

Report to Development Management Committee

Workload and Performance Review for Quarter January to March 2019

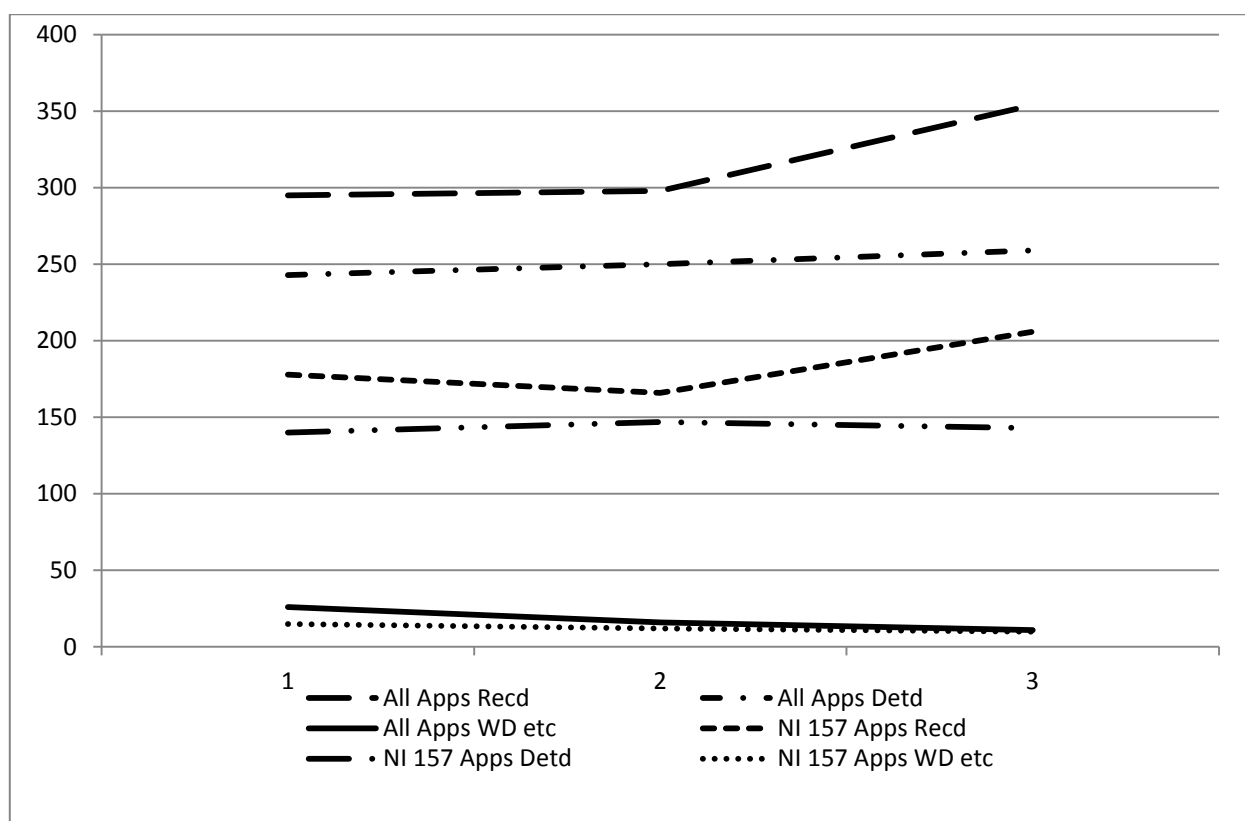
Introduction

This is a 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. This is set in the context of the rolling 12 month period.

