

PLANNING COMMITTEE

31st January 2019

REPORT OF DEVELOPMENT MANAGER

DEVELOPMENT CONTROL PERFORMANCE: 2018/19 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 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'. This was updated in November 2018 with a new set of performance criteria as follows:

Planning Applications:

Table 1 – Designation thresholds and assessment period overview

Measure and type of Application	Threshold and assessment period October 2016 to September 2018	Threshold and assessment period October 2017 to September 2019	Live Table
Speed of major Development (District and County)	60%	60%	District – P151a County – P151b
Speed of non-major Development	70%	70%	P153

Appeals:

Measure and type of Application	Threshold and assessment period April 2016 to March 2018	Threshold and assessment period April 2017 to March 2019	Live Table
Quality of major development (District and County)	10%	10%	District – P152a County – P152b
Quality of non-major Development	10%	10%	P154

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 Q3	2016-17 Q4	2017-18 Q1	2017-18 Q2	2017-18 Q3	2017-18 Q4	2018-19 Q1	2018-19 Q2	2018-19 Q3	2018/19 to date
% 'major' applications determined in 13 wks, or within agreed period.	87.5%	100%	100%	75%	93.33%	88.9%	93.33%	91%	100%	94.76%
% 'minor' applications determined in 8 wks, or within agreed period.	55%	75%	80%	80.4%	85.5%	85.3%	85.5%	82%	87.4%	85%

3.2.2 Planning application performance for quarter 3 shows an increase in performance in both major and minor applications and again takes the Authority well above the national target of 60% for Majors and 70% for Minors with the authority continuing to be well above average.

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	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/19 Q1	2018/19 Q2	2018/19 Q3	2018/19 to date
%age of appeals against refused applications dismissed	47%	76%	58.82%	72.22%	50%	50%	57%	52%

- 3.3.2 Appeal performance for Quarter 3 has increased slightly from the overall period of 2017/2018, it is hoped that performance will continue to improve throughout the year and subsequent reports will monitor this performance. Overall performance has averaged at 52% of decisions upheld at appeal over the 2018/19 period until now, the threshold for designation is 10% so again performance has been consistently above target.

- 3.3.3 Following the adoption of the Melton Local Plan in October 2018 it is considered that decision making should be more defined and therefore appeal decisions becoming stable in accordance with the plan thereby assisting 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	3
Committee, in accordance with recommendation	1	0
Committee, departure from recommendation	1	0

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 have been invited to be involved in the review and the process is still ongoing, results of the Review will be presented to the Committee once they have been received.

4. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 4.1 This report has shown that in quarter three 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 an increase, it is hoped that this performance continues through to the final quarter of 2018/2019.
- 4.2 Members will be aware that additional resources were 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 once persons have been recruited.
- 4.2 Our appeal record for the third quarter of the year has improved. The majority of recent appeal decisions remain to be considered against old Planning Policy due to the time appeals are taking at the Planning Inspectorate, however it is encouraging that Inspectors are supporting the New Local Plan when issuing decisions.

Appendix 1: Review of appeal decisions for Quarter 3 2018/2019 decisions

Proposal: 16/00793 Outline application for residential development (up to 45 dwellings) – Field No OS 1100, Bescaby Lane, Waltham On The Wolds.

Level of decision: Committee

Reasons for refusal: The proposed development would be contrary to the emerging Melton Local Plan (policies SS3 and C1) and Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (policies S1, H1. ENV 11 and ENV 12) and would result in the loss of an identified heritage asset in the form 'ridge and furrow' features and create a severe impact on highways conditions on High St., Waltham arising from the quantity of traffic generated and the route it would follow. These impacts would significantly and demonstrably outweigh the benefits arising from the proposals.

Appeal withdrawn by applicant

Notification was received from the agent stating “Due to the formal adoption of the Melton Local Plan on the 10th October, on behalf of the Appellants we wish to withdraw the appeal.”

Proposal: 17/00836/FUL Proposed Relocation of Hop Inn Rabbit Hotel and erection of storage buildings– Field 8636, Eastwell road, Waltham

Level of decision: Committee

Reasons for refusal: In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a residential dwelling in an unsustainable location. The development is in an unsustainable 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.

Inspector's conclusions: Dismissed – The inspector considered that the main issue was whether, having regard to national and local planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work.

