

Report to Development Management Committee

Workload and Performance Review for Quarter: April - June 2014

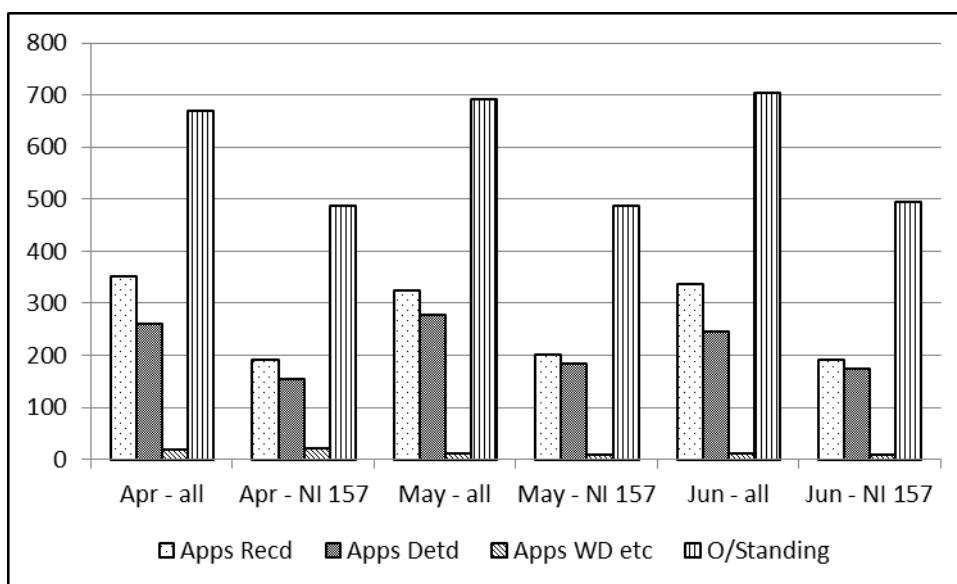
Introduction

This is the quarterly report to the Development Management Committee which provides a summary of performance in four key areas of work, planning applications, appeals, enforcement and informal enquiries, together with a brief commentary on each section.

Section 1: Applications received and determined

Our application caseload comprises applications which form the basis for our performance measured against the Government performance target NI157 and other applications which are excluded from these categories and relating to proposals amongst which are applications from the County Council, Notifications for Agricultural, Telecommunications and works to trees.

Applications Received and Determined

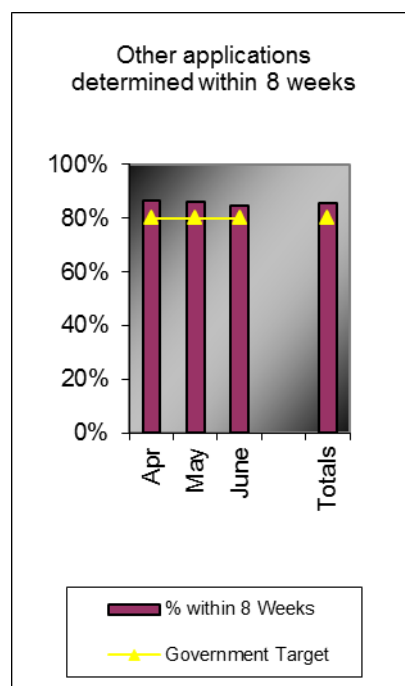
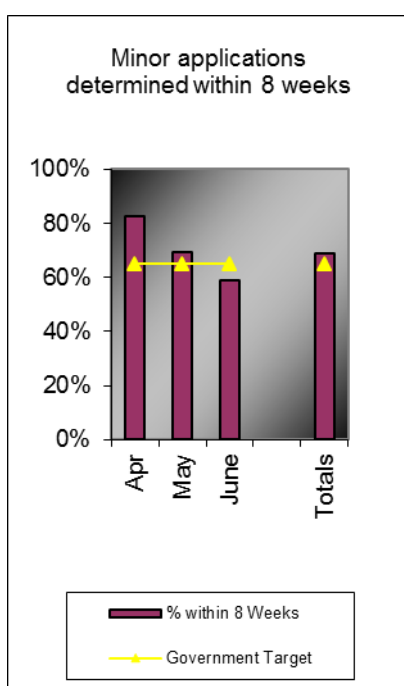
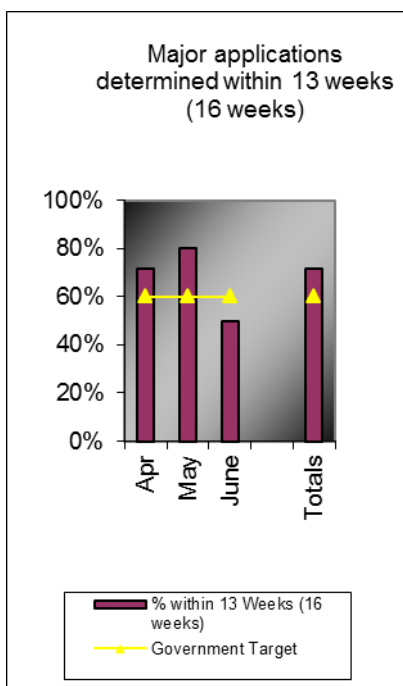


