

DEVELOPMENT COMMITTEE

16th MARCH 2017

REPORT OF APPLICATIONS AND ADVICE MANAGER

DEVELOPMENT CONTROL PERFORMANCE 2016/17 QUARTER 3

1. PURPOSE OF THE REPORT

- 1.1** To advise the Committee, of current national Performance Indicator outcomes related to the determination of planning applications for Q3 (October to December 2016) as well as a recap of 2016/17 to date.

2. RECOMMENDATION

- 2.1** **The Committee notes the current performance data.**

3. DEVELOPMENT CONTROL PERFORMANCE

3.1 GROWTH AND INFRASTRUCTURE ACT

- 3.1.1** The Growth and Infrastructure Act 2013 put in place Performance Standards, known as the 'Planning Guarantee'. However, this was updated on 22 November 2016 with a new paper entitled 'Improving planning performance: Criteria for designation (revised 2016)'.

This states that the performance of Local Planning Authorities in determining major and non-major developments will now be assessed separately, meaning that an authority could be designated on the basis of its performance in determining applications for major development, applications for non-major development, or both. The assessment for each of these two categories of development will be against two separate measures of performance:

- the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
- the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

Therefore, the performance of local planning authorities will be assessed separately against:

- The speed of determining applications for major development;
- The quality of decisions made by the authority on applications for major development;
- The speed of determining applications for non-major development;
- The quality of decisions made by the authority on applications for non-major development.

Where an authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated.

Data showing the performance of local planning authorities against the speed and quality measures are published by the Department for Communities and Local Government on a quarterly basis. The Secretary of State will aim to decide whether any designations should be made in the first quarter of each calendar year, based on the assessment periods for each measure set out in the table below.

Measure and type of Application	2017 Threshold and assessment period	2018 Threshold and assessment period
Speed of major Development (District and County)	50% (October 2014 to September 2016)	60% (October 2015 to September 2017)
Quality of major Development (District and County)	N/A –not assessing quality in this designation round	10% (April 2015 to March 2017)
Speed of non-major Development	65% (October 2014 to September 2016)	70% (October 2015 to September 2017)
Quality of non-major Development	N/A –not assessing quality in this designation round	10% (April 2015 to March 2017)

3.2 HOUSING WHITE PAPER

3.2.1 The Government published its Housing White Paper “Fixing our broken housing market” on 7 February 2017 which sets out a broad range of reforms that the government plans to introduce to help reform the housing market and boost the supply of new homes in England.

It includes measures to ensure we:

- plan for the right homes in the right places
- build homes faster
- diversify the housing market
- help people now

The proposals set out how the Government intends to create a more efficient housing market in the long term whose outcomes more closely match the needs and aspirations of all households and which supports wider economic prosperity.

However it also acknowledges that we need to help people now to find the right home while the strategy takes effect. So the White Paper also sets out how to address people’s housing needs and aspirations in the shorter term. This includes supporting people to buy or rent their own home, preventing homelessness, improving options for older people and protecting the most vulnerable. Central to making the long term strategy work is the partnership between central and local government and developers. This White Paper sets out the support the Government will provide to enhance the capacity of local authorities and industry to build the new homes this country needs.

For local authorities, the Government is offering higher fees (a 20% increase with effect from July 2017) and new capacity funding to develop planning departments, simplified plan-making, and more funding for infrastructure. It will also be easier for local authorities to take action against those who do not build out once permissions have been granted. In return, the Government asks local authorities to be as ambitious and innovative as possible to get homes built in their area. All local authorities should develop an up-to-date plan with their communities that meets their housing requirement (or, if that is not possible, to work with neighbouring authorities to ensure it is met), decide applications for development promptly and ensure the homes they have planned for are built out on time.

It is crucial that local authorities hold up their end of the bargain. Where they are not making sufficient progress on producing or reviewing their plans, the Government will intervene. And where the number of homes being built is below expectations, a new 'housing delivery test' will ensure that action is taken.

3.3 MEASURES OF PERFORMANCE OUTCOMES AND CURRENT POSITION

3.3.1 SPEED OF DECISIONS

The table below shows the Council's recent and current performance on speed of decisions.

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	TARGET 2016/17 (based on new regime)	Q1 April – June 16	Q2 July – Sept 16	Q3 Oct – Dec 16
% 'major' applications determined in 13 wks	83.33%	45.45%	62.5%	64%	40.9%	50%	60%	87.5%	87.5%
% 'minor' applications determined in 8 wks	65.59%	67.84%	63.44%	62%	62.6%	65%	56.7%	62%	55%
% 'other' applications determined in 8 wks	80.71%	83%	84.72%	73%	78.5%	65%	69.4%	50%	76.8%

3.3.2 Under the new regime the assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation. For example, a two year assessment period between October 2014 and September 2016 will be used for designation decisions in Quarter 1 2017. The average percentage figure for the assessment period as a whole is used. On this basis we are performing as follows:-

Measure and type of Application	2017 Threshold and assessment period	Melton Figures (October 2014 to September 2016)
Speed of major Development	50% (October 2014 to September 2016)	58.1%
Speed of non-major Development	65% (October 2014 to September 2016)	68.1%

3.3.3 Planning application performance for quarter 3 shows a considerable improvement in major applications, however, the minor applications is more worrying and it is necessary to ensure that a close eye is kept on these in quarter 4 to ensure we don't drop below the threshold of 65% overall.