Some discussion took place at the hearing as to what weight, if any, ought to be attached to Annexe A to Planning Policy Statement 7 (PPS 7) given that PPS7 was replaced in 2012 by the previous Framework. Whilst it has been referred to by both parties, given that Policy D3 of the ELP sets out criteria to be used to assess agricultural and other rural workers dwellings and having regard to the advanced stage of the ELP, the inspector did not consider that regards should be had to the criteria within Annexe A of PPS7 when assessing the proposal.

Whilst the inspector accepted that some aspects of the proposal would require a countryside location, she did not consider that it had been adequately demonstrated that this was the case with the boarding business. Though it appeared that the appellants had unsuccessfully undertaken a search for other suitable properties, there was no substantive or compelling evidence to suggest that the business could not be re-located to a site either within or on the edge of a settlement.

The inspector concluded that the proposal is not for a rural business or rural employment proposal. It does not therefore comply with paragraphs 83 and 84 of the Framework or policies SS2 and EC2 of the Local Plan which support such businesses in countryside locations. The proposed dwelling would not be for a rural worker and none of the other circumstances set out in paragraph 79 of the Framework apply. The proposal is therefore also contrary to Policy D3 of the ELP and paragraph 79 of the Framework.

Proposal: 17/00982/OUT Demolition of existing dwelling house and garage. Replacement development of residential units to include four dwelling houses (C3 use) (amended proposal for four dwellings not five as previously submitted. – Sunny Cottage, 2 Pinfold Lane, Bottesford, NG13 0AR.

Level of decision: Committee

Reasons for refusal:

1. The proposed development is in a location vulnerable to flooding and it has not been demonstrated, through the application of a 'Sequential Test' that there are no preferable sites available (in terms of a lower level of flood risk), therefore, the development is contrary to the advice in the NPPF at paragraphs 100, 101 & 103.

2. The development proposed is considered to have an adverse impact on the form and character of this part of the village of Bottesford. The proposed development on this site fails to respect the open nature of the local area. It is therefore contrary to policies BE1 of the Melton Local Plan 1999 and Paragraphs 17, 61 and 64 of the NPPF.

3. The development proposed is very close to a junction which is considered very dangerous for pedestrians, motorists and other road users. The increased traffic movements which would be caused by this development is considered to also further increase the likelihood of accidents in the local area. For these reasons the development proposes a severe impact to highway safety, contrary to National Planning Policy Framework policy 32.

Inspector's conclusions: Dismissed – The main issues in this case were whether the development would be in a suitable location with respect to matters of flood risk; the effect on the character and appearance of the area, and; the effect on highway and pedestrian safety.

Flood Risk

Policy EN11 of the LP, seeks to ensure that development proposals do not increase flood risk and in doing so, it indicates a sequential approach to flood risk management with the aim of locating development on land with the lowest risk of flooding (Flood Zone 1) and outside of surface water flood risk). The policy is consistent with the sequential test in the Framework, which seeks to steer new development to areas with the lowest risk of flooding and that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The area of search relating to the sequential test in the FRA considers only Bottesford, which is unnecessarily restrictive when taking account of Policies EN11 and SS2 of the LP. The FRA does not include specific details of any sites considered or discounted as part of the search. Such an approach fails to demonstrate consideration of the availability of other sites at a lower risk of flooding, in circumstances where the recently adopted LP indicates that there is sufficient capacity in allocations to meet residual needs in Bottesford. In addition, there was no evidence before the inspector which would suggest that the windfall allowance identified in the LP could not otherwise be met by land within Flood Zone 1 in Melton and its Rural Area.

The inspector concluded the development would not be consistent with policies relating to flood risk. The proposal conflicts with Policy EN11 of the LP and the Framework in terms of their approach to managing flood risk, due to the failure to meet the requirements of the sequential test.

Character and appearance

The proposed access, appearance, landscaping, layout and scale are reserved matters and therefore, the details in the submitted plans in those respects are illustrative. Nonetheless, the inspector was satisfied that demolition of the existing buildings and replacement with up to four dwellings within the site could achieve a suitable design which would assimilate with the diverse mix and variety of type, style, form and spacing of dwellings, in the surrounding area.

The inspector concluded that the development subject to the approval of details of reserved matters would not harm the character and appearance of the area. The proposal, therefore, would not conflict with policy D1 of the LP which, amongst other things, seeks that all new developments should be of a high quality design,

that the siting and layout must be sympathetic to the character of the area and that development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design.