	Apr - all	Apr - NI 157	May - all	May - NI 157	Jun - all	Jun - NI 157
Apps Recd	352	192	323	202	336	191
Apps Detd	259	153	277	184	246	175
Apps WD etc	19	20	11	9	10	9
O/Standing	670	487	692	487	703	494

Section 2: NI 157 – Speed of Determination of applications

Introduction

This section sets out information regarding our performance in speed of decision for each of the 3 categories of applications, which are measured against the Government performance target – NI157 (a) major, (b) minor, and (c) other.



	Apr	May	June	Totals
Number of Major Applications Decided	7	5	2	14
Number within 13 Weeks (16 weeks)*	5	4	1	10
% within 13 Weeks (16 weeks)*	71%	80%	50%	71%
Government Target	60%	60%	60%	60%
Number of Minor Applications Decided	29	49	44	122
Number within 8 Weeks	24	34	26	84
% within 8 Weeks	83%	69%	59%	69%
Government Target	65%	65%	65%	65%
Number of Other Applications Decided	120	130	129	379
Number within 8 Weeks	104	112	109	325
% within 8 Weeks	87%	86%	84%	86%
Government Target	80%	80%	80%	80%
Total Decisions	156	184	175	515
Total Decision within time	133	150	136	419

*includes those where extensions of time have been agreed in accordance with DCLG performance measures

We have exceeded all 3 of the government targets relating to major, minor and other applications. The performance of the 2 application teams for the quarter is set out below:

	WEST	EAST	Totals
Number of Major Applications Decided	7	7	14
Number within 13 Weeks (16 weeks)*	7	3	10
% within 13 Weeks (16 weeks)*	100%	43%	71%
Government Target	60%	60%	60%
Number of Minor Applications Decided	70	52	122
Number within 8 Weeks	47	37	84
% within 8 Weeks	67%	71%	69%
Government Target	65%	65%	65%
Number of Other Applications Decided	160	219	379
Number within 8 Weeks	132	193	325
% within 8 Weeks	83%	88%	86%
Government Target	80%	80%	80%
Total Decisions	237	278	515
Total Decision within time	186	233	419

Appendix 1 details the Major applications determined in the quarter, together with a commentary on those determined outside the target time.

The first planning authorities subject to the Government's "special measures" regime for under-performing authorities were designated in October 2013, and performance data was published by the Department for Communities and Local Government (DCLG). Designations will be reviewed annually. Poorly performing authorities will be "designated" based on speed and quality:

- Speed: less than 40% of majors determined within 13 weeks averaged over a two year period, or within such extended period as has been agreed in writing between the applicant and the local planning authority.
- Quality: less than 20% of major applications that have been overturned at appeal (appeals allowed) over a two year period.

Authorities could be designated on the basis of either criteria or both. The current performance over this 2 year period exceeds the threshold for speed and quality and thus does not fall within the poorly performing designation.

Section 3: Appeals against refusal of planning permission

Introduction

This section deals numerically with our performance in relation to appeals against refusal of planning permission. Whilst there is no government performance target a benchmarking measure is that we should seek to achieve success in 65% or more of appeals against planning decisions.

