

DEVELOPMENT COMMITTEE

25th JULY 2013

REPORT OF APPLICATIONS AND ADVICE MANAGERS

DEVELOPMENT CONTROL PERFORMANCE 2013/14 (QUARTER 1)

1. PURPOSE OF THE REPORT

- 1.1** To advise the Committee, of the Performance Indicator outcomes related to the determination of planning applications for Q1 (April to June 2013), 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 GROWTH AND INFRASTRUCTURE ACT

- 3.2.1** The Growth and Infrastructure Bill received Royal Assent on 25 April. The Bill has amended existing legislation and introduces a number of reforms that will affect the planning application process and performance issues.
- 3.2.2** The Bill has put in place Performance Standard, known as the 'Planning Guarantee', relates to reform which is designed to ensure that no planning application should take longer than one year to reach a decision. This implies a maximum of 26 weeks both for an initial decision by a Local Planning Authority and (should there be an appeal against refusal of permission) the Planning Inspectorate. The 'Guarantee' document has yet to be published by the Department for Communities and Local Government (DCLG) in its final form. However, a public consultation has taken place, with two criteria proposed to measure whether a Local Planning Authority is performing poorly.. These are:
- timeliness, where Local Planning Authorities are deemed to be underperforming if they determine less than 30% of applications they receive for large scale, 'major' development within 26 weeks; **or**
 - quality, where more than 20% of the Authority's decisions on major development are being overturned at appeal.
 - Changes to the fee regulations are also likely to come into force in October refund of fees in relation to planning applications not determined within 26 weeks.

Areas with character appraisal	18 (41%)	21 (48%)	22 (50%)	30 (68%)	30 (68%)	38 (86%)	44 (100%)	36 (82%)	44 (100%)
% of Conservation Areas with published management proposals	18 (41%)	21 (48%)	21 (48%)	30 (68%)	30 (68%)	38 (86%)	44 (100%)	36 (82%)	44 (100%)
: quality of Planning Service checklist	83%	83%	94.44%	94.44%	94.44%	94.44%	94.44%	94%	94.44%

3.4.2 Planning appeal performance

The table below indicates the Council's appeal record for quarter 1, 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	1
Committee, in accordance with recommendation		
Committee, departure from recommendation	1	3

3.4.3 DEVELOPMENT OF THE SERVICE

The 2013/14 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 Overall	2013/2014 Q1
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No. of Cases Received	231	196	158	192	55
No. of Cases Closed	238	206	117	252	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	7.4% (74% total for the year)	10.9% 131.25% total for the year	6.5%
Cases reaching a course of action decision within 8 weeks (target 70% of cases)	71.5%	78%	79.25%	80.45%	84%
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	100%	N/A	N/A

4.7 The Planning Enforcement Service is below target for this quarter for the % resolved, however, target has been met for decision within 8 weeks.

5 WORKLOAD CONTEXT

5.1 The number of applications received in the first quarter is slightly increased comparable to the first quarter for last year (2012/2013).

6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

6.1 This report has shown that in quarter one standards of performance is satisfactory 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 Some targets have not been met, target levels for appeal is down in this first quarter, the cases are reported below.

6.3 The Enforcement Team's figures for quarter 1 are slightly below target, however, it is hoped that these will improve in the next quarter.

Appendix 1 : Appeal decisions

Proposal: 12/00538/OUT Outline application for single storey dwelling at Holmwood 33 Main Street, Kirby Bellars

Level of decision: Delegated

Reasons for refusal:

- The dwelling, if approved, would result in an unsustainable form of development in this rural location. It is not considered that there is sufficient justification to warrant a new dwelling in an area located outside the village envelope, which does not fall within the types of residential development for which an exception is made to the general presumption against such development.

Inspector's conclusions: Dismissed – The Inspector concluded that that Kirby Bellars performs poorly in terms of sustainability criteria when compared to other settlements in the Borough.

