

Planning Committee

19 May 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Planning application determination performance monitoring, and an appeals analysis update for the period 1 January 2011 – 31 March 2011 along with a year end analysis of NI157 and appeal performance (1 April 2010 – 31 March 2011)		
Wards affected	All wards		

This report provides:- details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the details of 'allowed' appeals for the period 1st January 2011 – 31st March 2011 with an overview for the year 1 April 2011 – 31 March 2011.

1.0 Decision Required

1.1 Members to note the performance record of the Planning Committee and Planning Service.

2.0 Summary of performance report (Headlines)

- ◆ 'Major' application performance was significantly above the Government target in the period. ✓
- ◆ 'Minor' and 'other' application performance exceeded the relevant Government targets in the same period. ✓
- ◆ The number of planning applications in 2010-2011 were significantly up (16%) on those for the same period in 2009-2010. ✓
- ◆ The delegated decision rate was a mere scintilla short of the 90% target ✓
- ◆ Appeals record (formerly BV204) was better than the national average ✓

This is one of the best set of end of year results ever recorded by the Service

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to monitor the performance of the Planning Service as judged against key National Indicators (NI's) and important local indicators.

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

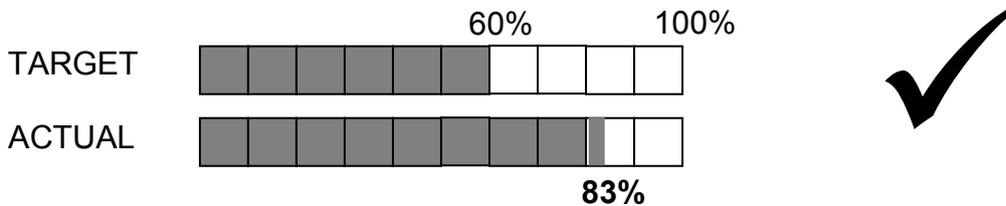
6.1 This report will review performance against the following performance indicators

- NI157 (8 and 13 week performance)
- Former BV188 (delegated decisions)
- Former BV204 (appeals upheld)

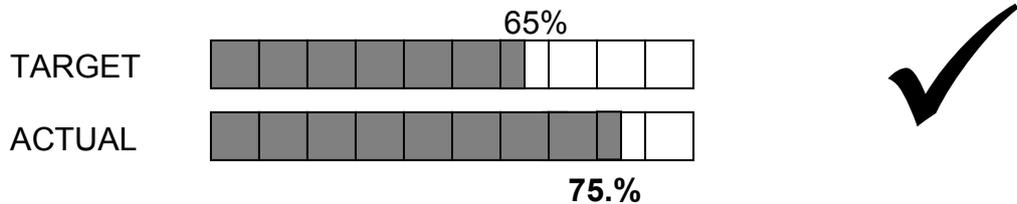
■ NI 157 (8 and 13 week performance) Quarter 1. (2011) (Jan-Mar)

6.2 Performance levels for the period 1 January 2011 – 31 March 2011 were as described below:-

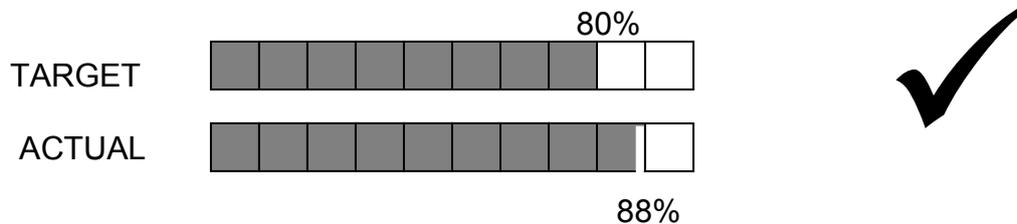
MAJOR application performance (national target against actual)



MINOR application performance



OTHER application performance



HOUSEHOLDER application performance



FIGURE 1: NI 157 by type (1 January 2011 – 31 March 2011)

(note: there is no national target for householder applications (part of others) but this is a useful indicator as to how quickly the majority of users get a decision, as householder applications form the largest proportion of all applications)

■ **NI 157 (8 and 13 week perf.) Qtr 2, 3, 4 ('10) (Apr-Dec) & Q1 ('11) (Jan-Mar)**

6.3 The excellent news at year end is that the Planning Committee and the Planning Service together delivered above national target performance in all three categories of NI157.