3.4 QUALITY OF DECISIONS

3.4.1 The outcome of appeals is regarded as a principal measure of decision making quality, being the means by which decisions are individually scrutinised and reviewed.

Indicator	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	TARGET 2016/17	Q1 April – June 16	Q2 July – Sept 16	Q3 Oct – Dec 16
%age of appeals against applications refused dismissed	71.43%	58.82%	71.43%	68.42%	47%	76%	66.66%	57.14%	50%	50%

3.4.2 Under the new regime the measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period.

The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2017 will be used for designation decisions in Q1 2018. The average percentage figure for the assessment period as a whole is used. This threshold will apply from the 2018 designation round.

Measure and type of Application	2017 Threshold and assessment period	Melton Figures (taken from latest DCLG stats)
Quality of major Development	10% (April 2015 to March 2017)	6.3% (Jan 2013 – Dec 2014)
Quality of non-major Development	10% (April 2015 to March 2017)	2% (Oct 2012 – Sept 2014)

3.4.3 Appeal performance for quarter 3 has remained consistent but shows a drop from 2015/16 which will need to be reviewed at the end of quarter 4.

3.4.2 Appeals by decision background

The table below indicates the Council's appeal record for quarter 3, with key information associated with a selection of the appeals detailed in Appendix 1 below.

Decision type	No. of appeals dismissed	No. of appeals allowed
Delegated	1	1
Committee, in accordance with recommendation	0	0

Committee, departure from recommendation	0	0
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4. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 4.1 This report has shown that in quarter three standards of performance for majors have improved but there has been a decline in minor applications which will be monitored closely into quarter 4.
- 4.2 Our appeal record for the first three quarters of the year has fallen slightly below last years figures and will also be monitored closely at quarter 4.

Appendix 1 : Appeal decisions for Quarter 3

Proposal: 16/00177/FUL Proposed change of use from a stable to a self contained flat (class C3) with the front and rear dormers, solar panels and internal alterations – Brooksby Grange, Melton Road, Brooksby

Level of decision: Delegated

Reasons for refusal: The proposed conversion is considered to be contrary to the overall aims and objectives of the NPPF in promoting sustainable development, and policies OS2 and C7 of the Melton Local Plan relating to the conversion of rural buildings. The proposed conversion is in an isolated countryside location outside of any designated village envelope where occupants are likely to be heavily reliant upon the private car. In addition, the proposal does not relate to a dwelling for the use of an agricultural or forestry worker, nor does it represent the conservation of a heritage asset, or an improvement to the immediate setting. It is considered that there is insufficient reason to depart from the guidance in the NPPF on sustainable development and development in this location would therefore be contrary to the "core planning principles contained" within paragraph 17 of the NPPF.

Inspector's conclusions: Dismissed – Notwithstanding that the Appellant states in his grounds of appeal that the proposal would provide an annexe that would be ancillary to the residential use of the main house, the description of development on the planning application clearly refers to the scheme as being the change of use of a stable to a self-contained flat, not a residential annexe. Furthermore the size of the accommodation, its layout and provision of self-contained facilities, together with its reasonable distance from the main house, would indicate that the property would be capable of being occupied as a separate private dwelling.

Whilst the proposal would re-use a currently unused building, I saw on my site visit that this is in a good state of repair and its change of use would not materially enhance its immediate setting. The proposal would therefore result in a new dwelling in the open countryside.

In addition, based on the evidence before me, it appears that the development would be at least a mile from the nearest settlement, with no footpaths along the main road to ease access. Therefore due to the appeal site's isolated location, access to day to day facilities and services would be heavily reliant on use of the private car. The proposed development would therefore fail to contribute to a sustainable pattern of development and would therefore conflict with the Framework. The proposal would also be contrary to LP Policies OS2 and C7, albeit that these policies have reduced weight.

Proposal: 16/00405/FULHH Revision of roof height of garage original application 15/00907/FULHH – Lakeside Lodge, Hoby Road, Asfordby

Level of decision: Delegated

Reasons for refusal: The proposed triple garage, by reason of the height, size, massing and

design, would introduce a dominant and intrusive element that is out of keeping with the host dwelling and would be harmful to the visual character of this countryside setting. As such the proposal is considered contrary to Policies OS2, C11 and BE1 of the Melton Local Plan and the NPPF which seek to achieve good design and development that is sympathetic to buildings and their surroundings.

Inspector's conclusions: Allowed - The garage would be orientated the same way as the main dwelling, with the gable facing the roadside. It would be relatively near to the roadside boundary of the site, but is otherwise well separated from the main building and is in an open and spacious area of landscaping and lawn. The ridge height of the roof would be just over 1m higher than the permitted garage. This is not insignificant and the garage would clearly be visible over the hedge and be relatively prominent when viewed from the roadside. However, the permitted garage would also be visible over the hedgerow and I am not convinced that the difference in height would have a significantly different or detrimental impact on the street scene. The other existing buildings are equally visible and do not detract from the local character and appearance of the countryside. I see no reason why the proposed development should have a significantly greater or detrimental impact than the existing buildings or that already permitted. The street scene is one of a long straight country lane with periodic buildings of different types, styles and functions. In this context, the development would be no different to the existing permission and the increase in height would have a negligible effect on the overall visual quality of the area or its open and rural character.