

AGENDA ITEM 5.1

DEVELOPMENT COMMITTEE

28th JULY 2011

REPORT OF APPLICATIONS AND ADVICE MANAGER

DEVELOPMENT CONTROL PERFORMANCE 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 Q1 (April to June 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
157 (a): % 'major' applications determined in 13 wks	75.86 %	71.4 %	79.31 %	66.66 %	64.28 %	53.33 %	60%	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%
157 (c) : % 'other' applications determined in 8 wks	91.63 %	92.43 %	92.87 %	81.28 %	90.23 %	88.86 %	80%	86.74%

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

3.2.2 Planning application performance for the first 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 first 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 in the next quarter.

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

3.3.2 Planning appeal performance (BVPI 204)

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	
Committee, in accordance with recommendation	2	
Committee, departure from recommendation	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 Between 1 April and 30 June 2011, 43 new cases were received and 36 cases were concluded in the last quarter. The service plan requires that 8.3% of cases per month are closed on a pro-rata basis to make 100% for the year. For the quarter alone, 8.3% would equate to 14.3 cases/month, whereas we actually resolved 12 cases/month or 7% of cases, unfortunately falling below target.

4.3 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'. Quarterly figure is 70% of cases received reached a 'course of action' during the quarter, with further 13 'undecided' cases still within 8 weeks of receipt as of 30 June 2011.

4.4 There have been 2 enforcement appeals decided within this quarter, both appeals being dismissed.

1. Park Farm, Main Road, Kirby Bellars.

An enforcement investigation into an unauthorised retail use of an agricultural building resulted in the submission of an application for permission to retain a retail use. This was refused permission for the reasons of the impact that the use had on highway safety and being contrary to policies of the Local Plan and enforcement action was subsequently taken for the same reasons. 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. The use of the premises is required to cease by 11 August 2011.

2. Cricket Pavilion, Egerton Park, Melton Mowbray.

An enforcement investigation into an unauthorised use of the cricket pavilion as a pre-school nursery resulted in a planning application which was eventually refused on the fact that the site lies in a functional floodplain. Enforcement action was taken on the basis of the Council's concerns about children being at risk. The owner appealed the Council's decision to take enforcement action on 4 grounds, that there was no breach of planning control, that planning permission should be granted, that lesser steps could overcome the breach and not enough time has been given to comply with the notice. The Planning Inspectorate wholly agreed with the Council, concluding that the use of the pavilion in the floodplain unduly put people at significant risk from flooding, dismissing the appeal on all grounds and upholding the enforcement notice. The use of the pavilion as a pre-school nursery is to cease on 14 December 2011.

4.5 Table of performance

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

4.6 Whilst the service narrowly met the 8 week figure, the number of cases closed was below the target set. Quarter one has seen an increase in cases to this time last year. The enforcement team has been subject to the restructure and it is hoped that performance will improve in the next quarter.

4.7 The Planning Enforcement Service is only marginally below target for this quarter. The level of performance is still commendable particularly given the changes taken place through the restructure.

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 first quarter is comparable to the first quarter for last year (2010/2011). Whilst the team should be commended for their performance levels in the first quarter there is some concern that the capacity of the team is fully stretched and if workload continues to increase as it has started to then it may be very difficult to sustain performance figures.

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. 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 two.
- 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 first quarter of this year is comparable 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 1 are slightly below target, however, given the changes to working practices the enforcement team should be commended for their work and efforts.

Appendix 1 : Appeal decisions

Proposal: 10/00783/FUL Retrospective application for a detached timber garden shed at Anvil House, 12 King Street, Salford

Level of decision: Delegated

Reasons for refusal:

- The proposal would result in the retention of a timber shed in a designated Conservation Area which by reason of its siting, materials, and architectural detailing, would have an adverse effect upon the character and appearance of the area and would not preserve or enhance the designated Conservation Area. The siting in particular is considered to be inappropriate, and has a negative impact on the street scene and conservation area.

