



**NORTHAMPTON**  
**BOROUGH COUNCIL**

**PLANNING COMMITTEE:** 13 May 2010

**DIRECTORATE:** Planning and Regeneration

**HEAD OF PLANNING:** Susan Bridge

**REPORT TITLE:** Development Control and Enforcement Performance.

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**1. RECOMMENDATION**

1.1 That the contents of the report be noted.

**2. CASELOAD OVERVIEW**

2.1 Factors affecting the workload include the impact of WNDC as a local planning authority, the current economic climate and its effect on house building and the changes to householder permitted development rights. The number of applications and WNDC and other consultations received during the course of 2009/10 was 1,123 compared to 1,180 for the year 2008/09. The Section also continues to have a substantial workload of customer enquiries, planning condition discharges, appeals and enforcement cases.

**3. PERFORMANCE**

3.1 This report sets out performance data on national and local indicators for the year 2009/10 and these are summarised in the table below alongside the previous year's figure. The DCLG figures for the year-end are not yet available, however, given that overall performance has been maintained throughout the year it is expected that NBC would remain within the top quartile as one of the higher performers within the region.

| <b>Performance indicator</b>                    | <b>Code</b> | <b>Target</b> | <b>2008/09</b> | <b>2009/10</b>  |
|---|-------------|---------------|----------------|-----------------|
| <b>% Large Major apps within 13 weeks</b>       | NI157(A)    | 60%           | 100%           | no applications |
| <b>% Small Major apps within 13 weeks</b>       | NI157(A)    | 60%           | 55%            | 100%            |
| <b>% Minor apps within 8 weeks</b>              | NI157(B)    | 65%           | 92%            | 83%             |
| <b>% Other apps within 8 weeks</b>              | NI157(C)    | 80%           | 96%            | 92%             |
| <b>% Appeals allowed</b>                        | BV204       | 33%           | 46%            | 40%             |
| <b>% Delegated apps</b>                         | PL188       | 90%           | 96%            | 95%             |
| <b>Best Value checklist: Quality of service</b> | BV205       | 90%           | 67%            | 83%             |

### **Speed of Determination**

- 3.2 Processing of the applications within all three of the DCLG categories (Major, Minor and Other) comfortably exceeded the targets.
- 3.3 There were no 'large' Majors received during the year. This is due to the WNDG being the planning authority for vast majority of this type of planning application. In the previous year only one application was determined in the 'large' Major category. Although WNDG also deal with the majority of the 'small' Majors the Borough Council determined 3, all of which were determined within the statutory 13 week period. This 100% performance compared with 54.55% in the 2008/09.
- 3.4 During the year 168 Minor planning applications were determined, with 140 of these determined within the statutory 8 week period. This represents 83.33% compared to the target of 65%. In 2008/09 performance was 92.19%. This change in performance may in part be due to the increased proportion of applications being reported to the Planning Committee rather than being determined under the scheme of delegation.
- 3.5 723 Other planning applications, which include householder applications, were submitted. 667 of these applications were determined within 8 weeks, representing 92.25% compared to the target figure of 80%. In 2008/09 performance was slightly higher at 95.70%.

## Appeals

- 3.6 During the course of the year 25 appeals against decisions made by the Council were determined. 10 of these were allowed (i.e. lost by the Council), representing 40% compared to the target of 33% and the figure of 45% in 2008/09. Following a disappointing series of results concentrated in the 2<sup>nd</sup> and particularly during the 3<sup>rd</sup> quarters of 2009/10, the results for the final quarter of the year are very much improved with only 2 of the 7 appeals determined being allowed. This recent improvement in performance has coincided with changes to internal processes, which were introduced in January in response to the disappointing results during the preceding two quarters. It also follows the completion of bespoke training on appeals for the Development Control Team in February 2010. It is anticipated that with these measures, combined with the improvements that have been implemented to the wider decision making process, the improvements in the appeal performance will continue.

| Year    | Appeals determined | Total allowed | Total dismissed | Target | % allowed |
|---------|--------------------|---------------|-----------------|--------|-----------|
| 2008/09 | 48                 | 22            | 26              |        | 45%       |
| 2009/10 | 25                 | 10            | 15              | 33%    | 40%       |

## Delegated Applications

- 3.7 The scheme of delegation largely influences performance against this indicator. Overall performance for the year was 94.52%. Of the 894 applications determined during the course of the year 845 were determined under delegated authority and the remaining 49 determined by Committee.

## Quality of Service Checklist

- 3.8 The Checklist comprises a number of components such as information on the planning website and access to professional advice / expertise. Upgrades of IT systems have brought improvements to the Checklist score during the year as have recent measures to secure in-house urban design expertise. Progress made during the year is reflected in the move from 78% to 83% performance.
- 3.9 Further improvements are still required particularly re the quality and contents of the website in respect of accessing details of current planning applications. This is particularly pressing in light of recent confirmation that these website requirements will become statutory rather than discretionary from 1 October 2010.

#### 4. ENFORCEMENT

4.1 The Council adopted an enforcement policy and associated priorities for action last year. In summary the four priority areas are as follows:

- **Priority One:** A serious threat to health / safety or permanent damage to the environment. Where a case is categorised as Priority One immediate action will be initiated to address the breach of control.
- **Priority Two:** Building work, which is unlikely to be given planning permission without substantial modification or unauthorised uses causing severe nuisance through noise, smells, congestion etc.
- **Priority Three:** A breach causing problems, which may be resolved by limited modification, or property whose condition adversely affects the amenity of the surrounding neighbourhood.
- **Priority Four:** Breaches of a minor nature raising minimal planning concerns.

4.2 Planning Enforcement statistics for the year 2009/10 are set out in the tables below. In summary at the start of the year there were 136 cases on hand from the year 2008/09. During the course of the year 2009/10 766 new cases were received and a total of 783 cases investigated and closed, leaving a total of 119 outstanding cases which have been carried over into 2010/11. The 766 new cases received during the year break down into Priority 1 - 4 as 42, 113, 237 and 374 respectively.

| <b>Enforcement Investigations</b> | <b>TOTAL</b> |
|-----------------------------------|--------------|
| Outstanding cases as at 31.03.09  | 136          |
| New cases 1.04.09 to 31.03.10     | 766          |
| Cases closed 1.04.09 to 31.03.10  | 783          |
| Outstanding cases as at 31.03.10  | 119          |

|                              | <b>Priority</b> |          |          |          | <b>TOTAL</b> |
|------------------------------|-----------------|----------|----------|----------|--------------|
|                              | <b>1</b>        | <b>2</b> | <b>3</b> | <b>4</b> |              |
| New cases 1.4.09 to 31.03.10 | 42              | 113      | 237      | 374      | 766          |

**5. LEGAL IMPLICATIONS**

5.1 None.

**6. BACKGROUND PAPERS**

6.1 DCLG PS1 and PS2 planning statistics.

**7. SUMMARY AND LINKS TO CORPORATE PLAN**

7.1 In reaching the attached recommendation regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies. Monitoring performance is consistent with the objectives of securing an efficient and effective planning service.

| <b>Position:</b>        | <b>Name/Signature:</b> | <b>Date</b> |
|-------------------------|------------------------|-------------|
| <b>DC Manager</b>       | Gareth Jones           | 26/04/2010  |
| <b>Head of Planning</b> | Sue Bridge             | 26/04/2010  |