



Development Management Performance Report for Quarter 1 of 2021/2022

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| Corporate Priority: | All |
| Relevant Ward Member(s): | All |
| Date of consultation with Ward Member(s): | N/A |
| Exempt Information: | No |

1 Summary

- 1.1 The purpose of this report is to advise the committee of current national performance indicator outcomes related to the determination of planning applications for April 2021 to June 2021.
- 1.2 This report relates to the Corporate Performance reports considered quarterly by Cabinet and Scrutiny Committee. It provides more detail and builds upon the key Corporate Performance Indicators that feature in those reports but also provides additional information on other aspects of the performance and delivery of Development Management work and outcomes.

RECOMMENDATION(S)

It is recommended that the committee notes the current performance data.

2 Reason for Recommendations

- 2.1 The Committee requires oversight of performance against various indicators and particularly if the risk of MHCLG intervention is possible (see details below).
- 2.2 The report also allows for impacts arising from the current operating environment and when applicable those arising from changes to procedures.
- 2.3 Appeals data is regarded a measure of decision making 'quality' but also provides valuable reflecting and learning regarding to interpretation and effectiveness of policies.

3 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 2018).

3.1.2 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.

3.1.3 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.

3.1.4 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.

3.1.5 Data showing the performance of local planning authorities against the speed and quality measures are published by the Department for Communities, Housing 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.

3.2 Measures of Performance Outcomes and Current Position

3.2.1 Speed of decisions

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

| | 2020-2021 Quarter 4 | 2020-2021 Whole Year | 2021-2022 Quarter 1 |
|---|------------------------|-------------------------|------------------------|
| % 'major' applications determined in 13 weeks, or within agreed period. | 80% | 82% | 100% |

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|--|-----|-----|-----|
| % 'minor' applications determined in 8 weeks, or within agreed period. | 70% | 87% | 83% |
|--|-----|-----|-----|

3.2.2 Planning application performance for Quarter 1 of 2021-22 shows an upturn in the speed of decisions when compared against Quarter 4 of 2020-21 and remains consistently above average performance in both major and minor applications taking the Authority well above the National target of 60% for Majors and 70% for Minors.

3.2.3 Whilst the amount for minors has decreased slightly on the year average for 2020-21, it still remains strong for the Planning Team and it is hoped that this continues throughout the remaining quarters.

3.2.4 Major applications have begun very strongly with 100% having been determined within their agreed timescale. This is exemplary and a reflection of the efforts of the team working with applicants and ensuring that negotiations are carried out to secure better design and contributions to strategic and local infrastructure.

3.3 Quality of decisions (appeal record)

3.3.1 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 | 2019/20 Year | 2020/21 Year | 2021/22 Quarter 1 |
|---|-----------------|-----------------|----------------------|
| Percentage of appeals against refused applications dismissed | 73% | 69% | 100% |

3.3.2 Performance for this quarter has been 100% which is significantly above average and well above the National target of 10%.

3.3.3 It is hoped that appeal decisions will continue at the higher level and performance continues for the 2021/22 period and subsequent reports will monitor this performance.

3.4 Appeals decisions by background and new appeals

3.4.1 The table below indicates the Council's appeal record for Quarter 1 of 2021/22, 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 | 0 | 0 |
| Committee, in accordance with recommendation | 1 | 0 |
| Committee, departure from recommendation | 0 | 0 |

3.4.2 The following new appeals have commenced in the period April – June 2021 (Q1):

- 19/00225/FUL and Enforcement Notice appeal: Use of land for 2 residential gypsy pitches
Paddock Land, Barkestone Lane, Plungar
- 20/01095/FUL: Demolition of redundant barns and their replacement with a single dwelling house, Field OS 5000 And 5812, Tofts Hill , Stathern (decision made 1.7.2021 appeal dismissed)
- 20/00655/FUL: Self-build dwelling
17 Weaver Green, Melton Mowbray, LE13 0UH (decision made 16.7.2021 – appeal dismissed)
- 20/01332/FULHH: Detached garage to the front of the property
258 Scalford Road, Melton Mowbray, LE13 1LA (decision made 1.7.2021 – appeal dismissed)
- 20/01512/FUL: 2 no. detached dwellings and new access
Orchard House, 161 Scalford Road, Melton Mowbray, LE13 1LA
- Enforcement Notice appeal: use of land for mobile homes
Land at Sandy Lane, Melton Mowbray

4 Workload profile and key outcomes

4.1 This quarter has seen an increase in demand for the service in

| Category | Number Q1 of 2021/22 | Number 2020/21 Annual figure for comparison. |
|---|-------------------------|--|
| Largescale Major Dwellings | 5 | 28 |
| All other largescale major developments | 2 | 9 |
| Minor Dwellings | 19 | 104 |
| Minor General Industrial/Storage | 6 | 8 |
| All other minor developments | 13 | 92 |
| Change of Use | 9 | 17 |
| Householder Developments | 79 | 254 |
| Advertisements | 3 | 8 |
| Listed Building consents | 8 | 33 |
| Certificates of lawful development | 6 | 16 |
| Notifications | 5 | 44 |
| Trees | 39 | 249 |
| Discharge of conditions | 28 | 79 |
| Consultations from other authorities | 7 | 9 |

| | | |
|--------------------------------------|-----|------|
| Pre-Application Enquiries and others | 151 | 540 |
| Total applications received | 380 | 1490 |

- 4.1.1 The team are continuing the soft launch which changes the way in which we work. Workshops and presentations have taken place which include all members along with additional forums for Planning Committee Councillors and Parish Councils, a separate event took place for agents who regularly submit applications to the department.
- 4.1.2 As a result of the workshops and forums, training events are being scheduled for all Parish Councils along with internal teams to assist on Development Management and understanding of its work.