Highway and Pedestrian Safety

Policy D1 of the LP also requires that development proposals include appropriate safe connection to the existing highway network and make adequate provision for car parking. The Highway Authority was satisfied that the additional traffic arising from the development could be accommodated on Pinfold Lane and the surrounding highway network without a severe impact.

The Inspector noted on-street parking in close proximity to existing driveways is a common feature on Pinfold Lane where parking restrictions are absent. However, use of the pedestrian footway between the site and the carriageway would allow vehicles in forward gear to obtain adequate visibility, beyond parked cars etc and there was no evidence of accidents between vehicles or pedestrians having occurred as a result.

The inspector was satisfied that an appropriately located access to the site on Pinfold Lane, as part of full details in a subsequent reserved matters submission, would be capable of providing a safe and acceptable highway solution for the limited increase in traffic and parking demand that would arise from three additional dwellings. In that regard, the proposal would not result in a significant increase in demand for on-street parking or an increased risk of accidents for vehicles or pedestrians on the surrounding highway network.

Proposal: 17/01263/FUL New build detached 3 bedroom dwelling – 27 Barkestone Lane Plungar NG13 0JA.

Level of decision: Delegated

Reasons for refusal: In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a dwelling in an unsustainable location. The development is in an unsustainable 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.

Inspector's conclusions: Dismissed – The main issue is whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the countryside and whether any adverse impacts would significantly outweigh the benefits of the proposal.

Plungar is a rural settlement located outside the main urban area. Policy SS3 of the Local Plan supports development in such locations where amongst other considerations there is a proven local need identified by substantive evidence. In the absence of such evidence the development would conflict with Policy in this regard.

The inspector noted only very limited services and facilities in Plungar: a pub, church and village hall. The inspector concluded that the services and facilities in the village would not meet day to day needs.

Based on the evidence before the inspector the development would necessitate the use of a private car. As such, they did not consider that the proposal would support the provisions of paragraph 103 of the NPPF which states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling. Similarly, because of the locational constraints of the site the inspector did not consider that the proposal would enhance the vitality of rural communities in the matter identified in paragraph 78 of the NPPF.

Proposal: 17/01641/FULHH Proposed new sun room extension to side of existing property – 9 Craven Court, Burton Road, Melton Mowbray.

Level of decision: Delegated

Reasons for refusal: The proposed dwelling, by reason of design, would have an adverse impact on the listed building and its surroundings and would therefore be visually detrimental to the heritage asset by virtue of its incongruous appearance and interruption of the linear form of the building. The proposal would therefore be contrary to Paragraph 131, 132 and 134 of the NPPF, and Policies OS1 and BE1 which seek to ensure development is visually acceptable. Furthermore the proposal is not in accordance with Policy EN13 of the emerging local plan as it fails to secure the viable and sustainable future of a heritage asset through uses that are consistent with the heritage asset and its conservation.

Inspector's conclusions: Allowed – The main issues were whether the proposed development works would preserve the grade II listed building (listed as Craven Lodge) its setting or any features of special architectural and historic interest it possesses and whether any harm would be caused to the significance of the designated heritage asset.

The inspector considered that the special interest/significance of the overall listed building is largely derived from its age, form, fabric, high quality architectural detailing and associations with notable people and institutions. As such, it has high aesthetic, evidential, historic and communal value.

The special interest/significance of the listed building is mainly experienced from within its landscaped grounds. It appears that those grounds have been altered in the recent past with the construction of a number of new buildings and the introduction of black estate railings to demarcate domestic garden areas. The landscaped grounds contain many mature trees and attractive garden areas and appear to have formed the historic grounds associated with Craven Lodge. As such, this garden setting positively contributes to the special interest/significance of the listed building.

The proposal would involve the construction of a single storey sun room extension against the end elevation of the appeal building. Its classically influenced design would reflect that of similar extensions on the listed building and therefore its design would not be seen as incongruous in this respect. Works and development would be in accordance with the Act.

Proposal: 17/01584/FUL Erection of 2 Detached Dormer Bungalows and associated access and landscaping – Land North of 55 Main Street Kirby Bellars.

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 two residential dwellings in an unsustainable location. The development is in an unsustainable 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 contrary to Policy SS3 of the emerging Local Plan which seeks to resist development in the countryside to that which is necessary and appropriate.

