

DEVELOPMENT COMMITTEE

16TH AUGUST 2018

REPORT OF DEVELOPMENT MANAGER

DEVELOPMENT CONTROL PERFORMANCE: 2018/19 QUARTER 1

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 Q1 (April to June 2018).

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.

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	2016-17 Q1	2016-17 Q2	2016-17 Q3	2016-17 Q4	2017-18 Q1	2017-18 Q2	2017-18 Q3	2017-18 Q4	2018-19 Q1
% 'major' applications determined in 13 wks, or within agreed period.	60.0%	87.5%	87.5%	100%	100%	75%	93.33%	88.9%	93.33%
% 'minor' applications determined in 8 wks, or within agreed period.	56.7%	62%	55%	75%	80%	80.4%	85.5%	85.3%	85.5%

3.2.2 Planning application performance for quarter 1 shows an increase in performance of major applications and takes the Authority well above the national target of 60% and a consistent high standard. 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	2018/19 Q1
%age of appeals against refused applications dismissed	71.43%	68.42%	47%	76%	58.82%	72.22%	50%

3.3.2 Appeal performance for Quarter 1 has dipped slightly from the overall period of 2017/2018 but it is hoped that performance will improve throughout the year and subsequent reports will monitor this performance.

3.4. Appeals by decision background

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

3.5 DEVELOPMENT OF THE SERVICE

3.5.1 A Planning Review Scoping Document was presented to the Senior Management Team on 7th August 2018. This document sets out a process by which a fundamental review of Planning Services will be carried out with a view to establishing the scope and nature of the services going forward. Members will be involved in this exercise and progress against its content will be presented to the Committee at regular stages.

4. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

4.1 This report has shown that in quarter one standards of performance for majors have once again increased and are well above average, there has also continued to be a consistent approach to minor applications showing a small increase, it is hoped that this performance continues through to the second 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 still

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 first quarter of the year is of concern. However it is hoped that the introduction of the New National Planning Policy Framework and the finalisation of the Main Modifications to the New Melton Local Plan will assist in improving this measure and close monitoring of the situation will take place.

Appendix 1: Review of appeal decisions for Quarter 1 2018/2019 decisions
(These appeal decisions were issued prior to the revised NPPF released July 2018)

Proposal: 16/00570/OUT Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval) – Field No 0070, Hoby Road, Asfordby.

Level of decision: Committee

Reasons for refusal: 1. The application site is in a location with poor connectivity and which is poorly related to the built form of Asfordby. Development of the site would have an adverse impact upon the character and appearance of the countryside which contributes the setting of the village, and is contrary to both the Pre Submission Melton Local Plan and Asfordby Neighbourhood Plan (Submission version, August 2016). The Proposal is therefore contrary to the NPPF, particularly paragraphs 50, 56 58, 61 64 and 216. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, including affordable housing, when assessed against the policies in this Framework taken as a whole.

2. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon buried archaeological remains. This is contrary to the NPPF "Conserving and Enhancing the Historic Environment" paragraphs 129-133 which state that it is reasonable to request the developer arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken, and policy BE11 of the adopted Melton Local Plan which seek to prevent development if proper evaluation of the archaeological implications has not been undertaken.

Inspector's conclusions: Allowed- The main issues considered by the inspector in this appeal, the written representations and their inspections of the appeal site and its surroundings are:

- a) The effect of the proposals on the character and appearance of the countryside and the setting of the village of Asfordby
- b) Whether the localised sustainability and connectivity of the proposals would be adequate and comply with the design policies of the National Planning Policy Framework (NPPF)
- c) Whether or not the Council can demonstrate a 5 year HLS; and
- d) The overall planning balance.

