

DEVELOPMENT CONTROL – PROGRESS REPORT

Report by: Head of Planning Services

Wards Affected

County-wide

Purpose

- 1 To inform Members about Development Control performance for the first half of 2006/07

Financial Implications

2. Performance against BVPI 109 will influence the award of Planning Delivery Grant for 2007/08

Background

- 3 In June 2006 Members received a report on Development Control Performance for 2005/06. This report updates that information with the equivalent data for the first 6 months of 2006/07.

Planning Applications

- 4 The speed of processing planning applications (BV 109) continues to be a critical indicator of development control activity and counts towards the Council's CPA rating. Furthermore, the Government has set a notional requirement that all local planning authorities *must* meet the BV 109 minimum targets by April 2007. The last two phases of the Planning Delivery Grant will depend, in part on the out-turn of BV 109 for the two periods; July 2005 to June 2006, and July 2006 to March 2007. The targets sets by government, and performance for the relevant periods (including last year), are set out in table 1 below.

Criterion	Target	Out-turn: For 2005/06	Out-turn: 12 months to June 2006	Out-turn: First 6 months of 2006/07
Major applications %age determined in 13 weeks	60%	61%	63%	77%
Minor applications %age determined in 8 weeks	65%	74%	77%	82%
Other applications %age determined in 8 weeks	80%	82%	86%	92%

- 5 It can be seen from the above that the targets are now being consistently met, and that the trend is still positive.

6. For the purposes of the Planning Delivery Grant the government will be awarding additional grant to authorities which meet higher performance thresholds. These are:

Criterion	Minimum Target	Medium Target	Highest Target
Major applications %age determined in 13 weeks	60%	65%	70%
Minor applications %age determined in 8 weeks	65%	72%	77%
Other applications %age determined in 8 weeks	80%	87%	92%

- 7 In the 12 months to June 2006 the Council achieved all three minimum targets. In the first half of 2006/07 we have met all three highest targets and, provided that this performance can be maintained, there is a realistic prospect of receiving the maximum PDG award in respect of BV 109 performance for the final PDG period of July 2006 to March 2007.

Delegation

- 8 In the first 6 months of 2006/07 87% of all applications were determined under delegated powers. This is remarkably consistent with the figure of 88% for the whole of 2005/06. The former BVPI target of 90% has been discontinued

Recommendations

9. Planning Committees do not always follow recommendations, indeed, it can be a sign that they are not performing their proper scrutiny role if they always accept officers' recommendations. In work with other local planning authorities the Audit Commission has used two thresholds of concern; both measuring the number of applications determined contrary to Officer's recommendation as a percentage of decisions on all applications (delegated and committee):

Upper threshold 2%

Lower threshold 0.5%

Performance outside these two thresholds would be a matter of concern.

In 2005/06 the percentage of “overturned” recommendations was 1.2%, i.e. more-or-less midway between the two concern thresholds. In the first six months of 2006/07 that figure had risen to 2.1%, i.e. 36 recommendations not followed out of a total of (committee and delegated) decisions of 1,684.

Appeals

10. Appeal success rates are now measured as a Best Value Performance Indicator, BV 204. There is no national target set, so the best comparisons are with national rates. The Indicator BV 204 only measures performance in respect of appeals against refusal of permission and, whilst these represent the bulk of appeals, they are by no means the only appeals which are dealt with.

Table 3: BV 204 Appeals Against Refusals of Permission					
2005/06			First 6 months of 2006/07		
Determined	Allowed	%age allowed	Determined	Allowed	%age allowed
103	31	30%	35	8	23%

- 11 The figures for 2005/06 have been amended following further clarification from the Planning Inspectorate as to which appeals actually count towards the indicator. The total number of appeals determined in the first six months of this year, at 35, is significantly less than half of last year's total of 103, but this masks the amount of appeal work currently being undertaken. At the time of writing this report there were over 50 current undetermined appeals in progress.
- 12 The national percentage of appeals allowed for both 2005/06 and for the first quarter of 2006/07 was 33% - consequently it can be seen that Herefordshire has been consistently performing above the national average.

Enforcement

- 13 There have been seven enforcement appeals so far in 2006/07. Four are undetermined and of the other three one was upheld, one dismissed, and one withdrawn.
- 14 Enforcement activity covers a wide range of activity. So far, in the first 6 months of 2006/07 have received a total of 486 new enforcement enquiries and closed 428 cases.

Table 4: Enforcement Outcomes: April to September 2006	
No apparent breach (not development)	73
No apparent breach (permitted development)	64
Not expedient to enforce	68
Compliance achieved through negotiation	141
Planning permission granted	73
Passed on to other Service Areas	9
Total cases closed	428

Table 5: Enforcement Action – formal notices served	
Planning Contravention Notices	45
Breach of Condition Notices	13
Enforcement Notices	15
Section 215 Notices	1
Stop Notices	1
Prosecutions	1
Listed Buildings: Planning Contravention Notice	5
Listed Buildings: Enforcement Notice	1

- 15 All the Area Sub Committees have commented on the number of retrospective planning applications being submitted. Accordingly, since April 2006 a specific check has been kept on these. In the period April to September a total of 139 retrospective planning applications have been received as a result of enforcement action. These applications have, between them, generated £20,710 in planning application fee income. Whilst the number of applications may seem quite high, it may be of interest to note that the planning system has always allowed for retrospective applications and, indeed, good enforcement practice specifically affords developers the opportunity to remedy a breach of control by applying for permission. It is, perhaps,

worth noting that retrospective applications have a lower success rate than other planning applications: only around 75% of retrospective planning applications are approved, compared with 83% for all applications.

RECOMMENDATION

THAT:

The report be noted subject to any comments Members may wish to make to the Cabinet Member, Environment.