QUARTERLY DEVELOPMENT MANAGEMENT PERFORMANCE REPORTING

1 SUMMARY

This report presents information on our performance of the Development Management service for the third quarter of 2008/2009; 1 October 2008 to 31 December 2008 and where appropriate compares this with the second quarter, 1 July 2008 to 30 September 2008 and the financial year to date. The Development Management service comprises three teams; the Development Control, Compliance and Development Management Support teams. This report states our performance in relation to national, family and local performance indicators.

The report comprises two main sections. Section 2 provides information on performance in relation to the handling of planning applications and Section 3 Compliance matters.

Recommendation that: Members note the performance monitoring information provided.

2 DEVELOPMENT CONTROL PERFORMANCE

2.1 Introduction

This section of the report presents Development Control performance information for the third quarter against national, family and local performance indicators. National indicators are those that are set by Government and allow a national comparison. Family indicators are those that allow comparison with similar local planning authorities. Local performance indicators, in this case, are those that are applied corporately in our business and service plans and give a measure of our own performance over time. Historic data are included for comparison where appropriate.

2.2 Major Applications

A major planning application is an application for proposals that involve the creation of at least 10 residential units; residential development on a site having an area of at least 0.5 hectares; non-residential development on a site of at least 1 hectare; creation or change of use of 1000 square metres or more of gross floor space (does not include housing).

- National performance indicator NI157 (a) states that we should determine 60% of major applications within 13 weeks
- In the third quarter we determined 100.0% within 13 weeks
- This compares with 66.7% in the second quarter
- In the second quarter the national average was 70.0%
- Over the first three quarters our average is 77.7%

The target for major applications represents a challenge as the numbers are small and performances in relation to individual applications make a large percentage difference. In the third quarter we determined 3 major applications. Over the first three quarters we have determined 9 major applications. Often major applications require the completion of a bi-lateral legal agreement (Section 106) that can increase the duration before which we can determine the application.
2.3 Minor Applications

A minor planning application is an application for proposals that involve the creation of less than 10 residential units; residential development less than 0.5 hectares; the creation or change of use of less than 1000 square metres of gross floor space or non-residential development less than 1 hectare.

- National performance indicator NI157 (b) states that we should determine 65% of minor applications within 8 weeks
- In the third quarter we determined 71.6% within 8 weeks
- This compares with 61.9% in the second quarter
- In the second quarter the national average was 76.0%
- Over the first three quarters our average is 69.5%

2.4 Other applications

An other application is an application for proposals that involve changes of use, householder development (development within the curtilage of a residential property), advertisement, listed building and conservation area consents, lawful development certificates and agricultural and telecommunications notifications.

- National performance indicator NI157 (c) states that we should determine 80% of other applications within 8 weeks
- In the third quarter we determined 79.7% within target
- This compares with 84.4% in the second quarter
- In the second quarter the national average was 87.0%
- Over the first three quarters our average is 84.3%

2.5 Number of planning applications

Local performance indicator DC1 is a workload measure.

- In the third quarter we received 223 planning applications
- This compares with 257 in the second quarter
- In the first three quarters we received 744 planning applications

The current economic climate does not appear to have significantly affected the number of applications received. Accordingly, to date we have not seen a downturn in planning applications that some other authorities have witnessed elsewhere in the country.

2.6 Percentage of planning applications approved

Local performance indicator LPE 007, the percentage of planning applications approved gives a measure of the effectiveness of pre-application advice given by the service.

- In the third quarter we approved 89.2% of planning applications
- This compares with 90.3% in the second quarter
- In the second quarter the national average was 80%
- In the first three quarters our average is 90.2%
Although the percentage of applications approved is not a target to be met at any cost, as quality is important, it is a useful indicator of how well our development management approach is working.

2.7 Percentage of applications determined under delegated powers

The Government have set a national guideline figure 90.0%, previously a national indicator, for the percentage of applications determined by Local Planning Authorities under delegated powers. This is reflected by family performance indicator DC2 that relates to the proportion of decisions taken under delegated powers as a percentage of the total number of decisions.

- In the third quarter we determined 88.8% of planning applications under delegated powers
- This compares with 86.7% in the second quarter
- Over the first three quarters our average is 88.3%

2.8 Number of pre-application enquiries received

Local performance indicator LPE 005 is a workload measure.

- In the third quarter we received 149 pre-application enquiries
- This compares with 215 in the second quarter
- Over the first three quarters we received 570 pre-application enquiries

There has been a 30.7% decrease in the number of pre-application enquiries received between the second and third quarters. However, it is not clear at this time whether this is a trend or a seasonal adjustment.

2.9 Number of planning appeals received

Local performance indicator LPE 003 is a workload measure.

- In the third quarter we received 4 planning appeals
- This compares with 8 in the second quarter
- Over the first three quarters we received 19 planning appeals

2.10 Percentage of appeals allowed against the Authority’s decision to refuse planning permission

Former national performance indicator BV 204 sets a target for the proportion of appeals allowed by the Planning Inspectorate at 30%. This gives a measure of the soundness of our decisions.

