



Melton  
Borough  
Council

## Council / Committee – Planning Committee

Date 30 May 2019

Report of:

Assistant Director of Strategic  
Planning and Regulatory  
Services

### PLANNING COMMITTEE: DEVELOPMENT MANAGEMENT PERFORMANCE 2018/19 QUARTER 4.

#### 1.0 Summary:

1.1 The purpose of the report is to advise the Committee, of current national Performance indicator outcomes related to the determination of planning applications for Q4 (January to March 2019).

#### 2.0 Recommendations

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

#### 3.0 Report Detail

##### 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	2017-18 Q1	2017-18 Q2	2017-18 Q3	2017-18 Q4	2018-19 Q1	2018-19 Q2	2018-19 Q3	2018-19 Q4
% 'major' applications determined in 13 wks, or within agreed period.	100%	75%	93.33%	88.9%	93.33%	91%	100%	<b>100%</b>
% 'minor' applications determined in 8 wks, or within agreed period.	80%	80.4%	85.5%	85.3%	85.5%	82%	87.4%	<b>87.6%</b>

3.2.2 Planning application performance for quarter 4 shows a slight increase in performance in minor applications alongside a consistently high performance in major 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 Q4
%age of appeals against refused applications	47%	76%	58.82%	72.22%	50%	50%	57%	<b>57%</b>

dismissed								
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- 3.3.2 Appeal performance for Quarter 4 has remained consistent to the last quarter and increased towards the second half of the year with an overall percentage of 53% for the year, this has decreased since the overall period of 2017/2018, it is hoped that now the Melton Local Plan is in place, appeal decisions will stabilise and performance increase during the 2019/2020 period and subsequent reports will monitor this performance.

#### 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	4	2
Committee, in accordance with recommendation	0	0
Committee, departure from recommendation	0	1

#### 3.5 DEVELOPMENT OF THE SERVICE

- 3.5.1 The Planning Review which began in August 2018 is now coming to fruition with working groups in place to take suggestions forward and implement recommendations and tasks within it. Previous members were invited to be involved in the review and the process is still ongoing, whilst initial results of the Review have been presented to the Committee, further updates will also be presented when they are available.

#### 3.6. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 3.6.1 This report has shown that in quarter four standards of performance for majors have once again been 100% which is well above average, there is also consistent high performance in major applications. It is hoped that this performance continues through to 2019/2020.
- 3.6.2 Members will be aware that there were 2 x vacant posts within Development Management for Planning Officer positions, we are pleased to announce that 3 x people have been recruited to this role to fill a full time post and 2 x part time roles, one of which is an existing member of staff who has successfully been promoted to the position of Planning Officer.
- 3.6.3 Our appeal record for the fourth quarter of the year has remained at a consistent 57%, whilst this is lower than expected, it is above the national standard. Recent appeal decisions are now being considered against the new Melton Local Plan and it is encouraging that inspectors are supporting the New Local Plan when issuing decisions, it is hoped that now the transition period of the Local Plan has taken place, going forward successful appeal decisions should increase.

#### 4.0 Consultation and Feedback (including Scrutiny Committee)

4.1 No consultation has been carried out.

#### 5.0 Next Steps

5.1 The next steps are administrative in nature – monitoring decisions for their necessary due dates and ensuring a quality decision is issued.

#### 6.0 Financial Implications

6.1 There is not a financial implication to this, however there is always a risk of costs being awarded against the Local Planning Authority should a planning decision be challenged.

#### 7.0 Legal and Governance Implications:

7.1 The Local Planning Authority 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.

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>. 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.

#### 8.0 Equality and Safeguarding Implications:

8.1 No Equality or Safeguarding implications have been identified.

#### 9.0 Community Safety Implications:

9.1 No Community Safety implications have been identified

#### 10.0 Other Implications

10.1 No wider implications have been identified

#### 11.0 Risk & Mitigation:

11.1

L I K E L I H O O	A	Very High				
	B	High				
	C	Significant		1		
	D	Low				

D	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

#### IMPACT

Risk No	Risk Description
1	Should the Local Planning Authority not meet expected performance targets, they are at risk of intervention with the possibility of applications being submitted directly to the Planning Inspectorate.

