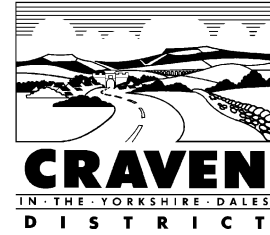


Planning Committee – 15 December 2014



DEVELOPMENT CONTROL PERFORMANCE.

Report of the Strategic Manager of Planning & Regeneration

Ward(s) affected: All

1. **Purpose of Report** – To update the Planning Committee of the Development Control performance figures and appeal decisions. To update Members on the position with respect to the measures introduced by the Coalition Government to tackle poor performing planning authorities.
2. **Recommendations** – **Members are recommended to note the report and be mindful of its content when making decisions on planning applications.**
3. **Report**
- 3.1 This report details Development Control performance for the year 2013/14 and the first 2 quarters of 2014/15. The report also updates members on the position with respect to measures introduced by the Coalition Government to tackle poor performing planning authorities.

A. PLANNING APPLICATION PERFORMANCE

Performance on Major Planning Applications

- 3.2 The figures at Appendix A indicate that for the 13/14 financial year 100% of major applications were determined within the statutory target date, or within an extended time period that was agreed in writing with the applicants. The average for England for district level authorities is 70%. For the first two quarters of the 14/15 financial year the 100% success rate has been maintained.
- 3.3 Major Planning Applications include residential schemes for 10 or more dwellings, residential development on sites over 0.5 ha, other development providing floorspace greater than 1000 m², and other development on sites of over 1 ha. The Council's performance figures for major applications are included at Appendix A.
- 3.4 The National Performance Indicator target has historically been to deal with 60% of Major applications within statutory targets. From the financial year 12/13 the Council's own target has been to deal with 40% of Major applications within 13 weeks. The Coalition Government introduced special measures that mean poorly performing planning authorities lose their right to determine major planning applications. If an authority is within 'special measures' an applicant for a major development proposal could opt for applications to be determined by the Planning Inspectorate rather than by the Local Planning Authority. The threshold for

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designation is 30% or fewer of an authority's decisions on major development proposals being made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

- 3.5 With respect to the Coalition Governments 'Speed of Decisions' measure, the Council has determined more than 82% of its major applications in time within the 2 year measuring period. This is well in excess of the 30% of applications determined in time target (see Appendix B for further information). The Government has indicated that the 'Speed of Decisions' measure will increase to 40% of applications determined in time for the next measuring period.

Performance on Minor Planning Applications

- 3.6 The target is to determine 65% of minor applications within 8 weeks. This was achieved for the financial year 13/14 (80%), and for the first 2 quarters of 13/14 (77%). The average for England for district level authorities for 13/14 was 70%. The Council's performance figures for minor applications are included at Appendix A.
- 3.7 Minor Planning Applications include proposals for dwellings, offices, industry, retail development, and other built development, but excluding householder/other development and development which is classed as major.

Performance on Other applications

- 3.8 The target is to determine 80% of these applications with 8 weeks. This was achieved for the financial year 13/14 (92%), and for the first 2 quarters of 14/15 (90%). The average for England for district level authorities for 13/14 was 83%. The Council's performance figures for minor applications are included at Appendix A.
- 3.9 Other Planning Applications include householder applications, changes of use, advertisements, and listed building consent applications.

B. APPEALS PERFORMANCE

- 3.10 Details of appeal performance are set down in Appendix C. For the year 13/14 the LPA received 22 appeal decisions. Of those appeals 8 were allowed on appeal, and 14 were dismissed. 36% of the Council's decisions to refuse planning permission have therefore been allowed on appeal. The national average of refusals allowed on appeal for LPA's in England for the year 13/14 is 35%. For the first 2 quarters of 14/15 the Local Planning Authority received 14 planning application appeal decisions and just 21% of the Council's refusals were allowed on appeal.