Applications Received and Determined



	Jan	Feb	Mar
All Apps Recd	295	298	354
All Apps Detd	243	250	259
All Apps WD etc	26	16	11
NI 157 Apps Recd	178	166	206
NI 157 Apps Detd	140	147	143
NI 157 Apps WD etc	15	12	10
All O/Standing			
NI 157 O/Standing	855	859	910

Major Applications Received: 26
 Minor/Other Applications Received: 524

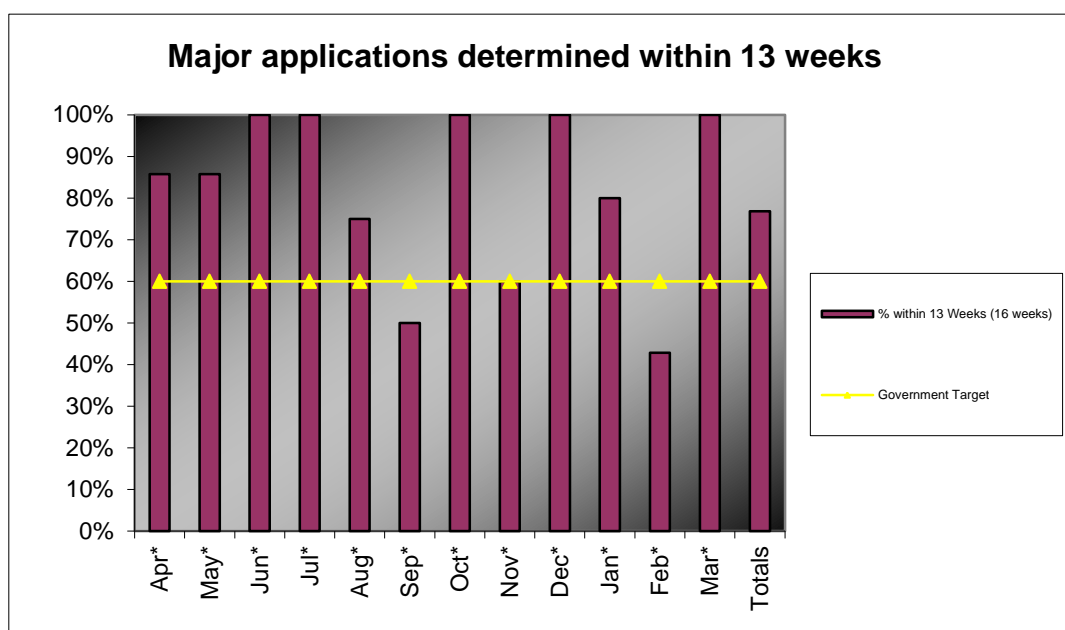
Major Applications Determined: 15
 Minor/Other Applications Determined: 415

Major Applications Outstanding: 129
 Minor/Other Applications Outstanding: 781

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 performance target – NI157 (a) major, (b) minor, and (c) other.



	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Totals
Number of Major Applications Decided	7	7	4	1	4	6	2	5	5	5	7	3	56
Number within 13 Weeks (16 weeks) inc. Ext of time*	6	6	4	1	3	3	2	3	5	4	3	3	43
% within 13 Weeks (16 weeks)	86%	86%	100%	100%	75%	50%	100%	60%	100%	80%	43%	100%	77%
Government Target	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%

