

DEVELOPMENT COMMITTEE

6TH AUGUST 2015

REPORT OF APPLICATIONS AND ADVICE MANAGERS

DEVELOPMENT CONTROL PERFORMANCE 2015/16 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 2015), the workload trends currently present and the general performance levels.

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 was revised following consideration by Policy Finance and Administration Committee on 7th July 2015 and as such this is the final report under the former arrangements. However, there remains a role for parts of the information for the reasons stated below and internal management purposes, and particularly the appeal information.

3.2 GROWTH AND INFRASTRUCTURE ACT

- 3.2.1 The Growth and Infrastructure Act 2013 amended existing legislation and introduces a number of reforms that will affect the planning application process and performance issues.

- 3.2.2 The Act 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 two criteria to measure whether a Local Planning Authority is performing poorly are:

- timeliness, where Local Planning Authorities are deemed to be underperforming if they determine less than 40% 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 came into force on 1st October which requires LPA's to refund fees in relation to planning applications not determined within 26 weeks.

Failure to meet these standards will render the LPA designated by the Secretary of State as one that is 'performing poorly' and allows applications for major development, and other connected applications, to be made directly to the Secretary of State rather than to the Local Planning Authority.

3.3 MEASURES OF PERFORMANCE OUTCOMES AND CURRENT POSITION

3.3.1 The table below shows the Council's recent and current performance against local measures and targets. PI's measure focus on efficiency and speed rather than the development of the service, the quality of the decisions made and the outcomes secured.

Indicator	2010/11	2011/12	2012/13	2013/14	2014/15	TARGET 2015/16	Q1 April – June 15
% 'major' applications determined in 13 wks	53.33 %	83.33 %	45.45%	62.5%	64%	60%	33%
% 'minor' applications determined in 8 wks	73%	65.59 %	67.84%	63.44%	62%	65%	54.59%
% 'other' applications determined in 8 wks	88.86 %	80.71 %	83%	84.72%	73%	80%	72%
% all applications determined in 8 weeks	81%	73.63 %	74.51%	75.53%	67.25%	80%	63.08%
% householder applications determined in 8 weeks	91.49 %	80.77 %	81.82%	87.71%	74%	90%	70.77%

3.3.2 Planning application performance for quarter 1 is showing that we are performing marginally below target in all areas.

3.3.4 It would appear that there is a consistent underperformance in all areas and this will be monitored into the next quarter.

3.4 QUALITATIVE MEASURES

3.4.1 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	2010/11	2011/12	2012/13	2013/14	2014/15	TARGET 2015/16	Q1 April – June 15
% of decisions delegated to officers	89.52%	91.37%	88.55%	91%	89%	90%	83.22%
%age of appeals against refused applications dismissed	71.43%	58.82%	71.43%	68.42%	47%	66.66%	75%

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	
Committee, in accordance with recommendation		
Committee, departure from recommendation	1	1

3.4 DEVELOPMENT OF THE SERVICE

- 3.4.1 The 2015/16 Service Plan was approved by PFA Committee on 7th July and identifies the long term vision for service delivery within Regulatory Services. Progress on the service plan and outcomes will feature within future reports.

4 ENFORCEMENT PERFORMANCE

- 4.1 Between 1 April and 30 June 2015, 46 new cases were received and 29 cases were concluded in the last quarter.

Two notices have been served. A Breach Of Condition Notice and a Temporary Stop Notice were served in respect of the use of a marquee at Scalford Hall. The temporary stop notice was withdrawn when the proprietors of the premise submitted details to comply with the breach of condition notice.

A Planning Contravention Notice has been served in respect of allegations of breaches of planning control at Saxby Road, Saxby Road, Saxby.

A s330 Notice, a requisition for information, was served in respect of suspected breaches of planning control at The Whalebones, Knossington.

There have been no enforcement appeals decided in the last quarter.

4.2 Table of performance:

Indicator	2012/13 Overall	2013/14 Overall	2014/15 Overall	2015/16 Q1
No. of Cases Received	192	184	133	46
No. of Cases Closed	252	244	117	29
No. of Notices Served	21	4	10	4
Appeals against enforcement notices dismissed (target 100% of appeals)	N/A	N/A	N/A	N/A

6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 6.1 This report has shown that in quarter one standards of performance are below the targets by a small margin.