Appeal Performance assessed against the 'Quality of Decisions' measure used to identifying poorly performing planning authorities

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- 3.11 Appeals performance is one of the measures that the government are now using to define a poorly performing planning authority (the 'Quality of Decision' measure). The threshold for designation is 20% or more of an authority's decisions on applications for major development made during the assessment period being overturned at appeal. If an authority is within 'special measures' an applicant for a major development proposal could opt for applications to be determined by the Planning Inspectorate rather than by the Local Planning Authority.
- 3.12 Appendix D identifies the performance in detail with respect to this target, but in summary no applications for major development (0%) have been overturned on appeal within the assessment period.

Costs awards in Planning Appeals

- 3.13 For the year 13/14 no decisions were received on applications for costs against the Council.
- 3.14 For the first 2 quarters of 14/15 one decision was received on an application for an award of costs against the Council due to the Council's alleged unreasonable behaviour. The application was not successful. The case is set out below: -
- Planning Ref. 22/2013/13614. 3 bungalows at Dick Lane, Cowling. Planning permission was allowed on appeal, but no award of costs was given against the Council for unreasonable behaviour.

4. Implications

- 4.1 **Financial and Value for Money (vfm) Implications** – Defending Planning Appeals against refused applications can have significant cost implications and therefore the Council needs to refuse planning applications only where it can provide sustainable reasons for refusal. If the Council is designated as poorly performing this may reduce fee income if applicants for major planning applications elect to bypass the Local Planning Authority and make submissions direct to the Planning Inspectorate.
- 4.2 **Legal Implications** – None.
- 4.3 **Contribution to Council Priorities** – Monitoring of performance should contribute to delivering an efficient and effective service.
- 4.4 **Risk Management** – Failure to achieve certain minimum performance standards could result in the authority being designated as poorly performing and developers proposing major applications given the option to instead submit to the Planning Inspectorate.
- 4.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment Procedure **has not been** followed. Therefore neither an Initial Screening or an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or

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discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.

5. **Consultations with Others** – N/A

6. **Access to Information : Background Documents** – N/A

7. **Author of the Report** – I Swain – Development Control Manager. 01756 706465

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

8. **Appendices**

Appendix A – Development Control Application Performance.

Appendix B – Performance against the Coalition’s Government’s ‘Speed of Decisions’ criteria for identifying poorly performing planning authorities.

Appendix C - Planning Application Appeals Performance.

Appendix D - Performance against the Coalition’s Government’s ‘Quality of Decisions’ criteria for identifying poorly performing planning authorities.

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APPENDIX A - DEVELOPMENT CONTROL APPLICATION PERFORMANCE FOR 2013/14 & Qtrs. 1&2 for 14/15.

Quarterly (not cumulative)

Quarter	Performance Indicator	% determined in time	Target	Number of determinations
1st 13/14	Majors	100%	40 & 60%**	5
	Minors	86%	65%	37
	Others	96%	80%	115
	Other determinations*			54
	Total determinations			211
2nd 13/14	Majors	100%	40 & 60%**	7
	Minors	78%	65%	59
	Others	88%	80%	93
	Other determinations*			84
	Total determinations			243
3rd 13/14	Majors	100%	40 & 60%**	11
	Minors	80%	65%	41
	Others	94%	80%	78
	Other determinations*			96
	Total determinations			226
4th 13/14	Majors	100%	40 & 60%**	4
	Minors	76%	65%	54
	Others	87%	80%	88
	Other determinations*			68
	Total determinations			214
1st 14/15	Majors	100%	40 & 60%**	8
	Minors	78%	65%	74
	Others	91%	80%	116
	Other determinations*			66
	Total determinations			264
2nd 14/15	Majors	100%	40 & 60%**	9
	Minors	76%	65%	63
	Others	89%	80%	97
	Other determinations*			74
	Total determinations			243