Determined	Dismissed	19
	Allowed	13
	Withdrawn/NPW	2
	Split	0
	Turned Away	0
	Total	34

Costs	Against AVDC	0
	For AVDC	0

Summary

In the quarter between April and June a total of 34 appeals were determined, 32 of which were against refusals of planning permission. Of the appeals against refusals of planning permission which are used for reporting purposes (27), 13 (48.14%) were allowed which is above the Council's target of not more than 35% appeals allowed.

Attached at Appendix 2 is a summary of all of the appeal(s) which are used for reporting purposes against refusals of planning permission that were allowed with an analysis and a note of learning points.

Section 4: Enforcement

Introduction

This section details statistics relating to Enforcement matters and details the numbers of complaints received, cases closed together with the number of cases which have led to Enforcement action. Enforcement appeals are also dealt with separately and performance can be assessed accordingly.

Cases on hand at beginning of quarter	242		Cases on hand at end of quarter	268
Cases Opened	130		No of Cases closed	103
No. of Instructions to Legal to Initiate Enforcement etc. Action	5		No. of Temporary Stop Notices Served	0
No. of Enforcement Notices Served	4		No. of Breach of Condition Notices Served	1
No. of Stop Notices Served	0		No. of Planning Contravention Notices Served	8

Enforcement Appeals

Lodged	PI	0	Determined	Allowed	0
	IH	0		Dismissed	3
	WR	0		W/Drawn	0
	Total	0		Varied	1
				Total	4
Costs	For AVDC	0		Against AVDC	0

Summary

The number of cases opened during this quarter has increased resulting in a greater number of cases on hand at the end of the quarter. The number of cases closed continues to be maintained and the average time to close cases has been improved. A review of the enforcement service is currently being carried out looking at efficiencies and improving the service.

Section 5: Other Workload

Introduction

In addition the teams have dealt with the following:-

Discharge of Conditions and non material amendments.

Quarter – Out 66

Chargeable Pre-Application Advice, including commercial

Quarter - Out 164

Non chargeable Informals

Quarter - Out 70

Conclusion and Recommendation

It is recommended that the Committee **NOTE** the report.

This report primarily intends to give details of factual information based on statistical data.

It is hoped that Members find it the content helpful.

Major Applications Determined: Quarter 01/04/14 – 30/06/14

Bold numbers denote applications determined outside the target period. Performance for this quarter is 71%, including agreed extension of time, which brings us above the Government's target. The small number of applications mean that performance is volatile and in this quarter involved applications where securing the right outcome outweighed the need to meet target.

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
10/02567/ADC	HJ	17/12/10	Redevelopment of site to provide The Aylesbury Centre (Class D1) with ancillary restaurant (A3) space, associated car parking, access and landscaping.	Waterside Redevelopment Area Exchange Street Aylesbury Buckinghamshire	17/12/10	16/05/14	Approved following amendments to the scheme and S106
12/01394/AOP*	SP	22/06/12	Residential development of no more than 24 residential units, provision of open space & associated landscaping and new access from Oat Close/Isis Close	Land Off Isis Close And Oat Close Aylesbury Buckinghamshire	22/06/12	09/05/14	Outline Permission Approved
12/02008/APP*	CGR	09/09/12	Conversion and extension of former offices to provide 50 residential apartments including parking, cycle storage and plant room.	4 Great Western Street Aylesbury Buckinghamshire HP20 2TW	21/02/13	09/04/14	Approved
13/00788/APP*	SP	20/03/13	Removal of hardstandings use of land for residential accommodation comprising the erection of 32 houses in 3 no. 2/3 storey terraces and 23 flats in 1 no. 4/5 storey block to provide a total of 55 dwellings with associated access, parking, hard and soft landscaping, cycle storage and refuse recycling.	Hartwell Sidings Oxford Road Aylesbury Buckinghamshire HP21 8PB	17/06/13	14/04/14	Approved
13/02837/AOP*	RN	11/10/13	Outline planning with all matters reserved for up to 250 dwellings with associated public open space, new vehicular, pedestrian and cycle accesses	Land Adjacent To Furze Lane Winslow Buckinghamshire	09/12/13	30/04/14	Outline Permission Approved

