

AGENDA ITEM

DEVELOPMENT COMMITTEE

31st January 2013

REPORT OF APPLICATIONS AND ADVICE MANAGERS

DEVELOPMENT CONTROL PERFORMANCE: 2012/13 QUARTER 3

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 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	Q3 Oct – Dec 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%	0%
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%	65.9%
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%	77.77%

LOCAL: % all applications determined in 8 weeks	85.73 %	87.53 %	86.18 %	74.93 %	86.65 %	81%	73.63 %	80%	77.78%	75.86%	71%
LOCAL: % householder applications determined in 8 weeks	95.89 %	94.01 %	95.65 %	83.00 %	91.98 %	91.49 %	80.77 %	90%	85.48%	82.22%	79.31%

3.2.2 Planning application performance for the third quarter has shown a dip in some performance levels, particularly 'major' and 'householder'. With regards to the major application the performance figures are susceptible to change due to the numbers of application that we deal with. In this quarter we only dealt with two applications and due to making the right decision both applications went beyond the 13 week target date. Again this is similar for householder applications with only six applications going outside of the target date. However, due to the number of application dealt with this small number going out of time can have an impact on the overall figures.

3.2.3 Overall the quarter has seen a slight decrease in performance levels.

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	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	TARGET) 2010/11	Q1 April – June 2012	Q2 July – Sept 2012	Q3 Oct – Dec 2012
188: % of decisions delegated to officers	85.85 %	87.15 %	91.70 %	92.89%	89.52%	91.37%	90%	88.89%	87.07%	88%
204 : %age of appeals against refused applications dismissed	50.00 %	55%	46.57 %	62.5%	71.43%	58.82%	66.66%	0% (0/0)	71.43%	50%
219a: no of Conservation Areas in Borough	44	44	44	44	44	44	44	44	44	44
219b: % of Conservation Areas with character appraisal	18 (41%)	21 (48%)	22 (50%)	30 (68%)	30 (68%)	38 (86%)	36 (82%)	38 (86%)	38 (86%)	44 (100%)
219c: % of Conservation Areas with published management proposals	18 (41%)	21 (48%)	21 (48%)	30 (68%)	30 (68%)	38 (86%)	36 (82%)	38 (86%)	38 (86%)	44 (100%)
205 : quality of Planning Service checklist	83%	83%	94.44 %	94.44%	94.44%	94.44%	94%	94.44%	94.44%	94.44%

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		1
Committee, in accordance with recommendation		
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:

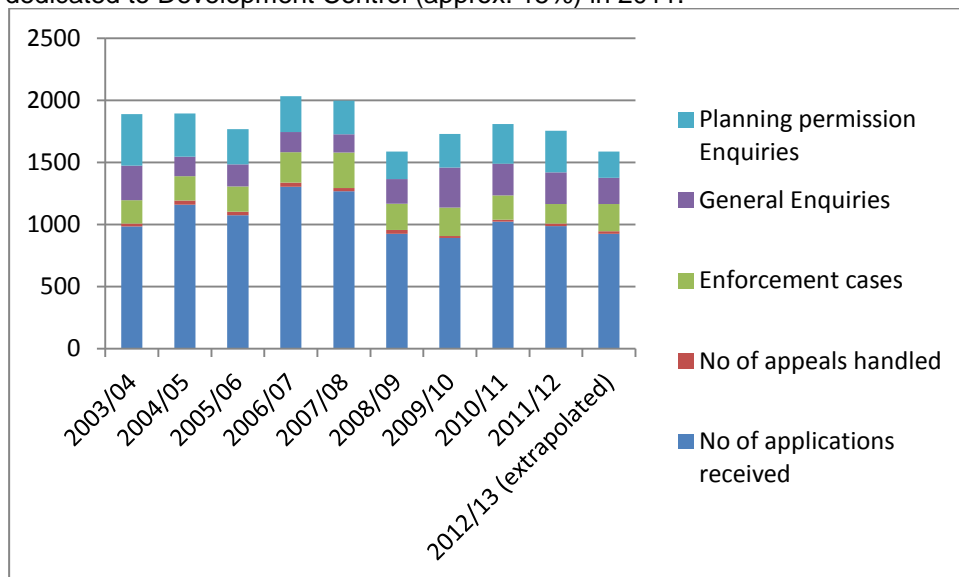
Indicator	2009/2010 Overall	2010/11 Overall	2011/12 Overall	2012/2013 Q1	2012/2013 Q2	2012/2013 Q3
No. of Cases Received	231	196	158	60	51	29
No. of Cases Closed	238	206	117	34	41	87
% Resolved per month against annual total (target 8.3% per month = 100% per year)	8.6% 103% total for the year	8.75% 105% total for the year	7.4% (74% total for the year)	5.7%	6.7%	12.8%
Cases reaching a course of	71.5%	78%	79.25%	85%	80.5%	79.3%

action decision within 8 weeks (target 70% of cases)						
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	100%	N/A	N/A	N/A

4.6 The Enforcement team have met all of their target this quarter. There has been a decrease in the number of cases received but this has allowed for a significant number to be closed. The team continues to perform well.