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Annually

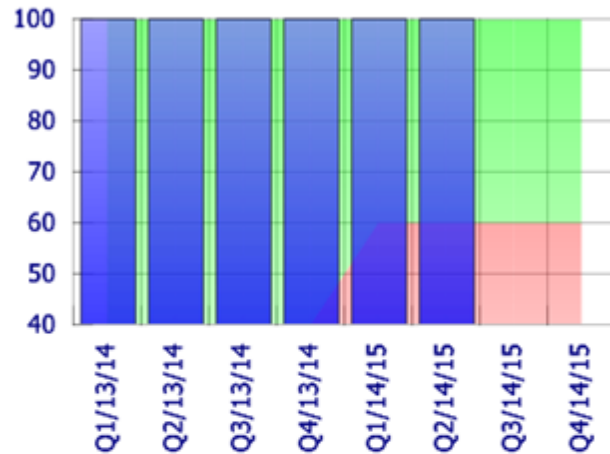
Year	Performance Indicator	% Craven determined in time	% England District Level Average	Target
12/13	Majors	47%	58%	40 & 60%**
	Minors	70%	68%	65%
	Others	87%	81%	80%
13/14	Majors	100%	70%	40 & 60%**
	Minors	80%	70%	65%
	Others	92%	83%	80%
Qtrs. 1 & 2 14/15	Majors	100%	-	40 & 60%**
	Minors	77%	-	65%
	Others	90%	-	80%

* 'Other determinations' are applications that are not included in the Performance Indicators and include applications relating to tree matters, applications for non-material amendments, applications to discharge conditions attached to planning permissions, prior approval notifications for works that are permitted development, formal consultations on applications that are to be determined by North Yorkshire County Council that fall within Craven District (outside of the boundaries of the YDNP), and Screening and Scoping Opinions for Environmental Impact Assessment. From the year 2014/15 onwards this category also includes applications for Lawful Development Certificates (these were previously recorded in the 'Others' category).

** Major applications that are determined outside of the statutory time period for determination, but within an extended time period that has been explicitly agreed in writing with the applicant are considered to have been determined with time. Locally the performance target for major applications was reduced from 60% to 40%.

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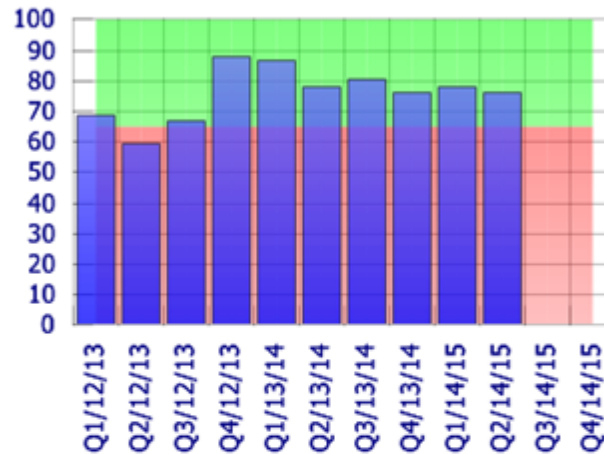
PL 10 (NI 157a).QNC - Planning & Building Control - Processing of planning applications - Major Applications determined within statutory timescales (QNC)



Owner - David Smurthwaite
 Collector - Ian Swain
 Service - Planning & Building Control
 Indicator Type - Business Process
 Data Format - Percentage - Two Decimal Places
 Target 2014/15 - Annual Target 60%
 Target 2013/14 - Annual Target 40% (Local)
 Polarity - High

Quarter	Value	Target	Visual
Q1/13/14	100.00%	40.00%	Green bar, Green smiley
Q2/13/14	100.00%	40.00%	Green bar, Green smiley
Q3/13/14	100.00%	40.00%	Green bar, Green smiley
Q4/13/14	100.00%	40.00%	Green bar, Green smiley
Q1/14/15	100.00%	60.00%	Green bar, Green smiley
Q2/14/15	100.00%	60.00%	Green bar, Green smiley
Q3/14/15	60.00%	60.00%	Green bar, Green smiley
Q4/14/15	60.00%	60.00%	Green bar, Green smiley