#### Background Papers:

None

#### Appendices

None

#### Report Timeline:

Assistant Director Sign Off: 20<sup>th</sup> May 2019

#### Exempt Reports

N/A

#### Date of Review to make public (Exempt Reports only)

N/A

#### Report Author & Job Title

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📞: 01664 50375

## **Appendix One:**

### **Review of appeal decisions for Quarter 4 2018/2019 decisions**

**Proposal: 17/01393 Outline application for three new dwellings with all matters reserved – Land South of St Michaels Church, Church Walk, Thorpe Satchville.**

**Level of decision:** Delegated

#### **Reasons for refusal:**

1 The proposal does not demonstrate that there is adequate vehicular access to the site, furthermore, the proposal makes inadequate provision for residential vehicles and emergency fire vehicles to access the site. The application is, therefore, deemed contrary to Policy BE1 of the Melton Local Plan which seeks to ensure that permission is only granted for new buildings where there is adequate vehicular access and parking provided and paragraphs 17 and 64 of the National Planning Policy Framework.

2 It is likely that the proposed dwellings, by reason of siting within close proximity to the listed St. Michaels Church, would have an adverse impact on the site and its surroundings and would therefore be visually detrimental to the site, street scene locality and setting of the adjacent listed building. The proposal would therefore be contrary to Policies OS2 and BE1 which seek to ensure development is visually acceptable, and the NPPF.

3 The proposed new dwelling would be sited in an unsustainable location with poor accessibility to local services, community facilities and frequent public transport. Future occupiers of the development would lack viable transport alternatives and thereby be overly reliant on the use of a private motor vehicle. The proposal would therefore represent an inappropriate and unsustainable form of development that would be contrary to paragraphs 14 and 17 of the National Planning Policy Framework. The identified harm significantly and demonstrably outweighs the proposal's benefits.

#### **Inspectors Conclusion: Dismissed**

The application proposed a “low cost” housing development. The main issues were the effect of the proposal upon highway safety, the setting of the Listed Building, St Michael’s Church and locational sustainability. The inspector dismissed the appeal concluding that due to the narrow width of Church Walk, the proposal would be detrimental to highway safety. It would therefore conflict with LP Policy D1 which seeks to ensure that development has a safe connection to the existing highway network. Furthermore, it would not accord with Paragraph 102 of the Framework which indicates that patterns of movement and other transport considerations should be integral to the design of schemes and should contribute to making high quality places.

There would be harm to the setting of St Michael’s Church and therefore to the significance of the building itself. The harm to the heritage asset would be less than substantial. I do not consider that the provision of the dwellings, even if they were specialist accommodation for the elderly, would be a public benefit which would outweigh the harm to the heritage asset. It was therefore concluded that the proposed development would have an unacceptable impact upon the setting of the listed building and therefore upon the street-scene too. Consequently, it would conflict with LP Policy EN13 which seeks to protect heritage assets. It was accepted that there is an identified need for small dwelling sin the Borough as a whole. However, there is no Neighbourhood Plan for Thorpe Satchville itself. Neither is there a community-led strategy which identified such a need. No substantive evidence about housing need in Thorpe Satchville had been submitted. The proposal therefore does not meet this criterion. It was therefore concluded that the proposed dwellings would not represent sustainable development in respect of their location and would conflict with LP Policies SS2 and SS3.

**Proposal: 17/01549FUL Proposed erection of 4 no dwellings – Land off Station Road, Bottesford.**

**Level of decision:** Committee

**Reasons for refusal:**

1 The proposed development would result in an intrusion into an undeveloped area that forms and integral and important element of the Bottesford Conservation area and setting of the Grade I St Mary's church. This would result in harm to the historic assets of the area, which is not justified by benefits accruing from the proposal. The development is therefore contrary to NPPF chapter 12 Conserving and enhancing the historic environment (paragraphs 132 and 134) and Policy EN13 of the emerging Melton Local Plan (Submission version October 2017).

2 The proposed development would result in an intrusion into an undeveloped area that forms and integral and important element of Bottesford, resulting in an adverse effect on its form and character. The proposals would therefore be contrary to Policy OS1 of the Adopted Melton Local Plan 1999 and Policy EN6 of the emerging Melton Local Plan (Submission version October 2017).