5 WORKLOAD CONTEXT

5.1 Workload was essentially consistent between 2011/12 and the preceding years in terms of both quantity and profile. The number of applications received in the third quarter is slightly higher compared to the third 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 three standards of performance are below target in most areas.

- 6.2 The drop in performance is considered to be due to a period in the workload when we have experienced backlogs in the registering and processing of applications. This has had a knock on effect onto the Officers as they received the applications later on in the process and therefore if any additional information was required, or an advertisement or amendments needed then the application would go out of time. Officers are also spending time acting in a positive and proactive manner in line with the National Framework to ensure that a quality decision is made rather than concentrating on a determination deadline.
- 6.3 This quarter figures are considered to be fairly poor compared to the standards we have been able to deliver previously. However, the problem has been identified and is being closely monitored so it is hoped that this is a temporary problem and something which will improve as we go into the final quarter.
- 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.
- 6.5 This quarter has seen the completion of all character appraisals and published management proposal for Conservation Areas. This is an area of excellent performance and should be noted.

Appendix 1 : Appeal decisions

Proposal: 12/00323/TPO To fell one Oak tree at Oakleigh, 5 Blacksmith End, Stathern

Level of decision: Delegated

Reasons for refusal:

- The oak tree is a healthy specimen and forms an intrinsic part of the special character at this location. The proposed works would result in a reduction in the contribution to the amenity of the area that the tree provides. Since the Order was originally served, no further evidence has been provided which is considered sufficient to justify the removal of the tree. Extensive removal of vegetation in the vicinity of the damaged property has recently been undertaken without the prior consent of the LPA. This in conjunction with seasonal fluctuations of the water content of the soil has the potential to resolve the situation without the removal of the oak tree and additional information is necessary to establish whether the tree the subject of this application is a contributory cause.

Inspector's conclusions: Allowed –

The Inspector concluded that due to its age and restricted visibility, at the present time the appeal tree only has limited public amenity value. As a suitable replacement tree could be planted, its felling would not cause any significant long term harm. He also concluded that the tree had been a contributory factor in the subsidence at No. 3 Blacksmith End and that its continued presence is likely to result in further damage to that property.

Proposal: 11/00952/FUL Replacement of dilapidated barn with commercial storage unit and adapt entrance with vehicle turning circle and parking at Pinfold Farm, 25 Main Road, Nether Broughton

Level of decision: Committee

Reasons for refusal:

- The proposal would result in a new commercial building in the open countryside which is located in an unsustainable location with limited transport facilities and would be

- dependent upon servicing by motor vehicles for all movements.
- The proposed development would result in the re-opening of an extremely substandard vehicular access on to the Class I Road (A606), which lacks adequate width, radii and especially visibility splays to cater for the likely level and size of vehicle likely to be generated. The proposal is unacceptable on highway safety grounds as the use of the access would be likely to result in significant dangers for highway users to the detriment of highway safety.

Inspector's conclusions: Dismissed – The Inspector concluded that the proposal has benefits to the appellant in so far as it provides secure storage capacity close to his home while providing for a degree of personal supervision over storage, onward distribution and associated vehicle movements. For all that, it has not been demonstrated that it would be the most sustainable option with the objective of minimising vehicle movements and their associated impacts. It would only become so if the focus of the business transferred from Asfordby to the site. However, to do so would run the clear risk of increasing vehicle movements at a severely sub-standard access, at which the highway authority's reluctance to object is premised on there being no increase in vehicle movements. The proposed improvements to the access would not, in my view, reduce the risk so as to make its use acceptable in conjunction with any such increase. The evidence fails to demonstrate that the proposal would be in a sustainable location, having regard to transport arrangements. It does not command the support given in the NPPF to sustainable development or to sustainable new development in a rural area. The only way in which it could overcome such an objection would be at the cost of causing harm to the safety of road users at the site access on to the A606 road.

This application was also the subject of a **cost application** on the grounds that the Local Planning Authority did not follow the advice of the Highway Officer. It was a matter of concern to the Inspectorate that the Council did not make available a record of the relevant Committee discussion that led to the officers' recommendation not being followed. However, in the event, the Council's concern regarding the adequacy of the access was reasonably held, allied to a view that, as matters stand, the site cannot be regarded as the most sustainable option for locating an overflow warehouse. The Council recognises that the highway authority maintained concerns about the access, considering it extremely poor. That it did not link those concerns, and the highway authority's consequent proviso that no objection was maintained subject to no increase in traffic, to the sustainability considerations and how they might affect the site, does not mean that it unreasonably refused permission. Therefore the Inspectorate found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and the appeal for cost was **dismissed**.