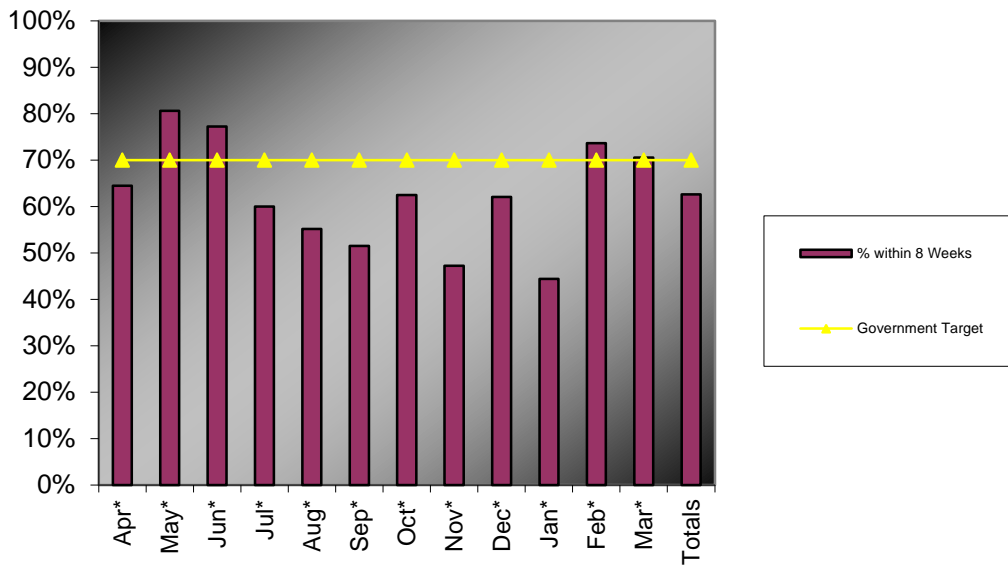
*Including extensions of time & PPAs

The quarterly performance achieved are:

January to March: 67%

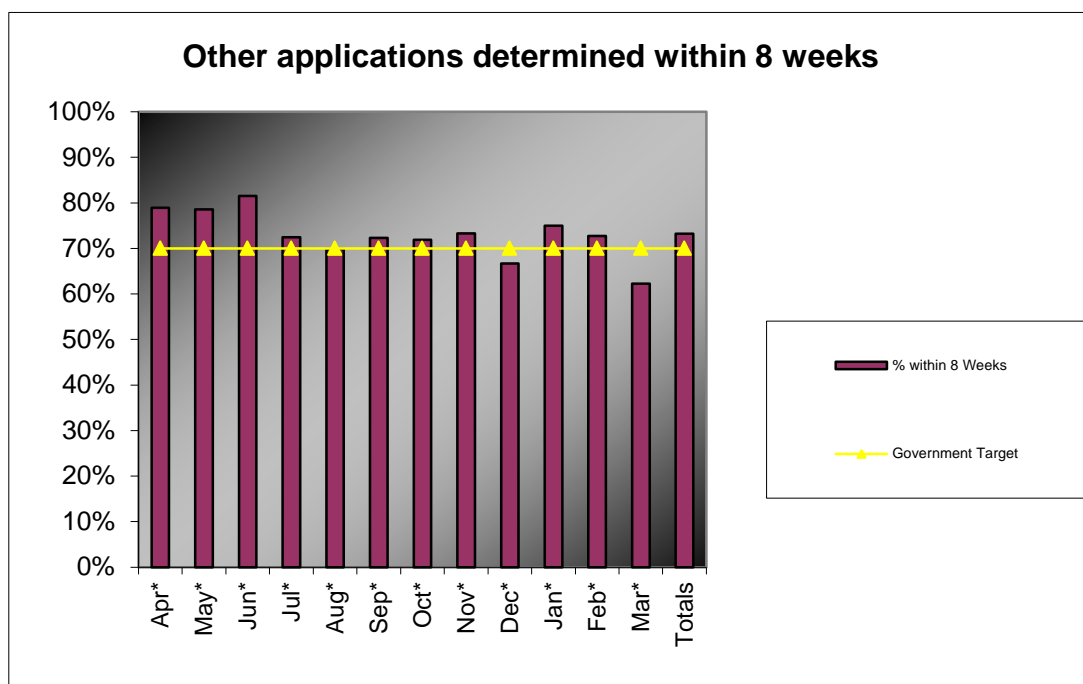
Rolling 2 year average: 79%

Minor applications determined within 8 weeks



	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Totals
Number of Minor Applications Decided	31	31	44	40	29	33	40	36	29	27	19	34	393
Number within 8 Weeks inc. Ext of time*	20	25	34	24	16	17	25	17	18	12	14	24	246
% within 8 Weeks	65%	81%	77%	60%	55%	52%	63%	47%	62%	44%	74%	71%	63%
Government Target	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%

*Including extensions of time



	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Totals
Number of Other Applications Decided	95	112	130	109	126	112	121	105	66	108	121	106	1311
Number within 8 Weeks inc. Ext of time*	75	88	106	79	88	81	87	77	44	81	88	66	960
% within 8 Weeks	79%	79%	82%	72%	70%	72%	72%	73%	67%	75%	73%	62%	73%
Government Target	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%

For minor and other applications the government previously had no target and so the target of 80% shown was set internally by AVDC. From 1 April 2018 a government target of 70% has been set for minor and other applications increasing to 70% from 1 April 2018.