**Inspector's conclusions: Allowed** – The application proposed the erection of 4 No dwellings. The main issue was the effect of the proposed development on the character and appearance of the surrounding area. The inspector allowed the appeal concluding that in addition to preserving the setting of the Listed Building and maintain the character of Bottesford, the character and appearance of the conservation Area as a whole would be preserved. There would be no harm caused to the significance of these heritage assets. Accordingly, it was concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP policies EN6 and EN13. The inspector further concluded that although sites are proposed for residential development at Bottesford and the Council can demonstrate more than a 5-year supply of deliverable housing land, there are no national or local policies which indicate that other residential schemes should be refused.

**Proposal: 18/00004/FUL Detached dwelling. – 58 Baldocks Lane, Melton Mowbray, LE13 1EN.**

**Level of decision:** Delegated

**Reasons for refusal:** The proposal, by reason of the limited size of the site and the size, siting and scale of the proposed dwelling, would result in the over-development of the site leading to a cramped appearance, unsympathetic to the prevailing character and appearance of the area and would represent an incongruous feature in the streetscene. Consequently, the proposal is therefore contrary to Policies OS1 (a) and BE1 (a) of the 1999 Local Plan, Paragraph 17 and Section 7 of the National Planning Policy Framework 2012 and Policy D1 (a) of the emerging Local Plan which seek to ensure development is sympathetic to the character and appearance of the site and surroundings.

**Inspector's conclusions: Dismissed** – The proposal was for a detached dwelling at the above address the main issue was the effect of the proposal on the character and appearance of the surrounding area.

The appeal was dismissed with the inspector concluding the appeal proposal would appear bulky and cramped within the appeal site and also result in a short terrace of three dwellings being formed which would appear as an alien feature within an area that is characterised almost exclusively by pairs of semi-detached houses. The proposed dwelling was considered to be a discordant feature and would be harmful to the character and appearance of the surrounding area. The proposal would be contrary to Policy D1 of

the MBLP which seeks to ensure development does not adversely affect the character and appearance of a settlement or its surroundings.

This appeal decision focussed heavily on Policy DI of the Melton Local Plan and is another example of how appeal decisions are moving on from the previous 1999 Local Plan to that of the adopted Melton Local Plan and are supporting the work of the Local Plan through the decisions made.

**Proposal: 18/00019/OUT Proposed Outline application for 7 “Entry Level” Dwellings including demolition of existing commercial buildings – Stable Opposite 73 Main Street Grimston.**

**Level of decision:** Delegated

**Reasons for refusal:**

1 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 and Policy SS2 of the emerging Local Plan.

2 In the opinion of the Local Planning Authority the proposed dwellings would occupy a relatively detached location outside of the built up confines of Grimston on land that provides part of the rural setting to the village. The introduction of seven residential units would result in the erosion of the rural character and appearance of the open countryside, eroding the clarity of the southern approach to the village by placing a sizable new domestic development which would detract from the open nature of this rural approach, contrary to Policy BE1 of the Melton Local Plan and the NPPF.

**Inspector's conclusions: Dismissed** – The application proposed an outline application for seven 'entry level' dwellings on brown land site, including demolition of existing commercial buildings. The main issues were the effect of the proposed development upon the character and appearance of the area; and whether the proposed dwellings would represent sustainable development in respect of their location. The inspector dismissed the appeal concluding that the appeal site contains buildings which are currently in commercial use.

However, the buildings are fairly rural in appearance and the site is detached from the built-up area by a field. The introduction of 7 dwellings is likely to increase the amount of built development on the site and erodes its rural character by introducing a fairly dense suburban form of development. They therefore considered that the proposal would represent an unacceptable visual impact upon the countryside, thereby harming the character and appearance of the area conflict was found with LP Policies EN1 and D1 which seek to ensure a good design and protect landscape character and landscape settings. The proposal was for "entry level" dwellings and it was accepted that there is an identified need for small two-bedroom dwellings in the Borough as a whole. However, there is no Neighbourhood Plan for Grimston and no community-led strategy which identifies a need for such dwellings in Grimston itself.

No substantiated evidence about housing need in Grimston was presented to the inspector and the proposal did not therefore meet this criterion. In addition LP Policy SS3 requires that development should be served by sustainable infrastructure or provide new infrastructure or services to the wider benefit of the settlement. No such infrastructure or services are proposed. The proposed dwellings would not therefore represent sustainable development in respect of their location. The development would therefore conflict with LP



Policies SS2 and SS3.