13/03293/APP	SWE	27/11/13	Erection of ten dwellings comprising two terraces of three dwellings and two pairs of semi detached dwellings including alterations to existing access, associated parking and provision of public and private amenity space.	Garage Site Barlow Road Wendover Buckinghamshire	02/12/13	13/06/14	Approved following a S106
13/03477/APP	LMH	13/12/13	Demolition of existing redundant farm buildings, construction of equestrian building to include indoor school, stabling and associated ancillary facilities, improvements to access track and provision of parking.	Durrants Farm Radclive Road Gawcott Buckinghamshire MK18 4JB	27/12/13	24/04/14	Approved following negotiations on amended plans
13/03534/AOP	CLH	17/12/13	Outline application (with access to be considered and all other matters reserved) for the demolition of Dunsham Farm and associated buildings and redevelopment of site to provide up to 1560 dwellings, a 2 form entry primary school and childrens nursery, a mixed use local centre to include 8000sq m GEA floorspace for small scale retail, employment, healthcare, extra care sports pavilion, community uses and some residential use (Use classes A1 to A5, C3, D1-D2) inclusive of up to 1500 sq m GEA of retail (A1-A5) and up to 200 sq m GEA of employment (B1a & B1b), green infrastructure comprising new community parks including linear park, landscaping including new woodland planting, open space, allotments, sports pitches, play areas, sustainable urban drainage feature, new Main Link Road to connect A418 & A413 including a crossing of the River Thame and associated works of access, new walking and cycling routes, ground modelling and infrastructure provision including drainage, parking and lighting	Land East Of A413 Buckingham Road & Watermead Aylesbury Buckinghamshire	17/12/13	02/04/14	Outline Permission Refused
14/00102/ADP	PAH	16/01/14	Approval of reserved matters pursuant to 10/01535/AOP relating to layout, scale, appearance and landscaping for 176 dwellings	Land South Of Newton Leys Drayton Road Stoke Hammond Buckinghamshire	10/02/14	12/05/14	Details Approved
14/00117/APP*	CBR	17/01/14	Erection of No.13 sustainable dwellings including an on-site warden flat, ancillary parking and landscaping	Fayrefield Towcester Road Maids Moreton Buckinghamshire	17/01/14	17/04/14	Refused

APPENDIX B

14/00308/AOP	PAH	06/02/14	Outline Application with all matters reserved for the erection of ten dwellings with access, parking and amenity space, together with overflow car park to the Village Hall	Land South-West Of Chilton Road Cheersley Buckinghamshire	14/02/14	16/05/14	Refused
14/00456/APP*	MA	18/02/14	Siting of an 80-bedroom portable hotel and ancillary infrastructure - temporary	Silverstone Motor Racing Circuit Silverstone Road Biddlesden Buckinghamshire NN12 8TN	20/02/14	08/04/14	Approved
14/00491/ADP*	MD	19/02/14	Approval of reserved matters pursuant to outline permission 03/02386/AOP for layout, scale, landscaping and appearance relating to parcel HW14 comprising the erection of 92 dwellings with associated parking, garaging and roads.	Berryfields Mda Bicester Road Quarrendon Buckinghamshire	26/02/14	18/06/14	Details Approved
14/00581/APP	PAH	27/02/14	Erection No.10 Residential dwellings with Garages and associated access and landscaping	Stoney Furlong Chilton Road Cheersley Buckinghamshire	27/02/14	29/05/14	Refused

APPENDIX 2

Appeal performance – Quarter 01/04/14 – 30/06/14

In the quarter between April and June a total of 34 appeals were determined, 32 of which were against refusals of planning permission. Of the appeals against refusals of planning permission which are used for reporting purposes (27), 13 (48.14%) were allowed which is above the Council's target of not more than 35% appeals allowed.

As there have been a large number of appeals allowed in this quarter the summary in the table below focuses on those significant or determined by committee.