For the quarter January to March we achieved

Minors: 63% within the time period against a target of 70%
Others: 70% against a target of 70%
Joint minors and others: 69% against a target of 70%
Joint rolling 2 year average: 75% against a target of 70%

Appendix 1 details the Major applications determined in the quarter.

Outstanding applications beyond determination date and without or an expired PPA/extension of time in place as at 12 April 2019.

Majors: 89
Minors and Others: 414

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: 20% or more of major applications that have been overturned at appeal (appeals allowed) over a two year period.

The government have announced new government targets increasing those on speed for majors to 50% in 2017 rising to 60% for 2018 based on the previous 2 years October to September. They are combining minors and others into a non major category with a target of 65% in 2017 rising to 70% for 2018 over this 2 year period. The quality targets will be 10% applications that have been overturned at appeal (appeals allowed) over a 2 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 is less than the threshold for 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	6
	Allowed	2
	Withdrawn/NPW	0
	Split	0
	Turned Away	0
	Varied	0
Costs	Against AVDC	
	For AVDC	

*Split decisions are counted as an Allowed appeal

In the quarter between January and March a total of 11 appeals were determined, 8 of which were against refusals of planning permission. Of the 8 appeals against refusals of planning permission which are used for reporting purposes 25% were allowed which is below the Council's target of not more than 35% appeals allowed.

Attached at Appendix 2 is a list of all the appeal(s) which are used for reporting purposes against refusals of planning permission that were allowed. As there are a large number of appeals a summary on all has not been provided. There is a summary on some highlighted for awareness and learning points.

The government statistics published in August 2017 for quality show that the percentage of major applications that have been overturned at appeal is 2.4% and that for minor and other developments overturned at appeal is 1.1% for AVDC during the period of 24 months from July 2014 to June 2016. This is well below the governments threshold of 10% overturned for quality.

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	563	Cases on hand at end of quarter	532
Cases Opened	157	No of Cases closed	188
No. of Enforcement Notices Served	0	No. of Temporary Stop Notices Served	0
No. of Stop Notices Served	0	No. of Breach of Condition Notices Served	0
		No. of Planning Contravention Notices Served	0

In the 3 month reporting period 116 cases were resolved as follows:

Performance Figure	Notes
19% of complaints were resolved within 14 days	Generally more straightforward cases where a yes/no decision is required following initial evidence gathering
44% of complaints were resolved within two months.	Normally requiring more extensive evidence gathering and/or consultations involving 3 rd parties.
66% of complaints were resolved within 5 months.	On top of the actions identified above these cases normally require some formal action or an application for retrospective planning permission.
Remainder	Where formal legal action is involved it can take many years to resolve complaints and can include appeals and further judicial review.

Enforcement Appeals

Lodged	PI (Public Inquiry)	0	Determined	Allowed	0
	IH (Hearing)	0		Dismissed	0
	WR (Written responses)	0		W/Drawn	0
	Total	0		Varied	0
				Total	0
Costs	For AVDC	0		Against AVDC	0

Enforcement Summary

The volume of planning enforcement complaints received is high and increasing and geographically reflects the areas where the delivery of development is highest. The service has seen a 27% increase in the number of complaints received over the last 3 years and the current team caseload is in the region of 500 open cases. This quarter we opened 157 cases, but closed 188, resulting in a decrease of 31. Our response to complaints is prioritised based on the level of harm the suspected breach is causing. This means that 'low' category complaints will take longer to resolve than those that are causing a 'high' level of harm. We have successfully recruited a new Senior Enforcement Officer, which we hope will increase our ability to train more junior members of staff, alongside continuing to close cases, and support our efforts in 'proactive' enforcement that members have requested. We continue to close more cases than are being opened, which means we are seeing a decrease in open cases quarter-to-quarter, which is evidence that the enforcement service is starting to return to stability after a period of staff movement and fluctuating workloads.

Section 5: Other Workload

Introduction

In addition the teams have dealt with the following:-

Discharge of Conditions and non material amendments.

Quarter – Out 136

Chargeable Pre-Application Advice, including commercial

Quarter - Out 111

Non chargeable Informals

Quarter - Out 13

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 the report's content helpful.

APPENDIX 1

Major Applications Determined: Quarter January to March 2019

Bold numbers denote applications determined outside the target period. Performance for this quarter is 67% which is above target; * denotes those applications that had an extension of time request agreed. 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 targets and applications where the revocation of the regional spatial strategy required a reassessment of the scheme.

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
15/01286/APP*	MICDAV	17/04/2015	Conversion of the ground floor from Class A2 to provide 10 flats with associated elevational alterations	Heron House 49 Buckingham Street Aylesbury Buckinghamshire HP20 2NQ	23/04/2015	20/02/2019	AVDC application - Approved
17/04457/ADP*	NKJ	23/11/2017	Approval of Reserved Matters pursuant to outline permission 14/03000/AOP for appearance, landscaping, layout and scale of a residential development of 64 dwellings	Land To The East Of Fenny Road Stoke Hammond Buckinghamshire	23/11/2017	22/03/2019	Details Approved
18/02476/ADP*	NKJ	13/07/2018	Approval of Reserved Matters pursuant to outline permission 17/02465/AOP for appearance, landscaping, layout and scale of a development with access included for a mixed use development of B8 and B2 units comprising up to 2090 sq.m. in total floor area (equal to the combined floor space of the previously approved permissions 05/00240, 05/00241, 05/00242, 05/00243 and 05/00244).	Oakwood Farm Ledburn Mentmore Buckinghamshire LU7 0QD	13/07/2018	22/02/2019	Details Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
18/03502/ADP*	DANRAY	05/10/2018	Application for reserved matters pursuant to outline permission 16/04243/AOP for layout, scale, external appearance, and the landscaping of the site of 74 dwellings.	Land At Thornbrook House & Roylands Risborough Road Stoke Mandeville Buckinghamshire HP22 5UT	05/10/2018	08/03/2019	Details Approved
18/02598/ADP*	NICWHE	23/07/2018	Application for Approval of Reserved Matters pursuant to outline permission 13/02112/AOP relating to appearance, landscaping, scale and layout for B1(Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking , landscaping and access	Land At Buckingham Road Winslow Buckinghamshire	23/07/2018	15/02/2019	Details Approved
18/04234/ADP*	NICWHE	27/11/2018	Application for reserved matters pursuant to outline permission 16/02745/AOP for layout, scale, external appearance, the access, and the landscaping of the site	Land West Of Dadford Road Zone K Silverstone Park Silverstone Road Biddlesden Buckinghamshire	27/11/2018	11/03/2019	Details Approved
18/02651/ADP*	NKJ	26/07/2018	Approval of Reserved Matters pursuant to Outline Planning Permission 15/02671/AOP relating to scale, appearance, landscaping and layout for the residential development of 95 dwellings. Submission of details pursuant to Condition 1 - Reserved matters shall be made made not later than three years	Land North Of Sandholme And East Of Buckingham Road Steeple Claydon Buckinghamshire	01/08/2018	25/01/2019	Details Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
			from date of permission, Condition 6 - Drainage Scheme, Condition 7 - Wholelife Maintenance Plan, Condition 8 - Details of tree and hedge protection, Condition 12 - Details of existing and proposed ground levels, Condition 13 - Details of external lighting, Condition 15 - Ecological Enhancement Scheme and Condition 16 - Broadband				
16/01664/AOP*	PJ	06/05/2016	Outline Application with all matters reserved for a residential development of 15 dwellings on 0.5ha of land north of Little Horwood Road along with the allocation of 0.4ha of land as a public park to serve both the new development and the existing local community	Land North Of Little Horwood Road Great Horwood Buckinghamshire	14/06/2016	11/02/2019	Outline Permission Approved
18/00283/AOP*	SCOHAC	23/01/2018	Outline Planning Application for residential development comprising 17 new dwellings, with all matters reserved, together with proposals for a new village hall and associated car parking	Bury Farm Equestrian Centre Bury Farm Mill Road Slapton Buckinghamshire LU7 9BT	01/05/2018	19/02/2019	Refused
16/03880/APP*	SP	26/10/2016	Construction of a Lidl Foodstore with Associated Car Parking, Landscaping, Drainage Works and Formation of Access.	Land At Oakfield Road Stocklake Aylesbury Buckinghamshire	04/11/2016	04/02/2019	Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
17/01010/AOP*	JASTRA	16/03/2017	Outline application with access to be considered and all other matters reserved for a residential development of upto 90 dwellings, an A1 convenience store up to 280sqm and new D2 health facility.	Land Adjacent Addison Road Steeple Claydon Buckinghamshire	03/04/2017	16/01/2019	Approved
17/02893/APP*	NKJ	27/07/2017	Erection of a new furniture showroom with associated access and parking	Land Off Sir Henry Lee Crescent Aylesbury Buckinghamshire	28/07/2017	31/01/2019	Approved
18/00992/ADP*	JASTRA	19/03/2018	Approval of reserved matters pursuant to Outline permission 16/03538/AOP relating to Approval of appearance, landscaping, layout and scale and associated works for 30 dwellings	Land South Of Little Horwood Road Great Horwood Buckinghamshire	20/03/2018	18/02/2019	Approved
18/02980/APP*	LAUASH	23/08/2018	External alterations to building together with formation of car parking and storage area.	LiscombeCentral Liscombe Business Park Soulbury Buckinghamshire LU7 0JL	24/08/2018	28/01/2019	Approved
18/03012/APP*	DANRAY	28/08/2018	Installation of a synchronous gas powered standby generation facility, plus ancillary infrastructure and equipment.	Land At Thistlebrook Farm Tring Road Wingrave Buckinghamshire HP22 4LN	28/08/2018	31/01/2019	Approved

