

## DEVELOPMENT COMMITTEE

18<sup>th</sup> OCTOBER 2012

### REPORT OF APPLICATIONS AND ADVICE MANAGER

#### DEVELOPMENT CONTROL PERFORMANCE: 2012/13 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 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	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/1 1	2011/ 12	TARGET 2012/13	Q1 April – June 12	Q2 July – Sept 12
157 (a): % 'major' applications determined in 13 wks	75.86 %	71.4 %	79.31 %	66.66 %	64.28 %	53.33 %	83.33 %	60%	50%	66.66%
157 (b): % 'minor' applications determined in 8 wks	76.63 %	83.84 %	80.32 %	67.39 %	83.5 %	73%	65.59 %	65%	64.81%	70.21%
157 (c) : % 'other' applications determined in 8 wks	91.63 %	92.43 %	92.87 %	81.28 %	90.23 %	88.86 %	80.71 %	80%	86.56%	83.33%

LOCAL: % <b>all applications</b> determined in 8 weeks	85.73 %	87.53 %	86.18 %	74.93 %	86.65 %	81%	73.63 %	<b>80%</b>	77.78%	75.86%
LOCAL: % <b>householder</b> applications determined in 8 weeks	95.89 %	94.01 %	95.65 %	83.00 %	91.98 %	91.49 %	80.77 %	<b>90%</b>	85.48%	82.22%

**3.2.2** Planning application performance for the second quarter has shown good performance figures for 'major', 'minor' and 'other' applications. Performance for householder application is below target and this will hopefully improve into the next quarter.

**3.2.3** Performance for major applications is good for the second quarter and there has been an improvement in minor 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.

<b>Indicator</b>	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	<b>TARGET) 2010/11</b>	Q1 April – June 2012	Q2 July – Sept 2012
188: % of decisions <b>delegated</b> to officers	85.85 %	87.15%	91.70%	92.89%	89.52%	91.37%	<b>90%</b>	88.89%	87.07%
204 : %age of <b>appeals</b> against refused applications dismissed	50.00 %	55%	46.57%	62.5%	71.43%	58.82%	<b>66.66%</b>	0% (0/0)	71.43%
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	18 (41%)	21 (48%)	22 (50%)	30 (68%)	30 (68%)	38 (86%)	<b>36 (82%)</b>	38 (86%)	38 (86%)
219c: % of Conservation Areas with published management proposals	18 (41%)	21 (48%)	21 (48%)	30 (68%)	30 (68%)	38 (86%)	<b>36 (82%)</b>	38 (86%)	38 (86%)
205 : quality of Planning Service checklist	83%	83%	94.44%	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:**

<b>Decision type</b>	<b>No. of appeals dismissed</b>	<b>No. of appeals allowed</b>
Delegated	2	2
Committee, in accordance with recommendation	2	
Committee, departure from recommendation	1	

**3.4 DEVELOPMENT OF THE SERVICE**

The 2012/13 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 There has been no enforcement appeals decided in the last quarter.

4.3 Table of performance:

<b>Indicator</b>	<b>2009/2010 Overall</b>	<b>2010/11 Overall</b>	<b>2011/12 Overall</b>	<b>2012/2013 Q1</b>	<b>2012/2013 Q2</b>
No. of Cases Received	231	196	158	60	51
No. of Cases Closed	238	206	117	34	41
% Resolved per month against annual total <b>(target 8.3% per month = 100% per year)</b>	8.6% 103% total for the year	8.75% 105% total for the year	7.4% (74% total for the year)	5.7%	6.7%
Cases reaching a course of action decision within 8 weeks <b>(target 70% of cases)</b>	71.5%	78%	79.25%	85%	80.5%
Appeals against enforcement notices	N/A	N/A	100%	N/A	N/A

dismissed (target 100% of appeals)					
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- 4.4 The Parish Council 'enforcement project' is now live and two of the parishes have started engaging with the Borough Council over planning enforcement cases. This initial step into the enforcement regime has been limited to minor suspected breaches of planning control, with the parishes gathering information for the Enforcement Officers to consider and act upon. It is hoped that over the next couple of months all of the parishes that have joined the project will have had the opportunity of carrying out some investigations, although this will be dependent on cases occurring in their areas. Initially, the engagement will be limited to planning cases, although it is hoped in time that minor licensing matters will be included within the Parish Council's remit.
- 4.5 This is seen as a positive step towards better liaison and engagement with the Parish Councils and gives ownership of planning enforcement issues at a local level. There has been considerable outside interest from other local authorities, so much so that the project is being discussed as a topic at a national planning enforcement conference later in October this year.
- 4.6 The Planning Enforcement Service is below target for this quarter for the % resolved, however, target has been met for decision within 8 weeks. The reason for not obtaining this target is due to the level of on going cases that have yet to be closed within the system. The team has also seen an increase in the number of cases received over the last two quarters.

