

# Forest Heath District Council

## Report of the Head of Planning & Regulatory Services

<p style="text-align: center;"><b><u>MEETING</u></b></p> <p style="text-align: center;"><b><u>DATE</u></b></p> <p style="text-align: center;"><b><u>REPORT NO</u></b></p>
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### **DEVELOPMENT MANAGEMENT SERVICE – QUARTERLY REPORT**

#### **1. Summary and reasons for recommendation(s)**

1.1 This performance report relates to the Development Management Service and outlines our planning application performance measured against our Key Performance Indicators. It also outlines our performance in relation planning appeals, enforcement matters and S106 agreements.

#### **2. Recommendation(s)**

**2.1 To note the first Quarter performance for 2013/2014.**

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**3. How will the recommendations help us meet our strategic priorities?**




3.1 An effective and effective Development Management will assist and encourage to economic growth and investment within the District.

**4. Key issues**

**4.1 Determining Planning Applications**

4.2 Development Control Committee is an integral part of the development management process, and plays a key role in determining applications. It is therefore important that the Committee is aware of how the service is performing against the Key Performance Indicators agreed by the Council. This performance is also reported to Performance and Audit Committee.

4.3 The table below shows the service performance for the first quarter (April – June) 2013/14.

	Code and Short Name	Annual Target 2013/14	Q1 2013/14		Quarterly Traffic Light	Short Term Trend Arrow	2013/14	2012/13	Notes
			Value	Target			Value	Value	
23	FH/PRS001* Percentage of major planning applications determined within 13 weeks	65.00%	20%	65.00%			20%	68.75%	The number of major applications determined in any quarter is low, resulting in quite large fluctuations in quarterly performance. In this quarter, 4 out of the 5 majors were determined over 13 weeks. The target has been missed firstly, due to protracted S106 negotiations, two were due to ecological issues brought up by consultees during the application process and one was determined in 14 weeks. Moving forward with several 5 year land supply proposals (with inherent S106 requirements), the target will be challenging to meet and careful monitoring is therefore required.
25	FH/PRS002* Percentage of minor planning applications determined within 8 weeks	75.00%	60.87%	75.00%			60.87%	70.68%	Please see notes above.
27	FH/PRS003* Percentage of other planning applications determined within 8 weeks	80.00%	72.22%	80.00%			72.22%	73.13%	This is encouraging and shows the team is making progress against these quite challenging indicators.

4.4 Members will be aware that this has been a very challenging period for planning, with an increase in the number of major applications received, primarily due to the changes in the planning framework (National Planning Policy Framework) and the Council’s current lack of five year land supply. The service has also been dealing with the four major retail proposals in Newmarket which has taken up considerable time and resource, and will continue to do so, as we head towards a number of appeals.

- 4.5 The implementation of the shared planning service is underway with considerable work has being undertaken on the implementation of a single software system (Uniform/Idox).

## **5 Government announcements: Major Application Performance**

- 5.1 The Government has recently (June) set out its intention to take action where local planning authorities are not adequately performing their function of determining applications.
- 5.2 For this purpose the performance of local planning authorities will be assessed in two ways; on the basis of the speed with which applications for major development are dealt with, and the extent to which decisions are overturned at appeal (as an indicator of the quality of the decision made by local planning authorities).

### **Speed of decisions**

- 5.3 The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation.
- 5.4 The threshold for designation is **30%** or fewer of an authority's decision made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

### **Quality of decisions**

- 5.5 The measure to be used is the average percentage of decision on applications for major development that have been overturned at appeal once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government. The assessment period for this measure is the two years.
- 5.6 The threshold for designation is **20% or more** of an authority's decisions on application for major development made during the assessment period being overturned at appeal.
- 5.7 The Secretary of State will decide whether any designations should be made once a year- with the intention being to make any initial designation in October 2013, recent performance tables have been published that shows our performance (measured against these criteria as:

Speed of decision - 54.8%

Quality of decision (% overturned at appeal) = 0%

For the time being, the Council is not at risk, but given the number of major applications being received, this needs to be carefully monitored.

## **6 Appeal Performance**

- 6.1 The table below summarise the appeal decisions received during this quarter:

Reference	Address	Description	Decision
F.2012/0689/CAT	Fairstead House School, Fordham Road, Newmarket	Refusal to grant consent to undertake work to a lime tree protected by TPO	Appeal Dismissed
F/2012/0370/OUT	Rear of 3 Finchley Avenue Mildenhall	Erection of a one and a half storey dwelling and detached garage	Appeal Allowed
F/2012/0422/FUL	The old telephone exchange, Queensway, Mildenhall	Erection of one dwelling to the southern end of the existing terrace	Appeal Allowed
F/2012/0448/FUL	80 London Road, Brandon	Erection of one dwelling with garage and new garage of existing house	Appeal Dismissed
	Small Fen Farm, Small Fen Lane, Brandon	Enforcement – Public Inquiry	Time compliance extended. Appeals Dismissed Enforcement notice upheld.

These decisions can be accessed from the Council’s website.

**7 Award of Costs against the Council**

Address	Description	Decision
80 London Road, Brandon	Erection of one dwelling with garage and new garage of existing house.	Award of costs refused
Small Fen Farm	Inquiry re Enforcement Notices	Two award of costs refused

**8 Enforcement Casework**

8.1 Planning enforcement is also an integral part of the development management process and has both a proactive and reactive role. Enforcement action is a discretionary power to be taken only when it is expedient to do so, and it must be proportionate to the gravity of the breach of control. The guiding principle is that control of development through the planning system is for the public interest and is based upon the principles of expediency and proportionality rather than private benefit or for regulation for its own sake.

8.2 As part of the implementation of the shared planning service, enforcement is being undertaken by Planning Officers in the first instance. It is therefore important to monitor this through this transition.

No of alleged breaches of planning control reported during the quarter (1 April – 30 June)	19
No of alleged breaches resolved during the quarter (1 April to	34

**APPENDIX 8**

30 June)	
No of alleged breach on hand (still to be resolved) at 30 <sup>th</sup> June	38
No of Breach of Condition Notices served during the quarter (1 April to 30 June)	4
No of Enforcement Notices Served during the quarter (1 April to 30 June)	0
No of other Statutory Notices served during the quarter (1 April to 30 June)	1 (Temporary Stop Notice) 4 (Planning Contravention Notice)
No of prosecutions against extant Notices	0