Consequently the village does not constitute a sustainable location for new development. He concludes that the proposed dwelling is not in a sustainable location. As a result the proposal is contrary to local and national planning policy and the appeal was dismissed.

Officer's comments – This appeal decision reaffirms that the Council's assessment of sustainable and unsustainable settlements are in line with the NPPF.

Proposal: 11/00990/CL Certificate of Lawful use for the erection of one new dwelling at 15 Back Street, Saltby

Level of decision: Delegated

Reasons for refusal:

- On the balance of probability, the evidence submitted does not prove that the planning permission for the development of the land for the construction of a single dwellinghouse reference 07/00600/FUL, has been lawfully implemented in accordance with the planning permission. Accordingly; the planning permission for the construction of the dwellinghouse on the land has lapsed and the continuation of the development of the site in accordance with the aforementioned planning permission would be unlawful.

Inspector's conclusions: Allowed – The Inspector concluded that the work done before 10 August 2010 was authorised by the planning permission and comprised a material start to the development permitted. The permission did not lapse on 10 August 2010 and the development begun before that date may lawfully be completed. The Council's refusal to grant a certificate of lawful use or development in respect of the erection of a new dwelling was not well-founded and that the appeal should succeed.

Proposal: 12/00159/FUL Domestic garage with storage over at Pickwell Grange, Oakham Road, Leesthorpe

Level of decision: Committee

Reasons for refusal:

- The proposed development, by virtue of its scale and height, would be detrimental to the character and appearance of its countryside location and would be contrary to Policy C11 of the adopted Melton Local Plan.

Inspector's conclusions: Allowed – The Inspector concluded that that the proposal would sit comfortably on the site. The proposed garage and store is of a similar scale and height to the existing outbuilding and would be subordinate in size to the farmhouse and that the scheme would not have a marked impact on the rural character of the local area.

Proposal: 12/00460/FUL Erection of temporary Endurance E3120 wind turbine, with a maximum height of 46.1m and access track and cable trench at Hall Farm, Klondyke Lane Thorpe Satchville

Level of decision: Committee

Reasons for refusal:

- The proposed wind turbine would, by virtue of its height, position in the landscape and movement, introduce a new element into the landscape that would be widely visible. This visibility and presence would exceed that of any existing local features. The development would therefore constitute a prominent feature in the open

countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation

Inspector's conclusions: Allowed – The Inspector concluded that the area from within which the Hall Farm wind turbine would most likely be visible would extend no further than across the area bounded by the ridge south of Great Dalby to the north, Twyford/South Croxton/Leicester Road to the south, Station Road/Ashby Folville Road to the west and Salter's Hill/Burrough on the Hill to the east. However, when viewed from many locations within this area, the visibility would be insignificant because of the scale of the turbine in relation to the broad and undulating landscape in which it would be located, and because of the presence of trees and wood land copses which would screen and / or filter views. The landscape is of a type and character that has been able to assimilate these vertical structures in such a way that they do not dominate the character or appearance of the countryside to such an extent that they cause significant harm. In their view this confirms the capacity of this landscape to assimilate the proposed wind turbine without harm to its character. Whilst the Inspector appreciated that there would be a change to the outlook from a number of properties and their gardens, having regard to the setting of the wind turbine, the presence of intervening trees and hedgerows and its distance from those properties, found that it would not be so dominant in the view as to cause significant harm to the appearance of the local area. In relation to the other turbines the Inspector considered that there would be adequate distance between them to avoid an overwhelming cumulative impact which would detract significantly from the local character of this rural area.

This application was also the subject of a **cost** application. The Inspector concluded that the Council has not acted in an unreasonable manner so as to cause the appellants to incur unnecessary costs.

The Authority has been served with an application to quash the decision of the Secretary of State of Communities and Local Government to allow the appeal.