**Proposal: 18/00207/OUT 3 bedroom detached dwelling – 49 Valley Road, Melton Mowbray, LE13 0DU**

**Level of decision:** Delegated

**Reasons for refusal:** The proposed dwelling, by reason of the limited size of the site and position in the street scene, would result in a cramped form of development. The proposal would not be sympathetic to the open plan character and appearance of streetscene and wider residential estate. As such the proposal is considered contrary to saved policies OS1 and BE1 of Melton Local Plan 1999, Policy D1 of the emerging Local Plan and Paragraph 64 of the NPPF, which seek to ensure development is sympathetic to the site and surroundings.

**Inspector's conclusions: Allowed –** The main issue was the effect of the proposal on the character and appearance of the street-scene and wider area. The inspector allowed the appeal concluding that there would not be harm to the character and appearance of the street-scene and wider area and found that the proposal would make a positive contribution to the street-scene subject to acceptable reserved matters and as such would add to the overall quality of the area and Policy D1 of the LP, which seeks development sympathetic to the layout and character of the area. The inspector also found that the proposal would accord with Policy SS1 of the LP which seeks development that would meet the general presumption in favour of sustainable development.

**Proposal: 18/00469/FUL Conversion of number 5 to create a separate dwelling – Daliegh Cottage, 5 Main Street Scalford, LE14 4DP.**

**Level of decision:** Delegated

**Reasons for refusal:** The proposed creation of an additional one bedroom dwelling would be unacceptable by reason of the inadequate amenity space for the occupiers of the additional dwelling which would be oppressive due to the limited size, depth and boundary treatment and which would be overlooked by a bedroom window from no.5. Therefore, the proposal would have a poor standard of outdoor amenity for the future occupants of the dwelling. Consequently, the proposal is contrary to Policy OS1 and BE1 of the Local Plan, Policy D1 of the emerging Local Plan which seeks to ensure a satisfactory level of amenity for occupants and Paragraph 127 of the National Planning Policy Framework 2018.

**Inspector's conclusions: Allowed –** The application proposed the conversion of number 5 to create a separate dwelling. The main issue was whether the dwelling provides satisfactory living conditions for its occupants in respect of the provision of private external amenity space. The inspector allowed the appeal concluding that the decision notice says that the amenity space is overlooked by a bedroom window of the adjoining property, No 5. However, the window is to a landing and at the time of visiting was obscurely glazed. Therefore, there is no overlooking of the rear yard of the appeal site from this window.

A hedge and trellis will provide adequate screening between the appeal yard and that of No 5. As the height of the hedge is within the control of the occupier, it was not considered that this form of boundary treatment is oppressive to look onto from within the house or the yard. The yard area is small, however, the dwelling is also very small and has just one bedroom so it is unlikely that it would be inhabited by a family. The rear yard accommodated some plants, garden furniture and a small barbeque. There is also enough room to dry some washing. It therefore considered that the amount of external space is adequate for a one bedroomed house.

The inspector concluded that the dwelling provides satisfactory living conditions for its occupants in respect of the provision of private external amenity space. No conflict was

found with LP Policy D1 which seeks to protect residential amenity.

**Proposal: 18/00703/FUL Proposed Change of use of former airfield runway to open storage (B8) use– Saltby Airfield, Skillington Road, Sproxton.**

**Level of decision:** Delegated

**Reasons for refusal:** The proposed development would be inappropriate development within the countryside and would be akin to an industrial use within a rural location. The development would have an unacceptable adverse impact on the immediate and wider landscape by virtue of its use, scale, design and form. The benefits of the scheme are not considered to outweigh the harm of the development on the character of the area. As such, the proposal is considered to conflict with the requirements of 'emerging' policy EN1 of the Melton Local Plan and the requirements of the National Planning Policy Framework.

**Inspector's conclusions: Dismissed –** The application proposed change of use of the former airfield runway to open storage (B8) use. The Main issue was the effect of the proposed development upon the character and appearance of the countryside. The Inspector dismissed the appeal concluding that the proposal would have an adverse impact upon the character and appearance of the countryside conflicting with MLP Policy EN1 which seeks to ensure that new development is sensitive to its landscape setting.