

DEVELOPMENT COMMITTEE

14th JUNE 2018

REPORT OF DEVELOPMENT MANAGER

DEVELOPMENT CONTROL PERFORMANCE : 2017/18 QUARTER 4

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 Q4 (January to March 2018) and an overview of 2017/18.

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	2018 Threshold and assessment period	MBC performance outcomes
Speed of major Development	60% (October 2015 to September 2017)	77.55%
Quality of major Development	10% (April 2015 to March 2017)	6.1% (3/49)
Speed of non-major Development	70% (October 2015 to September 2017)	78.70%
Quality of non-major Development	10% (April 2015 to March 2017)	1.1% (11/989)

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. It includes historical data for ease of comparison

Indicator	2015-16 Q 4	2016-17 Q1	2016-17 Q2	2016-17 Q3	2016-17 Q4	2017-18 Q1	2017-18 Q2	2017-18 Q3	2017-18 Q4
% 'major' applications determined in 13 wks, or within agreed period.	40.9%	60.0%	87.5%	87.5%	100%	100%	75%	93.33%	88.9%
% 'minor' applications determined in 8 wks, or within agreed period.	62.6%	56.7%	62%	55%	75%	80%	80.4%	85.5%	85.3%

3.2.2 Planning application performance for quarter 4 shows a slight dip in major applications, but remains well above the national target and are consistently high. The minor applications also remain continually above average and well above the threshold of 70%.

3.3 QUALITY OF DECISIONS

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	2012/ 13	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18
%age of appeals against refused applications dismissed	71.43%	68.42%	47%	76%	58.82%	72.22%

3.3.2 Appeal performance for 2017/18 has improved

3.4. Appeals by decision background

The table below indicates the Council's appeal record for quarter 4, 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	2	1
Committee, in accordance with recommendation	0	0
Committee, departure from recommendation	1	0

3.5 Development of the Service

3.5.1 A new Service Plan is being drafted under the revised priorities of the Council agreed in May 2018. Progress against it content and will be presented to the Committee later in the year, at regular stages.

4. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

4.1 This report has shown that in quarter four standards of performance for majors have dipped slightly but continue to be well above average, there has also been a consistent approach to minor applications, it is hoped that this performance continues into the new quarter of 2018/2019.

- 4.2 Members will be aware that additional resource was allocated to the service area in Jan 2018 (to take effect in the financial year 2018/19). These were for the express purpose of improving Development Control Performance and a package of measures was delivered to achieve this. A key component of this was increased staff resources and appointment to these posts (3 no.) is currently underway. It is anticipated that these provisions will assist to maintain and improve upon current levels of performance.
- 4.2 Our appeal record for the final quarter of the year is very good.

Appendix 1: Review of selected appeal decisions for Quarter 4 2017/2018 decisions

Proposal: 16/00952/FUL Change of use from Public House to Residential – The Fox Inn, 13 Main Street, Thorpe Satchville.

Level of decision: Delegated

Reasons for refusal: 1. The proposed development would result in the loss of a valuable community facility for residents of Thorpe Satchville to the detriment of the life of the community, contrary to saved Policy CF4 of the Melton Local Plan, Policy C7 of the draft Local Plan and the National Planning Policy Framework. Insufficient information has been submitted to support the change of use from public house to residential.

2. In the opinion of the Local Planning Authority the proposal would, if approved, result in residential development in an unsustainable location. The development in an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Para 17 of the NPPF.

Inspector's conclusions: Dismissed - The main issues in this appeal are firstly, the effects of the loss of the public house (pub) on the local community and whether sufficient evidence has been provided to justify such a loss; and secondly, whether the proposal would result in residential development in an unsustainable location.

The inspector concluded that the proposed development would conflict with the provisions of local planning policies and national guidance which seek to support and resist the loss of public houses which are considered to be valuable community facilities. The proposed scheme is not sustainable development. Accordingly, the appeal should be dismissed.

Proposal: 17/00267/FUL Proposed new dwelling on land to the rear of 2 Windsor Road, alterations to existing house to form new access driveway (resubmission of withdrawn application reference 16/00351/FUL) – 2 Windsor Road, Waltham on the Wolds.