4.2 **Delivery and outcomes**

- 4.2.1 Figures relating to the provision of housing and affordable housing delivered and completed will be reported annually at the end of the third quarter along with those that have been secured through Section 106 obligations.

4.3 **Design and development outcomes**

- 4.3.1 The focus on the quality of development continues with the key tool to secure improvements being 'design review' workshops (also referred to as 'community engagement' workshops) facilitated by the Chair and Officers, including Ward Members and other local representatives. Very significant improvements to design and layout considerations have been secured through this mechanism, the workshops undertaken this quarter have not yet been determined but the outcomes will be presented in further reports.

4.4 **Complaints and compliments**

- 4.4.1 Complaints and compliments are reported and the following is a summary of this quarter, further comparisons can be made as the year progresses.

| Stage of Complaint | Number received |
|---------------------------|------------------------|
| Stage 1 | 4 |
| Stage 2 | 5 |
| Stage 3 | 0 |
| Ombudsman | 1 |
| Ombudsman No Fault Found | 1 |
| Ombudsman Fault Found | 0 |

- 4.4.2 During the first quarter of 2021/2022, the Development Management Team had vacancies and was awaiting the arrival of new starters within the team, it is recognised that service delivery was impacted due to these vacancies. The complaints received whilst valid in their submission, have focussed on the decision reached by the Department, however, the speed of determination and response has also been raised.

4.4.3 The team is now fully staffed and it is hoped that complaints are reduced in the next quarter. Due to the nature of Development Management, it is appropriate to seek comparisons from other Local Planning Authorities to enable a more in-depth assessment of both the number of complaints received but also their content.

4.5 **Corporate Measures**

4.5.1 New corporate measures were included for Development Management to complement the outcomes of the service and focus on quality and customer satisfaction.

4.5.2 The below are the figures for this quarter

- 6.5% of applications received this quarter are invalid, this number is encouraging and demonstrates that delays and bottlenecks are being overcome to improve service efficiency
- 85% of applications have been approved first time meaning that we have been able to overcome problems and negotiate improvements to planning submissions to bring them to a standard able to be approved.

4.5.3 Additional measures are also being drawn up which will look at both the applicant and community satisfaction with regards to the outcomes being produced by planning decisions. Outcomes of these will be reported in future reports.

4.6 **Service Level Measures**

4.7 A further suite of measures to analyse the workload and service level trends of the service has been developed and is reported below. The Service Level Measures focus on the granular details of which we are currently reviewing in line with the functions of the new software that has been installed as a recommendation of the Planning Service Review.

4.8 New service level measures are being monitored on a weekly and monthly basis to ensure that the correct and specifically relevant information is gathered. These look in detail at workload trends and the progress of applications through the various stages of the application process, in order to diagnose overall capacity issues and early bottlenecks and pinch points and to enable intervention where stresses occur. These include

- Quantity of new applications/cases/enquiries
- Quantity of applications etc. concluded
- Speed of validation and initial contact with the applicant
- Proportion of invalid application
- Over team and officer workload – all stages
- Team ‘health check’ – levels of absence, vacancy etc.

Financial Implications reviewed by: N/A

5 **Legal and Governance Implications**

5.1 The Local Planning Authorities are required by law to submit their quarterly performance results to The Ministry of Housing, communities and Local Government, which collect information about the range of district matter applications that local planning authorities handle when exercising their development management functions.

5.2 The figures collected are summarised and published as National Statistics in MHCLG’s planning application statistics quarterly statistical release and in a range of associated live tables, available at <https://www.gov.uk/government/collections/planning-applications-statistics>.

5.3 The statistics are used by central government to monitor planning policies and performance and by a wide range of other users, including local authorities, academics and the general public.

Legal Implications reviewed by: Monitoring Officer

6 Background Papers

6.1 Application files relating to appeal decisions in Appendix A:

- 19/01113/FUL

7 Appendices

7.1 A: Summary of Appeal decisions

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Appendix A : Summary of Appeal Decisions

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| Application Reference: | 19/01113/FUL |
| Proposal: | Planning application for four dwellings and the relocation of a children's play-area |
| Address: | Field OS 8695, Brooksby Road, Hoby |
| Level of Decision: | Committee Decision |
| Appeal Decision: | Dismissed |
| Reasons for refusal: | |
| <ul style="list-style-type: none"> • The proposal comprises the provision of four affordable houses where a need has been identified for the type of housing proposed. However permission exists which is deliverable at an alternative site within close proximity to meet that need and as such there is no need for this particular proposed development which is contrary to Policy C5 and SS3 of the Adopted Melton Local Plan 2018 relating to unmet need. • The proposal would fail to protect the exiting community facility in the form of the play area, proposed to be relocated to an inferior location. It is therefore considered to be contrary to Policy C7 of the Adopted Melton Local Plan 2018. • The proposal would result in the loss of a valuable and accessible green space which makes a positive contribution to the health and wellbeing of the community of Hoby. It is therefore contrary to Policies C9 and D1of the Adopted Melton Local Plan 2018 | |
| Link to Appeal Decision: | https://pa.melton.gov.uk/online-applications/files/C5436E471FB9A12076AD15C262C13872/pdf/19_01113_FUL-Appeal_Decision_27.4.21-1059370.pdf |

Summary:

Main Issues

- Whether the appeal site would be a rural exception site in accordance with local and national policies; and
- Whether the proposed alternative children's play area would be an adequate replacement of the existing facility and fulfil the same role.

Concluded that the Framework seeks to significantly boost the supply of housing. The proposed scheme, being for four affordable homes, attributes significant weigh in the inspector's consideration of the merits of the scheme. However, the proposal would conflict with the development plan when taken as a whole. There are also no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan.