENDA ITEM

DEVELOPMENT COMMITTEE

24th MAY 2012

REPORT OF APPLICATIONS AND ADVICE MANAGERS

DEVELOPMENT CONTROL PERFORMANCE: 2011/12 QUARTER 4 AND REVIEW OF 2011/12

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 2012), 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	2009/ 10	2010/1 1	TAR GET 11/12	Q1 April – June 11	Q2 July – Sept 11	Q3 Oct – Dec 11	Q4 Jan - Mar 12	2011/12 outturn
157 (a): % 'major' applications determined in 13 wks	64.28 %	53.33 %	60%	0% (0/1)	0% (0/1)	50%	100%	83.33%
157 (b): % 'minor' applications determined in 8 wks	83.5 %	73%	65%	75.51%	68%	57.57%	64%	65.59%
157 (c) : % 'other' applications	90.23	88.86	80%	86.74%	83.54%	68.75%	80%	80.71%

determined in 8 wks	%	%						
LOCAL: % all applications determined in 8 weeks	86.65 %	81%	80%	82%	76.92%	62.87%	71.18%	73.63%
LOCAL: % householder applications determined in 8 weeks	91.98 %	91.49 %	90%	89%	81.48%	65.21%	84.09%	80.77%

3.2.2 Planning application performance for quarter four has shown an improvement in performance figures for the quarter.

3.2.3 Included in the quarter 4 report are the overall outturn figures for 2011/12. Overall performance for the year is considered to be satisfactory and despite two quarters of not meeting targets the outturn for the year has shown that all indicators have been met except for the % of all applications in 8 weeks and householder applications.

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	2009/10	2010/11	TARGET 11/12	Q1 Apr – June 11	Q2 July – Sept 11	Q3 Oct – Dec 11	Q4 Jan – Mar 12	2011/12 outturn
188: % of decisions delegated to officers	92.89%	89.52%	90%	92.71%	87.69%	90.98%	94.12%	91.37%
204 : %age of appeals against refused applications dismissed	62.5%	71.43%	66.66%	100%	50%	50%	50%	58.82%
219a: no of Conservation Areas in Borough	44	44	44	44	44	44	44	44
219b: % of Conservation Areas with character appraisal	30 (68%)	30 (68%)	36 (82%)	30 (68%)	30 (79%)	35 (79%)	38 (86%)	38 (86%)
219c: % of Conservation Areas with published management proposals	30 (68%)	30 (68%)	36 (82%)	30 (68%)	30 (79%)	35 (79%)	38 (86%)	38 (86%)
205 : quality of Planning Service checklist	94.44%	94.44%	94%	94.44%	94.44%	94.44%	94.44%	94.44%

3.3.2 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	1	3
Committee, in accordance with recommendation	2	0
Committee, departure from recommendation	0	0

3.4 DEVELOPMENT OF THE SERVICE

3.4.1 The 2011/12 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 2011/12 are set out within the service plan and are broken down into Development Control, Conservation and Enforcement.

- Development Control included improve the detail and information on the website, maintain levels of performance against PI measures and streamline internal processing of applications. These on a whole have been achieved except some of the performance has dropped slightly below the PI measures.
- Conservation included the production of further conservation area appraisals/management plans and undertake negotiations to extend PSiCA into Year 5 and continue to target town centre properties. Both of these have been achieved.

3.5 OUTCOMES

3.5.1 There a 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 the 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 the 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. Within 2011/12 the Council has continued to secure affordable housing contributions to the level required (40%) in all applicable cases and secured infrastructure contributions.

3.5.3 The Core Strategy (Preferred Options) facilitated progress in terms of addressing housing mix and sustainability issues. The Core Strategy, and the evidence base behind it, has enabled decision making to require house sizes to meet local need, including examples of the refusal of applications where they have presented the wrong type or mix of houses. The Council has been successful in defending their position on housing need 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 2010/11:

- 2 complaints to the Ombudsman: one dismissed and one upheld. The latter related to the taking into account of personal circumstances in a decision which was not merited.
- 1 application for costs has been made against the Council but it was refused by the Inspector and the Council not considered to have behaved unreasonably, in this case, it was able to substantiate its concerns with evidence (case in Harby). In contrast, the Council successfully applied for costs for a significantly scale of development (Melton Mowbray).

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 and a 100% affordable scheme in Somerby.
- 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 Nether Broughton
- Approving supermarket development which included local employment mechanisms directed towards priority neighbourhoods.

11. Enhance the vitality and viability of Melton Mowbray Town centre

- Secured shop front improvements in the Town Centre

- Approving supermarket development Approving supermarket development which will attract shoppers to the town centre (from other centres and out of town locations) including linkages to the Town Centre to maximise 'linked trips'.

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 Table of performance

Indicator	2009/2010 Overall	2010/11 Overall	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	2011/12 Overall
No. of Cases Received	231	196	43	33	42	40	158
No. of Cases Closed	238	206	36	43	14	24	117
% 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%	(4.6) 3.4%	(8) 6.2%	7.4% (74% total for the year)
Cases reaching a course of action decision within 8 weeks (target 70% of cases)	71.5%	78%	70%	76%	86%	85%	79.25%
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	100%	100%	N/A	N/A	100%

4.4 Throughout 2011/2012, the Enforcement Service served 14 notices. The Service handled 5 appeals to the Planning Inspectorate resulting from the service of enforcement notices, 4 of the appeals being dismissed and one notice being withdrawn following a successful challenge of the unauthorised development through a planning appeal. This success rate is encouraging as it shows that the enforcement investigations that have been fully pursued through to formal enforcement action have been expedient. Two of these notices have since been complied with, with unauthorised uses ceasing

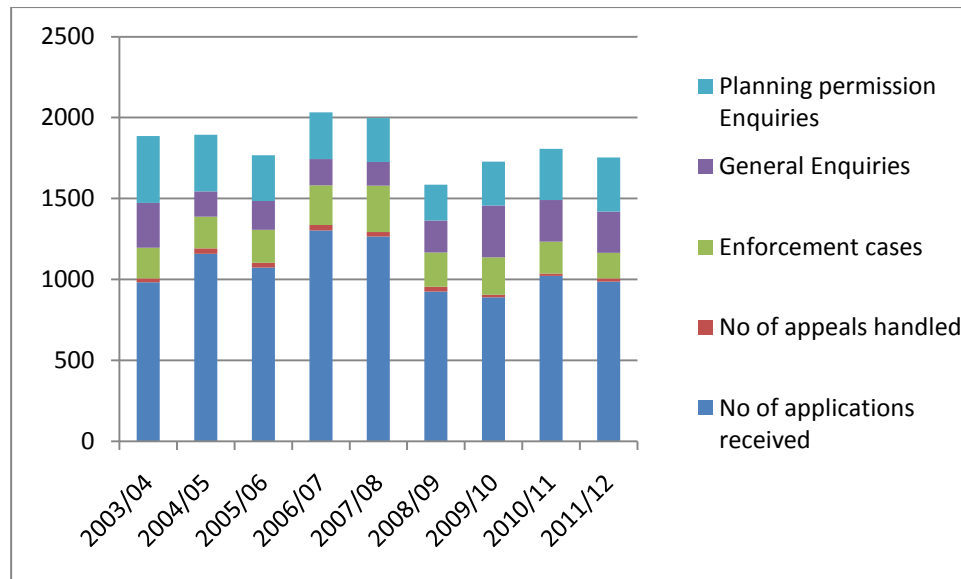
4.5 Through the re-organisation of the service in the early part of 2011, the Council's Planning Enforcement Service was amalgamated with the Licensing Enforcement function to form a single Enforcement Team. There has been a period of adjustment

whilst staff become familiar with their multi disciplinary roles but, as set out above, service levels have been maintained.