- In the third quarter the Planning Inspectorate allowed 30% of appeals
- This compares with 62.5% in the second quarter
- In the second quarter the national average was 34%
- Over the first three quarters our average is 37.5%

We need to carefully monitor our appeal performance and learn from decisions made by Inspectors. Appeal performance excludes appeals against advertisements, enforcement and lawful development certificates. There are a small number of appeals and analysis of a small dataset can be misleading. We consider that the appropriate analysis period for appeal performance is a year and that it is more appropriate to carry out a detailed analysis in the forthcoming annual report.
2.11 Number of affordable and local needs housing units granted planning permission

The Regional Spatial Strategy (RSS) for the North West England sets an annual average rate of housing permissions for the Lake District National Park (not replacements) at 60 units. For monitoring purposes, in line with current practice, all affordable and local housing permissions will count towards the housing provision set out in the RSS.

- Local Performance Indicator LVC 006 sets a target to grant planning permission for 60 affordable and local housing units each year
- In the third quarter we granted planning permission for 8 units
- This compares with 61 units in the second quarter
- Over the first three quarters we have granted planning permission for 102 units

We have already significantly exceeded our housing provision target set out in the RSS although the figure is influenced by a large-scale Keswick development in the second quarter. However, the figure is indicative of our proactive working strengthened by our development management approach including the work of planners in a role as affordable housing co-ordinators.

3 COMPLIANCE PERFORMANCE

3.1 Introduction

There are no national or family performance indicators in relation to compliance activity although there are two local performance indicators to which we can compare our service. For this reason in addition to reporting on the team’s performance in relation to these existing performance targets we have provided some abstract information about how we dealt with those cases.

3.2 Cases opened

Each case may have multiple alleged breaches of planning, listed building, advertisement or special controls. There may also be more than one complainant in relation to each case.

- In the third quarter we opened 73 cases
- This compares with 77 cases in the second quarter
- Over the first three quarters we opened 256 cases

3.3 Customer service measure

Local performance indicator LPE 002 states that 90% of initial assessments of investigations into reports of potential breaches of planning control should be carried out within 15 working days.

- In the third quarter we carried out 94.5% of initial assessments in 15 working days
- This compares with 100% in the second quarter
- Over the first three quarters our average is 96.8%

On average, we carried out our initial assessments within 8 days of receipt of the report.
3.4 Cases concluded

In the third quarter we concluded 84 cases in the following ways:

- 21% were concluded because the works or use of the land reported did not amount to development requiring planning permission within the meaning of the planning acts.

- In 21% of the concluded cases, one or more breaches of planning control were established but the breach was remedied following voluntary remedial actions or the cessation of the unauthorised use of the land.

- In 20% of the concluded cases, one or more breaches of planning control were established but it was not in the public interest for us to take any further action in relation to the breach.

- 11% were concluded because the development was permitted development and did not require our express planning permission.

- 8% were concluded because the reported development already had planning permission/consent.

- 7% were concluded following the regularisation of the development through the grant of planning permission.

- 1% was concluded following the initiation of formal enforcement action in relation to the breach and compliance with the requisite notice.

- We concluded the remaining cases for other reasons including the report not being a planning matter.

3.5 Monitoring Activity

Thirty-four start notices were voluntarily submitted by developers indicating that they were about to commence development in accordance with planning permissions granted by us. This gives us the opportunity to check compliance with any pre-commencement conditions on the grant of planning permission and to consider whether the compliance team has a part to play in actively monitoring the development as it progresses. At present, the Compliance team is actively monitoring 13 developments. The decision to monitor these particular developments was largely based on our perception of the sensitivity of the proposals following significant local, parish council or member concern.

3.6 Workload Measure

Local performance indicator LPE 004 is a workload measure.

At the time of writing this report, we have 151 outstanding cases.

Additional resources have been provided for the last quarter to facilitate a reduction in the number of outstanding cases enabling the team to be more proactive in the forthcoming financial year.
3.7 **Formal Enforcement Notices**

There is no national, family or local performance indicator in relation to the number of formal enforcement notices issued by the authority. However, we consider it prudent to inform the Committee of the number of enforcement notices we issue. This gives a measure of our success in bringing cases to a conclusion through persuasion and negotiations with the contravener.

**Requisitions for information**

- In the third quarter we issued 1 planning contravention notice
- This compares with 2 in the second quarter
- Over the first three quarters we issued 3 planning contravention notices

**Enforcement Notices**

- In the third quarter we issued 2 enforcement notices
- This compares with 1 in the second quarter
- Over the first three quarters we issued 3 enforcement notices

On the basis of the analysis of the current outstanding cases we anticipate that more formal enforcement notices will be issued in the last quarter extending into the next financial year.

4 **CONCLUSION**

Following this analysis it is evident that we are exceeding our performance targets to date. While there does not appear to be any reason for concern we acknowledge that there is also no scope for complacency.

We recognise the need for indicators that reflect our ambition for the provision of a seamless Development Management service and we will be mindful of this in any review of our performance indicators.

5 **BEST VALUE IMPLICATIONS**

This report publishes our performance against the adopted national, family and local performance indicators.

6 **FINANCE CONSIDERATIONS**

None

7 **RISK**

Quarterly analysis of our performance seeks to minimise the risk of us not meeting the targets.

8 **LEGAL CONSIDERATIONS**

None
9  **HUMAN RESOURCES**

None

10  **DIVERSITY IMPLICATIONS**

None

11  **SUSTAINABILITY**

None

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