Level of decision: Committee

Reasons for refusal: The proposed dwelling, by reason of size, design, layout, massing and scale, would result in a cramped form of development, and would not be sympathetic to the character and appearance of the site. The proposal represents the over-development of the site, to the detriment of the character of the area. The proposal is considered contrary to Section 7 of the NPPF 'Requiring Good Design' and Policies OS1 and BE1 of the Melton Local Plan 1999, which seeks to ensure development is sympathetic to the site and surroundings. It is considered that the harm arising from the development significantly and demonstrably outweighs the benefits.

Inspector's conclusions: Dismissed - The main issue is the effect of the proposal on the character and appearance of the area.

The inspector concluded that the economic, social and environmental benefits of a single house would be relatively small and be significantly and demonstrably outweighed by the significant harm caused to the character and appearance of the area. For this reason this proposal would not gain the presumption in favour of sustainable development provided by the Framework.

Proposal: 16/00918/OUT Proposed courtyard of 6 dwellings – Sysonby Grange House, Melton Road, Asfordby Hill, Melton Mowbray.

Level of decision: Delegated

Reasons for refusal: 1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location. The proposed development is located outside a village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Paragraph 17 of the NPPF and policy SS3 of the Draft Melton Local Plan.

2. The proposal would represent new development outside the village envelope of Asfordby Hill as identified in the Melton Local Plan 1999. No compelling overriding reasons have been identified to justify such development in the open countryside in a location which would detract from the existing settlement of Asfordby Hill. For this reason the proposal would represent an unacceptable form of development in the open countryside contrary to policies OS2 and BE1 of the Melton Local Plan 1999 and the objectives of the NPPF.

Inspector's conclusions: Allowed – The main issues are; whether the appeal site is in a location accessible to services and facilities by sustainable modes of travel, and; the effect of the proposed development on the character of the countryside.

The proposal would be in conflict with Policy OS2 of the LP. Planning proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. Nevertheless only limited weight is given to this conflict. Furthermore it was found that the location of the proposed development is accessible to services and facilities by sustainable modes of travel, and that the proposed development would not harm the character of the countryside. Moreover there are social

and economic benefits of providing additional housing and significant weight is given to the provision of up to six dwellings, having considered all material considerations, in this case they outweigh the conflict with the development plan.

Proposal: 17/00042/FUL New dwelling in the rear garden of 14 Nether End Great Dalby – Prince House, 14 Nether End, Great Dalby.

Level of decision: Delegated

Reasons for refusal: 1. The proposed development by virtue of infilling an important green open area which lies outside of the defined village envelope would not preserve or enhance the Conservation Area and would have a detrimental impact upon the character of the area contrary to the local plan policy OS2 and BE1. The proposal whilst providing some benefit or providing housing of a category to which the borough is currently deficient is not considered to be of sufficient benefit to outweigh the provisions of the local plan and fails the core planning principles of the NPPF in particular Chapter 11 (Conserving and Enhancing the Natural Environment and Chapter 12 (Conserving and Enhancing Heritage Assets).

2. The visibility splays as shown on drawing reference A1-15-12-2016 are below those as specified in the 6Cs Design Guide. The Applicant has failed to demonstrate that an appropriate and safe vehicular access can be provided to the proposed development and the proposal, if permitted by the LPA would result in an unacceptable form of development and could lead to dangers for road users.

Inspector's conclusions: Dismissed - The main issues are whether the proposed development would preserve or enhance the character or appearance of the Great Dalby Conservation Area (CA), and; to whether the proposal would compromise highway safety having regard to the visibility splays associated with the proposed access.

The inspector concluded that planning proposals must be determined in accordance with the development plan unless material considerations indicate otherwise, he was satisfied that a safe access could be provided for the proposed development. Whilst the proposal would not conflict with the design aims of Policy BE1 of the LP, it would with Policy OS2 of the LP. Nevertheless, for the reasons given reduced weight was attached to this conflict. The proposal would fail to preserve or enhance the character or appearance of the CA. The significance of the heritage asset would be harmed. Set against the above harm, the inspector identified the social and economic benefits of boosting supply of housing in the Borough and limited weight is attached to the provision of a single dwelling. In this instance the harm to the significance of a designated heritage asset is not outweighed by the public benefits of the proposal. Therefore conflict with paragraph 134 of the Framework was found.

The inspector also had regard to paragraph 14 of the NPPF, which for decision taking purposes means that where relevant policies are out of date planning permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted (such as designated heritage assets). The findings in respect of Paragraph 134 of the Framework means that specific policies in the Framework indicate that development should be restricted.

Consequently, the normal planning balance should apply. The development is contrary to the Local Plan and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.