## 5 WORKLOAD CONTEXT

- 5.1 Workload was essentially consistent between 1011/12 and the preceding years in terms of both quantity and profile. The number of applications received in the second quarter is comparable to the second quarter for last year (2011/2012). 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 two standards of performance is good with the majority of targets being met and those that aren't are only marginally below. The team should be commended for their work and efforts.
- 6.2 This quarter has seen some excellent performance particularly in 'majors' and appeal decisions. The number of householder applications determined was below target, however, this can often be due to making sure the decision is 'right' and not rushing determination to meet target deadline dates. Hopefully this will impact into the next quarter.
- 6.3 The Enforcement Team's figures for quarter 2 are slightly below target, however, given the increase in workload the enforcement team should be commended for their work and efforts.

## Appendix 1 : Appeal decisions

**Proposal: 11/00984/FUL Two storey detached residential dwelling at Land Adjacent To 27 Dairy Lane, Hose**

**Level of decision:** Delegated

**Reasons for refusal:**

- 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: Allowed** – The Inspector concluded the proposed dwelling would not compromise the aim of achieving a balanced housing supply in the Borough and would not conflict with policy in the Framework, the EMRP or in the emerging Core Strategy and would meet the aims of saved LP Policies OS1, BE1 and H6 and allowed the appeal.

**Officers Comments** – This appeal decisions appears to conflict with the NPPF and recent appeal decisions in relation to PPS3 and more recently in Saltby with the NPPF (reported below) and is a source of concern and confusion. The Inspector recognises that the issue is an element of the NPPF but appears to have placed weight on the Local Plan which pre dates such requirements. This is a step backwards from the appeal decisions received under PPS3. He has also attributed importance to the personal needs of the applicant and the statement that they would be releasing a dwelling in the village. This does not appear to be in line with the NPPF which requires Councils to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and not an individual's personal needs.

**Proposal: 12/00083/FUL The erection of a ground mounted array of 16 solar panels at Corner House, 6 Main Street, Sproxton**

**Level of decision:** Delegated

**Reasons for refusal:**

The proposed development would result in the erection of array of photovoltaic panels on a designated Protected Open Area which would adversely affect the area's intrinsic open character, contrary to policies OS1, BE1 and BE12 of the adopted Melton Local Plan.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the proposal would impact on the POA and on the character of the conservation area which would not be acceptable and this is not outweighed by the general support for renewable energy schemes set out in the NPPF and dismisses the appeal on this ground.

**Proposal: 11/00666/FUL Conversion of barn in to holiday let accommodation at The Cottage, 3 The Green, Stonesby**

**Level of decision:** Delegated

**Reasons for refusal:**

- The proposed conversion, due to its close proximity to the adjacent property and by virtue of the positioning of the access and driveway, the location of the entrance door, and the introduction of new doors and windows, along with the associated noise, disturbance, overlooking and loss of privacy, will adversely affect the amenities of the occupiers of the Listed Building known as Opal Cottage, and therefore the setting and long-term future of that building.
- The proposal is therefore detrimental to Opal Cottage, and contrary to National Policy PPS5 Planning for the Historic Environment, which seeks to protect heritage assets and the setting of Listed Buildings. The proposal is also contrary to saved policies

OS1 and BE1 of the Melton Local Plan which seek to ensure that new development would not adversely affect the occupants of neighbouring properties by reason of loss of privacy or sunlight/daylight.

**Inspector's conclusions: Dismissed** – The Inspector concluded that although the barn may change from a garage to a holiday let, the layout of the listed building, its relationship to the barn and adjacent land would be maintained. The residential character would not be harmed and the setting of the listed building would be preserved and there would be no harm to the special interest of the listed building. However, with regard to the neighbouring property the Inspector concluded that the combined noise and activity and the loss of privacy would cause substantial harm to the living conditions of the occupiers of Opal Cottage and dismisses the appeal on this ground.