Appendix 1 : Appeal decisions for Quarter 1

Proposal: 14/00769/FUL Conversion of stables and barn into 2 single storey 2 bedroomed residential retirement dwellings at Land At End Of Twells Road, Waltham On The Wolds

Level of decision: Committee

Reasons for refusal:

- Impact upon the residential amenity of the occupiers of 45 Main Street
- The development would harm the character and appearance of land considered to be open countryside.
- The development would create an increase in traffic on Twells Road and would create a highway danger to children and pedestrian
- The extensions to the building, which is considered to be a heritage asset in a designated Conservation Area, do not conserve or enhance the heritage asset, or make a positive contribution to local character and distinctiveness

Inspector's conclusions: Allowed – The Inspector concluded that the proposed development has significant benefits in terms of the conservation of the heritage asset, the enhancement of the character and appearance of the Conservation Area and the provision of small scale housing, for which there is a demonstrable need, in a sustainable location. The proposal would improve the appearance of the site and the Inspector found no evidence to suggest that the development would result in demonstrable harm to highway safety. There would be some limited harm in terms of the visual impact of domestic paraphernalia in the garden areas outside the village envelope and limited harm to the living conditions of the occupiers of the neighbouring residents. This harm can be mitigated to a certain extent by planning conditions and moreover does not outweigh the significant benefits of the proposal when considered against the Framework as a whole.

Proposal: 14/00780/COU Change of use of farm yard/paddock to residential at and To Rear Of 22 And 24 Church Lane, Redmile

Level of decision: Delegated

Reasons for refusal:

- The proposal is considered to have a harmful impact upon the character and appearance of the open countryside by virtue of the residential paraphernalia that accompanies the use of land as residential curtilage.

Inspector's conclusions: Dismissed – The Inspector concluded that the change of use of the land to domestic curtilage would cause harm to the character and appearance of this part of the countryside contrary to the aims of Policy OS2 and the appeal was dismissed.

Proposal: 14/00547/FUL Pair of semi-detached houses at The Homelands, 4 Dickmans Lane, Harby

Level of decision: Committee

Reasons for refusal:

- The proposed dwellings due to their size and location would create an over-intensive development resulting in a detrimental impact on the residential amenities of the adjoining property and leading to unsatisfactory parking arrangements
- The pair of semi-detached dwellings are not considered to reflect the architectural detailing of the locality and the design is not considered acceptable.

Inspector's conclusions: Dismissed – The Inspector concluded that the development in the form proposed would have an unacceptable effect on the living conditions of occupiers of adjacent properties. Accordingly it would be contrary to Policies OS1, BE1 and H6 of the Local Plan and those principles of the Framework that seek to ensure a good standard of amenity for existing and future occupiers of land and buildings. This significant adverse effect outweighs the small contribution that would be made towards meeting the housing needs of the area. On this issue of character and appearance the Inspector concluded that that the proposal would not be out of character or have an unacceptable effect on the appearance of the locality and would not conflict with those requirements of the Local Plan and the Framework in respect of good design that does not detract from the character or appearance of the local area. Finally in respect of the parking arrangements the Inspector concluded that the proposed parking arrangements would be sufficient and that the proposed development would comply with the Local Plan and those principles of the Framework that seek to ensure adequate access and parking provision.

Proposal: 14/00963/FULHH Re-submission of previously refused application 14/00754/FULHH for a first floor side extension and a single storey rear extension at 42 Wymondham Way, Melton Mowbray

Level of decision: Delegated

Reasons for refusal:

- The proposed first floor side extension, by reason of its size, massing, scale and siting, would have an undue adverse impact on the residential amenities of the neighbouring property, 40 Wymondham Way and the rear garden serving that property, through an unacceptable overbearing impact.

Inspector's conclusions: Dismissed – The Inspector considered that due to its height, length and position so close to the boundary, the first floor extension would appear over dominant and intrusive when viewed from the house and garden of No 40, creating an unacceptable claustrophobic effect for the occupiers of that property. Accordingly it would not comply with Saved Policies OS1 and BE1 of the Melton Local Plan or those principles of the NPPF that seek a satisfactory level of amenity for existing and future occupiers of land and buildings. The Council raised no objections to the proposed single storey rear extension on the boundary with No 44 Wymondham Way, which replaces an existing garden room and the Inspector could see no reason to disagree with this view. It was therefore concluded that the rear extension element of the appeal should be allowed.