The other appeals turned on matters of judgement on residential or visual impacts including:

- 13/01921/APP 16 Rickyard Close Whitchurch HP22 4NX: Change of use from Highway land to residential use
- 13/03147/APP Icknield House Tring Hill Buckland HP23 4LD: Alterations to existing four car garage comprising raising of roof and insertion of dormers to front and rear to provide first floor storage space with external staircase to side
- 13/03229/APP Weatherhead Farm Barretts End Leckhampstead MK18 5NP: Conversion of Agricultural building into No.4 holiday lets/ bed and breakfast
- 13/03038/APP Woodbine Cottage Lower Church Street Cuddington HP18 0AS First floor rear extension over existing single storey rear extension with 4 no. rooflights
- 13/03467/APP 11 Cheersley Road Long Crendon HP18 9BS Demolition of single storey rear extension; garden shed and single storey side garage. Erection of a two storey side extension with one lantern rooflight and one rooflight. Single storey rear extension with 3 no. rooflights. Insertion of one lantern rooflight on the existing rear roof and 2 no. rooflights. Installation of both solar and water heating panels on existing rear roof
- 13/02149ADP Newfoundland Fields Ivy Lane Great Brickhill: Approval of reserved matters pursuant to outline permission 12/01028/AOP relating to access, appearance, landscaping, layout and scale for the erection of one dwelling
- 13/02318APP Land At Larkspur House Wing Road Cublington Retention of summerhouse (retrospective)
- 13/01030/APP Land At Buckingham Road Edgcott Demolition of garages, erection of one detached three bed dwelling and provision of car park for village hall

Application Reference: 12/02184/APP	Decision: Delegated
Site: Land To The Rear Brook Farm Leighton Road Stoke Hammond Buckinghamshire MK17 9DD	
Development: Erection of No.40 residential dwellings	
Analysis:	

The appeal site comprises part of a larger area of land in the Appellant's ownership at Brook Farm. On the eastern side is a bungalow and garden areas with a frontage to Leighton Road: planning permission for five houses on this land was granted in 2013. Beyond this parcel, open land extends back to the West Coast main railway line.

The Inspector stated that as the proposal involves 40 dwellings on a site of about 1.47ha, it markedly exceeds the size limitations included in the first part of Policy RA.14. Given the relationship of the size thresholds to the former housing requirement, the Inspector agreed that they are out-of-date. The structure of Policy RA.14 is such that criteria a, b and c, which are concerned with the relationship of a proposal to the settlement and the countryside, are not listed as distinct requirements separate from the size thresholds. They were intended to be applied to proposals which had complied with those preceding tests. Consequently, the Inspector accepted that criteria a – c continue to have relevance in assessing proposals, and considered that the appeal proposal would not be fully compliant with criteria a- c of Policy RA.14 in that it would not be substantially enclosed by existing development and it would intrude into the countryside. However the weight of this part of the policy is diminished since it relates to size thresholds which the Council acknowledges are out-of-date.

The Inspector considered there would be localised harm of high/ medium adverse significance arising from the loss of the appeal site itself and a low adverse impact on the adjacent railway field. Additionally the extension of the built form onto the appeal site would have a medium adverse effect on the visual amenities of the occupiers of some nearby dwellings and a limited impact of low adverse significance on views from the north-west. He concluded that the proposed development would have certain localised adverse effects of low to high/ medium significance on the character and appearance of the area. However, given the size, configuration and position of the development, it would not impair the character or identity of the settlement as a whole or the adjoining rural area, and there would be no conflict with Policy RA.14 in this respect. Nor would the localised adverse effects on the character and appearance of the area represent a material conflict with the core planning principles in paragraph 17 of the NPPF to recognise the intrinsic character and beauty of the countryside and to contribute to conserving and enhancing the natural environment.

The Inspector agreed with the approach taken by the Council on the interim housing land supply calculation and did not consider that there has been a record of persistent under delivery in Aylesbury Vale. The Council's figures give a 5.2 years supply of housing land at 1 April 2013, but at the time of the appeal it was anticipated that there would only be 4.7 years supply at 1 April 2014. (Note- since that time the figures now show a 5.6 years supply). The possible need for Aylesbury Vale to meet some need arising in other districts, reinforced the Inspectors view that there is not at present a five years supply of housing land. The contribution of the appeal site towards the provision of a five years supply of housing land was considered to carry significant weight in support of the appeal proposal. He concluded that the benefits of contributing to the supply of housing land, including the provision of affordable housing, are not significantly and demonstrably outweighed by the localised harm to the character and appearance of the area arising from the proposal and allowed the appeal.