- 4.6 The Enforcement Service is also unique, it is understood, in developing a partnership approach with some Parish Councils to carry out enforcement processes. All Parish Councils were invited to take part in the trial, of which 6 have taken up the opportunity, those being Asfordby, Clawson, Hose and Harby, Barkestone, Plungar and Redmile, Somerby, Waltham and Wymondham. A lengthy period of developing the relationships and subsequent training sessions for those Parish Councillors involved has been completed and many have commenced their first investigations. This project is regarded as groundbreaking and is already receiving attention at a national level as being the first of its nature, and complements other 'localism' objectives and approaches.

5 WORKLOAD CONTEXT

- 5.1 Members will be aware that the above statistics have been delivered in a changing structure. The following graph illustrates the pattern of workload in recent years.



- 5.1 Workload has been essentially consistent between 1011/12 and the preceding years in terms of both quantity and profile. There has been a very fractional reduction in overall workload (deriving mainly from a reduction in the number of Enforcement cases, which itself is indicative that less pro-active work is possible) but clearly this has not kept pace with the scale of the reduction in resources dedicated to Development control (approx. 15%) in 2011.

6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 6.1 This report has shown that in quarter four standards of performance have been improved and the team should be commended for their work and efforts.
- 6.2 The annual figures expressed within the report show that throughout the year the service PI's have on the whole been met.
- 6.3 The Enforcement Team's figures for quarter 4 are below target on cases resolved but have met the target for cases reaching a course of action decision within 8 weeks. Given

the changes to working practices and staffing arrangements the enforcement team should be commended for their work and efforts.

6.4 This quarter has seen an increase in the number of character appraisals and published management proposal for Conservation Areas. This is an area of good performance and should be noted.

6.5 **Given the level of workload (see section 5 above) and the disruptive nature of wholesale staff and resource re-organisation July 2011 it is considered that overall levels of performance remain satisfactory. The performance figures showed an immediate impact following the changes (see para 3.2.1. and 3.3.1 - note Q3 figures) but also a recovery in the subsequent measuring period (Q4). It is also notable that there has been no contraction or failure in the 'breadth' of service provided (i.e. we continue to deliver a wide range of non statutory elements of the service, such as advice to prospective developers, extensive neighbour notification and Parish Consultation, participation of the public in Committee meetings etc) despite the efficiency savings made in 2011**

Appendix 1 : Appeal decisions

Proposal: 11/00585/FUL Replacement garage at Cherry Tree Cottage, 6 Stathern Lane, Harby

Level of decision: Delegated

Reasons for refusal:

- The proposed garage by virtue of its length, width and proximity to the adjoining dwellings, infills an important 'gap' between dwellings, which is considered to be an important element within the street scene and which contributes to the rural nature of Stathern Lane and the locally distinctive character of the settlement.

Inspector's conclusions: Allowed – The Inspector concluded that the construction of a garage wider than that previously approved would not have an adverse impact on the street scene or conflict with Policies OS1 or BE1 and that the appeal should therefore be allowed. This appeal was also accompanied by an application for costs against the Council for unreasonable behaviour. The application for costs was refused as the Inspector concluded that the Council officer's report was comprehensive, dealt fully with consultation responses – including that from the neighbour – and considered the appeal proposal in terms of the development plan policies. The decision notice clearly stated the reason for refusal and, again, did so in terms of the development plan. There is nothing to indicate that the Council has acted unreasonably in any way at all. Therefore the Inspector found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

Proposal: 11/00270/FUL Agricultural barn at Field No 4663, Barkestone Lane, Redmile

Level of decision: Delegated

Reasons for refusal:

- The main issue was that no justification had been supplied which shows that the building is essential for the purposes of agriculture or that the building is constructed for the purposes for which it is proposed to be used and that insufficient information has been submitted to assess the likely impacts on the amenity of nearby residents or its environmental impacts.