2 The proposal would create two large 4 bedroom dwellings, of which the Borough is well stocked. The proposal is therefore not in accordance with part 6 of the National Planning Policy Framework which aims to deliver a wide choice of high quality homes, in particular Paragraph 50 which seeks to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and Policy C2 of the emerging Local Plan which seeks to secure developments provide an appropriate mix and size of dwellings to meet the needs of current and future householders.

3 The proposed dwellings, by reasons of their scale and appearance, would result in an incongruous form of development that would have a detrimental visual impact on the street scene in this edge of village rural setting and would impact on the character and appearance of the area. Consequently, the proposal is therefore contrary to Policy BE1 of the Local Plan, Paragraph 17 of the National Planning Policy Framework 2012 and Policy D1 of the emerging Local Plan which seeks to ensure development is sympathetic to its context.

Inspector's conclusions: Dismissed – The main issue is whether the proposed development would be suitable for housing taking into account, the policies of the LP and the Framework in relation to housing in rural areas; whether the proposal would provide an acceptable mix of housing and the effect on the character and appearance of the area.

The inspector dismissed the appeal concluding that there is no Neighbourhood Plan and little evidence of a community led strategy or housing needs assessment for Kirby Bellars. Market conditions and the demand of that market is only one indication of the housing mix required by the development plan and there is also a demand from older people downsizing. The supporting text to LP Policy C2 also states that Melton has an ageing population and that there is a need to provide smaller homes suitable for downsizing households.

Furthermore, there is a clear policy emphasis on providing 2 and 3 bed dwellings and little justification has been provided as to why the appeal site cannot satisfy this housing mix.

There is no dispute that the Council can demonstrate a five year supply of deliverable housing sites. (HLS) whilst the Council has a HLS, the Framework does not suggest that this should be treated as a cap or an upper limit. Government Policy, as expressed in paragraph 59 of the Framework, is to significantly boost the supply of housing.

The inspector found that the proposal would comply with LP Policy D1 as the development would not harm the character and appearance of the area. Moreover, the traffic generation and greenhouse gas emissions would be likely to be similar to that of the fall back position. However, the information before me does not offer sufficient clarity and robustness that there is a proven local need for 4-bed dwellings within the settlement and that a housing mix to meet the clear policy emphasis of the recently adopted LP could not be provided on the appeal site. It follows that the proposal would conflict with LP Policies SS3 and C2 and in these respects the proposed development would not be suitable for housing.

The Inspector concluded that the development was contrary to LP Policy SS3 consider that there are no material considerations of such weight, including the provisions of the Framework, to lead me to the conclusion that the proposal should be determined other than in accordance with the Plan.

Proposal: 18/00246/FUL Proposed conversion of existing garage into a dwelling – Brook Farm, 8 Nether End, Great Dalby.

Level of decision: Delegated

Reasons for refusal: 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 policies OS2 and BE1, Paragraph 134 of the NPPF, Policies EN6 and D1 of the emerging Local Plan and the statutory duty of the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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).

Inspector's conclusions: Allowed – The main issue is the effect of the proposal on the character and appearance of the area taking into account its location within Great Dalby Conservation Area (GDCA)

The inspector allowed the appeal concluding that planning permission was granted for the conversion of the existing garage into a 2-storey dwelling earlier this year. In 2017 a certificate of lawful use of development (proposed) was granted for a detached garage to the rear of Brook Farm. Given that the area for the detached garage has been levelled and prepared and that fencing has begun to be erected to demarcate the boundary between Brook Farm and the appeal site it is highly likely that the planning permission would be implemented. This constitutes the fall back position and has significant weight.

The proposal would not have a materially greater impact than the fall back position and it would not harm the character and appearance of the area including that of the GDCA. As such, it would be preserved. It follows that the proposal would conform with

LP Policies EN6 and D1 which, amongst other things, state that development proposal will be supported where they do not harm open areas which contribute to the key characteristics and features of conservation areas.

The Council have stated that they can demonstrate well in excess of a 5 year supply of deliverable housing sites (HLS) However, the existence of a HLS does not mean that further housing should necessarily be refused as the HLS is a minimum provision, not a target. Moreover, there is little evidence before me to indicate that the allocated site in Great Dalby would facilitate the development of the appeal site.