Costs: An application for an award of costs was dismissed. The PPG advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In its report on the planning application, the Council considered the principle of this outline proposal and the effect of the scheme on the character and appearance of the area. The council's report included an assessment in respect of the requirements of Policy RA.14 explaining the Council's view. The provisions of Policy RA.14 involve questions of judgement, and the arguments advanced by the Council provided a respectable basis for the decision to refuse planning permission. The Inspector was satisfied that the Council provided adequate evidence in support of the reason for refusal relating to the effect of the development on the character and appearance of the area,

which was its fundamental objection to the appeal proposal, and that it did not disregard local and national planning policies in expressing its view. The way in which the Council dealt with the question of housing land did not amount to unreasonable behaviour.

Learning Points:

The conclusions on the 5 year supply reflected the position at that time. The decision reinforced the council's approach in calculating the 5 year supply on an interim basis and the persistent delivery of housing in the district. The Inspector applied policy RA14 criteria and gave detailed reasons in considering whether the benefits significantly and demonstrably outweighed by the localised harm for application of para 14 of the NPPF. The need to demonstrate harm in landscape terms on a wider landscape rather than just localised impact is made clear.

The costs decision reinforces the need to provided adequate evidence in support of the reason for refusal and to fully explain the reasoning for making judgements.

Application Reference: 13/02423/AOP	Decision: Committee
Site: Broad View Westfield Road Long Crendon Buckinghamshire HP18 9EG	
Development: Erection of detached two-storey dwelling with access, parking and amenity space	
<p>Analysis: Members will recall considering a previous application for 2 dwellings on this site for which permission was refused following a site visit. The Inspector accepted that the most relevant LP policy is RA.14, which calls for judgments in respect of three listed criteria. The proposal does not involve the partial development of a larger site, and (c) is therefore satisfied. The site is substantially enclosed by existing development in that Broadview, to the west; the buildings comprising Dragon Farm to the east and across the junction of Westfield Road and Bicester Road are several buildings, which clearly form part of the structure of the village. On this basis, (a) of the policy is satisfied.</p> <p>He considered that Broadview is not an example of sporadic development in the normally understood sense of the term, but forms part of the structure of the village, albeit at its edge, and the appeal site forms part of its garden. Subject to other aspects, the development would complete the settlement pattern in a satisfactory manner without intruding into the countryside, thus satisfying the requirements of (b) of RA.14, and commented that the countryside proper begins beyond the existing boundaries of Broadview to the south and west.</p> <p>Although a matter reserved for future approval, he considered that there is scope for siting the proposed dwelling a few metres further west than shown on the illustrative plan, closer to Broadview. He was satisfied that a dwelling could be built, subject to the acceptability of its siting and appearance, without harming the setting of the adjacent CA or any of the other listed buildings on Bicester Road.</p> <p>The Inspector concluded that the proposed dwelling, subject to its detailed design and siting, would meet the requirements of RA.14, and GP.53.</p>	
<p>Learning Points:</p> <p>This decision turned on a matter of judgement and the Inspector did explain his conclusion on applying the criteria set out in RA14, and GP53.</p>	

Application Reference: 13/02627/APP	Decision: Committee- over turned decision
Site: 1 Nashs Farm Aston Abbotts Buckinghamshire HP22 4NT	

Development: Retention of section of wooden fence, Installation of new gate in gap in curved wall. Removal of existing fence panels on Nash's Farm side of curved wall. Removal of existing fence panels on Nash Harm side of curved wall and replacement with hedge

Analysis:

Members will recall visiting this site and refusing permission for effect of the development on the character and appearance of its surroundings. The Inspector considered that the visual impact of the original trellised and curved fence was largely restricted to the dwellings and parking/access forecourt of the residential development of Nash's Farm, and to sections of the short cul-de-sac named Bricstock. The entry to Nash's Farm was originally conceived as being largely free of fencing or similar enclosures, and some permitted development rights were removed.

The reduced scheme, in that some of the fencing panels have been removed, has far less of a visual impact, in particular when viewed from within the confines of the Nash's Farm development, where the attractive brick wall and the open area in front of it have been exposed. From Bricstock, the fence, if painted in a more appropriate colour, would become far less noticeable when the planting that has already been undertaken in the border at the front of the fence matures. He recognised that there are different types of fencing are seen in Bricstock and the appellant's scheme, with the remainder of the original fence appropriately painted, would stand out less than some other local fencing.

The Inspector concluded that the revised scheme has successfully addressed the previous Inspector's stated misgivings. The revised scheme, subject to a provision on repainting, would have no adverse visual impact on its surrounding or the setting of the CA and found no conflict with those provisions of policies GP.35 and GP.53

Learning Points:

This another appeal where the issues raised were matters of judgement.

Application Reference: 13/01184/APP

Decision: Delegated

Site: Land Adjoining Overways London Road Aston Clinton Buckinghamshire HP22 5HL

Development: Erection of one detached dwelling with garaging

Analysis:

Permission was refused for a new dwelling on this site located within the existing garden of the property known as 'Overways'. a substantial detached dwelling set on a large plot on the edge of Aston Clinton. The reasons related to the failure to comply with RA14 criteria.

In applying Policy RA.14 the Inspector considered that the proposed dwelling would not be closely surrounded by existing development in the sense of being a typical infill plot, it would be enclosed by Overways and the housing on the opposite side of London Road. It was considered that the proposed dwelling would be substantially, although not closely, enclosed by other development. In this context, the underlying aims of Policy RA.14 would not be materially harmed by the proposed development.

The proposed house would complete the development pattern, forming part of a small group of properties that would be partially screened by trees, subject to an appropriate condition securing such screening. Further, as the proposed dwelling would not protrude significantly beyond Overways or Cloisters and in any event would back onto a recreational park, it was not considered that it would result in a sense of intrusion into the countryside or form part of a larger site that would allow more comprehensive development.

It was accepted that development on the side of London Road that borders Aston Clinton Park is more sporadic than that on the opposite side of the road and within the more built up area of

Aston Clinton. However, the appeal proposal would accord with this and would not materially increase the built up appearance of the area in this context. The Inspector concluded that the principle of the proposed development and effect on the character and appearance of the area would be acceptable, having regard to the location of the appeal site and would accord with Policy RA.14 and GP.35

Learning Points:

Whilst the appeal was allowed an application for costs against the council was dismissed on the basis that the council had taken into account matters such as the Stablebridge Road appeal, did not act inconsistently with national planning policy based upon the evidence before it at the time of determining the application in relation to 5 year housing land supply and the Council gave detailed reasons as to why it considered the siting to be inappropriate. The Council has not therefore acted unreasonably and unreasonable behaviour had not been demonstrated.

Application Reference: 13/01162/APP	Decision: Committee
Site: Chiltern Cottage 45-47 Church Road Slapton Buckinghamshire LU7	
Development: Erection of one detached dwelling with new access	
<p>Analysis:</p> <p>Members will recall refusing permission for a new dwelling in the garden of Chiltern Cottage for reason of conflict with the criteria in policy RA14. It is the last property at the south-eastern end of the village with a triangular garden defined by hedges and a ditch. The Inspector considered that the site is not substantially enclosed by existing development, however, the development would not extend beyond the existing domestic curtilage, it would not intrude beyond this curtilage into the countryside and would be a satisfactory completion of the settlement pattern. It clearly does not form part of a larger development site but would make efficient use of the land and strengthen a well defined boundary between the settlement and the countryside. The Inspector did not consider that the proposal would conflict with policy RA.14. Whilst policy RA.14 could be considered out of date, its primary purpose seems to be to protect the countryside rather than to regulate housing land supply. The Framework supports sustainable development in rural areas and the Inspector considered that the proposal, on the edge of the settlement would amount to sustainable development and concluded that the proposal would not have a harmful effect on the countryside and no conflict with policy RA14 or GP35.</p>	
<h4>Learning Points:</h4> <p>This is another decision which was a matter of judgement of the relationship of the site to the village and the open countryside and the Inspector did explain his conclusion on applying the criteria set out in RA14, and GP35. The Inspector conclusions on the primary purpose of RA14 reinforces the approach taken on applying the criteria and is noted.</p>	