Inspector's conclusions: Allowed – The Inspector concluded that the building is an extension to an approved barn and is currently occupied by laying hens and on these grounds allowed the

appeal.

Proposal: 11/00451/FUL Re-location of previously approved cart shed (10/00697/FUL) at Cresswell Spring Farm, 19 High Street, Waltham On The Wolds

Level of decision: Committee

Reasons for refusal:

- The main issue was that the proposed development would result in the erection of a substantial building on a Protected Open Area which would adversely affect the area's intrinsic open character.

Inspector's conclusions: Dismissed – The Inspector concluded that the proposed siting would be more prominent, with a much larger separation from the permitted house, and it would be less well related to the surrounding built form. Its design, with dormer windows to one side of the roof, would accentuate the overall size of the building, emphasising its bulk and mass within this sensitive area. It would thus harmfully intrude into this "Protected Open Area". The proposal for grasscrete and hard standing to the rear would further increase intrusion into the open character of the area. The proposal would harm the character and appearance of the area, which is shown as a "Protected Open Area" and dismisses the appeal on this ground.

Proposal: 11/00338/OUT Erection of 50 dwellings at The Old Clay Pit, Grantham Road Bottesford

Level of decision: Committee

Reasons for refusal:

- The main issues were the location of the site outside the village envelope and the sustainability of Bottesford to support 50 dwellings.

Inspector's conclusions: Dismissed – The Inspector concluded that An appeal has been dismissed for the development of 50 houses at The Old clay Puts, Grantham Rd, Bottesford. The decision follows a Public Inquiry held between 21st and 23rd February at which the Council was represented by the Head of Regulatory Services, Policy Manager, Planning officer (D Knipe) and both Ward Councillors, Cllrs Chandler and Wright. The Inspector accepted the Council's argument that the Local Plan polices are still applicable including the Village Envelopes, despite their age and that even where a 5 year land supply cannot be demonstrated it does not automatically mean sites outside village envelopes should be approved .

Proposal: 11/00187/COU Proposed change of use / conversion of existing building / stables to form new granny annex at Lake View, Station Lane, Kirby Bellars

Level of decision: Delegated

Reasons for refusal:

- The main issue was whether the change of use/conversion to form a new granny annex would constitute the formation of a new dwelling in the countryside and, if so, whether it would harm the objectives of planning policy that seeks to protect the character and appearance of the countryside.

Inspector's conclusions: Dismissed – The Inspector concluded that the proposed annex would represent a self-contained dwelling unit independent of the main dwelling on the site. The establishment of an independent dwelling within the countryside would be contrary to PPS7 and with saved LP Policies, which aim for the strict control of new dwellings within the countryside. The proposal would harm the objectives of planning policy that seek to protect the character and appearance of the countryside. There is no information to indicate that the proposed dwelling would be necessary to enable the equine enterprise, which may be established on the site at some time in the future, to operate effectively and dismisses the appeal on this ground.

Proposal: 10/00660/FUL Erection of a marquee at Field Number 1962, Belvoir

Level of decision: Committee

Reasons for refusal:

- The main issues were the effect of the proposals upon the setting of the listed buildings and the special interest of the Historic Parkland, and second the effect on living conditions for occupants of nearby dwellings in terms of noise and general disturbance.
- **Inspector's conclusions: Allowed** – The Inspector concluded that on balance, the benefits of erecting the marquee between March and October for a limited number of years would outweigh the harm that would be caused to heritage asset interests. He concluded that significant harm would be caused to the setting of the listed buildings and the special interest of the Historic Parkland, but that this would be outweighed by other material considerations. With regards to the impact on nearby dwellings the Inspector concluded that subject to appropriate conditions the proposed marquee would cause no significant harm to living conditions for occupants of nearby dwellings in terms of noise and general disturbance. On these grounds the appeal was allowed for a temporary three year period.