**Proposal: 12/00073/OUT Erection of single dwelling and associated access at 78 Grantham Road, Bottesford**

**Level of decision:** Delegated

**Reasons for refusal:**

- 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: Allowed** – The Inspector concluded the proposed dwelling would not compromise the aim of achieving a balanced housing supply in the Borough and would not conflict with policy in the Framework, the EMRP or in the emerging Core Strategy and would meet the aims of saved LP Policies OS1, BE1 and H6 and allowed the appeal.

**Officer's Comments** – Again, as stated above this appears to conflict with the NPPF and recent appeal decisions in the Borough. In this case the Inspectorate placed some emphasis on the applicants statements that the proposal would release another dwelling back into the housing market. This is not considered best practice as there are no control mechanisms on the end users and nothing to prevent the applicant from selling this on the open market and not occupying it as the Inspectorate has presumed.

**Proposal: 11/00556/OUT Demolition of existing dwelling and outline application for a replacement dwelling and 2 new dwellings at Hathaway Cottage, 39 West End, Long Clawson**

**Level of decision:** Committee

**Reasons for refusal:**

- The proposal would result in a development not in keeping with the form, character and appearance of the area. The dwellings would occupy the site predominantly to the south and south east which would not reflect the character and density of the surrounding area and would also result in the demolition of a heritage asset, as identified in PPS5, which would have an adverse impact upon the visual amenity of the surrounding area.

**Inspector's conclusions: Dismissed** – The Inspector concluded the development would have a harmful effect on the appearance and character of the area and on the living conditions of nearby occupiers at 37 West End and would result in the loss of a non-designated heritage asset. These consequences would give rise to conflict with saved policy OS1 of the Melton Local Plan. Whilst there would be some advantages associated with the development, these are not sufficient to justify taking a decision that is not in accord with the development plan and dismisses the appeal on this ground.

**Officer's comments** – This decision emphasis the weight given to non-designated heritage assets in relation to the NPPF. The Inspectorate also introduced a ground for refusal on impact

on the neighbouring property, No. 37, which was considered acceptable by the Council.

**Proposal: 11/00458/OUT Outline application for the erection of a dwelling at 11 Gloucester Crescent, Melton Mowbray**

**Level of decision:** Committee

**Reasons for refusal:**

- In the opinion of the Local Planning Authority, the proposal is considered to have a detrimental impact on the form and appearance of the locality where dwellings are orientated to front the highway in a linear form. The introduction of back land development in this location will result in development visible behind the existing street-fronting houses and when viewed from the road this will unduly alter, and harm, the character of the area. The proposal is therefore considered to change the character and built form of the area and would change the appearance of the neighbourhood. Furthermore the site is residential garden area, not brownfield land, where there is no presumption in favour of development, in terms of PPS3. For these reasons the proposal is considered contrary to saved Policies OS1 and BE1 of the Melton Local Plan and National Policy guidance PPS3.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the proposal would be out of keeping with the existing pattern of development of the street and would cause harm to the character and appearance of the appeal site and dismisses the appeal on this ground.

**Proposal: 11/00385/FUL New dwelling at 15 Back Street, Saltby**

**Level of decision:** Committee

**Reasons for refusal:**

- 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.
- The proposal would, if approved, result in the introduction of dwelling on a site in an unsustainable location. The development would be sited within an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car.

**Inspector's conclusions: Dismissed** – The Inspector concluded that the proposed dwelling is not supported by any local need and it is likely that its occupiers would be reliant on the motor car for access to employment opportunities and the large majority of their day-to-day needs. Although the village may have an active social network it does not represent a sustainable location. The Inspector also concludes that the proposal would fail to address an identified imbalance in the local housing market contrary to up-to-date advice in the Framework and dismisses the appeal on this ground.

**Officer's Comments** – This decision appears to be in line with previous appeal decisions on housing need which we have had, albeit in relation to PPS3. This decision, however, does appear to be in conflict with the two other decisions we have had this quarter in relation to housing need but more in line with the Policy stance this Authority has been taking.