MAJOR	68.4%	
MINOR	71.0%	
OTHER	86.0%	
H/holder	90.0%	

6.4 This good performance was achieved in the context of:-

- (i) a 16% increase in the number of applications received compared to the equivalent period in 2009-2010,
- (ii) fewer staff within the Planning Service & PSU,
- (iii) the launch of a major customer service improvement initiative within E&PS (Environmental & Protective Services),
- (iv) significant energy being directed towards making the Planning Service one of the countries most electronically enabled and advanced services with consequent improvements in transparency and accessibility and
- (v) a radical national transformation of the planning system.

6.5 These results represent significant effort from everyone involved and it is hoped that these performance levels and outcomes will enhance the reputation of the Service and that of the Council. It also demonstrates the continued commitment of Members of the Planning Committee and staff in the Planning Service and Professional Support Unit (PSU) to raising performance levels.

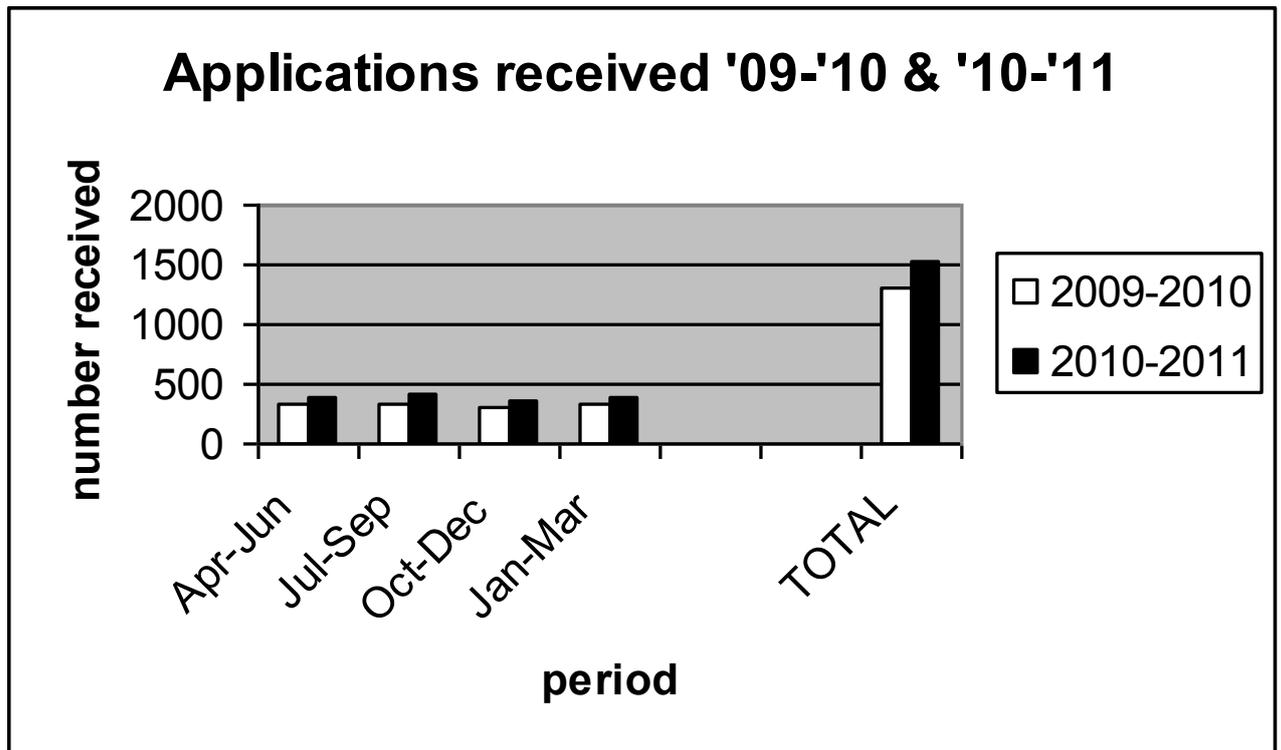


FIGURE 2: Applications received by qtr (1 April–31 March 2009/2010 & 2010/2011)

6.6 Members will be interested to note that the number of majors received during the year remained consistent with the year before and the improved performance has not been because of a dramatic drop in the number of major applications on the books. Figure 3 below provides a more detailed analysis.

Type of major	2009-2010	2010-2011
Residential	17	13
B1 office, light industry, R&D	2	5
B2 general industry	1	1
Retail, distribution	1	0
Other	20	22
Gypsy/traveller	2	0
Total	43	41

FIGURE 3: Major applications received (1 April–31 March 2009/2010 & 2010/2011)

6.7 Members who were on the Planning Committee in July 2010 will recall that major performance levels stood at 25% in the first quarter of the year 2010-2011 (Apr-Jun 2010).