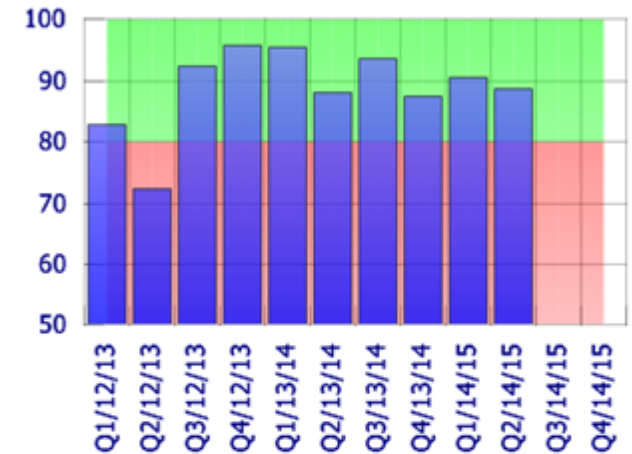
PL 11 (NI 157b).QNC - Planning & Building Control - Planning Applications: Minor applications (QNC)



Owner - David Smurthwaite
 Collector - Ian Swain
 Service - Planning & Building Control
 Indicator Type - Business Process
 Data Format - Percentage - Two Decimal Places
 Target 2014/15 - Annual Target 65%
 Target 2013/14 - Annual Target 65%
 Polarity - High

Quarter	Value	Target	Visual
Q1/13/14	86.49%	65.00%	Green bar, Green smiley
Q2/13/14	77.97%	65.00%	Green bar, Green smiley
Q3/13/14	80.49%	65.00%	Green bar, Green smiley
Q4/13/14	75.93%	65.00%	Green bar, Green smiley
Q1/14/15	78.38%	65.00%	Green bar, Green smiley
Q2/14/15	76.19%	65.00%	Green bar, Green smiley
Q3/14/15	65.00%	65.00%	Green bar, Green smiley
Q4/14/15	65.00%	65.00%	Green bar, Green smiley

PL 12 (NI 157c).QNC - Planning & Building Control - Planning Applications: 'Other' applications (QNC)



Owner - David Smurthwaite
 Collector - Ian Swain
 Service - Planning & Building Control
 Indicator Type - Business Process
 Data Format - Percentage - Two Decimal Places
 Target 2014/15 - Annual Target 80%
 Target 2013/14 - Annual Target 80%
 Polarity - High

Quarter	Value	Target	Visual
Q1/13/14	95.65%	80.00%	Green bar, Green smiley
Q2/13/14	88.17%	80.00%	Green bar, Green smiley
Q3/13/14	93.59%	80.00%	Green bar, Green smiley
Q4/13/14	87.50%	80.00%	Green bar, Green smiley
Q1/14/15	90.52%	80.00%	Green bar, Green smiley
Q2/14/15	88.66%	80.00%	Green bar, Green smiley
Q3/14/15	80.00%	80.00%	Green bar, Green smiley
Q4/14/15	80.00%	80.00%	Green bar, Green smiley

APPENDIX B – PERFORMANCE AGAINST THE COALITION GOVERNMENT’S ‘SPEED OF DECISIONS’ CRITERIA FOR IDENTIFYING POORLY PERFORMING PLANNING AUTHORITIES.

The threshold for designation is 30% or fewer of an authority’s decisions on major development proposals made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

Designations are made in October 2014, based on a 2 year assessment period that ended on 30 June 2014.

Time Period Measured.	Target	% determined in time	Number of determinations
1 st July 2012 to 30 June 2014.	More than 30%	82.7%	38

Out of 336 English Local Planning Authorities in the dataset Craven was ranked 40th on this performance measure.