Inspector's conclusions: Dismissed – the Inspector dismissed the appeal and concludes that the shed seriously harms the character and appearance of the street scene, and fails to preserve or enhance the character or appearance of the Salford Conservation Area,

Proposal: 10/00646/FUL Retrospective application for the erection of fence at Bridge View, Main Road, Twyford

Level of decision: Delegated

Reasons for refusal:

- The addition of the erected fence encloses and screens a significant open space, having a detrimental impact on the intrinsic character of the area and land which otherwise forms a significant part of the village setting and is therefore contrary to Melton Local Plan Policy BE12 which seeks to ensure that development within protected open areas are in conjunction or associated with an existing use and would not adversely affect the intrinsic character of the area.
- The erected fence has a strikingly urbanising appearance and adverse impact upon the visual amenity of the surrounding area which encloses and screens an important open feature to the detriment of the street scene and surrounding area. The fence has considerably restricted the available visibility splay out of the access on to the Class II road B6047 to the detriment of highway safety. 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 in keeping with the character of the locality, whereby it is designed to harmonise with surroundings and adequate parking and access arrangements can be met.

Inspector's conclusions: Dismissed – the Inspector dismissed the appeal and concludes that irrespective of this designation, the fence has closed off the open views across the grassland from the main road through the village. In doing so it has urbanised the former open appearance of this pleasant village street and restricted and constrained the views along it. This long length of fencing immediately behind the wall looks clumsy and out of place. It detracts from the simplicity of the brick walls and the other complimentary boundary features along the road. It distracts the eye from appreciating the beauty of this rural approach to the listed Lewin's Bridge by enclosing views and breaking up the symmetry of the low brick walls leading to and across the bridge. As such, it harms the setting of this listed bridge and detracts from the views of it. He also states that the fence looks alien and intrusive, encloses and restricts open views, and detracts from the charm of the brick walls and hedges leading to the bridge. It adversely affects the character and appearance of the street scene and the setting of the listed bridge. The proposal would therefore be contrary to the saved design policies OS1, BE1 and BE12 in the Local Plan. With regards to the highway issue the Inspector agreed with the appellant that this could have been resolved by stepping back a few of the corner fence panels closest to that junction, and that a condition could have been imposed to that effect and thus this would not have formed a reason for refusing permission.

Proposal: 10/00656/FUL Construction of 7 new dwellings and the rebuilding of an existing double garage/studio and new access at Home Farm, 1 Wartnaby Road, Ab Kettleby

Level of decision: Committee

Reasons for refusal:

- The proposed development would adversely affect the setting of the nearby listed building known as 'The Willows' and the character and appearance of Ab Kettleby Conservation Area, by virtue of the introduction of a substantial dwelling on land currently an undeveloped area of garden land.
- 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.4 Old Vicarage Gardens, 'The Willows' Wartnaby Rd, and nos. 3 and 5 Wartnaby Rd.

Inspector's conclusions: Dismissed – the Inspector dismissed the appeal. With regards to the issue of the Conservation Area the Inspector concludes that the proposed development would preserve the character and appearance of the Conservation Area, and would not harm the setting of listed buildings. However, with regards to the impact on adjoining properties the Inspector concludes that the proposed dwelling on Plot 1 would materially harm the living conditions of the occupiers of No. 4 Old Vicarage Gardens and dismisses the appeal on this ground.

Proposal: 10/00531/FUL Proposed new dwelling on land to the rear of Berkeley Arms at Berkeley Arms, 59 Main Street, Wymondham and 10/00723/FUL Re-submission of the refused application for a new dwelling to the rear of Berkley Arms. Previous application number 10/00531/FUL at Berkeley Arms, 59 Main Street, Wymondham

Level of decision: Committee

Reasons for refusal:

- Both application were for a substantial 'executive' style dwelling, adding to the over-supply of such dwellings as identified in the Councils Housing Market Assessment surveys and as such it does not meet the local demand for smaller 2 and 3 bedroom dwellings

- The proposed development introduces an alien feature in the form of dormer windows and therefore fails to reflect the locally distinctive character.
- The proposed car parking would be likely to harm the long-term health of the mature tree, resulting in its loss.

Inspector's conclusions: Dismissed – the Inspector dismissed the appeal. The appeal proposals would not provide the smaller properties that the survey data and analysis show to be in short supply in the Rural East of the Borough. They would exacerbate the current oversupply of larger executive-type family accommodation in the area. The proposals would also conflict with the thrust of guidance in PPS3 and the RS, which require, amongst other matters, that any shortfall in housing supply be addressed by having regard to the housing mix of the locality and any identified imbalance. The proposals would not reflect the proven housing needs of the area. With regards to the design the inspector disagreed with the Council that dormer windows would be out of character or that they would dominate the proposed dwelling. However the Inspector concluded that the proposal would seriously harm the character and appearance of the Conservation Area due to the possible damage that would be caused to the nearby mature tree and the question mark this would place over its long term survival.