Taking each point in turn the inspector concluded that

Character and appearance

The scheme would harm the character and appearance of the countryside and the setting of Asfordby when viewed from certain angles but also that the weight to that harm should be no more than moderate. Other than against Policy OS2, the Council accepted that there would be no conflict with relevant saved adopted LP Policies but argued that the loss of open fields would be contrary to NPPF 17.5 which expects that planning decisions should recognise the intrinsic character and beauty of the countryside. On this issue the inspector concluded that there would be conflict with Policy OS2, but that, as agreed, this policy should be given limited weight. Conversely, some weight should be given to the proposed allocation in the eLP. The loss of countryside should be also recognised with regard to the NPPF balance, albeit that the site has little intrinsic merit other than being undeveloped.

Sustainability and connectivity/design

Improved connectivity would not alter the fact that the appeal site lies on the edge of the village at some distance from the centre. On the other hand, the proposed links would provide easy access and walking distances would be only a little greater than for some of the houses about to be built on the adjoining development. It would also have the advantage of being close to the football ground, to which there would be improved and safer access, to the playground, and to other developments along Hoby Road. On balance, the inspector found that the scheme would not lack connectivity. Subject to reserved matters, the illustrative drawings suggest that the scheme would echo the adjoining permitted scheme, provide open space, and include appropriate landscaping.

5 Year Housing Land Supply (5YHLS)

There was agreement on the annual housing requirement and the number of completions between 2011 and March 2017. Since the Inquiry, the latest figures seek to back load delivery towards the end of the plan period. Consequently, it would only require a modest slip in progress for delivery of some of these houses to fall outside the 5 years and some of these may not yet be available to a house builder. For the purposes of this appeal, I find that the Council cannot demonstrate a 5 YHLS. However, were the Main Modifications to be accepted, this would improve the situation significantly and by the time that the eLP is adopted, the local housing market may well have adjusted to the uplift of housing delivery. By contrast, the Appellant intends to deliver at a reasonable rate of 40 dpa following directly on from the adjacent scheme. This is persuasive evidence that the proposed houses would be delivered well within 5 years. Moreover, the inspector found that the proposals would accord with the development plan as a whole and so, whatever the extent of the HLS, the inspector's decision would be the same.

The Overall Planning Balance

The inspector considered the proposal against the 3 dimensions to sustainability in NPPF7. Additional housing would bring expenditure during construction and by future residents and so would have economic benefits. There would be social advantages from new housing and affordable housing in particular. New public open space would bring environmental benefits and more than offset any ecological harm. Set against this would be the loss of part of an open field, to which NPPF17.5 is relevant, and some harm to the appearance of the area from beyond the site. On balance, it was found that the benefits would clearly outweigh the harm and that the scheme would amount to sustainable development as defined in NPPF18-219 as a whole. This conclusion was given considerable weight by the inspector.

Not only is the LP out-of-date but it is likely that the council lacks a 5YHLS, albeit that in due course the eLP is likely to address this. For both these reasons, the tilted balance should apply. The resulting NPPF14.4 balance should carry considerable weight as a material consideration. Consequently, even if the inspector had found that conflict with Policy OS2 was enough for the scheme to be contrary to the development plan taken as a whole, which he did not, at the time of the Inquiry the council could not demonstrate a 5YHLS and so the tilted balance would apply in any event. However, being out of date alone has no bearing on the weight to be given to a policy, with which there would be conflict, when assessing the proposals against s38 (6) of the Act as to do so would be to tilt the balance twice.

NPPF para 216 allowed the inspector to attribute weight to the LP. Whilst this still has hurdles to pass before adoption, and it was common ground at the Inquiry that limited weight should be attached to its policies, given that it is now much further advanced some weight can be given to the support from Policy ASF3.

Conflict with the quashed NP does not significantly reduce the weight I give to the NPPF balance as a material consideration in favour of the scheme whereas emerging policy in the LP lends further support. The Inspector therefore found that, given the advantages of sustainable development as defined in the NPPF, even if conflict with Policy OS2 were decisive with regard to the LP, and amounted to conflict with the development plan as a whole, which he found it was not, this would be outweighed. Consequently, the NPPF balance is a material consideration of sufficient importance that it would outweigh conflict with the development plan in any case and the appeal should succeed.