APPENDIX C - PLANNING APPLICATION APPEALS PERFORMANCE

Planning Application Appeals Performance for 2013/14

SUMMARY	Appeals Dismissed. (i.e. permission is refused on appeal).	Appeals Allowed. (i.e. permission is given on appeal).
All Decisions.	64% (14 decisions)	36% (8 decisions)
Decisions made in accordance with Officer Recommendation including Committee decisions.	62% (13 decisions)	38% (8 decisions)
Committee refusals taken against officer advice.	100% (1 decision)	0% (0 decisions)
Appeal against non-determination.	None	None

The national average of appeals allowed in England for 13/14 was 35%.

Planning Application Appeals Performance for Qtrs. 1&2 of 2014/15

SUMMARY	Appeals Dismissed. (i.e. permission is refused on appeal).	Appeals Allowed. (i.e. permission is given on appeal).
All Decisions (excluding one split decision).	79% (11 decisions)	21% (3 decisions)
Decisions made in accordance with Officer Recommendation including Committee decisions (excluding one split decision).	83% (10 decisions)	17% (2 decisions)
Committee refusals taken against officer advice.	50% (1 decision)	50% (1 decision)
Appeal against non-determination.	None	None

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Full details of appeal decisions for Year 13/14.

Planning Ref.	Site	Proposal	LPA refusal method	Appeal Decision
11/2012/13207	16 Aire Valley Drive, Bradley,	Side extension and decking	Committee (in accordance with officer advice).	Dismissed 15/4/13
62/2011/12160	Falcon Manor Hotel, Settle	Change of use from hotel (C1) to residential (C3).	Committee (in accordance with officer advice).	Dismissed 18/4/13
68/2012/13110	Lodgebank Cottage, Lower Westhouse.	Replacement windows and doors	Delegated	Dismissed 23/04/13
66/2011/12210	Land to the west of Holme Lane, Sutton	Erection of 53 No. dwellings	Committee (against officer advice).	Dismissed 26/06/13
08/2012/13014	Waterscale Farm, Greystonegill Lane, Bentham	The erection of a small-scale wind turbine to generate electricity	Delegated	Allowed 11/07/13
21/2012/13181	Highgate Poultry Farm, Windle Lane, Cononley	Detached dwelling	Delegated	Dismissed 19/07/13
08/2012/12958	4 Ashfield Cottages, Mains St, Bentham	Replacement windows (Listed Building Consent)	Delegated	Dismissed 17/10/13
15/2013/13410	Longber Barn (Southfork), Burton-in-Lonsdale	Change of use from live / work unit to dwelling.	Delegated	Dismissed 21/10/13
22/2013/13325	Dean Laithe Farm, Cowling	Change of use from 1 dwelling to 2 dwellings.	Delegated	Allowed 30/10/13
22/2012/13129	Skythornes Farm, Cowling.	2 no. Wind Turbines on 18 m high masts.	Delegated	Allowed 12/11/13
66/2012/13189	Wood Top Farm, West Lane, Sutton	Retention of gable extension and rendered gable (Listed Building Consent).	Delegated	Allowed 18/11/13
08/2013/13723	New Butts Barn, Bentham	Replacement windows and doors.	Delegated	Allowed 27/11/13

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Planning Ref.	Site	Proposal	LPA refusal method	Appeal Decision
53/2012/13165	Hawshaw Heights, Hawshaw Rd, Lothersdale	Wind turbine	Delegated	Dismissed 5/12/13
31/2013/13451	Sheephouse Laithe, Dallicar Lane, Giggleswick	Conversion of barn to dwelling.	Delegated	Dismissed 18/12/13
66/2013/13466	8 Main St, Sutton.	Change of use from hairdressers to residential.	Delegated	Allowed 18/12/13
45/2008/9200	Land adjoining Goat Gap Inn, Clapham	Lawful development certificate for use of land as caravan site	Delegated	Dismissed 4/2/14
52/2013/13925	Sycamore House, Gallaber Farm, Hellifield	Conversion of stable block to ancillary living accommodation	Delegated	Dismissed 7/2/14
42/2013/13355	Lower Bend Gate, Hellifield	Agricultural workers dwelling	Delegated	Allowed 14/2/14
49/2013/13385	Lingcrest, Kettlebeck Road, Eldroth	Removal of agricultural workers restrictive condition to allow occupation as an ordinary dwelling	Delegated	Allowed 18/2/14
08/2013/13860	Far West End Barn, Low Bentham.	Carport with storage over.	Delegated	Dismissed 20/2/14
63/2013/13225	Burnside House, Carleton Road, Skipton	6 no. 2 bedroom apartments	Committee (in accordance with officer advice).	Dismissed 21/3/14
22/2013/13586	Dukes Farm, Cowling	24.6 m high (hub) wind turbine	Delegated	Dismissed 26/3/14

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Details of appeal decisions for Qtrs 1 & 2 for Year 14/15.

Planning Ref.	Site	Proposal	LPA refusal method	Appeal Decision
21/2011/12283	Greens Mill, Cononley	Retrospective application for a change of use to parking and turning area.	Delegated	Dismissed 11/4/14
32/2013/13819	Kirklea, Station Rd, Cross Hills	Advertisements	Delegated	Dismissed 28/4/14
22/2014/14254	Land adjacent to Nan Scar, Cowling.	2 detached houses.	Delegated	Dismissed 4/6/14
32/2013/13379	Manor House Farm, Glusburn Moor	Wind turbine 24.5 m to hub.	Delegated	Dismissed 26/6/14
59/2013/13818	The Borrins, Rathmell	Change of use from live / work unit to dwelling	Delegated	Dismissed 27/6/14
53/2013/13560	Land adjacent to Centre Road, Lothersdale	Wind turbine on a 25 m tower.	Delegated	Dismissed 27/6/14
05/2012/12568	Brigtenber Hill, Gargrave	3 wind turbines with maximum tip height of 100 m.	Committee (against officer advice).	Dismissed 3/7/14
62/2013/13840	Mary Milnthorpe, Kirkgate, Settle	Change of use from shop and flat to dwelling.	Delegated	Allowed 15/7/14
42/2013/13650	44/46 Thornview Rd, Hellifield	Bungalow with parking.	Delegated	Dismissed 16/7/14
22/2013/13614	Dick Lane, Cowling	3 bungalows.	Committee (against officer advice).	Allowed 23/7/14
53/2013/13691	Bent Laithe Farm, Lotherdale	Wind turbine (46 m to tip).	Delegated	Dismissed 4/8/14
32/2014/14412	17 Spencer Close, Cross Hills	New build dwelling.	Delegated	Dismissed 1/9/14
63/2014/14431	Entrance to Snaygill Industrial Estate, Skipton	Retrospective application for signage.	Delegated	Dismissed 1/9/14

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Planning Ref.	Site	Proposal	LPA refusal method	Appeal Decision
32/2014/14643	Naylors Brewery, Midland Mills, Crosshills	Signage	Delegated	Allowed 22/9/14

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APPENDIX D - PERFORMANCE AGAINST THE COALITION'S GOVERNMENT'S 'QUALITY OF DECISIONS' CRITERIA FOR IDENTIFYING POORLY PERFORMING PLANNING AUTHORITIES.

The threshold for designation is 20% or more of an authority's decisions on applications for major development made during the assessment period being over turned at appeal.

The assessment period is based on applications for major development that have been overturned at appeal, based on a 2 year assessment period that ended on 31 December 2013.

During the assessment period there have been 2 major appeal decisions neither of which was overturned at appeal. Craven was one of 98 authorities where no major decisions were overturned at appeal.