Appeal performance – Quarter January to March 2019

In the quarter between **January** and **March** a total of 11 appeals were determined, 8 of which were against refusals of planning permission. Of the 8 appeals against refusals of planning permission which are used for reporting purposes 25% were allowed which is below the Council's target of not more than 35% appeals allowed.

A list of all the reportable allowed appeals in this quarter is set out below.

Application Reference: 17/04190/APP	Decision: Delegated
Site: Land Adj, 11 Grenville Road, Aylesbury, Buckinghamshire, HP21 8EX	
Development: Erection of 2 dwellings	
<p>This relates to a side garden of No11 a 2 storey semi detached property located on a curve in the road. Permission was refused for reason that it would be a cramped, over developed, car domination form that would be visually intrusive and out of keeping, eroding the openness of the site contrary to policy GP35, the Southcourt Technical Note and NPPF.</p> <p>The Inspector considered that the proposal would be similar in scale, massing and materials to the existing dwellings along Grenville Road. She stated that the undeveloped nature of the site makes a limited positive contribution to the street scene because the high hedge means that the site is not particularly open, in visual terms. The appeal proposals would result in the loss of much of the established hedgerow and the tree. Regard was paid to the appellants suggestion that there could be biodiversity gain in the form of bird and bat boxes and new planting as a benefit of the scheme. This could be secured through a landscaping condition and she attributed limited weight to the harm associated with the loss of the hedgerow and tree.</p> <p>Furthermore the addition of a pair of semi-detached dwellings at the appeal site would not undermine the spacing between the dwellings, having regard to the general pattern of development along Grenville Road and did not agree that the appeal proposals would result in significant car dominance over</p> <p>She concluded that the appeal scheme has been designed in order to be aligned to the STAN and would reflect the prevailing pattern of development along Grenville Road. Given the off street car parking arrangements already in place for a number of dwellings along the street, the proposals would not undermine this pattern. It would not materially harm the character and appearance of the surrounding area</p>	