Proposal: 16/00100/OUT Proposed residential development for up to 32no dwellings – Land off Oakham Road, Somerby, Leicestershire LE14 2QL

Level of decision: Committee

Reasons for refusal: In the opinion of the Local Planning Authority the application has failed to demonstrate that it can be adequately drained without increasing flood risk elsewhere. It is therefore contrary to para 102 of the NPPF.

Inspector's conclusions: Allowed – in light of the extent of common ground between the Council and Appellant, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

The Inspector concluded that applying the Framework para 14 balancing exercise, the appeal scheme would conflict with the development plan in respect to Local Plan Policy OS2. However, that Policy now carries limited weight such that the associated conflict and harm carries commensurately limited weight. These considerations, along with the other factors identified that have been said to weigh against the development, do not collectively significantly and demonstrably outweigh the matters identified through the evidence that are in its favour, most notably the delivery of market and affordable housing. Overall, therefore, the appeal proposals would represent sustainable development in the terms of the Framework and should be granted planning permission.

He concluded that drainage issues could be adequately controlled by condition which were duly imposed.

The Inspector rejected objections from the Parish Council and others that Somerby in general, and the site in particular, is an unsustainable location for residential development: *“the services and facilities available are capable of serving basic day to day needs of residents living in Somerby and in nearby settlements”* and *“Somerby performs reasonably well in sustainability terms owing to its community facilities, access to services and transport links”*.

He also rejected concerns raised regarding the impact of additional traffic on High St, Somerby on the basis that the development would not make a significant impact in the context of overall usage, and their arguments regarding the need for housing and potential conflict with the emerging Neighbourhood Plan.

Proposal: 17/01063/OUT erection of a new dwelling and associated access and parking requirements. – Land off Wartnaby Road, Ab Kettleby LE14 3JJ.

Level of decision: Delegated

Reasons for refusal: 1 In the opinion of the Local Planning Authority the proposed dwelling would occupy a relatively detached location outside of the built up confines of Ab Kettleby on land that provides part of the rural setting to the village, contrary to Policy OS2 of the Melton Local Plan.

2 The development is proposed in an unsustainable location where there are little 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 are no material reasons 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.

3 The proposed development would result in the loss of part of an agricultural field. The application does demonstrate that there is an overriding need for the development, there are no suitable sites for the development within existing developed areas or where agricultural land is of poorer quality or that the proposal is on land of the lowest practicable grade. Therefore the proposed development is contrary to Policy C1 of the Melton Local Plan (1999).

Inspector's conclusions: Dismissed – The main issue in this case is whether the proposed development would provide a suitable location for housing, having regard to the provisions of the development plan, the accessibility of services and facilities, the effect on the character and appearance of the area, and the loss of agricultural land.

The site lies outside of the village boundary as defined by the Local Plan proposals Map. Policy OS2 of the Melton Local Plan 1999 restricts development outside of town and village envelopes to defined categories, which do not include market housing, as is proposed. The proposal would not therefore accord with Policy OS2.

Ab Kettleby has some limited services including a primary school, community centre, public house and church. However, the services available within the village, to the inspectors mind, would not be sufficient to meet the day-to-day needs of residents. There are public transport links to nearby Melton Mowbray and Nottingham, and the

inspector also noted the appellants offer to extend the footpath on the adjacent side of Wartnaby Road as far as the proposed dwelling, which would provide a small benefit. However the council states that the bus stops are some 600m from the appeal site and, as indicated by timetables submitted by the appellant, the bus services do not operate on weekday evenings or Sundays. Consequently, while there are other transport options available, it seemed probable to the inspector that the occupiers of the proposed dwelling would still be highly reliant on the private car in order to access many day to day services. Accordingly, there would still be negative environmental and social effects arising overall from the location of the dwelling.