Proposal: 12/00454/FUL Erection of single wind turbine with 50m hub height, temporary track and sub station Field No. 0726 at Park Farm, Klondyke Lane, Thorpe Satchville

Level of decision: Committee

Reasons for refusal:

The proposed wind turbine would, by virtue of its height, position in the landscape and movement, introduce a new element into the landscape that would be widely visible. This visibility and presence would exceed that of any existing local features. The development would therefore constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation.

Inspector's conclusions: Allowed – The Inspector concluded that the wider landscape is broad in scale with a wide and gently undulating landform, interspersed with hedgerows and trees. Whilst the turbine would be visible from a number of wider views intermittently across the surrounding countryside, they considered that it would be largely absorbed into this wider landscape setting, and would not appear as such a significant or dominant structure as to cause harm to the character or appearance of the countryside. It was considered that the landscape had the capacity to assimilate the proposed wind turbine without significant harm to its character or appearance. They concluded that the wind turbine would be visible from near and far, but it would be located within the confines of a working farm, and in a broad undulating landscape which can absorb such a structure. The proposal would not be so dominant either on its own or in association with existing wind turbines or that proposed nearby at Hall Farm to cause such harm to the character or appearance of the countryside as to outweigh the presumption in favour of sustainable development set out in the NPPF.

This application was also the subject of a **cost** application. The Inspector concluded that the Council has not acted in an unreasonable manner so as to cause the appellants to incur unnecessary costs.

The Authority has been served with an application to quash the decision of the Secretary of State of Communities and Local Government to allow the appeal.

Proposal: 12/00507/FUL Erection of replacement dwelling and new double garage at Land Adjacent 32 New Road, Burton Lazars

Level of decision: Delegated

Reasons for refusal:

- In the opinion of the Local Planning Authority the proposal would result in the erection of a dwelling in an unsustainable location. The development in 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, contrary to the advice contained in NPPF in promoting sustainable development. The Local Planning Authority does not consider that the applicants proposal relating to the replacement of a smaller unit with a larger more sustainably constructed bungalow would make the village a more sustainable location and it is not considered sufficient material considerations to depart from the Development Plan policies.
- The proposal relates to the development of a private residential garden and a 'greenfield' site which is identified as a Protected Open Area in the Adopted Melton Local Plan where the release of the site for new housing is inappropriate and would be harmful to the form and character of the settlement, contrary to the advice contained in the NPPF. The development will intrude in to the gap between existing dwellings and would appear cramped and harmful to the spacious open appearance of the area and the form and character of the settlement contrary to the provisions of policies OS1 and BE1 and BE12 of the Adopted Melton Local Plan.

Inspector's conclusions: Dismissed – The Inspector concluded that the proposed dwelling would not be in a sustainable location having regard to national planning policies and the range of facilities in the village. With regards to the impact on the character of the settlement the Inspector concluded that the proposal would intrude upon the spacious and open character of the area.

Officer's comments – This appeal decision again reaffirms that the Councils assessment of sustainable and unsustainable settlements are in line with the NPPF.

Proposal: 12/00756/FUL Single storey dwelling and ancillary works at Land Adjacent 23 Middle Lane, Nether Broughton

Level of decision: Committee

Reasons for refusal:

- The proposal would have a detrimental impact upon the character and appearance of the surrounding area. The proposed bungalow, by virtue of its form, size, scale and mass would appear cramped within the plot and would not reflect the character of the area. The siting of the proposed dwelling would have a detrimental impact on neighbouring properties and the "village green". The surrounding properties have a spacious feel with separation between properties and boundaries.

Inspector's conclusions: Dismissed – The Inspector concluded that that this single storey dwelling would appear cramped and prominent on this corner plot, due to its size and extent and the proximity of its main elevations to the plot boundaries. The western elevation would appear incongruous and intrusive while the southern elevation would be bleak and bland, so spoiling the street scene and failing to harmonise with the surroundings. Such development

would not properly respond to the local character and history of this place, nor reinforce local distinctiveness nor take this opportunity to improve the character and quality of the village. In the Inspectors view the current proposal does not demonstrate a means of securing 'a high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.