Application Reference: 18/00533/APP	Decision: Delegated
Site: Badricks Farm, 94 Aylesbury Road, Bierton, Buckinghamshire, HP22 5DL	
Development: Erection of new detached dwelling with integral garage	
<p>The site is situated to the rear of Badricks Farmhouse, within the Conservation Area of Bierton. It comprises a broadly rectangular parcel of level land and there are a significant number of mature trees on the site of varying quality and include a number of fruit trees..</p> <p>The site is bounded to the North west by open fields; to the North east by a modern estate of large detached houses served by Barnett Way; to the South West by Badricks Farmhouse a Grade II listed building and a timber frame barn recently granted planning permission for conversion to a one bed dwelling. The substantial farm barns to the South west of the site have recently been converted into residential use.</p>	

A public footpath runs from the turning head on Barnett Way in a generally westerly direction across the top of the application site.

The reasons for refusal were:

1. The proposal would fail to comply with the core planning principles of the National Planning Policy Framework to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment and to reuse land that has been previously developed. The development would represent an unacceptable intrusion into the countryside and would constitute an unsustainable and inappropriate form of development of a site situated beyond the built up confines of the settlement. The failure to comply with the core planning principles of the National Planning Policy Framework and the harm caused significantly outweighs any benefits of the proposed development. The proposal would be contrary to policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.
2. The proposal by reason of the size, layout and design of the dwelling would constitute an unacceptable form of development that would fail to preserve or enhance the character and appearance of the Berton Conservation Area. The proposal would be contrary to policy GP35 and GP53 of the Aylesbury Vale District Local Plan, and Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.
3. The proposal by reason of the proposed layout relationship of the dwelling with the converted barn to the south-west, would result in an unsatisfactory living environment for the occupants of that plot reducing their amenities to a level below that which they could reasonably expect to enjoy. The proposal would be contrary to policy GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

The Inspector considered that given that the appeal site is bound on three sides by built forms, it reads as forming part of a built up area. It does not form a buffer between open countryside and the adjacent suburban area, however, it forms a sensitive edge between the built up area and open countryside. He considered that the proposed development would not interfere with the important vistas in the CA and would have a neutral effect in this regard. Furthermore the existing view to the countryside from the farmhouse is substantially restricted by the timber barn and other objects on the associated land such as the porter cabins.

Whilst he accepted that part of the proposed building would be higher than the adjacent buildings, the proposed height would not result in the proposed building being incongruous or discordant to character of the area. Given the position of the proposed building would be a substantial distance away from the other buildings of Barnett Way and the proposed timber cladding, brick and clay tiles would coordinate with elements of the converted barns, the proposed development would therefore be in keeping with the character of the converted barns and in harmony with Badricks Farmhouse and the BCA.

The Inspector considered that the proposal would provide for a satisfactory living environment of future occupiers of the proposed barn conversion with particular regard to outlook. The proposed scheme would therefore not conflict with Policy GP8 of the AVDLP which seeks to protect the amenity of nearby residents and would not conflict with the Framework in this regard.

Award of costs:

In considering the cost application the Inspector considered that the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of Aylesbury Vale District Local Plan that the proposal would be in conflict with in the view of the Council. Although the Council considered that the appeal site lies within the countryside and outside the built-up area. While the Inspector came to a different conclusion, this was a matter of judgement as the appeal site lies on a sensitive site backing on to open countryside and the Council reasonably submitted evidence to support their case in this regard.

He did not consider that the Council failed to reasonably evaluate the application and had reasonable concerns about the impact of the proposed development which justified its decision. He concluded that the Council did not behave unreasonably resulting in unnecessary or wasted expense, and refused the award of costs.