6.8 This overall improvement in performance has not been achieved by accident and the following have amongst others, all had a beneficial impact on and made a significant contribution to driving up performance levels:-

(A) Intense weekly individual 1:1 case load management sessions with all officers

This has ensured that most potential issues with a proposal are identified at an early stage and a triage system used to identify solutions and the way forward with time to allow amendment where appropriate and the application remains in time

(B) Adoption of a Customer Service Improvement Plan within the Planning Service and associated action delivery plan

The focus on improving the customer experience of the Planning Service has already identified a number of process improvements which have contributed to improved performance. It is also worth noting that staff workshops on customer excellence have energised all staff to see that the need for speed need not come at the cost of quality and that timeliness and good feedback to customers can increase performance by allowing better collaboration within mutually accepted timescales. More work is being done in this area and the accompanying Customer Service performance report also on the agenda covers this area in greater detail.

(C) Amended Scheme of Delegation

This has allowed the Planning Committee to concentrate on the more complex or controversial applications by freeing up agenda time with consequent performance benefits. (and the member call-in system has ensured that the democratic process has not been prejudiced)

(D) The introduction of significant levels of new public self-help and monitoring capability via the planning web-site

This has increased capacity of planning officers who now spend less time taking routine calls from customers wanting to know the who? What? Where? and when? of particular planning applications. It should also be noted that the Council's Customer Service Centre (CSC) and its telephone advisors continue to intercept and handle a vast number of routine planning enquiries, again increasing capacity.

(E) Introduction of pioneering Planning Performance Agreements (PPAs) in July 2010

The successful increasing take-up of this service as offered by the Planning Service has seen a significant number of complex major applications taken out of NI157 statistics as allowed by the Government. Indeed PPAs are encouraged by the Government as a way of securing good collaboration. For Members who are new to Planning a PPA is in effect a an agreement between a developer and the Council to intensively project manage a proposal from pre-application stage to submission of a planning application. A PPA does not guarantee an approval but what it does do is commit all sides to an agreed timetable and requires agreed turn-round times on consultations. It also makes provision for a pre-agreed meeting schedule and an action driven approach to such meetings. This helps to keep negotiations on track and avoids delays.

■ Delegated decision making

- 6.9 **89.5%** of all the decisions made during the period 1 April 2010 – 31 March 2011 were delegated which suggests the planning system is being operated efficiently.

■ Upheld appeals

- 6.10 The year end figure for upheld appeals (ie: those where the Council lost the case) was 28%. If withdrawn appeals are excluded from the calculation then the figure is 29%. This is a very good result and suggests that decision making is 'healthy' in that the Council wins approximately twice as many appeals as it loses and is not unreasonably refusing applications to boost NI157 performance.
- 6.11 The next interesting question to ask (and have answered) is "Are applications being unreasonably approved just to boost NI157 performance and minimise the risk of losing appeals?" The natural inclination is to say of course not but it is a question that needs further analysis and backing up with real evidence and is not something that has been reported on before. By using such a phrase the reader will probably have already realised that this report does not have the answers this time round. However it is intended to explore this area in time for the next quarterly report. The first reference point will be to compare approval rates (as a percentage of totals) with other authorities to gauge if the Council's figures are in-line or out of sync with general averages. The next step will be to compare the performance of the Service against any nationally established best practice. At that point any investigation will need to quantify and qualify the value added by the Service in terms of negotiating sub-standard applications/proposals to secure improvements that make them acceptable. The implication being that pre and parallel application negotiation reduces the number and frequency of refusals. (assuming that such negotiation is routinely undertaken and does result in acceptable amendment).
- 6.12 The appeals upheld figure for the last quarter of 2010-2011 was 17.7%. (with withdrawn appeals excluded it was 18.8%).
- 6.13 This report will now consider the summarised detail of the upheld decisions for the period 1 January 2011 – 31 March 2011. (Members will note that detailed summaries for previous quarters have already been reported in the relevant quarterly performance reports):-

1.

Reference: 100786

Address: **84 High Road, Layer-de-la Haye**

Proposal: Erection of a single dwelling.

- Delegated decision. Costs refused

Summary of Inspector's Letter (decision dated 28th February 2011).

Inspector : Daphne Mair BA(Econ)Hons, Mphil, MRTPI

Main Issue

The Inspector identified the main issues to be:-

- Will backland nature of development harm character of that part of Layer-de-la-Haye?

- Is the proposed access safe?
- Should an alternative access be found?