With respect to the character and appearance of the area, the plans show a new access from Wartnaby Road, with the existing entrance at the corner of the site filled in with a new hedge. The dwelling would be laid out generally in line with adjacent dwellings, set back from the roadside, with a detached garage to one side. A new fence and hedge and further tree planting are indicated to the two boundaries created by the sub-division of the field, albeit these details would fail to be considered at reserved matters stage.

The appellant points to the development on the opposite side of Wartnaby Road extending further along the road, which the appeal site would align with and therefore not extend the limits of built development into the countryside, which Policy OS2 seeks to prevent. However, the existing edge of development is delineated on both sides of the road by access tracks and mature hedgerows, with open countryside beyond forming a clear boundary to the village. The appeal site lies outside this boundary as part of an expansive agricultural field with mature perimeter hedgerows. The openness of the field and slight fall in the land from the road permits long views across it to the countryside beyond, reinforcing the rural character. The proposed dwelling would introduce built form to this rural setting which would reduce visibility of the countryside from the road and properties opposite the site. In contrast to neighbouring dwellings, the proposed dwelling would be separated from its closest neighbour at No 43 by an access track, and this would add to the impression of a somewhat detached site arbitrarily carved from the wider field

The proposed additional dwelling would deliver a social benefit by adding to housing choice in accordance with paragraph 50 of the Framework. However, this would be limited given it would be for a single unit. There would also be limited economic benefits arising from the construction of the dwelling and its subsequent occupation. These benefits would not outweigh the harms identified, in particular the environmental and social harm arising from the effect on the character and appearance of the area and from the site's limited access to services.

Proposal: 17/01501/FULHH Erection of a pitched roof garage and a proposed two storey extension– 10 Rutland Square, Barketstone Le Vale NG13 0HN.

Level of decision: Delegated

Reasons for refusal: It is considered that the proposal by virtue of its size and scale would not appear subordinate or subservient to the host dwelling, unbalancing the pair of semi-detached properties unacceptably, to the detriment of the character and appearance of the streetscene.

Inspector's conclusions: Dismissed - The main issue is the effect of the proposed development on the character and appearance of the host property and the streetscene.

In response to the appellants comments, consideration has been given to the potential for a split decision to be issued. For such a decision to be issued the relevant parts of the appeal scheme must clearly be physically and functionally independent. In this case, the proposed extension and garage are clearly severable, and both physically and functionally independent. There exists, therefore, the potential to issue a split decision in this case.

The Council has not specifically objected to the erection of the double garage and, based upon what was observed during the site visit, there are no reasons to disagree with the Council's assessment. The design of the proposed garage would be sympathetic to the host property and its siting would not result in it appearing an unduly prominent form of development within the streetscene along both Town End and Rutland Square/Fishpond Lane. Its siting would be sufficiently distant from the property, including as proposed to be extended, to avoid the appearance of a cramped form of development within the curtilage.

There is only a limited difference between the ridge heights of the host property and the proposed extension. With the roof overhang to the side, the width of the proposed extension would, from the area around the junction, appear almost the same size as the property. Visually, the width of the proposed extension would be accentuated by the expanse of the timber boarding with a horizontal window. When the limited set back from the front elevation and difference in ridge heights are also considered alongside its width, the proposed extension would not have the character or appearance of a subservient addition to the host property.

Further, when viewed from the adjoining junction, the scale of the proposed extension would, as claimed by the council, unacceptably unbalance the appearance of this pair of semi-detached dwellings. By reason of visual prominence, the unbalancing effect of the proposed extension would significantly detract from the current positive contribution they make to the verdant and generally spacious character of the streetscene around this junction. The use of matching materials and the same roof pitch would not address the unacceptable harm which has been identified.

It is concluded that the proposed extension would conflict with the Framework because it would cause unacceptable harm to the character and appearance of the host property and the streetscene. Conversely, it is concluded that the proposed garage would not cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would not conflict with the design requirements of the Framework. A split decision could therefore be issued in this case.

The appeal is dismissed in respect of the proposed extension to the host property but allowed for the erection of the detached garage.