Considerations

The Inspector noted that most properties on the south side of High Road front the highway other than the appeal property and its neighbour which are set back and behind a hedge. She took the view that whilst tandem development the large new house being accessed through a good sized gap between existing housing would not harm the character of the area, nor would it represent overdevelopment in terms of PPS3. She also noted that with careful design and placement of windows serious amenity issues for neighbours should not arise. In terms of highway safety she took the view that even though the extent of the highway boundary was not clear provided a 2m x 80m visibility splay was provided safety would not be an over-riding issue. In view of this conclusion an alternative access was not required. She did condition the requirement for the required visibility splay.

2.

Reference: 101383

Address: **Gridleys, Chapel Road, Langham**

Proposal: Erection of 3 bed detached house and garage /store

- Delegated decision. **Costs refused**

Summary of Inspector's Letter (decision dated 25 February 2011).

Inspector : P. A. Goodman BA(Hons), DMS, MRTPI

Main Issue

The Inspector identified the main issues to be the development's impact on the character and appearance of the area.

Considerations

The Inspector in reaching his decision commented:- (as the matter of the loss of the original cottage was highly controversial within Langham the Inspector's comments are quoted verbatim.

"9. The Council's view is that the site is in a location with a strong sense of place that marks the transition from a dispersed village settlement to open countryside. It considers that given the site's physical and historic context, the current proposed design is disproportionately large in scale, form and massing and hence unsatisfactory and at odds with the local context.

10. The proposed 3 bedroom dwelling would have a slightly larger and squarer footprint, and a different axis to that of the former house which was relatively narrow and sited endways onto the road. As a result the dwelling would have greater massing and would be more noticeable in the street scene. However this section of Chapel Road is characterised by relatively loose knit linear development with a mixture of architectural styles. The site itself is wide and broadly triangular in shape such that the building would have 'breathing space' on each side and scope for additional landscaping together with retention of the mature trees on the rear and part of the front boundaries.

11. In my judgement the traditionally styled one and half storey front elevation would have an appropriately rural appearance in a neo-vernacular style. By virtue of its width the rear projection sited at right angles to the main roof would have a flat roof at the centre of the plan. But the sloping roof on each side would be no higher than the ridge of the front element and neither the extra bulk nor the flat roof would be apparent in public views from Chapel Road.

12. In my view it is far enough from the adjoining Wen Lock Cottage to the north of the site not to cause harm to the outlook, light or privacy enjoyed by the occupiers of that property. The proposed intervening timber garage and storage building would help secure such privacy and aid visual separation in a suitably rural styled outbuilding.

He granted planning permission on the basis of his findings.”

3.

Reference: 100505

Address: **7 Grove Avenue, West Mersea**

Proposal: Erection of detached garage

- Delegated decision

Summary of Inspector's Letter (decision dated 8 February 2011).

Inspector : P. A. Goodman BA(hons), DMS, MRTPI

Main Issue

The Inspector identified the main issue to be the impact of the development on the character of area

Considerations

The Inspector was of the view that the because the site is generous in size, the frontage relatively densely planted and other properties diverse in appearance the proposed garage would, subject to controls on materials, have a 'benign' impact.

■ Planning Performance Agreements (PPA's)

6.14 Since 1 April 2010 the Planning Service has entered into eight Planning Performance Agreements (PPA) relating to significant 'major' proposals:-

- St Albrights, Stanway - residential redevelopment
- Rowhedge Port, Rowhedge – mixed use redevelopment
- Part Severalls Hospital, Colchester – Child & Adolescent Unit
- Severalls Phase 1 – residential development
- Angel Court, Town Centre – mixed use conversion
- Tollgate West
- Garrison J2B – residential development
- Lakelands Phase 2 – residential development

- 6.15 Members will be aware that any planning application that is the subject of a PPA is then excluded from NI157 calculations which in the case of the schemes above should be beneficial as each is likely to take more than 13 weeks to determine because of their complexity. (& possible need for S106 Agreements).

7.0 Costs awards against the Council

- 7.1 In the past year the Council settled one long-standing costs claim from a previous year relating to an enforcement appeal at 42 Peppers Lane, Boxted. Final settlement was paid at a figure significantly below that originally claimed after challenge and through subsequent negotiation.
- 7.2 Two outstanding claims are currently under negotiation in respect of development at Moler Works, Hythe and Grange Road, Tiptree.

8.0 Financial implications

- 8.1 None beyond the outstanding costs claim

9.0 Strategic Plan References

- 9.1 Improving the performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

10.0 Risk Management

- 10.1 There are no risk management issues to report this quarter.

11.0 Publicity Considerations

- 11.1 None

12.0 Human Rights Implications

- 12.1 None.

13.0 Community Safety Implications

- 13.1 None.

14.0 Health and Safety Implications

- 14.1 None.

Background papers.

Appeal decision notices relating to the appeals quoted in the report